



Isle of Man
Government

Reiltys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

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

Agenda for a meeting of the Planning Committee, 11th April 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

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 28th March 2022.

4. Any matters arising

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 25th April 2022.

PLANNING COMMITTEE Meeting, 11th April 2022
Schedule of planning applications

<p>Item 5.1 Land At Lower Milntown (Fields 134278, 134279, 134280, 134281, 134282, 134283, 134284, 134288 & 134289) And Strip Of Land Between Auldyn River & Auldyn Meadows, Off Lezayre Road, Lezayre & Ramsey Isle Of Man</p> <p>PA20/01080/B Recommendation : Approve subject to Legal Agreement</p>	Residential development of 138 dwellings with associated drainage, highway works and public open space
<p>Item 5.2 Field 434091 & Parts Of Fields 435106 (formerly 432719), 434974 (formerly 434089) And 434090 Adjacent To Railway Terrace, Ballasalla Isle Of Man</p> <p>PA21/01262/B Recommendation : Approve subject to Legal Agreement</p>	Third phase of development consisting of 128 dwellings, a neighbourhood centre with children's nursery and local shop units, and public open space including a children's playground
<p>Item 5.3 Cherry Orchard Swimming Pool Bridson Street Port Erin Isle Of Man IM9 6AN</p> <p>PA21/01265/B Recommendation : Permitted</p>	Conversion from leisure facility to retail unit
<p>Item 5.4 Field 314194 Ramsey Road Peel Isle Of Man</p> <p>PA21/01315/B Recommendation : Permitted</p>	Installation of ground mounted solar panels and timber fence
<p>Item 5.5 Land Adjacent To Glen Moar Mill And Field 315139 Glen Helen Road Laurel Bank St Johns Isle Of Man IM4 3NN</p> <p>PA21/01316/B Recommendation : Refused</p>	Siting of four storage containers and annual erection of temporary scaffolding viewing platform for spectators during the Isle of Man TT and the Isle of Man Festival of Motorcycling races
<p>Item 5.6 Moaney Moar Farm Ballaboie Road Cronk Y Voddy Kirk Michael Isle Of Man IM6 1HR</p> <p>PA21/01531/B Recommendation : Permitted</p>	Alterations and erection of an extension to side elevation

<p>Item 5.7 Unit 9 Balthane Park Balthane Ballasalla Isle Of Man IM9 2AX</p> <p>PA22/00231/C Recommendation : Permitted</p>	<p>Additional use of site for the storage of classic cars and for car hire</p>
<p>Item 5.8 Units 1 & 2 Corletts Yard Burnside Lane Union Mills Isle Of Man IM4 4AF</p> <p>PA22/00242/B Recommendation : Permitted</p>	<p>Installation of cladding and change of use of buildings to vehicle restorations and repairs (retrospective)</p>
<p>Item 5.9 Mullinaragher House Rheast Road Santon Isle Of Man IM4 2HR</p> <p>PA21/01480/B Recommendation : Permitted</p>	<p>Alterations and erection of a replacement garage, storage, and workshop extension</p>

PLANNING AUTHORITY AGENDA FOR 11th April 2022

Item 5.1

Proposal : Residential development of 138 dwellings with associated drainage, highway works and public open space

Site Address : Land At Lower Milntown (Fields 134278, 134279, 134280, 134281, 134282, 134283, 134284, 134288 & 134289) And Strip Of Land Between Auldyn River & Auldyn Meadows, Off Lezayre Road, Lezayre & Ramsey
Isle Of Man

Applicant : Dandara Homes Limited

Application No. : [20/01080/](#) - click to view

Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application subject to a legal agreement

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

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

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

C 2. Unless otherwise approved as part of the details submitted under Condition 3, no part of the development hereby approved shall be occupied or operated until all of the parking and turning areas (outside of any such areas which are within the plot of an individual house) have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

C 3. Before any dwelling unit is first occupied streets, including road, paths and cycleways shall be constructed to binder course surfacing level from the dwelling unit to the adjoining public road at Lezayre Road in accordance with phasing plan to be submitted and approved prior to commencement.

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

C 4. No retained tree shall be cut down, uprooted, or otherwise destroyed 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 (including any subsequent approved plans i.e. condition 5) and particulars. In the event that existing 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 5. Prior to the commencement of the development an up to date tree protection plan containing details of construction exclusion areas across the whole site, accurate width and length measurements of all of the hedges to be retained and details of the fencing that is to be erected to protect areas from damaging construction activities, to be submitted to planning for written approval prior to any works, including site clearance, from taking place. The development must then be undertaken in accordance with these details. The protective fencing shall be erected and maintained throughout the works, any fencing that becomes damaged must be replaced. All of the existing trees and hedge banks marked as being retained, must be retained and protected from damage and disturbance throughout the works. Any changes must be submitted to Planning for written approval prior to any removal taking place. Any additional removal must be suitably compensated for by replacement native planting. However, the presumption should be in favour of retaining the existing vegetation as shown because of its importance to wildlife. The agreed protection measures shall be implemented and adhered to in full.

Reason: required prior to commencement to ensure that ALL trees & hedgerows to be retained are adequately protected from damage

C 6. Prior to the commencement of the development hereby approved an Arboricultural Method Statement (AMS), adhering to the recommendations of BS5837:2012 (Trees in relation to design, demolition and construction - recommendations), shall be submitted to and approved in writing by the Department providing details of the following:

- a. The specification of the protective measures required to adequately protect the retained trees;
- b. Specialist construction techniques (if required);
- c. An Arboricultural Monitoring Programme (AMP) providing a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance on all arboricultural matters.

The agreed protection measures, construction methods and monitoring shall be adhered to in full.

Reason: to provide a level of technical detail sufficient to provide a high level of confidence in the outcome for retained trees on or adjacent to the site

Note: The AMP should include details of an appropriate Arboricultural Clerk of Works (ACoW) who will conduct the monitoring and supervision, and how and when written and photographic records will be submitted to the Department.

C 7. All tree planting shall be carried out in accordance with the approved details, submitted in support of the application. The planting shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner,) or otherwise in accordance with a programme to be agreed. Any trees which, within a period of 5 years from their planting, die, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced as is reasonably practicable or in the next planting season with others of similar size, species and number as originally approved, unless the Department gives written consent to any variation.

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

C 8. Prior to the commencement of the development hereby approved a Construction Environmental Management Plan (CEMP), to be provided to Planning for written approval prior to any works, including clearance and enabling works, taking place. The CEMP will need to contain details of the roles, responsibilities, training, procedures and monitoring on site which will ensure that the environment is protected during all phases of the development and all environmental legislation and policy is adhered to. The CEMP will need to incorporate the following avoidance and mitigation measures and the works must be undertaken in strict accordance with these measures:

- o Precautionary Working Method Statement (PWMS) for common frogs, which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on frogs - reasonable avoidance measures for frogs and mitigation should frogs be found (may include the creation of hibernacula features).
- o PWMS for viviparous lizard, which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on lizards - reasonable avoidance measures for lizards and additional mitigation should lizards be found (may include the creation of hibernacula features);
- o PWMS for birds which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on birds - timescales for vegetation removal, suitable checks by an ecologist and mitigation should breeding birds be found, or issues be encountered in relation to red list species;
- o PWMS for bats which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on bats - to include pre-felling inspections and tree felling in line with the recommendations made in the Manx Bat Group's Method Statement for Tree Inspection prior to felling at Lower Milntown dated 16th November 2020. As well as the measures to be taken if bats or evidence of bats is found, including the erection of additional bat boxes;
- o PWMS for Schedule 8 invasive plant species to ensure that they are not spread via the works and for their responsible eradication from site;
- o Measures to the protection of boundary hedges and other areas of habitat during construction, including protective fencing of all of the hedges and boundary features and construction exclusion areas where appropriate - including the majority of the land above the railway line apart from the drainage pipeline route;
- o Working method statement for the construction of the pipeline and river crossing to the north of the railway line;
- o Working method statement for the clearance works along the railway line to ensure that a vegetated boundary to the north and south of the railway is maintained.
- o Measures to be taken to prevent water, sediment and pollution runoff from site and as well as light pollution onto surrounding habitats.

All the agreed measures shall be adhered to in full.

Reason: To ensure that the environment is protected during all phases of the development and all environmental legislation and policy is adhered to.

Note: The Construction Environmental Management Plan should include details of an appropriate Ecological Clerk of Works (ECoW) for the pre-construction and construction phases of the development to oversee all protected species work, the implementation of measures identified within a Construction Environmental Management Plan (CEMP), to advise on the creation of the habitat management plans, the placement of the bat and bird boxes, and the Old Tholtan wildlife enhancements. The ECoW should be consulted prior to

the removal of any areas of semi-natural vegetation and be the first point of contact in the event that protected species or invasive species are encountered on site.

C 9. Prior to the commencement of the development hereby approved a phasing planting plan containing details of selective boundary planting which will be undertaken prior to the construction of any dwelling, to be submitted to and approved in writing by the Department which shall comply with the approved landscaping plan 01.06 REV H. The planting shall be carried out in accordance with details provided. Any planted trees that are removed, die or become, in the opinion of the Department, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required, unless the Department gives written consent to any variation.

Reason: To ensure that the essential bird mitigation measures are provided and is required to give boundary planting a longer time to establish as well as to provide additional protection to surrounding habitats and species of importance. This boundary planting forms part of the essential bird mitigation measures and is required to give boundary planting a longer time to establish as well as to provide additional protection to surrounding habitats and species of importance.

C 10. Prior to any tree clearance a re-assessment of the trees along the Lezayre Road boundary of the site (south) shall be undertaken to determine which require removal to facilitate highways visibility splays and those that can be retained and felled in stages as per the Manx Bat Group's Method Statement for Tree Inspection dated 16th November 2020, and to allow for the preservation of a branched archway across the road and for mitigation planting to establish and this re-assessment shall be submitted to and approved by the Department.

Further the group of trees labelled G6 in the Arboricultural Impact Assessment, are retained, unless otherwise agreed with the Department.

All the agreed measures shall be adhered to in full.

Reason: To avoid unnecessary tree loss in the interests of visual amenity and biodiversity, and to ensure that where tree removal does occur it takes account of the proposed measures in relation to bats

C 11. Prior to the occupation of any dwelling which shows a bat and/or bird box being installed on drawing 203.02 REV C and drawing 203.01 these shall be completed as approved and retained thereafter.

Reason: To safeguard a statutorily protected species.

C 12. Prior to the commencement of any development a scheme for the re-roofing, creation of internal cavities and erection of bird boxes in the Tholtan, and the erection of protective fencing around the Tholtan shall be submitted and approved in writing by the Department and the scheme shall be fully undertaken in accordance with these details prior to the occupation of any dwelling.

Reason: To safeguard a statutorily protected species.

C 13. Prior to the commencement of any development a detailed external low level lighting scheme throughout the site, which is in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018), shall be submitted and approved in writing by the Department and the scheme shall be fully

undertaken in accordance with these details prior to the occupation of any dwelling and retained thereafter.

Reason: To safeguard a statutorily protected species.

C 14. Prior to the commencement of any development a time table of the approved Revised Landscape Plan (Drawing No 01.06 Revision H - albeit with the retention of group G6 trees) and as per the Revised Planting Schedule (Miln_PAL-31@A1) shall be submitted to and approved by the Department and this approved time table shall be fully adhered to.

Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. Details of the hard landscaping works include footpaths and hard surfacing materials. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

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

C 15. Prior to the commencement of any development details shall be submitted to and approved in writing by the Department which show:

- o Phasing plan.
- o Pedestrian kissing gate - Lezayre Road
- o Path along dismantled railway, including layout, surfacing and connecting arrangements
- o Path along riverside, including layout, surfacing and connecting arrangements
- o EVCPs to each plot, position and type
- o Construction method statement
- o Addendum to Travel Plan for its implementation to be linked to the phasing plan to be submitted and approved.

These approved schemes shall be completed prior to the occupation of any dwelling.

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

C 16. Prior to the commencement of any development details shall be submitted to and approved in writing by the Department which show the provision of Lezayre Road access junction and associated works, including footway widening and visibility splays and this approved scheme shall be completed prior to the occupation of any dwelling.

Reason; In the interest of highway safety and improved pedestrian access along the roadside frontage of the site.

C 17. All paths and cycleways shall be fully surfaced in accordance with the phasing plan to be submitted and approved prior to commencement and retained thereafter.

Reason: In the interest of Highway Safety and provide cycle access within the site.

C 18. No development hereby approved shall commence until such time as a new bus stop layby and infrastructure located along the north side of Lezayre Road between site access and Glen Auldyn Bridge has been submitted and approved by the Department and completed.

Reason; In the interest of Highway Safety and to promote sustainable travel.

C 19. Prior to the commencement of any development details shall be submitted to and approved in writing by the Department which shows upgrading works of the former railway line which shall include details of how the new footpath (in compliance with Condition 8) will remain clear of obstruction to allow connections to the former railway line to the east and west boundaries and this approved scheme shall be completed prior to the occupation of any dwelling and retained as such thereafter.

Reason; to provide an initially footpath for residents and a future sustainable pedestrian link by connecting into the adjoining footpaths.

C 20. Prior to the commencement of any development details shall be submitted to and approved in writing by the Department which show boundary details to any plot which faces a footpath, Public Open Space, highway/public highway. These details should not include solely timber fencing. This approved boundary landscaping plan shall be completed prior to the occupation of any dwelling and retained thereafter.

Reason: In the visual amenities of the street scenes.

C 21. 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 fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a highway, without the prior written approval of the Department.

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

C 22. Prior to the commencement of any development details shall be submitted to and approved in writing by the Department which show details of the hard landscaping works include footpaths and hard surfacing materials. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

Reason: In the visual amenities of the street scenes.

C 23. Prior to the occupation of any dwelling the attenuation basin as shown on approved drawing ADR-500/4 shall be completed and ready for use and shall be retained as such thereafter unless otherwise agreed in writing with the Department.

Reason: In the interest of drainage and surface water flooding.

C 24. The visibility splays 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 25. No external lighting shall be installed on plots 1 to 4, 10, 14, 15, 23 to 28, 38 to 40, 54 to 65, 84 to 99, 113 to 114 and 134 to 138.

Reason: To ensure the protection of protective species which use the adjoining hedgerows.

Reason for approval:

Overall, it is considered the proposal has a number of issues which need to be considered. The proposal would be developing a site which is designated for residential development

currently and until a new Local Plan is adopted the current land uses designation will remain i.e. the IOM Development Plan Order 1982.

The development will clearly change the landscape character of the site/area from one of undeveloped agricultural fields to a residential development. However, as discussed within this report it is considered the visual harm caused by the development is not so significant to warrant a refusal. The development will appear as an extension of Ramsey into the open countryside; albeit this is not an uncommon occurrence around existing settlements and has been happening to Ramsey for decades. The proposal would equate to a sustainable development given its closeness and good pedestrian and cycle links to Ramsey Town Centre and would meeting the overarching aims of the IOM Strategic Plan i.e. "Towards a Sustainable Island".

There are no highway safety/parking concerns raised by the development and with appropriately worded conditions will result in improvements to the roadside frontage of the application site being improved and provisions of a new bus stop.

There proposed housing development will not result in an unacceptable risk from flooding on or off site and while the development does not follow the West Ramsey Development Framework (WRDF) envisaged phasing; as explained in this report, it is considered to follow the WRDF would now raise more issues in terms of flooding and ecology impacts than was known at the time of the frameworks approval (not approved by Tynwald).

Finally, there are clear adverse impacts to protect species on this site (namely birds) and while there are significant of mitigation proposed/conditioned, this is a prominent aspect which goes against the application and any decision making needs to balance this adverse impact against any positives the development may bring.

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

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:

Flood Management Division (DOI)
Manx National Heritage
Public Estates & Housing Division (DOI)
Manx Utilities

For information Ramsey Town Commissioners should also gain IPS status as they comply with Article 4 of the Town and Country Planning (Development Procedure) Order 2019 which states; "(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".

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

Glen End, Lezayre Road, Lezayre
Scacafel, Lezayre Road, Lezayre
Underhill, Lezayre Road, Lezayre
Ballakillingan Farm, Churchtown, Ramsey (own/manage adjacent fields 134285, 134286 & 134789)

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

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

Manx Bird Life
Lynfield, Hillberry Road, Onchan
Lower Ballakaighin, Ramsey Road, Peel
Sunnymeade, Lezayre Road, Ramsey
Ballameanagh, Glen Auldyn, Ramsey (Former MHK for Ayre & Michael (Minister Baker at the time of writing)
Fernside, Glen Auldyn, Ramsey
Ivy Cottage, Gardeners Lane, Ramsey
Lheaney Ballakerka, Clenagh Road, Sulby
Woodland, Grove Mount West, Ramsey
Hilton, Stanley Mount West, Ramsey
47 Lezayre Park, Ramsey
Freshfield, Glen Auldyn, Ramsey
9 Ballaterson Road, Peel
45 Waterloo Road, Ramsey
Belfry House, 17 Brookfield Avenue, Ramsey
2 Glen View, South Cape, Laxey

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

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS A SECTION 13 LEGAL AGREEMENT IS PROPOSED; THERE IS OBJECTIONS FROM THE LOCAL AUTHORITIES AND A NUMBER OF PRIVATE OBJECTIONS CONTRARY TO THE RECOMMENDATION

1.0 THE APPLICATION SITE

1.1 The application site comprises a parcel of land (approx. 0.55 hectare) located on at the land at Lower Milntown (Fields 134278, 134279, 134280, 134281, 134282, 134283,

134284, 134288 & 134289) and strip of land between Auldyn River & Auldyn Meadows, located to the north of Lezayre Road, west of Gardeners Lane and south of the Sulby River.

1.2 The general character of the site is fields which appear generally flat in nature, although there is an overall fall in the site from the southern boundary to the north-western boundary of approximately 8.5 metres over the entire extent of the site. The site is also divided with mature hedgerows. Fields 134281, 134282 & part of 134289 are to the south of the former railway line which runs through the centre of the overall site. The remaining fields are to the north of the former railway line.

1.3 For information the Ramsey Town boarders includes the north eastern section of the site (Fields 134278, 134279 & 134280); whereas the rest of the site is within the Parish of Lezayre (134281, 134282, 134283, 134284, 134288 & 134289).

2.0 THE PROPOSAL

2.1 The application seeks approval for the residential development of 138 dwellings with associated drainage, highway works and public open space.

2.2 The proposed dwellings are located within fields 134282 and 134284 only. The dwellings are a mixture of two storey terraces, two storey semi-detached, two storey detached, two and half storey (dormer accommodation) semi-detached dwellings, semi-detached bungalows, and detached bungalows. The dwellings would be finished in a variety of materials including, stone, render (white & buff colours), brick, cladding (grey & taupe colours), timber coloured garage and doors and all with a dark grey tile with slate like appearance. Within fields 134282 and 134284 it is also proposed to have a play area, a wild flower meadow (including paths). Formal Public Open Space is located to the east of the main development to the northern end of field 134281. The Public Open Space would equate to 5.4Ha (13.34 acres) made up of a children's play area, formal open space and wild meadow area.

2.3 For information there is no other development proposed to the fields (134278, 134279, 134280, 134283 & 134289) north of the former railway.

2.4 The proposed housing site within field 134282 and 134284 would be access via an upgraded access onto the Lezayre Road. Current the access in place is a field gate access which provides access for the farmers of the land. The upgraded access would require the removal of four trees to upgrade the access and then a further 32 trees along the southern roadside boundary of the site to provide the required visibility splays from the access.

2.5 In terms of finished floor levels, the highest dwelling (plot 1 near main access) has a finished floor level of 13.55, while the lowest dwelling (plot 83 north-westerly most plot) has a finished floor level of 7.850 i.e. 5.7m level difference.

3.0 PLANNING HISTORY

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

Approval in principle for the development of Residential, Industrial and Open Space uses 07/02303/A - Fields 134278, 134279, 134280, 134281, 134282, 134283, 134284, 134288 & 134289 Between Lezayre Road And The Sulby River And The West Of The Auldyn River, Ramsey & Lezayre - REFUSED at APPEAL on the following grounds;

"R 1. The planning application includes land (field 134281) that is not designated for development under the Isle of Man Planning Scheme (Ramsey Local Plan) (No. 2) Order

1998, the Isle of Man Planning Scheme (Development Plan) Provisional Order 1982 or the West Ramsey Development Framework. As such, the development proposed by the planning application is partially contrary to the land use designation under the aforementioned documents and the presumption against development set out in Strategic Policy 2 & 11, Spatial Policy 5, General Policy 1, 2 & 3, and Housing Policy 2 & 4 of the Isle of Man Strategic Plan 2007.

R 2. The development proposed by the planning application is contrary to the phasing requirements set out within section 17.0 of the West Ramsey Development Framework. The granting of planning approval would fail to have proper regard to the phasing of the overall development of this land and therefore be contrary to the relevant planning policy background and the principles of good land use planning. Specifically:

i) No extant planning approval exists for the development of area 1 and the provision of the distributor road from the existing extent of Poylldooey Road to the remaining areas within the West Ramsey Development Framework area. As such, the land contained within the application site is proposed to be served by one sole access (Gardeners Lane). The reliance on this sole access to serve the application site in addition to the land with extant planning approval under 03/00790/B (areas 2 & 3) and 03/01846/B (area 4) is unacceptable; and

ii) The development approved on areas 2, 3 & 4 is not substantially complete and no extant planning approval exists for the development for area 1. As such, the granting of planning approval for the development of areas 5, 6 & 7 would be premature. Furthermore, the grant of planning approval for the development of area 7 is dependent on the substantial completion of development within areas 5 & 6 and therefore also premature.

R 3. The Residential Land Availability Study (Update 2 2009) indicates that 92 residential units are needed within the North to meet the housing target contained within the Isle of Man Strategic Plan 2007. Given the size and estimated residential yield of the land contained within the application site the granting of planning approval would cause a supply of residential units that far exceeded the housing target set out within the Isle of Man Strategic Plan 2007. As such, the proposed development is contrary to the provisions of Housing Policy 1, Housing Policy 2 and Housing Policy 3 of the Isle of Man Strategic Plan 2007 and premature.

R 4. The planning application fails to provide adequate information in respect of access to the existing highway network or sufficient information in respect of the impact of the additional traffic generated by the proposed development on the highway network and highway safety. As such the planning application fails to comply with Transport Policy 7 of the Isle of Man Strategic Plan 2007."

4.0 PLANNING POLICY

4.1 LOCAL PLAN

4.1.1 The application site falls within two area plans, firstly the IOM Development Order 1982 which designates fields 134282, 134283 and 134289 as "proposed predominately residential use". Field 134281 is not designated for development. Fields 134278, 134279, and 134280 fall under the boundaries of Ramsey and given there is the Ramsey Local Plan Order 1998 these fields fall under this plan, which designates the fields as "Residential/Industrial".

4.1.2 The site and surrounding fields were included within the West Ramsey Development Framework (WRDF) which was written to provide an overall development framework for the development of the application site and surrounding land. Under this document the site is within an area designated as "Neighbourhood Centre 4", this states:

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

4.2 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.

Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages
- 4 Protection of built heritage and landscape conservation
- 5 Design and visual impact
- 10 Sustainable transport
- 11 Housing Needs

Spatial Policy

- 2 Identified Ramsey as a Service Centre
- 5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations

Environment Policy

- 3 Protection of Woodland
- 4 Wildlife and Nature Conservation
- 5 Ecological Impacts
- 10 Flood Risk Assessments
- 13 No unacceptable risk of Flooding
- 42 Respect the local character and identity

Housing Policy

- 1 General need for additional housing from 2011 -2026
- 2 Supply of designated housing land available
- 3 Defined housing provision per area
- 4 Location of new housing and exceptions
- 5 Provisions for 25% affordable Housing
- 6 Development Briefs

Recreational Policy

- 3 Requirement for Landscaped amenity areas
- 4 Requirement for Public open space
- 5 Links to the countryside

Community Policy

- 10 Fire Fighting provisions

Transport Policy

- 2 Provision for new links

- 3 Protection of existing and former rail routes
- 4 Highway Safety
- 5 Design of Highway Network Improvements
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions
- 8 Requirements for Transport Assessments

Energy Policy

- 5 Energy Efficiency

4.3 RESIDENTIAL DESIGN GUIDE 2019 - Section 2.0 New Houses

4.3.1 This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

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.

4.4.2 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."

5.0 REPRESENTATIONS

It should be noted that full comments made by all representations are available on the Online Services - Planning Applications and any decision should read this in full. 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. The comments below are taken from the last correspondence from the relevant party only. As mentioned there have been multiple comments from the majority of each representation.

5.1 Ramsey Town Commissioners have objected to the application making the following final comments (16.03.2022):

"The development of the site would not accord with the phasing programme set out in the West Ramsey Development Framework [WRDF]. At present there is no extant planning approval for the development of Area 1 of the WRDF. Furthermore, the development approved on Areas 2, 3 and 4 of the WRDF is not substantially complete. In particular, the neighbourhood centre development provided as part of the consent for the existing Auldyn Walk development under PA03/01846/B has not been completed.

The development as proposed fails to comply with Paragraphs 13.2, 13.3 and 13.4 of the WRDF which provide for a new distributor road between Gardeners Lane and the development site, and for a new access road to be constructed linking Gardeners Lane to Poyll Dooley Road. Concerns were also raised that the sewage system would not cope with the additional volume of waste and lighting along the main road from the Town boundary to the entrance of estate was inadequate."

5.2 Lezayre Commissioners object to the application making the following final comments; 16.07.2021

"This application was originally for 181 dwellings, amended to 164 dwellings. Further amended plans received. Now increased to 166 dwellings.

Mr Radcliffe and Ms Radcliffe declared an interest and did not take part in the discussion.

Refused Unanimous

As mentioned above this is the third application received for this site, with the subsequent plans being amended to address the various comments received from objectors. How many times can an applicant tweak the plans?

The overall opinion of the Commissioners for this development remains unchanged.

Access

The applicant has moved the access in an easterly direction, but this still requires the removal of trees and hedges. The Commissioners do not support the removal of the large volume of trees and hedges. We should be protecting our countryside, not cutting it down. Although the applicant has submitted mitigating plans for birds and bats, including planting new trees, once the trees have been removed there is no guarantee that the birds and bats will return and use the bird and bat boxes placed on various properties on the development. The natural habitat should remain to serve the existing wildlife.

Density

The site is an over intensive development for a rural parish, such as Lezayre. The development is in the wrong place. Ramsey Town ends at the Glen Auldyn River and this proposed development extends too far into the countryside.

Housing Need

We reiterate our point that this application is premature in the current housing climate. We do not need this large volume of housing at this time or in the near future as identified in the information provided for the North and West Area Plan.

Open Space

The Commissioners would like to remind the developer Dandara, that they will not adopt for maintenance any open space on this development. This was pointed out to Dandara when they visited our offices when they presented the idea of the development to the Commissioners. All points raised in our previous submission of comments remain."

13.01.2022

"The Commissioners would like to raise concerns regarding sewerage issues and submit the following comments:-

Sewerage is going to be put into the present Ramsey Town Sewer and thus during storm overflow the Ramsey sewer will backup first to prevent the new Milntown sewer taking raw sewerage away. Therefore, there is a real risk of raw sewerage being released into the Sulby River, which is tidal and could become anoxic at low tidal levels killing all wildlife both downstream and up stream of the development.

There are three new sewers included in the new plans which in itself is acknowledgement of the flood plain site of the proposed development, which makes it inherently unsuitable for housing and forms the most compelling argument against housing on this site. The three new sewers are a new surface water sewer (blue) which empties in at four points to a newly constructed waste water pit (like a silage pit) and a fifth outfall pipe which would empty directly in to the Sulby river. What happens if during a storm flooding these surface sewers become blocked-won't they cause flooding over the houses and gardens. How well have these sewers been modelled? The second new foul water (sewer) (red) will collect and take untreated sewage for pumping at a new station near the river. The untreated sewage will be pumped by a third new rising (pumped) main sewer (yellow) but it does not show where this main empties? Moreover, what happens if the rate of rainfall intensity and the time of that intense rainfall is sufficient to block these drains so that water floods the entire area, not just with waste water but with untreated sewerage. Where are the models and the computations??

Is there a clause which during severe rainfall the sewers will be allowed to empty directly in the Sulby River rather than flood homes?? This new proposal seems to confirm that the developer expects the area to flood. Given that the area occupied by house footprints will no longer soak up rain water the risk of flooding is markedly increased by putting houses on this floodplain. In a worst case scenario none of the home owners will be able to get insurance after the first flooding incidence."

5.3 Highway Services (DOI) do not object to the application subject to conditions and make the final comments:

24.12.2021

"Highways Development Control notes the revisions uploaded on 10 December 2021, reducing the number of dwellings to 138. Whilst the internal road layout remains acceptable, there is no path shown into the play space and no indication of the bus stop infrastructure. These elements have been previously raised and HDC seeks surety of inclusion via Grampian conditions for details to be provided for approval prior to commencement with installation prior to first occupation to any consent granted. Furthermore, for conditions to be applied to meet the other highway and transport related facilities required to deliver this proposed development on its acceptability on policy grounds. As noted, previously, s4 and s109(A) Highway Agreements plus licences and temporary orders are necessary after grant of any planning consent for adoption of streets to be maintained at public expense, highway works, traffic management and temporary road closures."

5.4 Public Estates & Housing Division do not object to the application making the following final comments;

31.03.2022

"We refer to the aforementioned planning application, and we can confirm that we have looked at the detail of the application and have considered the provision of a 25% affordable housing requirement.

Current data drawn from Housing Division records for Ramsey and the Northern parishes indicates that there are 53 persons on the general public sector waiting list for affordable housing to rent. There are also 39 persons on the first-time buyers register, of whom 13 are Active, seeking to purchase a first home in the North of the Island including Ramsey. This figure is 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. Accordingly, the Affordable Housing inclusion should total 34 dwellings and a Commuted Sum (0.50 of one unit) will be required for the difference between the 25% Affordable Homes and the proposed number. We can also confirm that the applicant's representative has in the recent past discussed the Affordable Housing content with the Department.

Thank you for giving us the opportunity to comment on the application."

5.5 Manx Utilities do not object to the application subject to conditions and make the final comments;

21.03.2022

"Following detailed discussions with Dandara in relation the above application and the submission of additional drawings (drwg ADR-500/4 & drwg 2483-1.07), I can confirm Manx Utilities (Drainage) have no further concerns to the drainage proposals for this development subject to the following:-

- * Full engineering construction drawings of the proposed drainage infrastructure (foul pumping station including M&E proposals and the chemical dosing unit, gravity sewers and rising main) to be issued to Manx Utilities for review prior to any works commencing on site.

- * Section 8 adoption agreement (Sewerage Act 1999) to be entered into for the public adoption of the proposed foul & surface water gravity sewers, foul pumping station and pump main (including chemical dosing unit)

- * Sequence connection proposals are required for the proposed dwellings in order to ensure septicity issues do not occur due to low foul flows during the early stages of the development.

- * The proposed SW attenuation basin will not be considered by MU for public adoption and as such it is recommended that a suitable management company is setup to oversee the operation and maintenance of the area.

- * Drainage communication fees are payable for each dwelling ultimately connected to the Ramsey sewerage network.

- * All adoptable drainage works to be constructed to the requirements of Manx Utilities.

If you require any further clarification please contact me."

5.6 Agriculture & Lands Directorate (DEFA) making the following comments (relating to conditions which is still relevant) and final comments:

28.04.2021

"Updated comments from the Agriculture & Lands Directorate, DEFA - APRIL 2020

The following conditions are recommended in the event that this application is approved.

1. No retained tree shall be cut down, uprooted, or otherwise destroyed 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 existing 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.

2. Prior to the commencement of the development hereby approved an updated Tree Protection Plan shall be submitted to and approved in writing by the Department to include protection measures for proposed drainage works, footpath construction, power cable diversions and any other construction work relevant to trees which is not covered by the existing Tree Protection Plan. The agreed protection measures shall be implemented and adhered to in full.

Reason: required prior to commencement to ensure that ALL trees to be retained are adequately protected from damage

3. Prior to the commencement of the development hereby approved an Arboricultural Method Statement (AMS), adhering to the recommendations of BS5837:2012 (Trees in relation to design, demolition and construction - recommendations), shall be submitted to and approved in writing by the Department providing details of the following: a. The specification of the protective measures required to adequately protect the retained trees b. Specialist construction techniques (if required) c. An Arboricultural Monitoring Programme (AMP) providing a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance on all arboricultural matters. The agreed protection measures, construction methods and monitoring shall be adhered to in full.

Reason: to provide a level of technical detail sufficient to provide a high level of confidence in the outcome for retained trees on or adjacent to the site

Note: The AMP should include details of an appropriate Arboricultural Clerk of Works (ACoW) who will conduct the monitoring and supervision, and how and when written and photographic records will be submitted to the Department.

4. All tree planting shall be carried out in accordance with the approved details, submitted in support of the application. The planting shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner,) or otherwise in accordance with a programme to be agreed. Any trees which, within a period of 5 years from their planting, die, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced as is reasonably practicable or in the next planting season with others of similar size, species and number as originally approved, unless the Department gives written consent to any variation.

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

17.11.2021

"I can confirm that no new issues have come to light through the submission of these amendments. My recommendations regarding conditions to be applied in the event that the application is approved remain the same - April 2021 document attached for ease of reference.

Updated comments from the Agriculture & Lands Directorate, DEFA - NOVEMBER 2021"

The representation also includes a table which, outlines the concerns raised in the original comments (October 2020), how each of these concerns has been addressed by the applicant through the submission of amendments and additional information, the remaining concerns with each issue, and how these remaining concerns could be addressed".

This highlights the need for several conditions (including some pre-commencement) and also for clarity on management arrangements.

5.7 Ecosystem Policy Officer (DEFA) do not object to the application subject to conditions and make the final comments:

04.03.2022

"Since the Ecosystem Policy Team last commented on these proposals in October 2020, the applicants have commissioned various ecological surveys and a number of significant alterations have been made to the plans.

Our initial concerns related to impacts on bats, birds, habitats, trees and invasive plants. We will summarise in this email the findings of the new reports, the recommended mitigation, where changes have been made to the plans to integrate these mitigation measures and where specific conditions on approval are required in order to secure the required mitigation measures. A specific section is also included at the end of this email that summarises the various conditions required on approval.

Though no development in this area would be preferable. On the basis that a number of mitigation measures are to be included on site and will be conditioned on approval, the Ecosystem Policy Team no longer object to these proposals. The mitigation measures are required to make the proposals ecologically acceptable and to achieve no net loss for biodiversity on site, in line with Strategic Objective 3.3 Environment (b) of the Isle of Man Strategic Plan 2016 'to protect, maintain, and enhance the built and natural environment (including biodiversity)', Strategic Policy 4 (b) 'protect or enhance the nature conservation and landscape quality of urban as well as rural areas' and habitat loss action 21 under the Biodiversity Strategy 'DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for'. The Ecosystem Policy Team would maintain its objection should the below conditions not be secured.

Of particular importance with this application is the potential for a significant negative impact on Isle of Man red listed bird species of the highest conservation concern (Birds of Conservation Concern in the Isle of Man 2021). Though measures have been integrated into the site's design to mitigate impacts on this species, a number of conditions are also required on approval to ensure that impacts on these species are minimised/avoided and to ensure compliance with Environment Policies 4 & 5 of the IoM Strategic Plan 2016 (editing note - the policies are then quoted) ...

Bats

The Ecosystem Policy Team can confirm that we are happy with the findings of the Manx Bat Group's (MBG) Bat Activity Survey dated 29th October 2020 and the Manx Bat Group's Method Statement for Tree Inspection prior to felling at Lower Milntown dated 16th November 2020 and that a suitable level of assessment has been undertaken.

The following is a summary of the Manx Bat Groups mitigation recommendations and how this mitigation will be satisfied:

* The two important hawthorn hedges to the east and west of field 134282 be retained and protected by excluding them from inclusion in gardens - Done, apart from small sections at the south of the western and eastern hedge which are to be removed to place the new roads and small sections in the north in order to place 2 paths, the hedges are to be retained. Details about the measures to be taken to protect these hedges from damage during construction can also be included in a Construction Environmental Management Plan.

Though a tree protection plan has been provided showing construction exclusion areas around the hedges and the approximate width, these will need to be re-measured, to ensure that the entire width of all of the boundary features are retained. It looks like, based on the most up-to date Landscape Plans, that the road along the east of field 134282 will eat into the hedge at this location. Because of the importance of these hedges, the Ecosystem Policy Team would find it unacceptable for the road placement to require the removal of any width of hedge in this location. If required, updated drawings may need to be provided which clearly show that the width of the hedge in this area will not be reduced. See following image (editing note - image available to view as part of submission on-line)

All of the hedges will also have to be kept outside the curtilages of the new dwellings to protect them removal pressure from future homeowners.

A specific condition can also be requested for the retention and protection of these hedges.

* The roots of the important hedges to be protected during construction - this can be conditioned as part of an up-to date tree protection plan and as part of a Construction Environmental Management Plan, through the erection and maintenance of protective fencing and construction exclusion areas.

o The gaps at the ends of the hedges to be in-filled with new planting - Done and included in the latest Revised Landscaping plans Drawing No. 01.06, which can be secured on approval.

o Lighting to be designed to as to not deter bats from foraging along the hedge - no low level lighting plan has yet to be provided, but can be secured as a condition on approval.

* The street lighting at the entrance of Lezayre road designed to take into account the existing bat roost - the entrance to the estate has been moved, meaning that no lighting of the roost should take place. Additionally, a low level sensitive lighting plan can also be conditioned on approval. Lighting should be low level, of a suitable intensity and directed away from boundary features, habitats and known bat roosts.

* Retention of roadside trees -In the Manx Bat Group's Method Statement for Tree Inspection Prior to Felling at Lower Milntown they state the following 'Only the minimum number of trees to satisfy Highways requirements for visibility splays should be felled in order to preserve a branched archway across the road for bats in transit. Should the ash trees nearest Pinfold Cottage need to be removed because of ash die back it should be done in stages, gradually lowering their height and spread as the replacement trees provided for in the plans grow up to replace them' - We note that the ash trees to be removed along the roadside are noted as being in good condition in the arboricultural impact assessment and the DEFA Senior Arboricultural Officer states that they could be threatened by disease, rather than being diseased at present. We acknowledge that some of the ash trees included in G1 along the east of the road will need to be removed to facilitate requirements for visibility splays. However, the western-most trees nearest to Pinfold Cottage could possibly be retained in the

short term without compromising highways safety. Therefore in order to comply with the MBG's method statement, we request that a condition is secured for the trees along the road to be re-assessed to differentiate between those that require removal to facilitate visibility splays and those that can be retained in the short-term and felled in stages.

- * Pre-felling inspection of the trees to be felled by a suitable qualified ecologist, additional bat boxes should roost features be found and the soft felling of trees with potential roost features - can be conditioned as part of a Construction Environmental Management Plan.

- * Proposed re-planting at an early stage - Dandara have indicated that will accept a condition for screening planting around the boundary to be undertaken prior to the construction of any dwelling and this will be requested as a condition on approval.

- * Signage to be installed on the trails - the riverside trail has been removed as an ecological mitigation measure and therefore signage will no longer be required.

- * Bat boxes to be considered - 6 integrated bat boxes are to be installed across the site as per the Bat Mitigation Plan (Drawing No. 203.01 Revision A) and can be secured via condition.

Birds

The Ecosystem Policy Team can confirm that we are happy with the findings of the Manx Wildlife Trust's Lower Milntown Breeding Bird Survey dated 24th August 2021 and that a suitable level of assessment has been undertaken. The following is a summary of the Manx Wildlife Trust's mitigation recommendations and how this mitigation will be satisfied.

The MWT's Breeding Bird Survey report concluded that the proposed development, with the layout as planned when the report was written in August 2021, would have a significant adverse impacts on a variety of bird species, some of which are very rare on the island and Red listed in the 2021 Isle of Man Birds of Conservation Concern and are therefore of the highest conservation concern. The report also concluded that only partial mitigation was possible and that the development would result in a net loss for biodiversity on site, contrary to Planning Policy and the Biodiversity Strategy.

Following this report, and with additional input from bird experts, it was determined that mitigation would be possible on site but only if changes to the site layout were made and other mitigation measures included as follows:

- * The riverside footpath was removed and public access to the north of the railway line was limited- Done, the riverside footpath no longer forms part of the plans.

- * The public open space was moved from the north of the railway line - Done, the POS has now been moved to field 134281. Though not zoned for development, the Ecosystem Policy Team do not object to the use of field 134281 for open space.

- * The agricultural land to the north of the railway line becomes subject of a biodiversity management plan - to include reduction in chemical use, expansion of rough grassland areas, greater areas managed as hay meadows etc. - Dandara have indicated that they will accept a condition for this.

- * The old Tholtan is re-roofed, fitted out with nest boxes and fenced off to exclude human access - Dandara have indicated that they will accept a condition for this.

- * Mitigation planting around the boundary of the development site is undertaken as early as possible, prior to the construction of any dwelling, in order maintain and enhance a tall boundary around the site and to give planting as much time as possible to establish - Dandara have indicated that they will accept a condition for this.

- * Artificial lighting is designed sensitively - a low level sensitive lighting plan can be conditioned on approval.

Much of this is summarised in David Humphrey's email to Planning contained in the document called SUP Officer Proforma and Covering Email 09 Nov 21.

Additionally, a number of bird nesting bricks and boxes will be installed across the site, as detailed in Dandara's Ecological Plan - Bird Mitigation Plan (drawing No. 203.02 Revision C)

This includes integrated starling, swift and house sparrow boxes and tree mounted open fronted and entry hole boxes.

Habitat and Tree loss

The Ecosystem Policy Team can confirm that we are happy with the proposals for the attenuation area, marginal planting, woodland planting and wildflower meadow areas shown in the same plans and in the Revised Planting Plans (Miln_PAL-31@A1). However, in order to ensure the establishment and maintenance of these areas, a habitat creation and long-term maintenance plan will need to be provided and is requested below as a condition on approval.

We have concerns about the proximity of the new road to the hedge along the east of field 134282. These concerns are detailed above and a condition on approval has been requested below.

We also have concerns about the tree removal by Pinfold Cottage. These concerns are detailed above and a condition on approval has been requested below.

The Tree Protection Plan (Drawing No. 204 Rev B), showing construction exclusion areas, has not been revised since the new site plan was submitted, so is out of date and does not reflect the current site layout. Therefore, prior to any works commencing, an updated tree protection plan should be submitted, which accurately shows all of the construction exclusion areas to the north and the south of the railway line and the protection measures to be put in place. Since the site plan has been changed and houses are no longer to be built in the north of field 134282, the area of land identified as marshy grassland (see following image) (editing note - image available to view as part of submission on-line) can now also be retained and sensitively managed for the benefit of wildlife and the group of trees labelled G6 in the Arboricultural Impact Assessment can and should be retained. A construction exclusion area should be maintained around this section, and its ongoing management should be included in the site maintenance plan.

Though we are content with the landscaping plans as per the Revised Landscape Plan (Drawing No. 01.06 Revision H), consideration should be given to additional native tree planting in the area highlighted in red on the below image (editing note - image available to view as part of submission on-line), which is in the north-east of the site. H9 Mixed Manx hedgerow mix is recommended. This would give greater protection against noise and light pollution to the land north of the railway line.

Should this application be approved, we request that conditions are secured for the following measures:

- * An Ecological Clerk of Works be appointed for the pre-construction and construction phases of the development to oversee all protected species work, the implementation of measures identified within a Construction Environmental Management Plan (CEMP), to advise on the creation of the habitat management plans, the placement of the bat and bird boxes, and the Old Tholtan wildlife enhancements. The ECoW should be consulted prior to the removal of any areas of semi-natural vegetation and be the first point of contact in the event that protected species or invasive species are encountered on site.

- * A Construction Environmental Management Plan (CEMP) to be provided to Planning for written approval prior to any works, including clearance and enabling works, taking place. The CEMP will need to contain details of the roles, responsibilities, training, procedures and monitoring on site which will ensure that the environment is protected during all phases of the development and all environmental legislation and policy is adhered to. The CEMP will need to incorporate the following avoidance and mitigation measures and the works must be undertaken in strict accordance with these measures:

- o Precautionary Working Method Statement (PWMS) for common frogs, which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on frogs - reasonable avoidance measures for frogs and mitigation should frogs be found (may include the creation of hibernacula features).
- o PWMS for viviparous lizard, which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on lizards - reasonable avoidance measures for lizards and additional mitigation should lizards be found (may include the creation of hibernacula features);
- o PWMS for birds which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on birds - timescales for vegetation removal, suitable checks by an ecologist and mitigation should breeding birds be found, or issues be encountered in relation to red list species;
- o PWMS for bats which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on bats - to include pre-felling inspections and tree felling in line with the recommendations made in the Manx Bat Group's Method Statement for Tree Inspection prior to felling at Lower Milntown dated 16th November 2020. As well as the measures to be taken if bats or evidence of bats is found, including the erection of additional bat boxes;
- o PWMS for Schedule 8 invasive plant species to ensure that they are not spread via the works and for their responsible eradication from site;
- o Measures to the protection of boundary hedges and other areas of habitat during construction, including protective fencing of all of the hedges and boundary features and construction exclusion areas where appropriate - including the majority of the land above the railway line apart from the drainage pipeline route;
- o Working method statement for the construction of the pipeline and river crossing to the north of the railway line;
- o Working method statement for the clearance works along the railway line to ensure that a vegetated boundary to the north and south of the railway is maintained.
- o Measures to be taken to prevent water, sediment and pollution runoff from site and as well as light pollution onto surrounding habitats.
- * An up to date tree protection plan containing details of construction exclusion areas across the whole site, accurate width and length measurements of all of the hedges to be retained and details of the fencing that is to be erected to protect areas from damaging construction activities, to be submitted to planning for written approval prior to any works, including site clearance, from taking place. The development must then be undertaken in accordance with these details. The protective fencing shall be erected and maintained throughout the works, any fencing that becomes damaged must be replaced. All of the existing trees and hedge banks marked as being retained, must be retained and protected from damage and disturbance throughout the works. Any changes must be submitted to Planning for written approval prior to any removal taking place. Any additional removal must be suitable compensated for by replacement native planting. However, the presumption should be in favour of retaining the existing vegetation as shown because of its importance to wildlife.
- * A plan containing details of selective boundary planting which will be undertaken prior to the construction of any dwelling, to be submitted to planning for written approval. This boundary planting forms part of the essential bird mitigation measures and is required to give boundary planting a longer time to establish as well as to provide additional protection to surrounding habitats and species of importance. Planting details should include their quantity/density and location, species and nursery specification, the planting specification, a timetable for implementation and a schedule of maintenance. The planting shall be carried out in accordance with details provided. Any planted trees that are removed, die or become, in the opinion of the Department, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required, unless the Department gives written consent to any variation.

* Prior to any tree clearance a re-assessment of the trees along the roadside shall be undertaken to determine which require removal to facilitate highways visibility splays and those that can be retained and felled in stages as per the Manx Bat Group's Method Statement for Tree Inspection dated 16th November 2020, to allow for the preservation of a branched archway across the road and for mitigation planting to establish. We also request that the group of trees labelled G6 in the Arboricultural Impact Assessment, are retained, now that the site plans have changed and these trees do not need to be removed to allow for the placement of a number of houses - this will give greater protection to the land north of the railway line from the damaging impacts of artificial noise and lighting, and is preferable to new planting. The development must then be undertaken in accordance with these details.

* The bat and bird box plan shall be undertaken as per the details provided in the Revised Bird Mitigation Plan - Drawing No. 203.02 Rev C and the Revised Bat Mitigation Plan - Drawing No. 203.01 (the most up-to date bird box plan is attached, as this did not seem to be available on the planning portal). The tree mounted bird boxes should be erected prior to the construction of any dwelling.

* A plan for the re-roofing, creation of internal cavities and erection of bird boxes in the Tholtan, and the erection of protective fencing around the Tholtan, which is to be undertaken prior to the construction of any dwelling, should be submitted to Planning for written approval and the development undertaken in accordance with these details.

* A long-term habitat enhancement and management plan for the fields to the north of the railway line and for field 132288 to the south of the railway line, shall be submitted to Planning for written approval prior to the occupation of any dwelling. The land shall then be managed in accordance with these details.

* A habitat creation and long-term maintenance plan for the marginal, woodland, attenuation and wildflower meadow areas, as shown in the Revised Landscape Plan (Drawing No 01.06 Revision H), and the marshy grassland area at the north end of field 134282, shall be submitted to Planning for written approval prior to the occupation of any dwelling. The land shall that be managed in accordance with these details.

* A detailed external low level lighting scheme, which is in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018), to be submitted to and approved in writing by Planning prior to the installation of any lighting. The development shall then be undertaken in accordance with these details.

* Planting shall be undertaken as per the Revised Landscape Plan (Drawing No 01.06 Revision H) and as per the Revised Planting Schedule (Miln_PAL-31@A1), though ideally with the additionally planting along the north of field 134282, as detailed above. Any changes to the landscaping must be submitted to Planning for written approval prior to being undertaken.

The Ecosystem Policy Team request that we are consulted on any proposed changes to the site plans or above conditions, as this could result in material adverse effects on protected species and species of highest conservation concern, and may result in our objection to these plans."

5.8 Manx National Heritage objects to the application on the following final grounds:
07.01.2022

"I write on behalf of Manx National Heritage ('MNH'), whose statutory responsibilities pertaining to the protection of the cultural and natural heritage of the Isle of Man are defined under the terms of the Manx Museum and National Trust Act.

The development referred to above has been changed from the previously stated 164 dwellings, which we understand from the amended application, is to reduce the risk of flooding. Our concerns for the loss of ecology, should this site be developed, are never the less still relevant.

The fields are currently managed as grazing meadows bordered by predominantly natively planted hedgerows and stands of mature trees. The trees support a number of Red Data listed birds (of greatest conservation concern) many of which are protected under the IOM Wildlife Act.

There are also a number of bat species associated with the area which has been described by the Manx Bat Group as being noteworthy for these animals. A bat roost has been in existence for some years, opposite the proposed development site, with bats frequently observed, in flight, during summer evenings.

We feel that the development of this site would result in a net loss for biodiversity and be contrary to the IOM Strategic Plan, Policy 4, 'proposals for development must protect or enhance the landscape quality and nature conservation of urban and rural areas'. Also Action 21 of the IOM Biodiversity Strategy which supports a policy of 'no net loss of biodiversity for semi natural habitats and the species they support'."

5.9 Inland Fisheries (DEFA) do not object to the application subject to conditions and make the final comments:

21.04.2021

"A completed 'Development within 9m of a Watercourse' form has been received in relation to the above application. Fisheries, DEFA has no objection to this proposal providing the following conditions are met;

- o Any works to the watercourse bank and channel are restricted to the period July to September (inclusive). Reason: To avoid disturbance or injury to spawning fish, or to the spawn and fry of fish, during the season in which they are most at risk.

- o Any runoff from the construction site is managed. Reason: To negate sediment entering nearby water courses and avoid disturbance or injury to spawning fish, or to the spawn and fry of fish, during the season in which they are most at risk.

- o Works are conducted according to written method statements agreed in advance with the Inland Fisheries Section of the Fisheries Directorate, DEFA. Reason: to allow DEFA fisheries to provide advice on a suitable approach to construction, in order to reduce the possibility of injury or disturbance of fish within the river.

The applicant is advised to contact Fisheries (tel. 685857, or email fisheries@gov.im) to discuss method statements and arrange an initial advisory site visit, should the proposal be granted planning approval."

5.10 Flood Risk Management Division (DOI) do not object to the application subject to conditions and make the final comments:

03.03.2022

"The Department of Infrastructure Flood Risk Management Division have now review the information regarding flood risk for this site and we are now satisfied with the information provided. The most recent information provide is stated below

Drawings

1. Drainage layout ADR-500 Rev F
2. Impermeable areas ADR-500/1 no rev
3. Impermeable areas ADR-500/3 no rev

Calcs

1. Miln drainage check 08/02/22"

5.11 Highway Services Drainage (DOI) do not object to the application subject to conditions and make the final comments:

"With reference to the drainage details listed below for the above application.

DOI Highway Services are now satisfied with the highway drainage arrangements

Drawings

1. Drainage layout ADR-500 Rev F
2. Impermeable areas ADR-500/1 no rev
3. Impermeable areas ADR-500/3 no rev

Calcs

2. Miln drainage check 08/02/22"

5.12 Manx Bird Life make the following comments;

03.12.2020

"We note the Ecosystems Policy Officer's comments (2001080B CON Consultation 11 Ecosystem Policy Officer 29.10.2020 .pdf) on the above planning application with regards to "Birds":

"Due to the potential impact on birds from the amount of trees to be removed and hedges to be impacted, we consider that the current level of assessment for birds is insufficient. In order to comply with the Wildlife Act 1990 and Environment Policy 4 of the Isle of Man Strategic Plan 2016, a bird survey should be undertaken across the entire site by a suitably qualified ecological consultancy and a report detailing the findings, including a mitigation plan for bird protection during and after the development, should be submitted to the Planning Directorate for approval prior to determination of this application. The survey should identify the species of birds using the site, how they use the site and whether and where they are nesting. Particular attention should be paid to Species listed on Schedule 1 of the Wildlife Act 1990."

We fully support this requirement and would add the following additional comments:

* The following two Schedule 1 species have a history of breeding within the proposed site: Song Thrush, Curlew.

* Both these species are also Red-listed (BoCC 4) as being of the highest conservation concern.

* We strongly urge that a bird survey is conducted during the breeding season April - July (NOT out of season, August to March), in order to ascertain the current breeding assemblage of the proposed site.

* The site shows a historic breeding assemblage of 23 species comprising Red-, Amber- and Green-listed species.

We are happy for the contents of this email to be publicly published on the planning portal."

17.07.2021

"Since our original correspondence (03 December 2020) in relation to this planning application, we have become aware of additional ornithological value held by the proposed development site. From at least two initial sources, followed by our own subsequent onsite investigations, we are now aware that:

1. Barn Owl (Schedule 1, BOCCIOM* 2021 Red listed): at least one bird, and probably one pair, holds a longstanding roosting site that is almost certainly also a traditional breeding site immediately adjacent to the proposed development site. In relation to this species, the development will:

- a. Deny the owls what appears to be a valuable hunting habitat that is ideally located in relation to the roosting/nesting site;

- b. Given its proximity, cause noise, light and other human related disturbances that undoubtedly will compromise this roosting/nesting site.

Barn Owls are famously fastidious in their selection of nesting sites. Moreover, the choice of nesting sites on the Island is dwindling as more old buildings are being renovated and sealed against entry by wild birds and other animals.

The decreasing availability of suitable nesting sites, especially those with prey rich proximal hunting grounds, is likely to be a significant limiting factor in the survival of Barn Owl as a native Manx breeding bird.

Long eared Owl (Schedule 1, BOCCIOM* 2021 Red listed): has now been proven to nest immediately adjacent to the proposed development site, and very likely also use the site for hunting as well as having been proven to be used as a 'nursery ground' for the owl fledglings. The development will:

- a. Deny the owls what appears to be a valuable hunting habitat that is ideally situated for successfully hunting thus very likely bolstering the chances of breeding success at this site;
- b. Given its proximity, cause noise, light and other human related disturbances that will require the owls to find alternative hunting habitat (if indeed such habitat exists in close enough proximity). Consequently, the owls might cease to nest in this locality.

We wish to add a further point, that development along the Sulby River floodplain will prevent any future re-evaluation of the ecological worth of the floodplain and any potential future restoration of its lost biodiversity therefrom. In a national context, the Sulby River provides an extremely rare (if not unique) example of a large alluvial plain with significant potential for ecological restoration and re-establishment of priority species such as Curlew, Lapwing, Teal and more. In conclusion, we ask that:

1. You consider the above further findings and comments in your analysis.
2. The information relating to the breeding and hunting presence of the two owl species is kept confidential to those involved in the decision making process and is not made publicly known due to sensitivities concerning these two species.

*Please note that BOCCIOM 2021 relates to Birds of Conservation in the Isle of Man 2021, a major new assessment of the state of Manx wild birds by Manx BirdLife, which is to be published in British Birds journal in September 2021. BOCCIOM 2021 provides the definitive update on the results of the Manx Bird Atlas project."

5.13 Former MHK for Ayre & Michael (Minister Baker at the time of writing) makes comments in his constituency role as Member of the House of Keys for Ayre and Michael following a number of relevant concerns which have been expressed by my constituents regarding this proposed development. These are as follows:

* Highway Matters

- o significant additional volumes of vehicle movements will be generated by the development, due to its size, location and proposed access arrangements;
- o the position of the access to Lezayre Road creates a significant safety risk, particular given the visibility issues around the bend when heading eastbound on Lezayre Road;
- o these issues are magnified by the speed of traffic travelling past the development site in what is a 50mph area, combined with vehicles exiting the development from a stationary position;
- o the single point of access to the development is inappropriate and inadequate for such a large development, particularly given its location on the TT course;
- o the position of the access will have an adverse impact on neighbouring residents, particularly those on the other side of Lezayre Road opposite the development;
- o the resulting higher traffic volumes and lack of suitable footways along Lezayre Road will increase the risk to pedestrians, particularly children walking to and from school.

* Flooding and drainage

- o flood risk arising from the proximity of the development to the Sulby River, particularly as climate changes and we experience more extreme weather events;
- o increased built development will potentially increase surface water run-off and reduce the capacity of the ground to absorb rainfall;
- o concerns that the development will lead to a raising of groundwater levels, particularly with an impact on drainage from the properties opposite the site, a number of which I understand do not have mains drainage;
- o adequacy of drainage and sewage arrangements from the development site and concerns over the ability of the local infrastructure to cope, given its age and capacity constraints.

* Environment and other

- o adverse impact on wildlife and biodiversity;
- o visual intrusion into the countryside, outside the existing built environment of Ramsey;

o lack of need for the development given the existing sites for residential development still available in West Ramsey.

5.14 A number of private representations have been received from the following addresses who have objected to the application:

- * Lynfield, Hillberry Road, Onchan (04.07.2021);
- * Lower Ballakaighin, Ramsey Road, Peel (25.10.2020);
- * Sunnymead, Lezayre Road, Ramsey (19.10.2020);
- * Ballameanagh, Glen Auldyn, Ramsey (12.11.2020);
- * Fernside, Glen Auldyn, Ramsey (12.10.2020);
- * Ivy Cottage, Gardeners Lane, Ramsey (06.07.2021);
- * Lheaney Ballakerka, Clenagh Road, Sulby (21.10.2020 & 25.11.2020);
- * Woodland, Grove Mount West, Ramsey (01.02.2021 & 27.04.2021);
- * Glen End, Lezayre Road, Lezayre (22.10.2020, 06.03.2021 & 28.04.2021);
- * Hilton, Stanley Mount West, Ramsey (10.10.2021);
- * 47 Lezayre Park, Ramsey (21.10.2020, 25.11.2020, 18.03.2021, 25.04.2021, 12.07.2021, 27.09.2021, 29.11.2021, 09.01.2022 & 22.03.2022);
- * Scacafel, Lezayre Road, Lezayre (22.10.2020);
- * Ballakillingan Farm, Churchtown, Ramsey (21.10.2020, 22.10.2020, 03.03.2021, 28.04.2021, 06.05.2021 & 14.01.2022);
- * Freshfield, Glen Auldyn, Ramsey (22.10.2020, 29.04.2021 & 05.07.2021);
- * Underhill, Lezayre Road, Lezayre (22.10.2020 & 28.04.2021);
- * 9 Ballaterson Road, Peel (05.07.2021);
- * 45 Waterloo Road, Ramsey (16.07.2021 & 19.07.2021);
- * Belfry House, 17 Brookfield Avenue, Ramsey (07.10.2020);
- * 2 Glen View, South Cape, Laxey (17.11.2020 & 30.04.2021);

5.15 Full details of the comments can be viewed on the Planning Departments Website. In the summary the objections are summarised as;

- * Infrastructure in Ramsey isn't conducive to further developments of this site, including local amenities, school, medical etc.;
- * Is a site of this size really needed;
- * It extends on to land that is very clearly countryside and that can be admired as being countryside by passers-by on a busy road;
- * Use up existing town spaces/renovate/rebuild in town before stretching out into the countryside;
- * Planning approval on this site was previously refused;
- * Highway safety concerns of new access onto Lezayre Road, where traffic is at high speed;
- * once the countryside fields are built on, there is no going back;
- * Lezayre Road also already struggles daily with traffic often backed up as far as Parliament Square and gardeners Lane from the schools particularly at opening and closing times;
- * The proposal doesn't comply with the West Ramsey Development Framework 2004;
- * Curlews, a rare and protected bird nest in adjacent fields to site which will be impacted by light pollution, noise, cats & dogs;
- * The Auldyn River has always acted as an excellent barrier between Town & Country;
- * The traffic survey was undertaken in winter when traffic speeds are lower; very few vehicles travel below 50mph;
- * Loss of flood plains with concrete and tarmac will result in massive surface runoff into Sulby River instead of fields;
- * Brown field sites in Ramsey should be developed first;
- * The proposed development breaks natural drainage from Sky Hill to the Auldyn and Sulby rivers and is partly on and adjacent to areas recently defined as at high risk of fluvial flood;

- * the proposed access route is that it introduces a significant volume of additional vehicular and pedestrian traffic to a busy main road on the TT course immediately beyond a blind bend at a known accident blackspot;
- * There is no footpath on the South side of the road and the footpath to the North is narrow and in poor condition although widening and re-laying is proposed by the Applicant. This would still not allow safe access to the footpath from existing residents to the South;
- * There is a bat colony present in the protected trees on either side of the road in front of the proposed site and the impact on it would be severe;
- * Any mitigation to this flood risk on the site would obviously displace groundwater to the adjacent area we live in and to the residential area in the lower part of Glen Auldyn;
- * any rise in water table would lead to our soakaways backing up and failing;
- * note the change to the proposed access route which makes it marginally safer but does not mitigate the impact of massively increased traffic to the Lezayre Road and the local schools;
- * Harmful effect of this proposed development on Wildlife and Farming;
- * The 1991 Review of the 1982 Plan states it is no longer considered appropriate for development due to its importance as a Buffer Zone" (i.e. effectively Green Belt) "between the built environment of Ramsey and the area of Sky Hill.";
- * These fields are very good Agricultural Land;
- * You should also bear in mind that while fields affected by ground water can be kept in good heart by field drainage and mole ploughing, this is not remotely possible if the said fields are covered in houses and roads;
- * The TT Course as the sole access for 181 new houses is unsatisfactory, as when the road is closed, not only is access denied for vehicular and pedestrian traffic but also for any emergency vehicles which may need to access any one of the 181 houses;
- * the present Island Footpath Network is impossible to maintain, it is really most ungenerous of the developer to add to this burden on the Highways Board in order to enhance the visual attractions of his scheme;
- * The West Ramsey Development Framework states that the access to the site was proposed via a new road from a new roundabout on Gardeners Lane. It was also stipulated that before any development West of Gardeners Lane (let alone beyond the Glen Auldyn River) a "Distributor Road" must be provided to link Gardeners Lane, North of the old railway line with the centre of Ramsey. This road has still not been started;
- * None of the environmental surveys make any mention of adjoining land and we as neighbouring landowners were not made aware of any surveys nor were we ever approached. Had we been approached, we would have pointed out that there is a fenced off Conservation Area in the field South-West of the boundary of the area of this application (field 134285) where for many years Curlew have successfully nested;
- * This proposed building site is more than half a kilometre beyond the existing urban areas West of the Town in the remaining "Dark Sky" of the Island;
- * The site immediately adjoins an area described on the 1982 development plan as being of "high landscape or coastal value and scenic significance";
- * It is now proposed to completely remove over 500 feet of trees and hedgerow on the South edge of the site. This proposed removal of historic and characteristically un-manicured Manx hedgerow is apparently justified as an improvement to the entrance;
- * The Consultation for the forthcoming area plan for the North and West of the Island has now started. In the light of this Consultation, any decision to approve this application would be premature and very worrying;
- * The existing population projection and its related future housing needs is now considered out of date and an overestimate;
- * The developers' clear wish to get their application approved in advance of adverse findings by the current Area Plan Consultation, we trust will be firmly resisted;
- * Comment is needed on the bird and bat survey, technical notes and mitigations. These creatures will undoubtedly be decimated by the removal of hedgerow and the loss of the wild space and wetland such an intensive housing development would replace, not to mention the

light pollution at night, affecting every wild and farm animal and the environment they rely on to survive;

- * There will be noise, light at night, dogs and cats and general human activity and we know many house owners would not tolerate the bird mess created by any bird brave enough to nest in such an intensive housing site;
- * Section 11.2 of the 1982 IOM Development Plan requires to give regard when consider whether to approval of additional land for the use applied would be premature by virtue of there being land elsewhere with approval which is not yet developed for such use of the proposal would not form an extension of an existing developed area; has all the sites within the town be exhausted if not this application should fail; also site is clearly separate from the present built up area;
- * Further the 1982 references "Sequential" approach to the provision of new housing be undertaken;
- * The IOM appointed JBA consulting to prioritise list of locations at risk from flooding and a key recommendation was made which was the resulting strategy should be used to inform future investments and planning decisions at all scales, West Ramsey is identified as an area at risk of flooding;
- * The Strategic Plan seeks to prevent the loss of nature flood plain and to guide development away from areas at risk from flooding;
- * It cannot be acceptable to apply mitigation to this site and increase risk to existing properties in area;
- * Contrary to general Policy 2 (L) i.e. is not subject to unreasonable risk of erosion or flooding;
- * It would appear premature to approve the development of a further 164 homes on "Greenfield" land before the Area Plans and most up to date informed position has been received;
- * It appears that no consideration has been given to provide for emergency access/egress during known sporting events road closures;
- * Within Chapter 7 Environment of National Strategy Evidence Report it states; There may be serious consequences for some parts of the Island's coastline and inland areas particularly those areas at low level and close to natural flood plains as well as other areas which are prone to erosion, particularly the north west and north east coastlines. All areas known to be subject to flooding will be shown on Area Plans;
- * Pedestrian safety concerns;
- * Traffic during rush hour is fast on this section of the TT course, and during TT and Manx Grand Prix it can take in excess of 5 minutes to safely exit the driveway, The sweeping bends approaching the house from Sky Hill encourage speed and the straight out of Ramsey offers good visibility which encourages vehicles to speed and frequently overtake before the bend at Pinfold Cottage;
- * There is a local bat colony that roosts in a neighbour's house and in the hedgerow immediately opposite the house. However, this development will lead to the removal of an existing roosting site, when established hedgerows are cleared to create sight lines for the proposed intersection, and significant disturbance to another as a result of associated light pollution;
- * It is recognised that these fields are zoned for development, and the beauty of this rural area and wildlife would be very much missed. However, the existing zoning indicated on the 2004 West Ramsey Development Framework explicitly states that vehicle access to the estate should be via a new roadway to the north of the development, with no provisions for vehicle access directly onto Lezayre Road;
- * The revised planning application does address the positioning of the access road which was of serious concern to us; the proposed alternative would be welcomed;
- * Climate change models all predict a high chance of increased flooding; no modelling has been completed for information, or flood risk assessment provided as part of the application;

- * We met with a Dandara representative on 21st October 2020 along with residents of the other affected households in the area to discuss the safety concerns we all have regarding the position of the access to the proposed new estate; however we still do not feel that our safety entering and exiting our property is being considered fully;
- * The Dandara representative agreed that there is an issue with speed and visibility on this section of Lezayre Road and acknowledged that due to no pedestrian pavement being available on the Sky Hill side (south) of Lezayre road, safety measures and a permanent speed limit reduction to 30mph will be imposed before any construction works commence;
- * There is a prohibition order that forbids new estate access on to the TT Course however this seems to have been overlooked by the developer;
- * We proposed they revert back to the original access plan as noted in the framework plan at the north side of the development. This was immediately dismissed as Dandara are unable to change the access route due to funding unless the Government are prepared to fund it. We therefore feel that the developer's profits are more important than the safety of all road users and pedestrians;
- * There are also owls that hunt in the area that may also be disturbed and lost by further residential expansion;
- * We have a bat colony living in the roof space of our house and they exit to the roost is directly in line where car headlights will be pointing when exiting the proposed junction to the new estate and it has also been pointed out by the developer that the junction will be illuminated with street lighting that will cause further light pollution. We are very concerned that the bats may abandon their young;
- * We do not object to the development, but we object to the access point, not only for the safety of other cars and pedestrians but ultimately they are denying us safe access to a pavement and by complicating access to our driveway, the developer is denying us safe and lawful use of our land;
- * Will increase urban sprawl out of Ramsey;
- * The impressive scenery as you drive through Ballakillingan and Milntown resembles a great park and it is the Manx countryside at its best and should be retained;
- * The latest census data demonstrates that no new further residential developments are required in the north;
- * The Area Plan for the East revealed that 'housing need; as defined in the Strategic Plan is woefully out of date and therefore the housing needed defined in Housing Policy 3 is incorrect, only 2,718 households are required rather than 5,100;
- * Housing Policy 3 indicates that 15% of these households are required in the north which equates to 408 households between 2011 and 2026 in the north, the Residential Land Availability Study states that 407 approvals have occurred in the north for 2011 (490 households if windfall sites are included) and therefore the housing need has already been provided;
- * Environment Policy 1 seek the countryside is protected for its own sake;
- * The Strategic Plan, mandates that a sequential approach is applied to development, such as brownfield sites must be used first to meet any housing need;
- * Proposal is detrimental to the UNESCO's biosphere objectives;
- * The Strategic Plan is contrary to Strategic Aim mandate - in this context there is evidence that indicates there is no present need for the proposed development, while the development degrades the natural environment this compromising the ability of future generations to meet their own needs;
- * Greenfield development should not be permitted where there is no evidence need and alternative sites closer to or within existing urban locations;
- * Contrary to the agreed phasing of the Ramsey Development Framework;
- * Loss of a site of a nationally important battle is inexcusable when other options for development exist;
- * Planning Circular 3.92 states Manx hedges should be retained;

- * There has been no effort taken to measure the embodied carbon cost (in terms of construction and raw materials) and lifetime carbon footprint of the proposed development;
- * This road is not built for this large volume (300cars/vans from this development everyday);
- * Reducing the number of dwellings makes no difference;
- * Travelling out along this road is the start if the green area and surely we should not be developing on these precious pieces of land;
- * I note that this application is 'justified' in terms of population and housing predictions made by Isle of Man Government, predictions that have already been severely challenged in the draft Area Plan for the East in the light of the fact that their basis is not supported by population figures obtained at the 2016 Census;
- * The need for this housing in Ramsey is not otherwise justified or proven in terms of Ramsey itself;
- * As such the development at this time represents an isolated cul-de-sac in the countryside unrelated to existing development and likely to cause problems to existing Lezayre Road highway users particularly in the absence of any link to bypass the latter when it is in use as the TT race course;
- * Moreover to proceed out of phase now with this amount of housing without any commensurate employment development is prejudicial to the proper consideration of the Area Plan for the North and West now in the course of preparation;
- * In terms of the landscape in particular from the A10 Mountain Road it will appear isolated and out of keeping with the landscape. There is no justification for taking the site out of agricultural use;
- * The Auldyn river and its tree lined banks forms a natural boundary to Ramsey Town. There is no substantive reason to breach that natural boundary;
- * This is backed up, demographically and in terms of housing need, by the recently published initial Publicity for the Area Plan for the North and West, which reveals that there is not real need for additional housing in the above Area, certainly until the year 2026;
- * Albeit the access point has been relocated, the amended plans still show the loss of most of the trees on the northern side of the Lezayre Road along the boundary;
- * Site will entirely depend on car travel;
- * The area proposed for this development is in a beautiful area and will be detrimental to the environment;
- * The houses built will end up in the hands of private investors and will be priced out of reach for the first time buyer and average couple;
- * There needs to be better managed house building that is affordable and accessible to people who want to get on the property ladder;
- * Stop property being snapped up by investors who in turn rent them out to people at extortionate rates. It's time for the Island to face up to there being a housing shortage and we are going about it the wrong way;
- * Loss of trees due to cable positions;
- * Vegetation along boundaries being removed;
- * Moving the access doesn't overcome the highway safety concerns;
- * Housing not in keeping with the area;
- * Impact on wildlife and nature would be devastating;
- * Our government (Island Plan) have expressed that there should be more developments on brown field sites rather than on good quality green field site which are also good quality farm land;
- * Using attenuation basins on this development would be a signal that the developers have now acknowledged that this area is on a flood plain;
- * 2nd January 2022 saw the Bird Society record 46 species of birds including 9 new species in and around this development area;
- * Who will maintain attention basin;
- * IOM has pledged to protect climate change and protect nature yet developers want to destroy this piece of nature;

- * There are 500 empty properties in the IOM;
- * The land is low lying and land is constantly wet;

6.0 ASSESSMENT

6.1 APPROACH TO ASSESSMENT

6.1.1 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, including tree loss;
- (c) Potential impact upon neighbouring amenities;
- (d) Potential impact upon highway safety / Parking provision / Travel Options;
- (e) Potential drainage/flooding issues;
- (f) Potential impacts upon ecology;
- (g) Affordable housing provision;
- (h) Open space provision; and
- (i) Archaeology interest

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

6.2.1 The first and one of the main issues relating to this application is the principle of residential development on this site, namely on fields 134282 and 134284. As outlined within the planning policy section of this report the relevant fields are proposed for residential development under the IOM Development Plan 1982 Order which has been in force for 40 years. The 1982 Development Plan was the Isle of Man's first statutory Development Plan to be approved by Tynwald. This remains in operation until such time as it, or parts of it are replaced by new Area Plans.

6.2.2 Since this time the Ramsey Local Plan has been adopted in 1998 and while this designated land to the north of fields 134282 and 134284, the boundaries of the Ramsey Local Plan do not include the above two fields.

6.2.3 In 2004 the West Ramsey Development Framework (WRDF) was published by the Department (not approved by Tynwald) following consultation. This document constitutes as supplementary planning guidance which is in accordance with the Ramsey Local Plan and to which the Department will have regard in the determination of planning applications submitted in relation to the West Ramsey area. This approach is outlined within paragraph 1.3 of the WRDF. The WRDF was written to provide an overall development framework for the development of the application site and surrounding land i.e. essentially gave a Development Brief for whole area and possible phasing of development

6.2.4 The WRDF does state:

"Beyond the Town boundary to the west, in the Parish of Lezayre, there is further land zoned for development on the 1982 Development Plan. This development is not expected to take place before that within Ramsey, but the Development Framework has been prepared so as to be capable of accommodating, if necessary, further development to the west in the long term."

6.2.5 However, soon after 2004 when the WRDF was approved, Manx Utilities who at that time had responsibility for producing flood maps, produced such maps (updated since this time) which demonstrated that large parts of the WRDF sites were within High Risk Flood Zones, namely the land to the north of the Former Railway Line (Areas 1, 3, 6, 7 & 5 on the WRDF). Accordingly, the Framework which sought large scale development throughout the

West Ramsey area is now within high flood risk areas, where there is generally a presumption against such development (Environment Policy 13).

6.2.6 Accordingly, from the information now known, in terms of the high flood risk implications it is unlikely that the aims of the West Ramsey Development Framework are likely to be fully achievable given the significant flood implications. The majority of approvals to date have been isolated to Areas 2 (outside flood area) and 4 (completed before the flood maps where produced). The current application site which proposes residential development is one of the last parts of the WRDF area to be developed which is not within a High Risk Flood Zone.

6.2.7 For information and given a number of comments have raised that the site should not be accessed from a new access, but from a new distributor road to the east of the site. The West Ramsey Development Framework did include the potential for a distributor road (please see Section 17.0 Phasing). Paragraph 17.2 states:

"The development of areas 2, 3 & 4 as shown on the key diagram, must include highway and infrastructure to support the level of development proposed and make provision to ensure that the distributor road links into the development of area 1, as shown on the key diagram, and the remaining land to the west of the Auldyn River, as noted as 5 & 6 on the key diagram."

6.2.8 To connect the application site to the rest of the WRDF area to the east, this would require a new road from the proposed new housing through parts of the fields to the north of the former railway line (though high flood risk areas) and a road bridge across the Sulby River to the existing estate road north of Auldyn Walk.

6.2.9 In the public forum (Public consultation event) potential plans to develop Area 1 of the WRDF for mixed development were shown which would include a distributor road. No application has been made on this site and therefore this has no planning weight at this time. However, this current planning application would not prevent such distributor road being constructed; albeit the current proposed development would not be connected to it.

6.2.10 Accordingly, while the West Ramsey Development Framework is a material consideration, the facts are that given the flood issues which have arisen since its approval in 2004, there are limitations/significant difficulties to fully achieving the aims of this document, which essentially were a guide to how the area could be developed. It is not considered the application should fail on the grounds that it does not fully accord with the West Ramsey Development Framework for the reason given.

6.2.11 since the adoption of the IOM Development Plan 1982 Order the Isle of Man Strategic Plan has been adopted (June 2007 & 1st April 2016). Within this document Strategic Policies 1 & 2 require that new dwellings be located within existing sustainable settlements. Spatial Policy 2 also indicated that outside Douglas development will be concentrated on a total of five Service Centres to provide regeneration and choice of location for housing, employment and services, one of these service centres is Ramsey. The site where the housing is proposed isn't within the settlement of Ramsey, the sites to the north and east are however within the boundary of Ramsey; it is within the Parish of Lezayre. It does immediately adjoin the boundaries of Ramsey and it is noted that Ramsey sought to incorporate the site within the Ramsey Boundary Extension Report 2020. However, currently as mentioned, the site is within the Parish of Lezayre and not within an established settlement (i.e. Sulby etc.).

6.2.12 In terms of housing need, more recently the update to the Isle of Man Strategic Plan 2016 has been undertaken and adopted, which identified that a total of 770 new dwellings is required to be provided between the years of 2011 to 2026 in the north of the Island alone.

Given Ramsey is regarded as the main Service Centre in the north of the Island, it is reasonable to consider the majority of these dwellings are likely to be provided in Ramsey, especially given designated residential land is still available under the Ramsey Local Plan which was adopted in 1998. Having said this, the part of the application site which accommodates the proposed dwellings is not within Ramsey.

6.2.13 It is noted that the Preliminary Publicity for the Area Plan for the North and West of the island has been undertaken. 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 too, it therefore has very little, material planning weight attached to it.

6.2.14 However, whether the site will or won't be designated for development in any future area plan for the North & West, the fact remains it is still designated today under the IOM Development Plan Order 1982. Accordingly, as with other recent approvals for new housing in the North of the Island recently (Jurby, Andreas & Sulby), the Department must base its decision on current extant planning policy which currently designated the majority of the site for development, and namely fields 134282 and 134284 for proposed residential development. Accordingly, given the above reason it is consider the principle of developing fields 134282 and 134284 for residential purposes is acceptable. This is not an automatic reason to allow development as further material planning matters as indicated previously need to be considered, to determine if 138 dwellings on the site are appropriate.

6.3 THE POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE AREA, INCLUDING TREE LOSS

6.3.1 In terms of the potential impacts upon the visual amenities of the area, it is considered the development will be publically visible from a number of locations along the Lezayre Road to the south and from the former railway line (this section is not a public footpath) which runs through the application site, and along the northern boundary of fields 134282 and 134284 which would accommodate the new dwellings.

East views of Pinfold Cottage

6.3.2 There are perhaps two sections along Lezayre Road; the first runs from Pinfold Cottage to the east towards the junction of Glen Auldyn road and Lezayre Road meet and the second area from Pinfold Cottage in a westerly direction along the Lezayre Road.

6.3.3 From the first area, this is arguable one of the areas which will change significantly, namely given the loss of the roadside trees. Issues on the ecology impacts by this loss will be considered later in this report. However, from a visual impact no one should be under any illusion that the impact will be significant. The applicants Arboricultural Impact Assessment states: "...will result in significant visual impact and loss of canopy cover...". The main reason for the loss of the road side trees which are designated as "G1" and 4 addition trees (T1, T2, T3 & T4) within the submitted Arboricultural Impact Assessment (AIA), is to provide the required visibility splays for the new access onto the Lezayre Road. Within this group; plus the additional 4 trees, there are a total of 38 trees to be removed, made up of Category U and C trees and being 24 Ash trees, 12 Wych Elm and 2 Sycamore. While individually the trees are not highly rated, as a group "G1" they have an overall Category B rating. Unfortunately, the majority of the Ash trees (21) have been identified of possible Ash Die Back Disease and therefore irrespective of this current planning application is like need to be

removed/die in the next 2 to 5 years. Within this same group there are also 6 trees which are U category and recommended to be removed now for good management (5 Ash & 1 Wych Elm). Accordingly, whether this development proceeds or not, there is likely to be significant changes in the visual appearance of this section of Lezayre Road due to tree loss in the coming years. Further, the removal of any hedgerow does not require planning permission or a tree felling licence. Of course the proposal would still require the removal of approximately 11 Wych Elm and 2 Sycamore which otherwise may not need to be removed to facilitate the development along the road side.

6.3.4 The Department sought additional questions to the Forestry Division asking if all the Ash trees were removed due to Ash Dieback how would this affect the remaining trees (11 Wych Elm and 2 Sycamore) and would they survive or given they would be more exposed would they potentially die anyway. In response the Forestry Division commented; "If the development did not go ahead it is likely that the ash trees would be removed more gradually. This would allow other trees amongst them to adapt to the increased exposure, so they would stand a better chance of being able to be retained. The elms, however, are at high risk from Dutch elm disease. The disease is rampant in this area at the moment and if resources are limited next year our efforts to control the disease are likely to be focussed in other areas (where we have a better chance of success). So overall the prognosis for this row of trees is pretty poor in the long term."

6.3.5 Due to this tree loss this will open the site more and the proposed dwellings will be visible from this section of Lezayre Road. Part of the application includes new tree planting along the road side (where currently group G1 mainly exists) which is made up of 30 trees ranging (mainly 18 Sessile Oak 3 to 4m in height (14 to 16 cm in girth) and a mixture of Gean/Wild Cherry, Beech, Silver Birch & Pedunculate Oak). A hedgerow is also proposed to be planted along this roadside section of the site (behind visibility splays).

6.3.6 With these trees in place there will be some mitigation planting, albeit will take a number of years to be as established as the current roadside trees. The dwellings are set back into the site (min 21+ metres from the public highway) and the dwelling on plots 1 to 14 (southerly most section closest to Lezayre Road) are single storey bungalows.

6.3.7 When viewing the site from the area around the junction of Glen Auldyn Road and the new access to the site views are more open and look towards the full extent of the western boundary of the site. The existing mature hedgerow will certainly mitigate the lower/mid parts of any dwelling along the western boundary (19 dwellings face this boundary) given the height of the hedges. However, the upper parts of the dwellings along this western boundary which are made up of single dwelling and two storey dwellings will be apparent, especially the two storey dwellings. There is new roadside planting to either side of the new entrance to the site which will also help mitigate the visual impact of dwellings from this area of Lezayre Road. However, partial views of the dwellings along this boundary will be apparent; albeit from a distance across the neighbouring undeveloped field 134281 (east of application site).

West views of Pinfold Cottage

6.3.8 The second area of interest i.e. from Pinfold Cottage in a westerly direction along the Lezayre Road, the application site is set below that of Lezayre Road. Further, the proposal does not involve any works within the adjacent Field 134285 and this will remain this agricultural field between the development site and Lezayre Road. Furthermore, the existing mature hedgerows along the southern boundary of the site will remain and be reinforced with additional planting. The westerly most dwellings (plots 80 to 84) would be detached bungalows. When viewing from this area of interest (Lezayre Road) the new dwellings, namely the two and two storey with dormer accommodation, will be apparent, albeit given

the existing and proposed landscaping the ground floors of these properties would be screened. However, the upper sections will be apparent, albeit at a distance of approximately 160m (dwelling on plot 50) and 225m (dwelling on plot 80) to the nearest points on Lezayre Road.

6.3.9 Overall, in relation to the visual impact from the various views from Lezayre Road towards the site; the applicants have considered the visual impact from these sections of Lezayre Road and have tried to mitigate the visual impact. The setback of the dwellings to the eastern, southern and western boundaries of the site which in turn has helped in turn retain the majority of existing mature boundary landscaping to the existing fields which provide a good level of initial screening of the site, with new landscaping proposed in and around the boundaries of the site to reinforce the existing or replace landscaping lost, namely roadside trees to southerly most point of site. Further, the level differences of the site and Lezayre Road (site is generally lower) will help reduce the visual impact and the heights of dwellings, namely along the southern boundary being in large part bungalows along the boundaries will also help mitigate any harm.

6.3.10 Further, it is perhaps worthy to note that currently when travelling along this section of Lezayre Road from a Sulby direction (easterly towards Ramsey) the area is characterised by agricultural fields to the north and south, then Pinfold Cottage (albeit unoccupied) to the northern side of Lezayre Road (adjacent to application site) and the six detached bungalows are located to the southern side of Lezayre Road opposite the application site. Once these properties are past there is the Milntown Estate and industrial/commercial buildings which are all at the edge of Ramsey Town Boundary and currently the end/start of built development.

Former railway line views

6.3.11 It is noted that the former railway isn't currently a public right of way. Visiting the site it was noted that currently the former railway line to the north of the site is overgrown and impassable. This can be overcome; however, more difficult is the land (former railway line) to the east and west of the site is land outside the applicant's control (Manx Utilities & potentially Lower Milntown Farm). Further a new pedestrian bridge would need to be installed over the Sulby River. Therefore there isn't currently a public right of way from this area of the former railway line to the Gardners Lane entrance to the former railway line which has just been upgraded. However, whilst there are no public views currently from the former railway line; given there maybe the potential for it to become one; it is considered worth of consideration now.

6.3.12 There are no dwellings proposed immediately adjacent to the former railway line (northern boundary of development site) and the existing mature landscaping along the northern/railway line boundaries would be retained. There is also new landscaping proposed along section of the development site. Again the setback position of dwelling, existing and proposed landscaping along the boundaries of the railway line will all help reduce the visual impact of the development from these views. However, given the level of development it cannot be argued there wouldn't be any visual impact, there will. However, given the above and layout of the new housing development it is not considered the visual impacts would be so great to warrant a refusal.

6.3.13 Overall, the fact remains the site which is currently made up of agricultural fields and therefore characterised as a parcel of undeveloped land on the outskirts of Ramsey will visual change significantly to a residential housing development and arguably will appear more as an urban extension of the settlement of Ramsey; albeit the Ramsey town boundary is 200m to the east of the new access of the application site. However, visually the works will appear as an extension, which is presumed why the site was designated for development. The appearance of housing development on the edge of a settlement boundary is not new; this has occurred a number of occasions, specifically in this area when the new housing was

constructed at Greenlands Avenue, Greenlands Park, Greenland View and Lezayre Park a few decades ago; hence again why the land has been designated in the past. It would clearly have been considered and accepted that designating this land for development would consequently change the character of the existing agricultural fields to housing development; albeit this is not an automatic reason to approve the application and it still needs to be considered whether the visual impact is appropriate. However, for the reasons indicated within this section of the report; it is considered the design, layout, landscaping and housing sizes/types all ensure the works would not affect adversely the character of the surrounding landscape townscape and would respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them complying with General Policy 2.

6.4 POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES

6.4.1 The residential properties potentially most impacted by the development would be those immediately to the south of the site (Glen Link, Altadale, Underhill, Scacafel, Glen End & Conway) and Lower Milntown Farm to the northeast of the housing development site.

6.4.2 Generally, the main issues relating to the impacts upon residential amenities are; overbearing impacts upon outlooks, loss of light, and or loss or privacy. In relation to these aspects, it is considered given the distance the new properties would be from any of these neighbouring properties, landscaping (new/existing) between and layout, design and siting of the new dwellings, it is not considered the proposed development from these respects would have any significant impact to warrant a refusal.

6.4.3 There was initial concern (traffic coming and going and car lights) of the new access to the site being directly opposite the neighbouring property "Underhill" to the south of the site. However, following discussions between the applicants and neighbours this was moved to its current position, with the access/exit point being opposite an agricultural field.

6.4.4 It should be noted any loss of view, impacts through construction period or impacts upon the value of a property is not a material planning consideration which can be considered as part of this assessment.

6.4.5 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.

6.5 POTENTIAL IMPACT UPON HIGHWAY SAFETY / PARKING PROVISION / TRAVEL OPTIONS

6.5.1 The proposal upgrades an existing field gate entrance with a new two lane access road. The proposed access would have visibility splays of 2.4m x 90m in an easterly direction (Ramsey) and 2.4m x 160m in western direction (towards Sulby).

6.5.2 Firstly the potential highway implications by the development on the existing highway, the applicants provided a detailed Transport Statement as part of their application, prepared by Bryan G Hall Consulting Civil & Transportation Planning Engineers. The submission also includes a Travel Plan which comments on transports links to and from the site.

6.5.3 The submission also mentions how the Former Railway Line will be upgraded to accommodate cycle and pedestrian link; albeit noting that it is not connected into the remainder of the local transport network at present; albeit it notes the IOM Government has aspirations to provide a pedestrian and cycle link along the remainder of the former railway. However, the upgraded works proposed (cutting back overgrowing hedgerows and creation

of a 3m wide route, will ensure this will be in place should the other part soft hew former railway line be connected. They plan also indicated that all internal roads are designed for low speed 20mph and shared surfaces 15mph.

6.5.4 The Plan refers to and considered the IOM Active Travel Strategy and the applicants Travel Plan proposes to implement measures which support the strategy. The Plan also indicates that the site being within 2km of Ramsey Town Centre, schools and facilities are all within the ideally range when a person is will to walk for the specific purpose and therefore it is more people will walk rather than use a car. Further the site is within a 5km catchment of Ramsey and therefore again it has been demonstrated (UK Development for the Environment Publication 1996) that journeys by cycling within 5km are more likely to occur. For reference Ramsey Town Hall is approximately 1.2km from the site. The Travel Plan also identifies that the existing bus stop (Lezayre Road junction with Glen Auldyn) is within walking distance of the site and a number of bus services stop at this location on an hourly bases (2hrs in evening and weekends).

6.5.5 The applicants indicate to consider the success of the Travel Plan, a Travel Plan Co-Ordinator will be appointed by Dandara Homes (applicant's) to ensure the Travel Plan is fully implemented and will be in place before the site is marketed to travel information is made available on promotional literature. To measure this, an initial Resident's Travel Survey will be undertaken upon full occupation of the site in order to determine baseline travel patterns and the data collected will be used to identify appropriate Travel Plan model split targets in consultation with the IOM Government. The targets will be included on a updated version of the Travel Plan with aims to increase awareness among residents of the advantages of an potential for travel by environmentally friendly modes of travel and health benefits, to reduce the number of single occupancy car trips; and to encourage residents to adopt sustainable modes of travel for journeys to and from the site. This Plan will include a "Welcome Travel Pack" for watch new residents, promote car sharing website, provide pedestrian access to the site (improvement of footpath along Lezayre Road), and a Travel Plan Coordinator to manage and implement the Travel Plan.

6.5.6 Highway Services have considered the application in details and their detailed comments can be read in full on the planning website. In summary they have considered the applicants Transport Statement and relevant plans which considered; visibility splays and tracking, Travel Plan, Road Safety Audit Stage 1, the forward and junction visibilities and amendments to the swept paths within the site to ensure bin wagons/fire appliances can access and manoeuvre in the site and therefore complying with Community Policy 10.

6.5.7 In terms of highway safety, the main area of concern raised an access onto the Lezayre Road. Highways Services have considered this aspect commenting (28.04.2021); "Visibility splays on exit are to be altered due the proximity of the 30mph speed limit. That to the right on exit is to remain at 2.4 x 160m and that to the left 2.4 x 90m; although 120m is achievable at a 0.5m offset. As the site junction falls entirely within the 50mph speed limit, the 120m extents are necessary. The offset of 0.5m is acceptable given the road alignment and driving practices at this location. Right turners into the site would be seen from 90m away by approaching drivers from the west and those waiting to turn right into or out of the site 120m to the west. There are acceptable sight distances for a driver to stop. We remain open to the Applicant sponsoring a reduction in the 50mph speed limit to a 40mph passing the site."

6.5.8 Highway Services have sought new provision for a bus stop is provided along the eastern boundary of the site stating; "28.04.2021 - A new concern is access to conventional bus services and bus stops, particularly on potential increase in numbers requiring bus use; there is no footway or

platform for those needing to use stop serving passengers from Ramsey in the vicinity of Glyn Auldyn Road and no space to provide even a platform. The existing Ramsey bound bus stop is currently on the river bridge where the pavement is relatively low and not very wide. There is an opportunity for the Applicant to provide enhanced bus stop provision (half-layby/Kassel kerbs/shelter base) at the eastern boundary of the land ownership area which would provide an increased waiting area and safe haven for anyone wishing to travel east or west. bus vannin and us request that this is considered and provided..."

"16.11.2021 - Additionally, the revised site plans show no provision had been made for enhancements to bus stop infrastructure raised in the HDC response on 28 April 2021. It is considered that given the constraints to providing westbound provision, it is essential for installation of those to the for the eastbound direction of travel to improve accessibility, connectivity and choice for non-car methods of travel. This would include the layby and other associated facilities in advance of the bridge. To ensure the inclusion of bus infrastructure, HDC seek a Grampian condition for details to be provided for approval prior to commencement with installation prior to first occupation to any consent granted."

6.5.9 The applicants have indicated that they would be content with a Grampian styled conditioned which would require either no development commencing or no dwelling could be occupied until a new bus stop scheme is approved and completed (or timescale to be agreed).

6.5.10 Highway Services have indicated that they have no objection to the application subject to the conditions listed which in summary include details for (email dated 04.04.2022);

"I suggest conditions below based on:

* the site layout - Drawing No: 01/01 Rev H uploaded on 10 Dec

* Byran G Hall Updated Transport Assessment - Access Arrangements Drawing No: 12/112/TR/006 Rev D

* BGH Internal Junction Visibility and Forward Visibility on Bends 12/112/TR/010-013 Rev A. Note that the BGH drawings are based on Site Layout Rev E.

- a) Provision of Lezayre Road access junction and associated works, including footway widening and visibility splays.
- b) Provision of internal streets and junctions, including visibility and turning heads.
- c) Before any dwelling unit is first occupied streets, including road, paths and cycleways shall be constructed to binder course surfacing level from the dwelling unit to the adjoining public road at Lezayre Road in accordance with phasing plan to be submitted and approved prior to commencement.
- d) All paths and cycleways shall be fully surfaced in accordance with the phasing plan to be submitted and approved prior to commencement.
- e) Provision of pedestrian and vehicle elements of plots - accesses, driveways, paths, hardstanding, car parking spaces.
- f) Retention of garage /car parking spaces (if appropriate)
- g) Installation of bicycle parking within sheds for non-garaged plots.
- h) Installation of bin storage on plot.
- i) Details to be submitted and approved prior to commencement of:
 - i. Phasing plan.
 - ii. Pedestrian kissing gate - Lezayre Road
 - iii. Path along dismantled railway, including layout, surfacing and connecting arrangements
 - iv. Path along riverside, including layout, surfacing and connecting arrangements
 - v. EVCPs to each plot, position and type
 - vi. Construction method statement
 - vii. Addendum to Travel Plan for its implementation to be linked to the phasing plan to be submitted and approved.

- j) Drainage - as required by from DOI FRM and Highway Drainage.
- k) Grampian for bus stop layby and infrastructure north side of Lezayre Road between site access and bridge."

6.5.11 Accordingly, it is considered the application complies with Strategic Policy 10 by being located and designed 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. These are all met by being located within walking distance of Bunscoil Rhumsaa primary school (550m away - 6mins walk time) and Ramsey Grammar School (750m - 9min walk) and Ramsey Town Centre/Hall (1300m - 16min walk). Further, with pedestrian integral links within the site joined to existing public footpaths to the east of the site, which include improvements with a 2m wide new pavements along site frontage. Also with the above in mind the proposal would also be located close to existing public transport facilities and routes and comply with Transport Policy 1

6.5.12 The inclusion of the potential bus stop improvements and the upgrading of the new footpath also comply with Transport Policy 2.

6.5.13 In relation to the Former Railway Line, a condition should be attached which include details of how this is to be upgraded to an appropriate standard. Further, the proposed development does not compromise its attraction as a tourism and leisure facility or their potential as public transport routes, or cycle / leisure footpath routes. Accordingly, the proposal would comply with Transport Policy 3.

6.5.14 the proposal would provide safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space and does not have an unacceptable effect on road safety or traffic flows on the local highways complying with General Policy 2. It has been designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by the development in a safe and appropriate manner and therefore also comply with Transport Policy 4.

6.5.15 Each of the proposed dwellings would have least two off road parking spaces, some fronting the properties and some set slightly away from the dwellings. This is 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. While in some locations this is less successful (i.e. terraced plots within the site), the applicants have tried to mitigate the impact with the use of tree planting between these parking areas to try mitigate the impact. However, overall the parking provision for the development complies with the relevant IOMSP Parking Standards, and therefor Transport Policy 7.

6.5.16 As mentioned previously the applicant has provided a Transport Assessment and therefor complies with Transport Policy 8.

6.5.17 Overall, it is considered from a Highway Safety aspect, Parking provision and all other relating matters indicated within this section of the report, it is considered the proposal would be acceptable complying with all the relevant policies stated.

6.6 POTENTIAL DRAINAGE/FLOODING ISSUES;

6.6.1 Within the West Ramsey Development Framework (WRDF) it has been identified that parts of West Ramsey have been previously affected by a combination of river and tidal flooding. The Framework indicates that following flooding in Sulby, the Department of Transport commissioned and received a report on the Sulby River from Bullen Consultants

(November 2002). The conclusions of this report, have where appropriate, been incorporated into the Development Framework.

6.6.2 From these conclusions the WRDF stated that new residential development on the West Ramsey area should be built in a way that protects it from flooding at a level of 5.75 metres above local datum. Consequently, when application 03/00790/B (to the north east of site) was approved a number of conditions were attached. These required full details of flood protection measures and that no dwelling shall be occupied until the flood protection measure are constructed. In terms of a protection measures, an earth bund which would runs along the north, east & west boundaries of Area 3 (north of distributor road) have been agreed with the Department, Manx Utilities and the Applicant.

6.6.3 Since this approval the Manx Utilities and more recently the DOI Flood Management Division have produced up to date flood mapping, which identifies high risk zones from both river and tidal flooding to all of the northern fields (134278, 134279, 134280, 134283 & 134289) within the application site (not proposed to be developed and sections to the fields to the east (134281). Following a number of amendments made to the application following initial concern by the various drainage authorities, the applicants have reduced the numbers of dwellings from 181 dwellings to 138 dwellings and altered the layout of the development to accommodate namely the drainage/flood issues of the site. No dwelling and the majority of all the internal estate roads (with exception of the northern most section of estate road) within the site are within a flood zone. There are parts of the north western POS which are within a Flood Risk by river, albeit this area is proposed to be landscaped with aquatic plants. Further, parts of the Formal Open Space to the northern end of Field 134281 (east of dwellings) are within a Flood Risk by River. While this is perhaps not ideal, the flood maps indicate the extent of a flood with a 1% (1 in 100) chance of happening in any year, which is not high. Further, no structures/buildings are proposed in these locations and therefore the development would not give raise to flooding on or off the site. While, there may be some concern of whether the formal open space proposed is useable as such; is relevant to consider, the fact remains the flood risk of 1% chance of happening each year is relatively low. Further, once the flood water has subsided, it is likely in a matter of a week the site would be useable again (depending on weather conditions). Further, the use of the site in terms of risk to life and damage to buildings etc. is much lower compared to residential development where there can be a high risk to life. In this case risk to life or damage to buildings/structures on this section of the field is likely to be nil.

6.6.4 In terms of the relevant planning policy, Environment Policy 13 indicates that development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted. Therefore given the above reason it is considered the proposal would comply with Environment Policy 13 and therefore from a flooding perspective the application is considered acceptable.

6.6.5 Comments have been made by Lezayre Commissioners (see email dated 13.01.2022 in relation to sewerage is going to be put into the present Ramsey Town Sewer and thus during storm overflow the Ramsey sewer will backup first to prevent the new Milntown sewer taking raw sewerage away. Further concerns are raised that three new sewers are a new surface water sewer (blue) which empties in at four points to a newly constructed waste water pit (like a silage pit) and a fifth outfall pipe which would empty directly in to the Sulby river. In reposes the applicants have indicated;

"We've reviewed the comments from Lezayre PC and, with respect to them, there appears to be serious misunderstandings on their part over how the proposed drainage system will work. For example, the foul sewer will connect to an existing pumping main and be taken to the Poylldooey pumping station, it will not be "put into the present Ramsey Town Sewer" and will not back up during storm events. The newly proposed pumping station is not near the river

as stated, and surface water will not be taken to a "waste water pit like a silage pit". The proposed drainage system has been designed in full knowledge of the area and its context.

6.6.6 It is noted that all drainage authorities have considered all aspects of drainage for the scheme and have raised no objection. Accordingly, given the comments received and as Building Regulation will also consider drainage aspects the Department is comfortable that all aspects of drainage/flood are acceptable.

6.7 POTENTIAL ECOLOGY IMPACTS

Bats

6.7.1 The applicants employed the services of the Manx Bat Group to undertake a survey and produce a report on their findings/recommendations. This forms part of the application. In summary the survey found that the application site is an important foraging site for three species of bats during autumn and is visited by five other species during the course of the summer. Therefore there were eight species of bats recorded over the course of the six monthly acoustic surveys at Lower Milntown,

6.7.2 The recommendations are to conserve the principle habitats used by the bats, namely the hawthorn hedges bordering Field 134282 (located along eastern boundary of housing site - proposed to be retained), the open ditches across the site and appropriate lighting solutions to be employed. There are also recommendations to provide for continued access across Lezayre Road by bats approaching the site from the south or east, along with the provision of bat boxes.

6.7.3 As seen within the representation section of this report (and online) the Ecosystem Policy Team (DEFA) have considered the impacts upon the bats following consideration of Manx Bat Group comments. They confirm that we are happy with the findings of the Manx Bat Group's (MBG) Bat Activity Survey dated 29th October 2020 and the Manx Bat Group's Method Statement for Tree Inspection prior to felling at Lower Milntown dated 16th November 2020 and that a suitable level of assessment has been undertaken. The Ecosystem Policy Team representation (04.03.2022) and can be seen previously within this report summarises these comments and recommendations made;

- * Retention of the two important hawthorn hedges to the east and west of field 134282 - concerns about the proximity of the new road to the hedge condition required to prevent any loss of hedgerow;
- * The roots of the important hedges to be protected during construction, The gaps at the ends of the hedges to be in-filled with new planting;
- * Lighting to be designed to as to not deter bats from foraging along the hedge;
- * The street lighting at the entrance of Lezayre road designed to take into account the existing bat roost
- * Retention of roadside trees (some trees near Pinfold Cottage could be retained);
- * An updated tree protection plan should be submitted;
- * Pre-felling inspection of the trees to be felled by a suitable qualified ecologist;
- * Proposed re-planting at an early stage; and
- * Bat boxes to be considered.

6.7.4 The applicants have either amended the application and/or happy with conditions being attached which are highlighted by the Manx Bat Group/Ecosystem Policy Team. Accordingly, with the appropriate worded conditions attached it is considered the development would sufficiently mitigate the potential impact upon the bat population in the area and proposal would comply with Environment Policy 5.

Birds

6.7.5 The applicants employed the services of the Manx Wildlife Trust to undertake a survey (Technical Note: Birds & Lower Milntown Breeding Bird Survey Report) and produce a report on their findings/recommendations in relation to birds on the site. This forms part of the application. Five separate surveys were conducted on four dates which identified 47 species of bird, of which 32 exhibited some form of breeding behaviour. Recorded on site of note are Barn Owl, Long-eared Owl, Stock Dove & Teal.

* Barn Owl is a Schedule 1 protected species and is a Red-listed bird of conservation concern on the IOM. It is estimated there are currently 10 breeding pairs of Barn Owl on the IOM.

* Long-eared Owl is a Schedule 1 protected species and is a Red-listed bird of conservation concern on the IOM. It is estimated there are currently 15 breeding pairs of Long-eared Owl on the IOM.

* Curlew (not recorded when surveying site but previously recorded ten times in the area) is a Schedule 1 protected species and is a Red-listed bird of conservation concern on the IOM. It is estimated there are currently 402 breeding pairs Curlew on the IOM (declining) and globally classed as 'Near threatened with extinction'.

* Stock Dove is a Red-listed bird of conservation concern on the IOM. It is estimated there are currently 10 breeding pairs of Stock Dove on the IOM.

* Teal is a Schedule 1 protected species and is a Red-listed bird of conservation concern on the IOM. It is estimated there are currently 1 breeding pairs of Teal on the IOM.

6.7.6 The report identifies that the proposed development may adversely impact those species noted. The main potential impacts are; loss of suitable hunting areas, light pollution, noise pollution, direct human disturbances, pets cats and dogs and local traffic resulting in road mortality. The report indicates that recommendations have been made to address and mitigate the impacts in order to achieve 'no net loss' of biodiversity and ideally 'net biodiversity gain' from any development; however, the report notes that the mitigation suggested within this report will only partially mitigate these impacts, as they comment it would be impossible to provide full mitigation and therefore, the 'Compensate' principle would also be required in order to provide 'no net-loss', and ideally to provide 'net biodiversity gain'.

6.7.7 Following these comments the Ecosystem Policy Team and the Department discussed the potential impacts with the applicants who amended the scheme. These measures included;

* The riverside footpath was removed and public access to the north of the railway line was limited. Initially the application included public footpaths being created; however, these have been removed. It should be noted that such a path should be provided in the West Ramsey Development Framework, but perhaps is another example where this is now outdated;

* The Formal Public Open Space was moved from the north of the railway line to field 134281;

* The agricultural land to the north of the railway line becomes subject of a biodiversity management plan;

* Due to changes in housing layout, the area of land identified as marshy grassland can now also be retained and sensitively managed for the benefit of wildlife and the group of trees labelled G6 in the Arboricultural Impact Assessment can and should be retained;

* The old Tholtan is re-roofed, fitted out with nest boxes and fenced off to exclude human access;

* Additional native tree planting in the area which is in the north-east of the site (H9 Mixed Manx hedgerow mix is recommended), this would give greater protection against noise and light pollution to the land north of the railway line;

* Mitigation planting around the boundary of the development site is undertaken as early as possible, prior to the construction of any dwelling, in order to maintain and enhance a tall boundary around the site and to give planting as much time as possible to establish; and

* Artificial lighting is designed sensitively; and

* A number of bird nesting bricks and boxes will be installed across the site.

6.7.8 The above matters should be conditional of any approval. The applicants have indicated they have no objection to such conditions.

Botanical and Habitat Survey

6.7.9 A Botanical and Habitat survey has been conducted by the Manx Wildlife Trust and the site was found to have an overall slightly lower ecological habitat importance from poor semi-improved down to (agriculturally) improved. A wetland area (lower end of botanical interest as it has been regularly ploughed) was identified to the northern part of the development part of the site in Field 134282 (majority of which is not proposed for development).

6.7.10 Feature/species of Note within the application site was found in wet ground in Field 134284 (proposed woodland/ wildflower meadow area) these being 'Yellow Bartsia' as well as colonies of 'Yellow Rattle' (insect) likely to have come from the species-rich meadows to the north of the adjacent railway line. Oak Trees along the railway line also suggest the trees as being particular valuable to wildlife in this area.

6.7.11 No mitigations are proposed as it is not considered the development would appear to have a significant impact upon the botanical and habitat features of the site. Some recommendation have been made, one being the proposals for the attenuation area, marginal planting, woodland planting and wildflower meadow areas. The Ecosystem Policy Team have confirmed they have no objections although have made recommendations, namely conditions which are included in paragraph 6.7.3 of this report.

Overall Ecology impacts

6.7.12 As outlined by the Ecosystem Policy Team, "no development in this area would be preferable" from an ecology standpoint and there appears to be a clear potential impact upon the protected birds mentioned in paragraph 6.7.5 of this report. The only way to prevent such impact is not to develop the site at all. This is of course a matter which the Planning Committee may consider as an option. This it is a negative aspect of the application. However, the site is designated for development and the applicants through planning process have amended the scheme following comments made by the Manx Wildlife Trust, Manx Bat Group and DEFA to try mitigate the potential impacts. It is noted that the Ecosystem Policy Team do not object to the application, but this is subject to a number of conditions being attached which the applicants are happy to undertake.

6.7.13 Accordingly, the proposal would be contrary to Environment Policy 4 as it would potentially adversely impact protected species (namely bird species); however, Environment Policy 5 indicates that under 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. It is considered with the ecologic proposals within the application currently and with appropriately worded conditions; the proposal could be considered to comply with this policy. Arguably it is a matter to balance the benefits of the development against the negatives. Clearly as mentioned, the potential adverse impacts upon the protected species is still a negative on this site.

6.8 AFFORDABLE HOUSING PROVISION

6.8.1 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 138 dwellings

this equates to 34.5 affordable dwellings. A Section 13 Legal Agreement would need to be entered into by the applicant and the Department to ensure the affordable housing is provided. The applicants have proposed 34 dwellings provided on the site whilst the balance of the 25% (0.5 units) will be paid by Commuted Sum. This is acceptable to the Public Estates & Housing Division. The proposal therefore complies with Housing Policy 5.

6.9 OPEN SPACE PROVISION

6.9.1 The application provides Public Open Space, formal, amenity and play space within the site. In terms of Total Public Open Space this equates to 5.4hectares (13.34acres) of which 1.5 hectares (3.7 acres) is Formal Public Open Space and 0.03hectares (0.08acres) Formal Play Area (i.e. children's play area). A large area of the non-formal public open space (amenity space) includes the area to the northwest of the housing which accommodates a new woodland area being created which includes informal footpath, landscaping, wild flower meadows and marginal planting (aquatic plants). An open area of this also accommodates the attention basis which again will include marginal planting. The informal paths link the whole POS area and into the main estates footpath which again link into informal footpaths which run through the centre of the site, adjacent to existing field boundary hedgerows and along the westerns boundary, to the roadside boundary of the site, all through landscaping areas, mainly existing but also new landscaping. There are also a new path which runs from the northern part of the site (centre of site) which connects to the former railway line which is proposed to be upgraded by the applicants (condition should be attached to included details and time to be implemented).

6.9.2 The proposal would provide more be an over provision of Public Open Space providing 53,985sqm, while the IOM Strategic Plan requires 12,480sqm. Further the open space is well placed within the site and easy access for new residents and for existing residents in the area and therefore complies with Recreation Policy 3 4 & 5.

6.10 ARCHAEOLOGY INTEREST

6.10.1 As part of the initial scoping of the site and given the neighbouring field 134281 wasn't designated for residential development; there was an initial question whether there was archology interest in the site/area; namely as there had been discussions that potential the "Battle of Skyhill" took place in 1078 on the site or nearby; albeit it may have been one of a running battle (references have been made of fleeing Manxmen) rather than a pitch battle. Accordingly, Manx National Heritage in 1959 had issues an order as designating the site as an "area of archeologically importance". Accordingly, as part of the submission the applicants undertook a Metal Detector Survey and a detailed report produced to ascertain the archeologically interest of the site. Within the application development site (i.e. where housing etc. is proposed) a total of 637 artefacts were found which included chains from pattern 1853 Enfield rifle nipple protectors, coins and iron fragments. In total within all fields within the application site (red line) a total of 1975 artefacts were recovered and transferred to the Isle of man Manx Museum. Manx National Heritage have raised no objection to the proposed application on the grounds of archaeology. It is noted that Manx National Heritage were involved during the fieldwork and during the preparation of the document.

7.0 SECTION 13 LEGAL AGREEMENTS

7.1 The applicants have agreed that 34 affordable units will be provided onsite and the commuted sum payment for the 0.5 unit will also be made. In respect of a Public Open Space the applicants have confirmed that an agreement will confirm our intention to offer the various areas to relevant public authorities (Commissioners, DoI, MUA). If for whatever reason this is not possible - and we would hope that it will be - then the agreement will require us to maintain those areas.

7.2 This situation is similar to application in Andreas along Oatlands Road where a Management Company was setup which would provide maintenance of the public open space/ attenuation basin. However, the applicants do not wish to take this route as they have indicated that they are a long-standing and well established developer on the Island and they have huge experience of maintaining POS prior to its adoption. The S13 would therefore include details of when works are undertaken and maintenance of the public open space/attenuation basin, within the flexibility of the areas being adopted by a Local Authority or Government Body (i.e. Manx Utilities may adopt the attention basin when legislation allows).

7.3 The S13 agreement should also provide details of a scheme for a long-term habitat enhancement and management plan for the fields to the north of the railway line and for field 132288 to the south of the railway line, as well as a scheme for habitat creation and long-term maintenance plan for the marginal, woodland, attenuation and wildflower meadow areas, as shown in the Revised Landscape Plan (Drawing No 01.06 Revision H), and the marshy grassland area at the north end of field 134282 all to improve biodiversity of the area.

8.0 CONCLUSION

8.1 Overall, it is considered the proposal has a number of issues which need to be considered. The proposal would be developing a site which is designated for residential development currently and until a new Local Plan is adopted the current land uses designation will remain i.e. the IOM Development Plan Order 1982. To the extent that the proposal moves away from the detail provided in the policy framework, this is to respond to the site-specific flood issues and avoid building in the areas most at risk (see below).

8.2 The development will clearly chance the landscape character of the site/area from one of undeveloped agricultural fields to a residential development. However, as discussed within this report it is considered the visual harm caused by the development is not so significant to warrant a refusal. The development will appear as an extension of Ramsey into the open countryside; albeit this is not an uncommon occurrence around existing settlements and has been happening to Ramsey for decades. The proposal would equate to a sustainable development given its closeness and good pedestrian and cycle links to Ramsey Town Centre and would meeting the overarching aims of the IOM Strategic Plan i.e. "Towards a Sustainable Island".

8.3 There are no highway safety/parking concerns raised by the development and with appropriately worded conditions will result in improvements to the roadside frontage of the application site being improved and provisions of a new bus stop.

8.4 There proposed housing development will not result in an unacceptable risk from flooding on or off site and while the development does not follow the West Ramsey Development Framework (WRDF) envisaged phasing; as explained in this report, it is considered to follow the WRDF would now raise more issues in terms of flooding and ecology impacts than was known at the time of the frameworks approval (not approved by Tynwald).

8.5 Finally, there are clear adverse impacts to protect species on this site (namely birds) and while there are significant of mitigation proposed/conditioned, this is a prominent aspect which goes against the application and any decision making needs to balance this adverse impact against any positives the development may bring.

8.6 Overall it is considered that the proposal would contribute to the supply of housing (including affordable housing) as a sustainable urban extension to a settlement identified near the top of the settlement hierarchy. To the extent that the proposal deviates from the

detailed policies for the site, this is to respond to site-specific flooding issues identified after the relevant policies were produced.

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

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 11th April 2022

Item 5.2

Proposal : Third phase of development consisting of 128 dwellings, a neighbourhood centre with children's nursery and local shop units, and public open space including a children's playground

Site Address : Field 434091 & Parts Of Fields 435106 (formerly 432719), 434974 (formerly 434089) And 434090
Adjacent To Railway Terrace,
Ballasalla
Isle Of Man

Applicant : Dandara Homes Limited

Application No. : 21/01262/B- [click to view](#)

Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application subject to a legal agreement

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

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

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

C 2. The estate roads, including footpaths, cycle paths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

C 3. No part of the development hereby approved shall be occupied until the access, turning area and parking spaces for the relevant occupied dwelling have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

Reason: In the interests of highway safety.

C 4. The existing trees shown as being retained on the approved drawings shall be retained and in the event that the retained tree becomes damaged or otherwise defective due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: To ensure that trees marked for retention are not removed, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 5. Prior to the occupation of those dwellings which shows a bat and/or bird box being installed and those bird and bat boxes mounted on existing trees as shown on drawing Balla3_APL_36 Rev A and Balla3_APL_37 Rev A shall be completed as approved and retained thereafter.

Reason: To safeguard a statutorily protected species.

C 6. All paths and cycleways shall be fully surfaced in accordance with the phasing plan to be submitted and approved prior to commencement and retained thereafter.

Reason: In the interest of Highway Safety and provide cycle access within the site.

C 7. All tree planting shall be carried out in accordance with the approved details, submitted in support of the application. The planting shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner,) or otherwise in accordance with a programme to be agreed. Any trees which, within a period of 5 years from their planting, die, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced as is reasonably practicable or in the next planting season with others of similar size, species and number as originally approved, unless the Department gives written consent to any variation.

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

C 8. Prior to the commencement of the development hereby approved a Construction Environmental Management Plan (CEMP), to be provided to Planning for written approval prior to any works, including clearance and enabling works, taking place. The CEMP will need to contain details of the roles, responsibilities, training, procedures and monitoring on site which will ensure that the environment is protected during all phases of the development and all environmental legislation and policy is adhered to. The CEMP will need to incorporate the following avoidance and mitigation measures and the works must be undertaken in strict accordance with these measures:

- o A precautionary working method statement which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on birds - timescales for vegetation removal and suitable checks by an ecologist.

- o A precautionary working method statement which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on bats - pre-felling inspections by a suitable qualified ecological consultant and responsible tree removal methodologies.

- o The steps to be taken to avoid impacts upon retained hedgebanks and other areas of habitat - retention of rough grassland at the base of hedges, use of protective fencing and avoidance measures.

- o A precautionary working method statement which demonstrates how construction and site operations will avoid and mitigate detrimental impacts on Common Lizards - reasonable avoidance measures for lizards, construction of new hibernacula if lizards are found.

- o A precautionary working method statement which demonstrated how construction and site operations will avoid and mitigate detrimental impacts on Common frogs - reasonable avoidance measures for frogs and any additional measures identified through the frog survey.

- o Responsible removal methods for Hollyberry Cotoneaster and any other Schedule 8 invasive plant species.

- o Though not referred to within the MWTs report the CEMP will also need to include details of the measures to be taken to prevent site runoff and pollutants from entering into the

nearby watercourses and eventually into Langness, Sandwick and Derbyhaven Area of Special Scientific Interest and Langness Marine Nature Reserve

All the agreed measures shall be adhered to in full.

Reason: To ensure that the environment is protected during all phases of the development and all environmental legislation and policy is adhered to.

Note: The Construction Environmental Management Plan should include details of an appropriate Ecological Clerk of Works (ECoW) for the pre-construction and construction phases of the development to oversee all protected species work, the implementation of measures identified within a Construction Environmental Management Plan (CEMP), to advise on the creation of the habitat management plans, the placement of the bat and bird boxes. The ECoW should be consulted prior to the removal of any areas of semi-natural vegetation and be the first point of contact in the event that protected species or invasive species are encountered on site.

C 9. Prior to the commencement of the development hereby approved, a phasing plan for the implementation for the shops, nursery, public open space, play areas, paths, cycle paths and the road bypass, shall be submitted and approved in writing by the Department and the scheme shall be fully undertaken in accordance with these details prior to the occupation of any dwelling and retained thereafter. The phasing plan shall have regard to a schedule for the bypass approved under the former permission PA 19/00137/B.

Reason: To safeguard the provision of community facilities

C 10. 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 shop units shall be used in accordance with those uses identified in Class 1.1 (shops) and Class 1.3 (food and drink) of the Order.

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 11. The retail shop units hereby approved, shall be used as individual units or internally combined to offer a more flexible space in accordance with the use Class 1.1 and Class 1.3. of the Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification),

Reason: To enable a flexible layout to meet community needs.

C 12. Prior to the commencement of the development hereby approved an Arboricultural Method Statement (AMS), adhering to the recommendations of BS5837:2012 (Trees in relation to design, demolition and construction - recommendations), shall be submitted to and approved in writing by the Department providing details of the following:

- a. The specification of the protective measures required to adequately protect the retained trees;
- b. Specialist construction techniques (if required);
- c. An Arboricultural Monitoring Programme (AMP) providing a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance on all arboricultural matters.

The agreed protection measures, construction methods and monitoring shall be adhered to in full.

Reason: to provide a level of technical detail sufficient to provide a high level of confidence in the outcome for retained trees on or adjacent to the site

Note: The AMP should include details of an appropriate Arboricultural Clerk of Works (ACoW) who will conduct the monitoring and supervision, and how and when written and photographic records will be submitted to the Department.

C 13. Prior to the commencement of the development an up to date tree protection plan containing improved details of construction exclusion areas across the whole site, and those trees and hedges to the north of the site adjacent to the railway line, with accurate width and length measurements of all of the hedges to be retained and details of the fencing that is to be erected to protect areas from damaging construction activities, to be submitted to planning for written approval prior to any works, including site clearance, from taking place. The development must then be undertaken in accordance with these details. The protective fencing shall be erected and maintained throughout the works, any fencing that becomes damaged must be replaced. All of the existing trees and hedge banks marked as being retained, must be retained and protected from damage and disturbance throughout the works. Any changes must be submitted to Planning for written approval prior to any removal taking place. Any additional removal must be suitable compensated for by replacement native planting. However, the presumption should be in favour of retaining the existing vegetation as shown because of its importance to wildlife. The agreed protection measures shall be implemented and adhered to in full.

Reason: required prior to commencement to ensure that ALL trees & hedgerows to be retained are adequately protected from damage

C 14. Prior to the commencement of any development further details shall be submitted to and approved in writing by the Department which show how the pedestrian access/gate shall connect onto the railway at Ballasalla station. The approved scheme shall be completed prior to the occupation of any dwelling.

Reason: In the interest of Highway Safety and provide access to Ballasalla Station.

Reason for approval:

It is considered the proposal would not have any significant adverse impacts upon public or private amenities and would therefore comply with Strategic Policy 1,2,3,4,5,10,11, Spatial Policy 3&5, General Policy 2, Environment Policy 4 & 42; Housing Policy 1,2,3,4,5; Business Policy 10; Recreation Policy 3,4,5; Community Policy 1, 2,10; Transport Policy 1,2,3, 4, 6, & 7; Infrastructure Policy 1,2 and Energy Policy 5 of the IOM Strategic Plan 2016, and the Residential Design Guide 2021. It is recommended that the planning application be approved for the reasons given and subject to the Section 13 Legal Agreement been signed and the conditions listed.

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:

Flood Management Division (DOI)

Manx National Heritage
Public Estates & Housing Division (DOI)
Manx Utilities (Drainage)
Highways (DOI) Drainage

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):

The owner / occupier of 59 Mylchreest Drive

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

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT IS FOR MORE THAN 8 HOUSES AND A SECTION 13 LEGAL AGREEMENT IS PROPOSED;

1.0 THE SITE

1.1 The application is the final phase of a three part development for the provision of residential accommodation and a link (Ballasalla) Bypass from Balthane Corner to Glashen Hill. This last phase of development was previously identified in the Masterplan approved under PA 19/00137/B but did not provide a detailed layout and formed no part of that planning approval.

1.2 Construction of the first two phases of 282 dwellings (approved under the 2019 approval - see planning history) is underway which has seen the creation of a number of residential dwellings, the creation of a new roundabout on Douglas road and new bridge over the Steam Railway line as part of the new bypass road. The link to Balthane corner will be constructed by the DoI which will include the demolition of unoccupied semi-detached commissioner's residential dwellings. For reference the bypass road does not form part of this application.

1.3 The site would encompass those fields numbered; 434091 and parts of fields 432719, 434089 and 434090 (22.8 Hectares) which is to the south of the railway line and Ballasalla Station and those (abandoned) residential properties of Railway Terrace.

1.4 The topography of the area is broadly level and consists largely of agricultural land that comprises grassland and scrub areas with hedgerows at the field boundaries, some of which also include trees but the more mature trees are located on the boundary to the north adjacent to the train station and railway.

2.0 THE PROPOSAL

2.1 Proposed in this application is erection of 128 dwellings, including 32No. affordable housing provision, a neighbourhood centre with children's nursery and local shop units with apartments above, and public open space including a children's adventure style playground.

2.2 The application is accompanied with;

- o Planning statement
- o A Design and access statement
- o Preliminary Ecological Assessment
- o A bat report
- o Arboricultural Impact assessment
- o Transport Assessment
- o Energy Impact Assessment

2.3 The community centre is located to the east part of the site and will contain a children's nursery and small shop units which might accommodate a convenience store, a coffee shop or other small local services/businesses with 4 apartments above. Some of the public open space and the proposed active play area is located opposite the community facilities and accessed via a dedicated road crossing.

2.4 The housing types will see a mix of single storey to the north of the site, some two and a half storey with the majority two storey. This is reflected in the streetscene using semi-detached, detached and terraced properties. The general finish of the properties would see the use of composite cladding panels to parts of the front elevations, the majority is painted render, grey windows and doorways, slate like roof tiles, 2 shades of render and different porch designs.

2.5 The Bypass road is broadly approved under a previous approval and conditioned. Access to this part of the site is from the Bypass road and connects onto an internal estate road runs in a loop that connects into the residential area of phase 2 in the north east corner. Within the estate there are walking and cycle routes around that connect to phase 2 and 1. It is further noted a 3m wide cycleway which runs from phase 1 across the railway bridge, through phase 2 and continues to phase 3.

2.6 Landscaping around the site proposes a selection of Manx native species of tree and hedge planting to bolster that of the existing and creates new areas of planting.

2.7 The affordable housing provision has been tentatively agreed as (see para.5.5) 32 dwellings of two and three bed units on site. This will be required through a Section 13 Legal Agreement below.

3.0 PLANNING POLICY

The land is designated as Proposed Residential, Industrial, Public Open Space, Community facility on Map 4 (Ballasalla) of the Area Plan for the South. The land is also linked to the Written Statement with Notation No.3.

3.1 The written statement that accompanies the plan at Notation 3 details the Development brief for this section of land at para 4.29. This identifies the possible uses of the land and that considerations should be given to the Ballasalla bypass route to the corner of Balthane, the junction details, potential site of archaeological significance, drainage masterplan, and protection to prevent any contamination of the Glashen Stream.

3.2 The following policies from the 2016 Strategic Plan are considered pertinent in the assessment of this application;

Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages
- 4 Protection of built heritage and landscape conservation
- 5 Design and visual impact
- 10 Sustainable transport
- 11 Housing Needs

Spatial Policy

- 3 Identifies those Service Villages
- 5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations

Environment Policy

- 4 Wildlife and Nature Conservation
- 42 Respect the local character and identity

Housing Policy

- 1 General need for additional housing from 2011 -2026
- 2 Supply of designated housing land available
- 3 Defined housing provision per area
- 4 Location of new housing and exceptions
- 5 Provisions for 25% affordable Housing

Business Policy

- 10 Retails in designated areas

Recreational Policy

- 3 Requirement for Landscaped amenity areas
- 4 Requirement for Public open space
- 5 Links to the countryside

Community Policy

- 1 Community provisions and neighbourhood centres
- 2 Accessibility of community facilities
- 10 Fire Fighting provisions

Transport Policy

- 1 proximity to existing public transportation services
- 2 layouts to link to existing systems
- 3 No impact or compromise upon existing rail routes
- 4 Highway Safety
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions

Infrastructure Policy

- 1 Development and Connectivity to IRIS
- 2 Details of connectivity to IRIS

Energy Policy

- 5 Energy Efficiency

3.4 Residential Design Guide (2021)

This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

4.0 PLANNING HISTORY

4.1 19/00137/B - Residential development comprised of 282 dwellings, associated highway and drainage infrastructure and public open space, and the construction of a new by-pass road between Douglas Road and the rear of Railway Terrace to include a new roundabout on Douglas Road and a bridge over the IOM Steam Railway line. Fields 434764, 434116, 432719, 432607, 432608, 434113, 434114, 434115, 434089, 434090, And 434091 Douglas Road Ballasalla. APPROVED subject to a S.13 legal agreement with 19 Conditions by Planning Committee on 15/07/2019. Most of these conditions relate to the bypass and phase 1 of the development and highways infrastructure.

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

5.1 Malew Commissioners (06/12/21) responded to say they have no objections and are in direct discussions with the applicant.

5.2 DoI - Highways (24/11/21 & 28/2/22) initially seeking additional information, on the amended plans, no objection subject to two conditions for the layout plans and travel plans and transport assessment.

5.3 DoI - Flood Risk (12/11/21) No Objection.

5.4 Manx National Heritage (10/11/21) Commented on potential for nesting birds and quoted the 1990 Wildlife Act.

5.5 DoI - Public Estates & Housing (25/02/22) A Section 13 legal agreement is needed for affordable housing requirement. Discussion has been on the provision of 32 affordable homes of two and three bed dwellings.

5.6 DEFA - Biodiversity (23/11/22 & 8/2/22) commented seeking a deferment to comment in full and also seek an additional condition protecting the existing trees and hedges on site.

5.7 DEFA - Eco Systems (21/12/22) confirm their acceptance of the Pea report dated October 2021, highlights the potential; presence of common frogs, (potentially a survey between February to May); seeks removal of the listed *Griselina* as this is invasive; seeks the following conditions for;

- o an Ecological Clerk of works during the pre and during the construction process.
- o A prior to for strategic planting around the boundary of the site to mitigate the loss of hedging and trees.
- o Bird and Bat mitigation plan for bird and bat boxes to be installed and inclusion of bird and bat bricks on new properties;
- o Low level lighting plan
- o A Construction Environmental Management Plan by a suitably qualified ecological consultancy.

5.8 DEFA - Fisheries (18/11/21) No Objection but advises on surface water run-off and sediment and to liaise with them prior to commencement.

5.9 DEFA - Forestry (19/11/21) raises concerns with some impact on the existing trees to the rear Ballasalla train station and the impact on plots 36-40 and their tree line protection;

Trees in question area T19- T21-23, this risk of future pressure to remove trees due to shading or crown reductions; plots 41-42 43 and 53 need amending to give more distance from the trees; and seeks a condition for a Arboricultural method statement with more tree and root protection for the existing trees within the site and those neighbouring the site to the north .

5.10 MUA - Drainage (19/11/21) initially sought a deferment and are in discussions with the applicant. An email was sent to the MUA dated 22/03/21 seeking whether they were satisfied with the amended plans in relation to drainage foul and surface water. No response has been received at the time of writing.

Neighbouring comments

5.11 The owner / occupier of 59 Mylchreest Drive (11/11/21) comments on the traffic / highway safety and delays experienced in traffic flows.

6.0 ASSESSMENT

- (i) Principle
- (ii) Visual Impact
- (iii) Neighbouring amenities
- (iv) Highway Safety
- (v) Drainage / flooding
- (vi) Affordable housing
- (vii) Open Space
- (viii) Trees and Ecology
- (ix) Sustainability
- (x) Retail and nursery

(i) Principle

6.1 The principle of residential development on this site is broadly supported through the land designation in the Area Plan for the South and the development brief within the written statement. This in turn ensures compliance with those Strategic (1,2,10,11), Spatial (3,5) and Housing (1-4) Policies.

6.2 In terms of the proposed nursery and retail unit, it is consider the principle of these are acceptable in terms of BP10 and further supported through CP1&10 which seeks those facilities are provided on larger residential areas that can be accessed by non-vehicle users. Furthermore this is echoed within the Area Plan for the South in what it sought in terms of community facilities/neighbourhood centre. The applicants have noted that the; "shops are designed to be flexible and may be divided into two or three units depending upon need". The location of these shops and nursery is in a strategic location adjacent to the main accesses point into this phase of the estate and served with public footpaths and cycle paths whilst also being easily accessible from the Bypass. In terms of the nursery and the retail unit it is considered these will bring essential services to the existing residents of the area and of the new dwellings.

6.3 Accordingly, given the above reason and policy compliance, it is consider the principle of developing the majority of the site for residential, retail unit and a nursery purposes with public open space and play areas are acceptable.

(ii) Visual Impact

6.4 The proposal is going to introduce an element of built development where presently there is none which will certainly alter the character of this part of the land. Given the principle is acceptable, the proposal house types closely follows those of phase 1 and 2 of the previous permission and would be reflective of the character of those phases and would

mainly be visible from the bypass (once finished) but the proposal includes degree of landscaping (noted below in detail) between the rears of those houses to the south of the site that back onto the Bypass. Outside of the site the other vantage points would be from the north, where the site borders onto the Railway line and beyond the railway those dwellings along Homefield Park and The Willows. Here there would be a degree of existing trees across from the railway line, with some existing trees and hedges remaining and those proposed 34 No. dwelling that would back onto the northern boundary and adjacent to the railway line. Essentially these buildings would be read within the wider residential context as per this proposal and that of the previous phases of development.

6.5 The broad layout of this phase, was merely indicative in the previous 2019 approval that considered the bypass road, and follows the same connection from the bypass into the site and creates a circular layout with housing either side of the internal access road that then connects through to phase 2. The layout tends to follow the natural topography and utilises existing hedgerows and trees where possible. The density of the development would follow that of the previous phases and on this the agent notes; "the proposed scheme has a net density of approximately 32 dph and has been designed to respect the amenity of new and existing local residents". Within the Residential design guide (page16) refers to housing density, and this site would fall between, Medium (15-30) and High (40-100). As such this ratio is deemed appropriate for the overall size of the site.

6.6 The design of the proposed houses varies in type and size but uses a common palate of materials (noted in para 2.4) that echoes those already utilised in previous phases and would be an appropriate form of development in this respect. As this phase is to echo that of the former phases, the proposed layout, design, scale, form and finish of these dwellings are considered appropriate for the site and would result in an appearance of a pleasant housing development to live within for all. This is noticeable when driving through the previous phases of development and works towards complying with the Sp5 and EP42.

6.7 Whilst the dwelling would be similar in design, the use of slightly different finishes/render colours, position/designs of front porches will help break up the potential continuous line of dwellings along the streetscene, but rather a mix of houses types and styles. To the north east of the site, the properties here are made up of mainly of bungalows that gives a wider variety of housing needs and also is more reflecting of those existing dwellings to the north of the railway line within Holmfield Park. The majority is then two storey along the northern boundary.

6.8 In terms of visual impact and general appearance of the new estate from those vantage points outside of the site, the dwellings would not be especially apparent, particular from distant views. The most apparent views would be from the railway line and from the new bypass. The proposal includes a small degree of boundary/roadside landscaping which would help soften the impact of the development and the fencing to the rears of those dwelling that back onto the boundaries, although a condition (as noted by biodiversity) should be attached which provides greater level of detail and would increases the amount of landscaping in those public areas as well as those parts of the site (north, south and west) that boarder this application site. Overall, it is considered the visual impact would not be detrimental and would not significantly detract from the character of the railway or that of the station or those neighbouring properties.

6.9 Accordingly, whilst there will be an impact to the visual amenities of the area when compared to the existing, it is considered the proposals would be acceptable and comply with Gp2b,c.

(iii) Neighbouring Amenities

6.10 In considering any potential impact upon the residential amenities of the neighbouring properties, given the size of the site and number of dwellings, all properties adjacent to the site will be impacted by the development to some degree. Any development here would have an impact, as presently there is open fields. The pertinent issue is whether the proposed development would significantly impacts upon the amenities of the neighbouring properties with regard to overlooking, loss of light; over bearing impact, loss of privacy and general visual amenity.

6.11 In terms of overlooking a general guide (as noted in Chapter 7.0 of the Residential design guide) which the department utilises is the 20 metres measure, which is taken between direct facing windows, generally two storey properties. In this case all the proposed dwellings are approx. greater or at the 20 metres from neighbouring existing properties that boarder the site namely those on Homefield Park and the Willows. It is further noted we have not received any objections from those neighbouring properties and the local authority do not oppose this application. Those properties to Railway terrace are proposed to be demolished for the bypass route and those properties that back on top the railway station are not considered to affect the use of the platform or station.

6.12 Within the site the proposed layout ensures there is no direct overlooking or loss of privacy from the new dwellings into each other or towards the previous phases. Overall, whilst the proposed development will have a limited 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 Gp2g.

(iv) Highway Safety

6.13 Accompanying the application are a series of vehicle tracking plans that show how cars and HGV refuse vehicles (which can also include HGV fire fighting vehicles) can navigate the estate and turn in a safe and appropriate manner. The applicants have also provided a Transport Assessment dated October 2021, by Bryan G Hall Consulting Civil & Transportation Planning Engineers. The pertinent points are noted as this proposal will create a simple 'T' junction arrangement and an internal 'loop' type street type layout with a series of shared surface areas and access arrangements. The report notes; "the internal roads will comprise 5.5 metre wide residential streets with generally 2.0 metre wide footway provision to both sides. The southern 5.5 metre wide access will form a simple priority junction with the access road serving Phase 2 with minimum visibility splays of 2.4 m x 22.0 m in both directions... The residential streets have been designed to achieve a target traffic speed of 20mph and for the shared surface roads a 15mph target traffic speed... The layout also safeguards the opportunity for a pedestrian connection from the network of streets to Ballasalla Station to the north... The layout has been subject to a Stage 1 Road Safety Audit in accordance with the guidance in MfMR".

6.14 The report highlights alternative modes of travel as opposed to the private car, noting the pedestrian accessibility and walking distances, range of travel and cycle and walk ways being provided that links to the previous phases. In terms of public transport the report notes that the bus service No's 1/11/12/12a, 2/2A, 4C and 8 travel along Douglas road between Castletown and Douglas in both directions at a frequency of 6 per hour Monday to Friday. The nearest bus stops to the site are located on Douglas Road and Station Road and can be accessed through Phase 2 and the Public Right of Way (PRoW) No 268 that connects with the south side of Douglas Road, and through Ballasalla Railway Station.

6.15 This report concluded that; "that vehicular and non-vehicular access to the application proposals accord with the policies of both the Isle of Man Strategic Plan, 2016 and the area Plan for the South, 2013, and hence that the trips which they are likely to generate can be

accommodated on the local highway network without detriment to the safety or convenience of its users". It is further noted a site specific welcome travel pack will be prepared by the Travel Plan Coordinator (Dandara Group) and provided to all new residents. The 'Welcome Travel Pack' will contain site specific travel information, including information on pedestrian features/routes, publicity materials on the health benefits of walking and cycling, public transport information, details of local and national sustainable travel initiatives and contact details of the TPC.

6.16 Each of the proposed dwellings would have least two off road parking spaces, some fronting the properties and some set slightly away from the dwellings. This is 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. It is noted that the proposed development will provide 262 external car parking spaces for residential use, which accords with the number recommended by the Strategic Plan parking standards. A further 19 parking spaces will be provided for users of the neighbourhood centre. There will also be 29 dwellings which have a private garage in addition to their external spaces. Therefore the parking provision for the development complies with the relevant IOMSP Parking Standards.

6.17 It is noted the DoI Highways Authority initially had some concerns to which amended plans were submitted. As the Highway Services have considered the merits of the proposal, the level of parking provided for each dwelling and that of the nursery and retail unit, the transport assessments and supporting plans, access to and from the site from the highway noting visibility splays, as well as parking and highway safety. As the transport professionals their comments are noted and they do not object to the proposals but seek two conditions for the layout plans and travel plans as featured in the transport assessment. As such the proposal would be seen to comply with Tp1,2,3,4,6,7 GP2h,I and Sp10.

(v) Drainage/ flooding

6.18 The proposed foul drainage will gravitate towards the south of the site where a pumping station with a rising main pumping the sewerage up to the IRIS pumping station located to the rear of Railway Terrace to the west of the site. As the number of properties has increased 22% (from 105 to 128) since the original scheme of 2019, an addition storage tank will need to be built for any waste water flooding as the current tank cannot be expanded. The outfall from Balthane Park can be constructed, sized at 9m³, to provide the required storage for the industrial lands and sufficient volume within the constructed storage for the additional 23 dwellings. As such it would be pertinent for this to be a priority to prevent any over spilling and can be conditioned as such. As such, for phase 3 the surface water would be discharged into the drainage as approved under the previous scheme and attenuation area and the foul as part of this proposal will connect onto the existing IRIS system and would comply with IP1&2.

(vi) Affordable Housing

6.19 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. A Section 13 Legal Agreement would need to be entered into by the applicant and the Department to ensure the affordable housing is provided. For reference, 25% of 128 dwellings equates to 32. The applicants have been in discussions with the Estates and Housing Division and their comments in para 5.5 note that an agreement has been reached for the provision of 32 affordable homes with a mix of two and three bed dwellings which is deemed acceptable by all involved and in compliance with Hp5.

(vii) Open space / Play area

6.20 The proposed children's play area would be located to the East of the 'T' junction and the community facilities, with a dedicated crossing point and gated access into the play area and fenced accordingly. The plan shows the provision of 14 different pieces of play equipment and some timber benches. Within this area it is also propose to have some ornamental planting of woodland trees, wild flower grass and understorey planting to bolster the existing hedgerow and also helps to create a focal point for the community. The proposed open space area was approved under the 2019 application as part of Phase 2 of the development, where a commuted sum and other works was agreed in lieu of additional formal open space as agreed between the developer and the local authority. The proposed adventure style playground for this phase is located in the same area which has previously been approved as formal open space (in Phase 2). The agent notes that "The open space to be provided within the 3 phases of development significantly exceeds the amount required by the provisions of the IoMSP. All three types of open space will be provided and will be offered to the relevant public authorities for adoption." As such this is not discounted and the proposal for open space and play area would be read in accordance with RP3,4,5.

(viii) Trees and Ecology

6.21 The proposals incorporates a mix of native species tree planting around the site to create new areas of planting and also bolster those native hedges and existing mature trees on the site. A comprehensive layout plan and species list and their location of those trees, plants has been identified that would see planting to the fronts of the individual dwellings and also around the estate. The bulk of the landscaping would located to the south to the site adjacent to the bypass to help screen the dwellings. The application is accompanied with an Arboricultural Impact assessment that notes the removal of 13 Cat C trees and 3no C tree groups, some of these were approved under the 2019 approvals. The Arboricultural Officer confirms that the "proposed tree removal will be adequately mitigated by the proposed planting".

6.22 These proposals have raised concerns with the Arboricultural officer (para 5.9) mainly in terms of protection of the existing trees to the north of the site adjacent to Ballasalla Station. Confirmation was sought as to the extents of tree removal and it was confirmed that those mature trees in G7 were not for removal. Concerns has been raised regarding the proximity of some trees in relation to the proposed siting of the dwellings boarding the north of the site, however whilst not strong enough reason for them (Agriculture and Lands Directorate) to recommend refusal they do suggest some conditions to add to any approval. It is further noted they may consider registering some of those trees on the north and western boundary to offer them greater protection. A condition for further tree protection to bolster that as shown in the plans accompanying the Arboricultural Impact assessment would be appropriate in this instance.

6.23 In terms of ecology and biodiversity, their comments and suggestions are noted in para. 5.6 & 5.7, some of their concerns have been addressed through amended plans which identifies the type and location for bird and bat boxes to be installed on some of the gable ends of those houses. The applicant has already confirmed they have an Ecological Clerk of works on site and a construction Environmental Management Plan as part of the ongoing works to previous phases. In terms of lighting, this is controlled and dictated by the MUA for appropriate street lighting. These are essentially downward directed lighting with side shields or down lighters with low energy lighting. As such the proposal is deemed to accord with the broader objective of Sp4 for protection of the environment and EP4 for preserving the natural environment.

6.24 For clarity a formal EIA for this proposal (phase 3) was included in the EIA undertaken for the original application (19/00137/B) and those conclusions in respect of certain key criteria, such as archaeology, remain valid. As such in this case it is judged that a EIA is not

required for this Phase 3 application, as the site is allocated for development and the proposal does not include a major new highway (the bypass was approved under the 2019 pa) but nonetheless a number of subjects covered within the EIA have been revisited and the application is accompanied by supporting information which includes a Transport Assessment, a Preliminary Ecological Assessment Report, an Arboricultural Impact Assessment, a Design and Access Statement and this Planning Statement. These reports consider the proposal in the context of relevant planning policy. The Planning Statement concludes that the proposal is in accordance with the provisions of the Area Plan for the South as noted in Development Brief for Site 3.

(ix) Sustainability

6.25 The erection of a new dwellings would have to conform to building regulations standards which ensures the thermal efficiency of the building is maximised. In addition the application is accompanied with a comprehensive energy impact assessment that seeks to maximise the thermal efficiency through the design of the individual buildings and the levels of heat loss while utilising where it can use local materials, modern methods of construction, and internally incorporating energy efficient measures for water, lighting and heating. These aspects are beneficial and would address the wider environmental concerns which would be in accordance with EP5 and Gp2n.

(x) Retail and Nursery

6.26 As noted in para.6.2, the proposal will include the provision for shops (use class 1.1) and a dedicated nursery located adjacent to the play area and entrance into this phase of the site. These buildings are clustered together to form a central hub with appropriate parking. The agent notes; "the small shop units which might accommodate a convenience store, a coffee shop or other small local services/businesses. The shops are designed to be flexible and may be divided into two or three units depending upon need". The proposed retail will be split across three buildings (with residential above) which would offer a flexible internal layout and would be appropriate in its use and scale for this site and would be read in accordance with BP10 and Cp1.

7.0 SECTION 13 LEGAL AGREEMENTS

7.1 As this application will be subject to legal agreement, the applicants have agreed that 32 affordable units will be provided onsite with a mix of two and three bed dwellings and the adoption of public open space.

8.0 CONCLUSION

8.1 The application site is identified for development and the proposal is judged to comply with the site allocation and site brief referenced;No.3. As such, it is considered the proposal would not have any significant adverse impacts upon public or private amenities and would therefore comply with Strategic Policy 1,2,3,4,5,10,11, Spatial Policy 3&5, General Policy 2, Environment Policy 4 & 42; Housing Policy 1,2,3,4,5; Business Policy 10; Recreation Policy 3,4,5; Community Policy 1, 2,10; Transport Policy 1,2,3, 4, 6, & 7; Infrastructure Policy 1,2 and Energy Policy 5 of the IOM Strategic Plan 2016, and the Residential Design Guide 2021. It is recommended that the planning application be approved for the reasons given and subject to the Section 13 Legal Agreement been signed and the conditions listed.

8.0 INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 11th April 2022

Item 5.3

Proposal : Conversion from leisure facility to retail unit
Site Address : Cherry Orchard Swimming Pool
Bridson Street
Port Erin
Isle Of Man
IM9 6AN
Applicant : Mr Leo Cussons
Application No. : 21/01265/B- click to view
Planning Officer : Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. 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 use of the building hereby approved shall be for Use Class 1.1 only, and for no other purpose in 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 3. For the avoidance of doubt, no approval is granted to the signage shown on 'Proposed Front Elevation' drawing.

Reason: Signage must be subject to a separate assessment under the Advertisement Regulations 2013.

Reason for approval:

The physical works to the building are considered to be acceptable and in keeping with the overall town centre streetscene in line with general design standards set out in General Policy 2, and although contrary to those policies which seek to provide and protect existing sports and recreational facilities, on the strict basis of the evolved planning history of this site and that the proposal for the replacement of the recreational leisure facility with a local shop contributing to the local community facilities that the proposal is considered to be acceptable in this case in line with Strategic Policy 1 and meeting the principles of Recreation Policy 2 and Community Policy 4.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE SITE IS DESIGNATED FOR TOURISM AND THE DEVELOPMENT PROPOSES RETAIL USE OF THE SITE.

THE SITE

1.1 The site is part of the Cherry Orchard, Port Erin. The complex was once an aparthotel offering both hotel and self catering accommodation including a bar restaurant, gym and swimming pool facilities. Over time the complex has dissolved and what was once a key tourist destination in the centre of Port Erin, has overtime been lost, and a number of piece meal applications have been approved for its alternative use including change of use of tourist apartments to full residential use 18/00747/C and the change of use of the bar restaurant to a retail facility under 18/01028/B.

1.2 The swimming pool facility sits at the northern end of the building alongside the access into the rear parking area of the site. This pool building is hexagonal in shape and has an existing hardstanding area to the front running along Bridson Street. There are two long and narrow windows on the main front elevation facing Bridson Street.

THE PROPOSAL

2.1 Proposed now is the change of the use of the swimming pool area into a retail facility.

2.2 The application also includes modification to the existing front elevation windows into larger windows and the installation of a set of double doors to provide direct access from the street.

2.3 Information submitted with the application indicates that the retail facility is to be occupied by the same local trader whom occupies the retail facility in the bar restaurant area approved in 2018.

2.4 Additional information provided for the application indicates that the parking for the proposed retail facility is to be three spaces to the front of the building on hardstanding running along Bridson Street.

PLANNING HISTORY

3.1 Aforementioned, the site as a whole has been the subject of many applications for various alterations and a number of conversions of some of the tourist units into permanent residential apartments the most recent being 18/00747/C in which the remaining 25 units were approved at appeal for conversion to residential use. As part of this appeal the Minister recommended a number of conditions one of which required the parking to be provided in full accordance with the submitted and approved plan - this showing three spaces to the front of the pool for use by the pool.

3.2 Other applications also considered relevant are 18/01208/C which was approved for the change of use of the bar to a retail facility.

PLANNING POLICY

4.1 The Cherry Orchard in its entirety is designated on the Area Plan for the South 2013 (APS2013) as Tourism (Hotel), and is specifically referred to in the Area Plan Written Statement under Tourism Proposal 1.

Area Plan for the South 2013

4.2 Tourism Proposal 1:

The following hotels have been identified as important to tourism and must be retained for hotel use: the Castletown Golf Links; the Sefton Express Airport Hotel; the Cherry Orchard; and the Falcon's Nest Hotel. Proposals for redevelopment or re-use will not be permitted unless it can be demonstrated that hotel use is no longer commercially viable.

4.3 APS2013 indicates that most of the sports provision seemed to be in the Castletown area. The Dept. of Transport and Leisure (DTL) Sports and Recreation Strategy 2002-2012, identifies the need to provide a facilities based on the centres of population and therefore community demand, and that these regional centres are to provide as a minimum of facilities such as community sports halls, floodlit all weather pitches, golf course, tennis courts and an indoor swimming pool (para 8.6.1).

4.4 Para 8.3 states that the Isle of Man Sport and Recreation Strategy 2002-2012 acknowledges that the funding for, and supply of, facilities and opportunities for sport and recreation is not the prerogative of a single provider. There are a number of partners responsible for different types of provision, including Government Departments, Local Authorities, IoM Sport, sports clubs, and private and commercial providers in its aim to "To provide and promote access and opportunities for the Island Community and visitors to participate in sport, leisure and recreation". In 2005, Tynwald approved the Children and Young Persons Strategy in which it is acknowledged that sport can make a significant contribution to enable vulnerable children to be socially included in the centre of the Island's community. In its Strategy Review 2006 the DTL set out its agenda for action, which included identifying the need for facilities throughout the Island. The provision of community sports and recreation facilities has been subject to further study and Para 8.4 indicates that an audit of sports, recreation and community facilities in the South has been undertaken and this full list is contained in Appendix 6. The 'Cherry Orchard Pool & Gym' is listed as a regional facility. The APS2013 states that in general, the South has adequate provision of, and access to, sports facilities, although it is accepted that these facilities will continually need upgrading. A need for rugby, hockey and football pitches was identified and a site at Ballakilley was highlighted as a possible location for new pitches along with a site in Colby.

Isle of Man Strategic Plan 2016

4.5 The IOMSP follows suit in that it highlights the quality of life on the Island is improved by attractive open space and by facilities for recreation and other community purposes and that planning policy should seek provision, protection and enhancement of such spaces and facilities, and the continued development and growth of sport on the Island and that Area Plans should incorporate an assessment of sport and recreation need and provisions and make good any deficiency in provision, and should include, where appropriate water-based sport and recreation.

4.6 Loss of community facilities is addressed in both Recreation Policy 2 and Community Policy 4 of the IOMSP both of which are relevant in the case of this application:

4.7 Recreation Policy 2: Development which would adversely affect, or result in the loss of Open Space or a recreation facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted except in the following circumstances:

- (a) where alternative provision of equivalent community benefit and of equivalent or better accessibility is made available; and
- (b) where there would be an overall community gain from the development, and the particular loss of the open space or recreation facility would have no significant unacceptable effect on local open space or recreation provision or on the character or amenity of the area.

4.8 Community Policy 4: Development (including the change of use of existing premises) which involves the loss of local shops and local public houses, will only be permitted if it can be demonstrated that the use is no longer commercially viable, or cannot be made commercially viable.

REPRESENTATIONS

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

5.1 Port Erin Commissioners - in support (12/01/2022).

5.2 Department of Infrastructure Highway Services - Do not oppose (16/12/2021 and 08/03/2022).

5.3 No comments received from neighbouring properties.

ASSESSMENT

6.1 The current application comprises two parts, the installation of windows and doors to the existing front elevation and for the change of use of the building. The former physical works are considered to be visually acceptable and in-keeping with the overall building and town centre streetscene, therefore the key matters of the assessment fall to whether or not the change of use and loss of the swimming pool facility is acceptable.

6.2 In its earlier years The Cherry Orchard aparthotel offered a degree of community facilities through an onsite gym, swimming pool and café, restaurant and bar all which supported its original tourist use. However over many years the site was subject to a number of planning applications which sought the change of use of hotel rooms and a number of apartment into residential use through piecemeal applications. Information in the 18/00747/C indicates that the complex runs on a communal heating system including the pool and that the management company for the building were subject to legal action taken by permanent residents over 'excessive' service charges of the building. It is understood that these legal proceedings concluded in the tribunal requiring the entire complex to be either full tourism use or full residential use. The Inspector for 18/00747/C recommended refusal on grounds that it "is not considered in this instance that viability has been sufficiently demonstrated to justify the permanent loss of the tourism land use designation of the site, contrary to TP1 of the APS". However, the Minister overturned this and approved the application stating that 'the minister is simply not persuaded that the 25 apartments which are the subject to this appeal are viable and would in any event continue to operate in tourist use. In any event, the Minister returns to the particular wording of Transport Policy 1 which requires only that it is demonstrated that the hotel use is (emphasis added) is no longer commercially viable. To that end, and as detailed previously, the Minister finds that the evidence that the hotel use is not viable is indisputable." The application was approved subject to a Section 13 Legal Agreement for provision of a commuted sum in lieu of affordable housing provision. There was no requirement to provide open space contribution as the site was already served by public open spaces.

6.3 The issues that we have in this case is that the culmination of the previous approvals has resulted in a facility which is no longer tourist based. The heating demand of the pool is outlined in supporting documents of the 18/00747/C application and while online research indicates that the pool was privately operated for a number of years, it appears that liquidation of the management company and the necessary funding required by the private company to retain the operation was too high. This company has since ceased operating the business (2020) and the pool is understood to have been empty since.

6.4 While there are several paragraphs and policies which seek to protect existing facilities and ensure the provision of new facilities, the stark reality in the case of this application is that the likelihood of the management company bringing the pool back into operation is unlikely given their approach to historic applications. The only exception in this instance is the fact that the pool facility is being converted into a retail facility providing a local community shop for Port Erin. Although losing a sport and recreational facility which was once considered to contribute to the regional facilities in the south, on the strict basis that the proposal remains now for an alternative community shop retail facility that the proposal is considered to be within the bounds of acceptability on a one for one basis to afford support.

CONCLUSION

7.1 The physical works to the building are considered to be acceptable and in keeping with the overall town centre streetscene in line with general design standards set out in General Policy 2, and although contrary to those policies which seek to provide and protect existing sports and recreational facilities, on the strict basis of the evolved planning history of this site and that the proposal for the replacement of the recreational leisure facility with a local shop contributing to the local community facilities that the proposal is considered to be acceptable in this case in line with Strategic Policy 1 and meeting the principles of Recreation Policy 2 and Community Policy 4.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

Item 5.4

Proposal : Installation of ground mounted solar panels and timber fence
Site Address : Field 314194
Ramsey Road
Peel
Isle Of Man
Applicant : Mr Gary Kirwan
Application No. : 21/01315/B- click to view
Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The Solar panels, the support units and stock fencing hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used or required for renewable and alternative energy generation.

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

C 3. No development shall commence on site until a programme of archaeological work, to include excavations where required, has been submitted to and approved in writing by the Department. The programme shall indicate the degree of supervision by a qualified archaeologist. The development shall not be carried out unless in accordance with the programme of archaeological work so approved.

Reason: To ensure that any minor outlying features which might be associated with the site of the burial cairn north of the array can be recorded at the commencement of the development, and to accord with Strategic Policy 4.

C 4. No external lighting shall be installed.

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

Reason for approval:

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

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 National Heritage

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):

The Grange, Ramsey Road, Knocksharry, Peel;
Knocksharry Farm, Ramsey Road, Peel;
Knocksharry House, Switchback Road, Knocksharry,

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

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site comprises a parcel of land adjoining the residential curtilage of 1 Knocksharry Cottages, Ramsey Road, Peel, which is a semi-detached dwelling set in a rural environment between Peel and Kirk Michael, and situated north of the A4 (Ramsey Road).

1.2 Views to the application site and rear of the dwelling from the highway are heavily restricted due to the boundary treatment and hedging along the highway and the lie of the land which contains views to the site.

2.0 THE PROPOSAL

2.1 Proposed is the installation of a total of 36 solar panels which are split into three separate rows/blocks which when laid out would have an overall total width of 7.8m and a total depth of 12.4m. These solar panels would be located within Field 314194 which is situated northwest of the main dwelling. The solar panels will be placed on support units and will be angled at 35 degrees on frames. The highest part of the solar panels and frames would be 1m high and span 1.2m wide when measured on the ground. Each row of panels which would face the south would be 2m apart.

2.2 Also proposed is the erection of a 1m high timber fence on the northern and eastern boundaries of the installation site.

3.0 PLANNING POLICY

3.1 The application site is not shown as zoned for any particular purpose. It lies within an area zoned as an Area of High Landscape or Coastal Value and Scenic Significance under the Isle of Man 1982 Development Order, and part of the site fall within an area of Archaeological

interest. The site is not within a Conservation Area or flood risk area. The site is also not within a registered tree area and there are no registered trees on site. As such, the following parts of the Strategic Plan are relevant:

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

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

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

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

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

(c) Energy industry

- i. Thermal power stations and other thermal installations
- ii. Surface storage of natural gas
- iii. Underground storage of combustible gases
- iv. Surface storage of fossil fuels
- v. Industrial briquetting of coal and lignite
- vi. Installations for the harnessing of wind power for energy production

3.4.2 There is no reference made to the installation of solar panels within appendix 5. Environment Policy 24 provides for seeking EIA or more information in some circumstances, but the scale is also not considered to be significant enough to warrant an EIA in any case, and the site is not a sensitive site as stated in paragraph 3.1 of this report.

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

3.5.1 Strategic Policy 1 states: "Development should make the best use of resources by:

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

3.5.2 General Policy 2 sets out general Development Control considerations.

3.5.3 General Policy 3 indicates development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan other than for some given exceptions, none of which relate to the current proposal.

3.5.4 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."

3.5.5 Environment Policy 2: The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:

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

3.5.6 Strategic Policy 4: Proposals for development must:

- (a) protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings, Conservation Areas, buildings and structures within National Heritage Areas, and sites of special archaeological interest;

3.5.7 Environment Policy 14:

Development which would result in the permanent loss of important and versatile agricultural land (Classes 1-2) will not be permitted except where there is an overriding need for the development, and land of a lower quality is not available and other policies in this plan are complied with. This policy will be applied to

- (a) land annotated as Classes 1/2 on the Agricultural Land Use Capability Map; and
- (b) Class 2 soils falling within areas annotated as Class 2/3 and Class 3/2 on the Agricultural Land Use Capability Map.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Isle Of Man Future Energy Scenarios (2020):

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

4.1.2 Key Targets:

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

5.0 PLANNING HISTORY

5.1 The application site has not been the subject of any previous planning applications which are considered to be specifically material in the assessment of the current application.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' (10 November 2021/3 February 2022).

6.2 German Parish Commissioners asked that decision be deferred until their next meeting in a letter dated 10 November 2021. No other representations have been received as at the time of drafting the report.

6.3 Manx National Heritage note that they worked closely with the applicant prior to the preparation of the application and have no problem with the principle of the proposal. They however, note that no information has been provided to indicate the location of cabling connecting the array with the applicants dwelling and suggest that a direct route requiring the shortest possible trench should be used. They request that should approval be granted, a condition requiring any groundworks to be undertaken with archaeological supervision to ensure that any minor outlying features which might be associated with the site of the burial cairn north of the array can be recorded (22 November 2021).

6.4 The owners/occupiers of The Grange, Ramsey Road, Knocksharry, have made reference to the following issues regarding the application (10 November 2021/ 21 February 2022):

- o The visual impact of the proposal on the area and surrounding countryside;
- o The area has archaeological interest;
- o Whether the scale, style and design of this proposed development can be sensitively and unobtrusively integrated into the landscape;
- o Whether this constitutes a material change of use of the agricultural field;
- o Possible landscaping around the site to soften the stark utilitarian appearance;
- o Issues related to vehicle access track across this field to the location of the panels for maintenance and will they be sitting on a concrete base;
- o They refer to issues with submitted plans and data sheet;

6.5 The owners/occupiers of Knocksharry Farm, Ramsey Road, Peel have made the following comments regarding the application (14 November 2021):

- o They refer to details within submitted plans and scale of proposal;
- o They refer to impacts on rural land;
- o They refer to change of use of land;
- o They refer to repositioning of the solar arrays;

6.6 The owners/occupiers of Knocksharry House, Switchback Road, Knocksharry, Peel have made the following comments regarding the application (14 November 2021):

- o They refer to Environment Policies 1 and 2 and state that there is no national need for the development and that it is not essential.
- o They refer to impacts on the local area and landscape.
- o They refer to impacts on archaeological value of site.
- o They refer to discrepancy in the plans.

7.0 ASSESSMENT

7.1 It is considered that the main issues are:

- Principle of Development;
- Visual Landscape Impact;
- Archaeology; and
- Agricultural Impact.

7.2 PRINCIPAL OF DEVELOPMENT

7.2.1 The site is not allocated for development, and solar panels are not listed within the exceptions to this general approach set out in General Policy 3. However, given the wording of Energy Policy, that sites have not been allocated for solar power, the relative small size of the development and the intention to use these for the benefit of an existing property it is not considered that this is an automatic reason for refusal.

7.2.2 In assessing the acceptability of the principle of the proposed development, it is considered that the Department is supportive of proposals to harness renewable energy but must balance this against the other principles of the Strategic Plan, particularly those relating to preventing harmful development in the Island's countryside. When the scheme is assessed against the policies within the Strategic Plan, it is considered that the installation of the solar panels at the site will accord with the general support given to the introduction of renewable and alternative energy sources as set out in the Strategic Plan.

7.2.3 Also relevant is the fact that their introduction here is expected to help contribute to the overall operation and energy efficiency of the application property which will utilize the energy generated. In this respect the proposal is considered to comply with paragraph 12.2.8 and Energy Policy 4 of the Strategic Plan.

7.3 VISUAL/LANDSCAPE IMPACT

7.3.1 Equally, regard must be given to the reasonableness of the scale and siting of the proposed developments in view of their subsequent impacts, if any, on the surrounding area taking into account the requirements of EP1 and EP2. In this case, it is relevant to consider that the solar panels would be installed within an open part of the site and within close proximity to the existing dwelling on site, while also having the most solar gain given its exposed nature. When one passes by on the A4 (Ramsey Road), the panels will not be visible due to the raised bank by the roadside, trees and sod hedges which line the highway and the field boundaries around the site.

7.3.2 It is also noted that these solar panels would be positioned about 80m from this abutting highway and would not be readily visible due to their position on the ground which would be only 1m high and the gentle lie of the land here which would ensure that they would be completely hidden behind the roadside hedge and trees. More so, it could also be argued that the chosen location is essential as it would facilitate solar gain and offer minimal views over long distances (which would be in the interest of the general character of the landscape); conditions which would ensure the scheme aligns with Environment Policy 2. Given the above, it is considered that the position of the solar panels on the field, the available screening existing on site and the nature of the topography, as well as the location which would enable maximum utility of the scheme as it would offer a prolonged solar harnessing period, would ensure that the proposal does not spoil the character of the surrounding countryside, and comply with the requirements Environment Policy 1 and 2.

7.4 ARCHAEOLOGY

7.4.1 As has been established in paragraph 3.1 of this report, the application site is within close proximity to an important Archaeological site and as such it would be vital to consider the possible impacts of the scheme on the area. However, Manx National Heritage which provide advice on such matters have stated that the applicants have worked with them in

conceiving the scheme and as such they raise no concerns with the scheme save for the additional of a condition regarding archaeological supervision to ensure that any minor outlying features which might be associated with the site of the burial cairn north of the array can be recorded at the commencement of the development. Based on the forgoing, it is considered that the proposal would meet the requirements of Strategic Policy 4 (a) of the Strategic Plan.

7.5 AGRICULTURAL LAND

7.5.1 Since the solar panels would be installed on an agricultural field, the agricultural status of the land to which the solar panels would be installed was assessed. From details obtained from the Agricultural Land use capability map for the Isle of Man, it is noted that the land is within an area with capability class 3/4, where both classes are approximately equal; with Class 3 land characteristics comprising land with moderate limitations which restrict the choice of crops and/or demand careful management, while Class 4 are poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields. This implies that the land is not a high yield agricultural land where impacts of the solar panel installation would bear significant impacts on agricultural production. Besides, the land area to be occupied by the solar panels would be 96.76sqm which is not considered to be large enough to impact on agricultural activities within the surrounding fields; enabling the development comply with Environment Policy 14. Albeit, a condition should be attached such that should the panels become redundant or are removed, the support units and stock fencing must also be removed and the field returned to its original use.

7.6 OTHER MATTERS

7.6.1 The neighbours have raised concerns with the details on the scheme submitted, for which the applicants have submitted revised plans to address. Whilst the comments have been further highlighted is additional representations, it is considered that the plan of the solar arrays which show eight gaps depicts the bases for the frames which could carry 12 panels with the new elevations shown on the proposed section A-A on drawing MSE_KIR_04 rev A clearly showing twelve solar panels on each row. As such, it is considered that this matter has been addressed.

7.6.2 The representations from one of the neighbours also states that the System Datasheet' provided by the applicant advises the 'application area' is suitable only for roof mounted applications. However, no part of the data sheet makes such conclusions as it only refers to possible installations areas. As such, this is not considered to be a concern with the scheme.

7.6.3 Other matters raised have been addressed in the other sections of the assessment.

8.0 CONCLUSION

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

9.0 INTERESTED PERSON STATUS

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

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 11th April 2022

Item 5.5

Proposal : Siting of four storage containers and annual erection of temporary scaffolding viewing platform for spectators during the Isle of Man TT and the Isle of Man Festival of Motorcycling races

Site Address : Land Adjacent To Glen Moar Mill And Field 315139
Glen Helen Road
Laurel Bank
St Johns
Isle Of Man
IM4 3NN

Applicant : Rockfell Limited

Application No. : 21/01316/B- [click to view](#)

Planning Officer : Miss Lucy Kinrade

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. There are no exceptional circumstances or national needs demonstrated to warrant the level of permanency for the containers or the longer term temporary retention of the bleacher seating as proposed, and such development would have a long-lasting detrimental and harmful visual impact on the AHLV and on the wider countryside and rural setting contrary to Environment Policies 1 and 2.

R 2. There is insufficient information provided for the imported fill so as to ensure best protection of the environment or adjacent watercourse contrary to Environment Policy 7.

R 3. There is insufficient information provided for the potential flood risk so as to ensure the proposal would not be susceptible to flooding contrary to Environment Policy 10.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT.

THE SITE

1.1 The site represents a grassy field and hardstanding area forming part of the larger Glen Moar Mill complex situated on the south-eastern side of the Glen Helen Road part way between Ballig Bridge and Glen Helen, St Johns. Previously the site has been used as a car sales and filling station.

1.2 The site includes the old mill building and the large area of hardstanding which abuts the main road. Alongside the mill is an existing traditional dwelling and some outbuildings recently converted into residential accommodation.

1.3 The grassy field sits to the west of the buildings and hardstanding with an access path running between them. The field and path slope down from the road and towards the rear. Running along the rear boundary is the River Neb.

THE PROPOSAL

2.1 The current application seeks approval for a number of works within the field relating to its use during the motorbike race periods. These works can be best summarised as follows:

- o Permanent erection of 4 containers
- o Permanent installation of a raised timber access deck for the containers
- o Temporary erection of scaffolding platform and bleacher seating for 120 people for race periods

2.2 Detail of the proposal also includes:

- o Use of two of the containers for food and drink service during race periods (Use Class 1.3), the other two will be used as toilets and a general store.
- o Retention of the temporary seating and platform between race periods. Proposed is its erection before first the race period and dismantled after the last race period and either stored on site within the containers or taken off site.
- o The importation of fill to build the base on which the containers will sit (approx. 800mm higher than existing).

2.3 Parking for the proposal is to be on the existing hardstanding area. The supporting statement indicates that there is capacity for around 116 bikes, 8 cars and there is a shared minibus/coach area to encourage shared travel.

PLANNING HISTORY

3.1 The site has been subject to a number of application over recent years, including alterations and conversions to the existing house and outbuildings to provide new residential accommodation with additional tourist use and the extension and conversion of the existing mill into a new residential dwelling with similar tourist use (summary bullet pointed below).

3.2 There is one concurrent application 22/00198/B seeking approval for a further extension to the existing converted outbuildings to provide race marshal facilities and the creation of a roof terrace viewing platform. This application is pending consideration.

3.3 Summary of recent applications approved at the site;

- o 21/00151/B - Installation of stone cladding and patio doors - approved
- o 20/00937/C - Additional use of residential (class 3.3) as tourist living accommodation (class 3.6) - approved
- o 19/01057/B - Conversion and extension of Mill - approved
- o 15/01387/B - Conversion of tearooms to create two dwellings and siting of a gas storage tank - Approved
- o PA08/00966/B - conversion of the tea rooms into two dwellings and siting of a gas storage tank - Approved

3.4 There was also an application withdrawn in 2017 under PA 17/00354/B for the conversion of garage to one-bedroom tourist accommodation and creation of race day steward facility with viewing platform over. This was withdrawn due to the garage to be converted not actually existing and concerns expressed for the proposed extensions and viewing facilities.

PLANNING POLICY

4.1 The application site is identified on the 1982 Development Order as being within an area of High Landscape or Coastal Value and Scenic Significance (AHLV), the site is also adjacent to land covered by water (River Neb) and close to Eairy Beg Plantation. Flood maps identify part of the site as being at high river flooding risk and some surface water flooding.

4.2 The land is not zoned for development therefore General Policy 3 of the IOM Strategic Plan 2016 is applicable which sets out a general presumption against any kind of development in the countryside. It is also relevant to consider Strategic Policies 1 and 2 which seeks to make best use of existing sites and resources and directing all new development to town centres and designated sites, Strategic Policies 4 and 5 requires development to protect the landscape and to make a positive contribution to the Island, Environment Policies 1 and 2 that seek to protect the countryside for its own sake and protect AHLV's from harm, Environment Policies 4, 7 and 10 in the protection of habitats, watercourses and risk from flood, Transport Policies 4 and 7 in relation to highway safety and Business Policies 11 in respect of tourist uses being assessed no differently to any other types of development in the countryside. Also relevant are the general development standards set out in General Policy 2.

REPRESENTATIONS

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

5.1 German Parish Commissioners - objection (15/12/2021). The scaffolding will be unsightly in an area of high landscape value. The containers should not be on site permanently and they should be removed along with the scaffolding after each race period and not left up for the entire Summer season. The access is also on a blind dangerous corner and the potential movement of lots of vehicles where there is poor vision would be too dangerous particularly during the busy TT period.

5.2 Department of Infrastructure Highway Services - Do not oppose subject to condition (08/12/2021) -

5.2.1 Given the temporary nature of the proposal the works are considered acceptable from a highway perspective and not to raise significant road safety or network functionality issues. While not hitting all current highway criteria such as parking space sizes, the visibility splays have been maximised, there is ample space for pedestrians and vehicles, pick up and drop off and turning space and minded of the fact that the site will be subject to event management procedures it offers a further safeguarding and supervision of the use of the site. The residential and disabled parking bays should be marked and there should be a cap on parking numbers at 124 spaces. Temporary closure of the forecourt is welcomed and barrier details should be required by condition. The access to the field should be suitably surfaced.

5.2.2 Recommended conditions by DOI:

- Temporary time period
- Cap on the parking numbers at a total of 124 spaces
- Spaces for the planned and accessible uses allocated and marked / signed,
- The site layout access and egress to accord with drawing no 100.02 a,
- Details of barriers to be provided and approved prior to commencement,
- Field access surface material to be consolidated and bound for the first 6m.

ASSESSMENT

6.1 The application seeks approval for the siting and erection of both permanent and temporary structures within a field forming part of a wider site in Glen Helen, St Johns. The wider site has overtime been developed into a mix of residential and tourist use through the conversion and extension of existing traditional buildings for which there are planning policies

which support such conversions (subject to sensitive criterion in order to best protect the traditional and historic building stock).

6.2 However, in the case of this application there are no policies that support the permanent siting of containers and no policies that support temporary spectator seating nor the temporary use of containers for café or bar uses in the countryside or AHLV. While there could be some optimising of land and the proposal would utilise existing highway infrastructure, the proposal fails to take into account the countryside landscape and no other reasonable or acceptable alternative is demonstrated. Therefore we must consider whether there are any exceptional circumstances or overriding national needs demonstrated so as to outweigh those policies that ultimately seek to protect the countryside for its own sake, and whether the location of the development is essential or whether it would not harm the character and quality of the designated AHLV.

6.3 The permanent containers and platform would stretch approx. 30m long and set in from the sod bank with the top of the containers mimicking the top of the bank level. On top of these containers is then proposed the temporary 2m tall bleacher seating and its associated scaffolding platforms, railings and stairs.

6.4 The supporting statement for the application includes some examples of similar temporary race spectator stands, although only one is provided with a planning application number. PA 15/00209/B was approved for the annual erection of a temporary scaffolding spectator stand alongside an existing public house in the centre of Ramsey on the TT course. The Inspector's assessment stated "the grandstand offers an excellent spectator viewing point, with riders turning the corner almost below them followed by the sight, and sound, of machines accelerating hard out of Ramsey up Albert Road...As a permanent feature the grandstand would be ruinously intrusive, both in its impact on the attractive public house building and the wider setting of Parliament Square. However, limited to the race events, and seen along with many other temporary features, its beneficial purpose and temporary nature would be immediately apparent, countering any intrusive impact. There are no dwellings close by... Economic benefits to the applicant and the pub, as well as more generally, can reasonably be expected." The application was subsequently approved subject to a condition which said the stand could be erected one week prior to each race meeting and removed within one week after the last meeting, and the condition specifically stated that the grandstand could not be retained between the TT and MGP racing periods.

6.5 The principle in this case is perhaps not so far removed from that 2015 application, except the sensitivities of the site are not a town centre and public house but rather the Island's countryside and the AHLV both of which are to be protected from harmful development. In a similar outlook to the 2015 application, there has become to be an expected level of change to the Island during these special racing periods and as such it may be that a temporary siting of all the container and seating structures for these racing periods would quite evidently have an immediate apparent need and purpose. But their permanent siting or their temporary retention for near 5 months of the year would present an unacceptable and significantly intrusive level of development and one which would have a detrimental impact on the countryside and the AHLV, even more so given its location directly alongside an arterial route with large volumes of passing public and with expected views not only to the scaffolding, but also across the tops of the permanent containers. Strategic Policy 5 also requires development to be of high quality making a positive contribution to the Island. This is not considered to be such development meeting with these tests.

6.6 There are no exceptional reasons given nor is there any national need explained for having this development in this location for such permanent or extensive length of time. There may be economical benefits to the applicant and potentially some wider economic

benefits to the Island during those race periods, but there is no viability information provided to fully determine this, and on the basis of the current submission it is not felt that the potential short term economic benefit to the Island is sufficient enough as to outweigh the long term damaging impacts of the proposal on the countryside and AHLV.

6.7 It must also be borne in mind that there has been a contemporaneous application submitted for a another viewing platform atop of the existing buildings and so it brings into question whether there would be such a significant demand for spectator viewing as to warrant two viewing areas. Particularly this one which would result in unacceptable development in the countryside. Unlike the 2015 application, this location is also a much faster section of the course where bikes will likely be travelling through in excess of 100mph with fleeting views. Although while it cannot be judged where people wish to watch the races as this would be personal choice, it would likely be a combination of the seating and the café bar and toilet facilities that draw visitors to the site time and time again, and it appears that the applicants have over time developed the wider buildings of the site in a fairly established tourist business with heavy focus on racing and built a sound reputation with their customers. However, for the reasons given above this is not sufficient to now allow permanent or lengthy temporary development on the field to the detriment of the Island's countryside and AHLV's.

6.8 Turning to the temporary café and bar facilities, again there are no policies which support such retail uses in the countryside, however on a temporary basis for the purposes of the racing periods meeting the immediate racing needs and providing facilities for the site the proposed uses would likely be acceptable on exception subject to time limitation conditions. However on the basis that the permanent structures in which they uses are to take place are considered unacceptable this element of the scheme is not feasible to support.

6.9 The proposal also includes the importation of fill for which there is very little detail setting out where this fill is coming from or its quality, which minded of the proximity of the water course and the potential for contamination it would be necessary for such details to be provided to ensure suitable protection of the water course. Whilst this may form part of a separate waste license these matters should be given early consideration as part of the planning application in order to best protect the surrounding environment and issue conditions is necessary. While the raising of the land will likely lower the potential for flooding the application contains no information relating to the potential flood risk particularly those parts intended for permanent retention.

CONCLUSION

7.1 In taking into consideration the above, the level and scale of development for the containers on a permanent basis is considered to be unacceptable, and the proposed temporary bleacher seating is considered to be unacceptable for longer term retention between racing periods. There are no exceptional circumstances or national needs demonstrated to warrant the level of permanency for the development as proposed, and such development would have a long-lasting detrimental and harmful impact on this AHLV and on the wider countryside and rural setting contrary to Environment Policies 1 and 2. The lack of information provided for the fill and flood risk means that there is limited assessment and so it can't be guaranteed that the proposal would have a safe impact on the environment or adjacent watercourse or that it would not be susceptible to flooding contrary to Environment Policies 7 and 10.

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 11th April 2022

Item 5.6

Proposal : Alterations and erection of an extension to side elevation
Site Address : Moaney Moar Farm
Ballabooie Road
Cronk Y Voddy
Kirk Michael
Isle Of Man
IM6 1HR
Applicant : Mr Stewart Howard
Application No. : 21/01531/B- [click to view](#)
Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The occupation of the proposed dwelling (s) must be limited to persons whose employment or latest employment is or was employment in agriculture in the Island and including also the dependants of such persons as aforesaid

Reason for approval:

The proposed extension would be considered in accordance with Housing Policy 15 of the IoM Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AS THE PROPSAL IS EXTENDING A FARM WORKERS DWELLING IN THE COUNTRYSIDE BY MORE THAN 50% AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The application site forms part of the farm holding at Moaney Moar Farm, Ballabooie Road, Cronk-Y-Voddy which is situated to the north eastern side of the Ballabooie Road and north-west of the main A3 road linking St Johns to Kirk Michael.

1.2 The existing farm house/ dwelling is located along a private track that is also the main farm entrance. The dwelling house is characterised as a long bungalow with chimney at either end but has been extended at some point, presumably what was an attached garage is now a kitchen / dining.

1.3 The proportions of the property footprint would measure (on plan No.3) 25m long and 7m wide, with two outrigger extensions to either side. Internally the property has an approx. internal area of 187m² or 2000sq ft.

1.3 The existing farmhouse is L shaped and single storey. It was approved under 92/00066/A and 93/00626/B with an agricultural occupancy condition attached which requires that "the occupation of the proposed dwelling (s) must be limited to persons whose employment or latest employment is or was employment in agriculture in the Island and including also the dependants of such persons as aforesaid."

1.4 The existing buildings are generally screened from public view from the A3 and Ballaboole Roads by the topography and other buildings as well as relatively high hedges in places but the group is visible from the Little London road (see photographs) where the buildings are seen with the clubhouse sitting almost inconspicuously in front of the farmhouse and The Old Parsonage more dominant due to its height and white coloured walls. A sizeable sheet finished farm building is also visible to the right of the bungalow which in turn is visible, but not particularly prominent in the group.

2.0 THE APPLICATION

2.1 Proposed is a two storey extension with the creation of a dormers off the northern gable end of the dwelling house. The extension would follow the existing form and height of the bungalow but would extend out from the front elevation westwards with a footprint of 15m long and 5.5m wide giving a footprint of 82m² increase. With accommodation in the eaves measuring 4.6m x 4.0m (18.4m²) for bedroom 5 and 2.3m x 1.6m (3.6m²) for the ensuite and 2.5m x 4.6m (11.5m²) for the connecting space/storage area, equating- 33.5m² of useable space in the eaves through the creation of dormer accommodation. This would see a total creation of space of 88m² + 33.5m² = 121m².

Existing - 187m²

Proposed - 121m²

Total - 308m²

65% increase in floor area over the existing.

50% of the existing property is 93m² and the proposal is 65% increase.

2.2 The proposal would also see the removal of one of the chimney stacks. The creation of dormers would be biased towards the northern end of the proposed extension.

2.3 The level of finish is proposed to be painted rendered walls, pitched tiled roof and the dormers to be painted render and Upvc cladding panels. The proposal would see a balcony created on the North West elevation (gable end) at first floor level.

3.0 PLANNING POLICY

3.1 The application site is within an area not designated for development and zoned as Area of High Landscape Value or Coastal Value and Scenic Significance identified on the 1982 Development Plan.

3.2 The site is not within a Conservation area, there are no registered trees identified on site and the site is not identified as being within High Risk Flood Zone (River and Tidal) on the DoI's Flood map hub.

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

3.4 Whilst there is a presumption against development here as set out in General Policy 3 and Environment Policy 1, there is also support for certain types of works and extension and alterations to existing residential properties in the countryside, notably that set out in Housing Policy 15. And design of building should have a positive contribute as noted in Strategic Policy 5.

3.5 Whilst the land is not zoned for development, the general principles contained with GP2 (a-n) offer guidance that specifically addresses those issues affecting building on site that would be general 'development control' and considered capable of being applied to this proposal.

3.6 The principles of the Residential Design Guidance 2021 which sets out a number of general development standards for alterations to existing dwellings including neighbouring amenity.

4.0 PLANNING HISTORY

4.1 APPROVED> 93/00626/B - Erection of agricultural dwelling. This has a condition applied that limited the occupation to those employed in agriculture.

4.2 APPROVED> 17/00451/B - Alterations and extensions to farm house. This proposed is an extension at the front (western elevation) to project out 1.6m with a width of 6.1m. Also at the side, the property will be extended by 7m for the full width of the house. The two extensions will provide two slightly larger bedrooms than existing and a kitchen/dining room on the end.

5.0 REPRESENTATIONS (in brief)

5.1 Michael Commissioners had not commented at the time of writing.

5.2 Highways Services commented (06/01/22) with no objection.

6.0 ASSESSMENT

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

- | | | |
|-------|---------------------------|-----------------------|
| (i) | Principle | (SP5; GP3) |
| (ii) | Design | (STP5; GP2b) |
| (iii) | Visual impact | (Ep1, HP15, GP2,c,f,) |
| (iv) | Neighbouring amenities | (GP2g) |
| (v) | Sustainable Construction | (GP2n) |
| (vi) | Any other matters arising | |

6.1 Principle

The starting point here is the land designation within the area plan which designates the site as land not zoned for development. As General Policy 3 would be applicable in this instance, the proposal is for an extension to an existing residential property and does not specifically fit into any of the criteria for acceptable development (a-h), therefore regard must be given to the reasonableness of the scale and siting of the proposed developments within the defined residential curtilage in view of their subsequent impacts.

6.2 In this case it is relevant to give weight to Housing Policy 15 which allows for extensions to properties in the countryside (and has been exercised on this property under the 2017 approval) with the emphasis on visual impact and also any built additions must respect the proportion, form and appearance of the existing property. Environment Policies 1 which protects the countryside for its own sake and restricts development that would have an adverse visual impact on the countryside. Also the general principles contained with GP2 (a-n) offer guidance that specifically addresses those issues affecting building on site that would be general development control principles. On balance the principle of extending this dwelling house is acceptable form of development subject to the further assessment below.

6.3 Design

The design of the proposed extension has been designed to ensure the existing proportions of the dwelling house are reflected in the extension, noting the width and heights. In this case, the proposed ridge height is no higher than the existing ridge line of the existing property, in doing so and the orientation of the built form only the gable on the south elevation would be visible from the main Highway, if at all given the difference in level, and the height of the roadside embankment with heather atop. Whilst this would not only be increasing its massing here, it would be deemed to respect the proportion, form and appearance of the existing property. The inclusion of pitched roof dormer windows would not be any higher than the existing ridge and would add would align with the portrait windows below adding a degree of design merit when views on approach to the dwelling from the highway. These elements ensure the existing dwelling and extensions are read as one residential dwelling which ensures the proposed additions would be in accordance with STP5 and GP2b.

6.4 Visual Impact

In terms of how visible the scope of works are to the existing, Hp15 seeks that the impact when or if viewable is respectful to the properties proportions and appearance. The dwelling house is only really noticeable from the Ballabooie road and then this is of the upper proportions of the building and roofscape. However, just because the proposed extension cannot be viewed from a public vantage points doesn't mean it is acceptable as noted in para.4.3.11 for a relaxation of policies.

6.5 The visual appearance of the extension from the highway to the East (A3) Cronk Y Voddy, would only be minor in relation to the overall elevation of the dwelling that sits parallel to the highway (A3) to the east, albeit approx. 100m away. Any glimpsing or passing views in the gaps in the hedgerow would ensure the extension would be read in the same residential context as the property and would not appear out of keeping given the level and scale of the proposal. The matching levels of finish in terms of wall finish, doors, windows and roof tiles, helps to visually link the two together.

6.6 The proposals would be considered appropriate when read within the context of the area in terms of its height and design would be subservient to the scale and character of the main dwelling house. It is considered the proposal would be an acceptable form of development that would be read in accordance with Ep1, HP15, GP2, and would not have any adverse impact on that of the countryside or on the dwelling house and its agricultural setting.

6.7 Neighbouring Amenities

The site sits remote on the land scape with its agricultural buildings, as such there are no immediate neighbours that are considered to be impacted by the proposed development. As such, these aspects would be considered to be compliant with those sections of General Policy 2(g).

6.8 Sustainable construction

The erection of a new extension would have to conform to building regulations standards which ensures the thermal efficiency of the building is maximised. In addition the building has been designed with the majority of the glazing to take advantage of the rear and side facing elevation and glazing aspect. These are all seen as positive design attributes to reducing energy consumption for domestic dwellings as sought from GP2n.

6.9 Any other matters arising

None.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the proposal would accord with General Policy 2, 3; Environmental Policy 1 and Housing Policy 15 of the Isle of Man 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 11th April 2022

Item 5.7

Proposal : Additional use of site for the storage of classic cars and for car hire

Site Address : Unit 9
Balthane Park
Balthane
Ballasalla
Isle Of Man
IM9 2AX

Applicant : Mr Ernest David Karran

Application No. : 22/00231/C- [click to view](#)

Head of Development Management : Mr S Butler

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The authorised uses of the site are any combination of class 2.2 (Light Industrial and Research & Development), class 2.3 (General Industrial) or class 2.4 (storage or distribution) of the Town and Country Planning (Use Classes) Order 2019 (or the equivalent class in any order that amends or replaces that Order) and also the additional use as an operating centre for car hire.

Reason: for the avoidance of doubt and to define the scope of the approval.

C 3. Any additional use of the site as an operating centre for car hire (as set out in condition 2) shall be in accordance with the approved details including the Planning Statement.

Reason: for the avoidance of doubt and to define the scope of the approval.

C 4. No approval is given for the storage of cars or anything else other than within the building, although this does not preclude the use of the outside spaces for staff or customer parking.

Reason: for the avoidance of doubt and in the interests of visual amenity

Reason for approval:

The use is compatible with the overall industrial nature of the site and would provide for the continuation of employment opportunities in accordance with Strategic Plan Business Policy 1.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS REFERRED TO THE COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE PLAN AND IS RECOMMENDED FOR APPROVAL

1.0 SITE

1.0 The site is a unit within an existing industrial estate.

2.0 THE PROPOSAL

2.1 The application form indicates no operational development. The site is currently used for storage and wishes to change the use to an operating centre for car hire to meet requirements of the Road Traffic Licencing Committee for wedding cars (mainly Saturdays with drivers attending) and occasional client viewing. It is understood that this will be in addition to the existing use. No additional floorspace, changes to access, parking (4 spaces - excluding storage), levels, services, trees/hedge rows are proposed. The site is not within 9 m of a watercourse.

2.2 The supporting statement states, "Platinum Cars are seeking planning permission for change of use from the storage of classic cars, to an operating centre for hire of cars for special occasions. The existing site provides both staff welfare facilities and ample space, to ensure all hire vehicles operating from the site will be stored securely inside the building when not on hire. Due to the nature of catering for special events operating hours typically vary. Platinum Cars generally operate 7 days a week 09:00-17:00 however, the business predominantly operates for weekend events such as weddings. Platinum Cars currently employ three part time drivers and provide onsite parking provisions for all employees".

2.3 The applicant indicated (by phone - 04.04.22) that they had had the unit for a number of years and used it for car storage and had recently needed to start doing the hiring aspect from the location as well.

3.0 PLANNING POLICY

3.1 The site is allocated as Industrial in the Area Plan for the South. It is not within a Conservation Area or an area identified as being at risk of flooding. Employment Proposal 1 states,

"All industrial uses, other than small scale light industrial uses considered to be acceptable within the Mixed Use areas, or those uses deemed appropriate by the Isle of Man Strategic Plan Business Policy 7, will be located on the Industrial Estate at Balthane and where appropriate Ronaldsway and the Freeport".

3.2 In terms of the Strategic Plan (2016), the following policies are relevant:

- General Policy 2 - sets out Development Control Considerations
- Business Policy 1 states, "The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan".
- Paragraph 9.2.4 states (in part), "4 Sites identified as suitable for Industry will generally also be suitable for the storage and distribution of goods..."

- Business Policy 5 states (in part), "On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution..."

4.0 PLANNING HISTORY

04/00024/B - Development of Land to Provide 56 Industrial Starter Units including access, parking and landscaping. Approved subject to various conditions including C8 - "the use of the proposed units must be restricted to dry industrial processes only..."

5.0 OTHER CONSIDERATIONS

5.1 The Town and Country Planning (Use Classes) Order 2019 states that,

"Subject to paragraph (2), "industrial process" means the carrying on of any process, for or incidental to any of the following purposes, namely — (a) the making of any article or of part of any article; (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition of any article; or (c) the getting, dressing or treatment of minerals; being a process carried on in the course of trade or business other than agriculture" (Article 4(1)).

5.2 The Use Classes include:

- Class 2.2 - Light Industrial and Research & Development
- Class 2.3 - General Industrial
- Class 2.4 - Storage or distribution

5.3 The Employment Land Review (ELR) was published in 2015 and updated in 2017. It indicates that there is significant supply of Industrial Land within the South. As part of the assessment it considers the demand for employment land arising from land used for industrial, light industrial, storage and distribution and out-of-town offices.

6.0 REPRESENTATIONS

6.1 DOI (Highways) (17.03.22) - No significant negative impact upon highway safety, network functionality and /or parking. The Applicant is advised to consider the provision of electric vehicle charging points.

7.0 ASSESSMENT

7.1 The application was originally submitted as a change of use to allow car hire, however upon reviewing the planning history it was noted that the current use (storage) is in breach of the conditions of the current PA (04/00024/B) and so the description was amended to both regularise this element and allow for the additional car hire.

7.2 The main planning issues are:

- Land Use Designation
- Loss of Industrial Land
- Economic Benefit
- Prejudicing of the Use of Adjacent Units
- Highway Impact

7.3 The site is allocated for Industrial Use and the Strategic Plan makes it clear that storage is normally an acceptable use on such sites. The use for car hire is considered to be Sui Generis, although it related to the current storage use and is considered to be a suitable use within an Industrial Location.

7.4 It is important to safeguard the supply of Industrial Land from non-industrial uses, however the use for storage is considered appropriate on industrial land. The ELR indicates

there is sufficient supply of employment land within the South, and allows for storage and distribution within this calculation (although it is noted that this is the UK use class term).

7.5 It is noted that the proposal will help the continued running of a business.

7.6 It is sometimes a concern that the use of industrial land for non-industrial uses will prejudice the use of other units in that site for genuine industrial uses as such uses may have some amenity impact (that being the difference between light industrial and general industrial) and if more sensitive uses are allowed this may then result in objections for future development of nearby units for industrial uses. This is not considered a significant concern in relation to the proposed use.

7.7 The comments from DOI Highways are noted and relied upon in relation to highway matters

8.0 CONCLUSION

8.1 The use is compatible with the overall industrial nature of the site and would provide for the continuation of employment opportunities in accordance with Strategic Plan Business Policy 1.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 11th April 2022

Item 5.8

Proposal : Installation of cladding and change of use of buildings to vehicle restorations and repairs (retrospective)

Site Address : Units 1 & 2 Corletts Yard
Burnside Lane
Union Mills
Isle Of Man
IM4 4AF

Applicant : Corlett Sons & Cowley

Application No. : 22/00242/B- [click to view](#)

Head of Development Management : Mr S Butler

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. This use hereby approved relates to Class 2.3 - General industrial of the Town and Country Planning (Use Classes) Order 2019 or any order amending or replacing that order.

Reason: for the avoidance of doubt.

Reason for approval:

Although the site is zoned for residential use, it is part of a wider site which is not within such use presently and the proposed use is akin to the wider use of the site and as such will not materially alter the character of the area and as such this is not considered a reason for refusal. No concerns in relation to visual, environment, amenity or traffic impact have been identified that would warrant refusal. The proposal will help retain employment opportunities within a Service Village in accordance with Strategic Policy 3 and Business Policy 1.

Interested Person Status – Additional Persons

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

- Field to the North of the Site

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

Planning Officer's Report

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

1.0 THE SITE

1.1 The Site forms part of Corlett's Yard at Union Mills, to the East of Burnside Lane and to the rear of the Memorial Hall. The site has 5 main units and was formally used as an agricultural bulk storage (crops including grain drying and storage and other agricultural products such as wool) and machinery sales and repair.

2.0 THE PROPOSAL

2.1 The form indicates that:

- Full Approval sought for: Change of Use of Buildings 1 & 2 to vehicle restoration including minor mechanical repairs & paint spraying; and change of cladding on building 2 from fibre cement to box profile sheeting
- The uses are given as existing - industrial grain drying & st (appears to be missing words) and proposed - industrial vehicle restoration
- No change to access, number of parking spaces, site levels, services or drainage. There are trees within 15m of the site, but not within 9m of a watercourse or within a flood risk area.

2.2 Supporting information includes:

- Site has been in industrial use for c60 years and PA 18/01248/B recognised this, but site was rezoned as Predominately Residential in the Area Plan for the East with no specific reference to the site.
- Proposed changes to cladding means the building will fit in better with the other buildings in the yard
- Site is accessed via Burnside Lane, the yard is gated and there is sufficient parking within the site.
- Work on vehicles is all done within the buildings and no impact on amenity from noise as masked by background traffic noise.

3.0 PLANNING POLICY

3.1 The Site is within the Union Mills Settlement Boundary and is classified as Predominantly Residential. To the North of the wider site is allocation BH031s (Strategic Reserve Housing Site). The site is not shown as being at risk from river or tidal flooding, although there is some localised surface water flooding based on the flood map viewer. It is not within a Conservation Area.

3.2 The following policies of the Strategic Plan (2016) are considered relevant:

- Strategic Policy 1(a) - optimizing use of buildings/land
- Strategic Policy 2 - directs development to existing settlements
- Strategic Policy 3 - protect character of settlements including having regard to materials and character
- Strategic Policy 4 - no unacceptable environmental pollution or disturbance
- Strategic Policy 10 - Transport Issues
- Spatial Policy 3 - identifies Union Mills as a Service Village - Area Plans will define development boundaries so as to maintain and where appropriate increase employment opportunities
- General Policy 2 - general 'Development Control' considerations
- Environment Policy 22 - no unacceptable impact on environment or nearby properties due to inter alia airborne pollutants or vibration/odour/noise/light pollution

Business Policy 1 - supports growth of employment opportunities
- Transport Policy 7 - Parking Provision Community Policy 7 - Designing Out Crime

4.0 LEGISLATION

4.1 The Town and Country Planning (Use Classes) Order 2019 states that,

"Subject to paragraph (2), "industrial process" means the carrying on of any process, for or incidental to any of the following purposes, namely — (a) the making of any article or of part of any article; (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition of any article; or (c) the getting, dressing or treatment of minerals; being a process carried on in the course of trade or business other than agriculture" (Article 4(1)).

4.1 Class 2.2 - Light Industrial and Research & Development is defined as,

"Use for all or any of the following purposes — (a) for any industrial process; or (b) for research and development of products or processes, being a purpose which can be carried out 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".

4.2 Class 2.3 - General Industrial is defined as,

"Use for the purpose of carrying out an industrial process other than a purpose falling within class 2.2"

4.3 Sui Generis Uses include Special Industrial which is define as,

"the carrying on of processes (including storage) which may be particularly offensive by reason of noise, smell, vibration, smoke, soot, ash, dust, grit, or fumes, or dangerous by reason of the storage or use of dangerous or inflammable material, or inimical to public health by reason of vermin or other causes".

4.4 From the information available, it is considered that the proposal would fall under the definition of general industrial.

5.0 PLANNING HISTORY

5.1 Part of the application site has planning approval for erection of an agricultural shed with the proposed use to be storage to house the grain and bales of wool (04/02530/B).

5.2 There are a number of other planning applications which show the evolution of the site from agricultural to industrial use for example:

- One of the other units on the site is an office building which is occupied for the purpose of managing the business and the site - the most recent planning approval was for the erection of a detached agricultural/industrial storage building (19/01333/B) plan; and
- One of the units is occupied and has planning approval for the erection of a workshop this was previously used as a grain store and warehouse (14/00144/B) - this was subject to 3 conditions - 4 years implementation, clarifying what the approval related to and requirement to provide parking.

6.0 REPRESENTATIONS

6.1 DOI (Highways) - Do not oppose (11.03.22)

6.2 Braddan Commissioners - No Objection (16.03.22)

6.3 Owner/Occupier of Field to the North of the Site (07.03.22) make the following points:

- Their land is within 20m of application site;
- Access to site is owned by the commissioners and is inadequate width for two cars and has inadequate visibility - little or no opportunity to widen/improve
- Yard has been developed in an ad hoc manner and the current proposals further exacerbates the traffic issue (as does the nursery) - situation is unsafe
- No Road Safety Audit or Traffic Assessment - this information should be fundamental
- Adjoining site is owned by objector and is part of a much larger proposal to the Area Plan for the East which included transport measures which would have improved the situation but this opportunity has been lost so no opportunity to remedy the situation

7.0 ASSESSMENT

7.1 It is considered that the main issues are:

- Principle of Use
- Visual Impact
- Environmental/Amenity Impact
- Traffic Issues (Parking and Access)

7.2 Principle of Use

7.2.1 The site was subject to a number of planning applications for the buildings to demolish the old, out dated buildings and build new purpose built industrial buildings. The use of the site in these application is agricultural/industrial.

7.2.2 Although the site is zoned for residential use, it is part of a wider site which is not within such use presently and the proposed use is akin to the wider use of the site and as such will not materially alter the character of the area and as such this is not considered a reason for refusal.

7.3 Visual Impact

7.3.1 Although not widely visible it is considered that the alterations to the cladding are an improvement.

7.4 Environmental/Amenity Impact

7.4.1 Given the industrial character of the wider site, that there is sufficient space to carry out works inside the buildings and the relatively modest scale of the development there are no concerns that would justify refusal.

7.5 Traffic Issues

7.5.1 The concerns raised by the objector are noted, but it is considered that there is unlikely to be such an intensification of the use of the access to warrant refusal or the requirement for further information, and the advice from DOI (Highways) is also noted.

8.0 CONCLUSION

8.1 Although the site is zoned for residential use, it is part of a wider site which is not within such use presently and the proposed use is akin to the wider use of the site and as such will not materially alter the character of the area and as such this is not considered a reason for refusal. No concerns in relation to visual, environment, amenity or traffic impact have been identified that would warrant refusal. The proposal will help retain employment opportunities within a Service Village in accordance with Strategic Policy 3 and Business Policy 1.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 11th April 2022

Item 5.9

Proposal : Alterations and erection of a replacement garage, storage, and workshop extension

Site Address : Mullinaragher House
Rheast Road
Santon
Isle Of Man
IM4 2HR

Applicant : Mr & Mrs Guy & Anna Templer

Application No. : 21/01480/B- click to view

Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The development hereby approved may only be used as part of the occupation of the main house (Mullinaragher House) and not occupied separately.

Reason: to ensure the development takes place in accordance with the approved details.

Reason for approval:

The proposed replacement garage has been designed to have a minimal visual impact and would comply with HP16 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is the residential curtilage of Mullinaragher House, located on the southern side of Rheast Road - which links the Clannagh Road with the Mullinaragher Road. The site accommodates a predominately two-storey dwelling, with a single storey detached

double garage/ workshop/store and outbuilding together with a substantial landscaped garden including a pond.

1.2 This part of Rheast Road accommodates three dwellings - Mullinaragher House being the westernmost, with Springside and Ballacorrin to the east. There are other dwellings to the north on Clannagh Road.

1.3 The detached garage building shows an internal floor plan with parking for 2-3 vehicles, two stables two stores and a workshop. Permission for this was granted in 1994 (see history). The building is essentially two conjoined structures with two separate pitched roofs and an attached workshop (6m x 3m) to the east elevation. The existing has a footprint of 10m wide and 12.8m long.

2.0 THE PROPOSAL

2.1 Proposed is the demolition of detached garage / store buildings and the erection of a new detached building (18m x 7m) with a hipped tiled roof with garage and workshop on the ground floor and storage accommodation above the garage accessed from a loft ladder.

2.2 The proposal would also see a realignment of the access to the property with splayed entrance and the creation of an archway within the structure of the building with the parking relocated towards the rear of the curtilage around a courtyard area.

3.0 PLANNING POLICY

3.1 The application site is designated as; 'white land' or not zoned for development on the Area Plan for the East.

3.2 The site is not within a Conservation area, there are no registered trees identified on site and the site is not identified as being within High Risk Flood Zone (River and Tidal) on the DoI's Flood map hub.

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

3.4 Whilst there is a presumption against development here as set out in General Policy 3 and Environment Policy 1, there is also support for certain types of works and extension and alterations to existing residential properties in the countryside, notably that set out in Housing Policy 16. And design of building should have a positive contribute as noted in Strategic Policy 5.

3.5 Whilst the land is not zoned for development, the general principles contained with GP2 (a-n) offer guidance that specifically addresses those issues affecting building on site that would be general 'development control' and considered capable of being applied to this proposal.

3.6 The principles of the Residential Design Guidance 2021 which sets out a number of general development standards for alterations to existing dwellings including neighbouring amenity.

4.0 PLANNING HISTORY

4.1 The application site benefits from the following approvals;

- o 94/01041/B - Erection of implements shed, maintenance shed and greenhouse.

- o 06/00958/LAW - Application for a certificate of lawfulness for the removal of an agricultural workers occupancy condition.

- o 15/00662/B - Alterations and erection of extension to replace existing sun room.
- o 18/01103/B - Erection of a detached building to provide a studio.
- o 18/01327/B - Installation of a timber bridge to connect an existing small island within pond to garden.
- o 21/00685/B - Erection of a single storey extension and rear patio.

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

- 5.1 Santon Commissioners has not commented at the time of writing.
- 5.2 Highways Services do not object (No Highways Interest) 22/12/21
- 5.3 Eco systems commented (31/12/21) quoting the Wildlife Act 1990 and advises the works should be undertaken outside of the nesting seasons.

6.0 ASSESSMENT

- (i) Principle (SP5; GP3)
- (ii) Design (STP5; GP2b)
- (iii) Visual impact (Ep1, HP16, GP2,c,f,)
- (iv) Neighbouring amenities (GP2g)
- (v) Sustainable Construction (GP2n)
- (vi) Any other matters arising

6.1 Principle

The starting point here is the land designation within the area plan which designates the site as land not zoned for development. As General Policy 3 would be applicable in this instance, the proposal is for a replacement detached garage building adjacent to an existing residential dwelling and does not specifically fit into any of the criteria for acceptable development (a-h), therefore regard must be given to the reasonableness of the scale and siting of the proposed developments within the defined residential curtilage in view of their subsequent impacts.

6.2 In this case it is relevant to give weight to Housing Policy 16 which allows for extensions to properties in the countryside with the emphasis on visual impact and also any built additions must respect the proportion, form and appearance of the existing property. Environment Policies 1 which protects the countryside for its own sake and restricts development that would have an adverse visual impact on the countryside. Also the general principles contained with GP2 (a-n) that's offer guidance that specifically addresses those issues affecting building on site that would be general development control principles. On balance the principle of a replacement detached garage building is acceptable form of development subject to the further assessment below.

6.3 Design

The demolition of the existing detached building would be acceptable, it is not of any architectural or historical merit and being granted permission in 1994 would be of modern construction not to dissimilar to today's methods. Once demolished this area is to become a courtyard and parking area for the occupants of the dwelling house with access to the fields to the north of the site.

6.4 The proposed extension would be smaller than the existing in terms of footprint, and has been designed to ensure the existing proportions of the dwelling house are reflected in the design of the replacement building, noting the width and heights. In this case, the proposed ridge height is no higher than the existing eaves line of the dwelling house. The garage has been brought further forward than the existing to be in line with the front

elevation of the dwelling house. This enables the parking to be at the rear of the property and out of sight, which helps retain a clear front elevation when viewed from the highway.

6.5 Whilst the garage would be introducing a built element where at present there is none and is currently used as parking for the house, it would be deemed to respect the proportion, form and appearance of the existing property. The use of a hipped roof helps keep the overall massing lower but strikes a balance to match that of the existing modernised dwelling. The level of finish would seek to copy that of the dwelling house elements ensure the existing dwelling and proposed garage are read as one residential unit which ensures the proposed additions would be in accordance with STP5 and GP2b.

6.6 Visual Impact

In terms of how visible the scope of works are to the existing, Hp16 seeks that the impact when or if viewable is respectful to the properties proportions and appearance. The visual appearance of the new building from the highway to the north (Rheast Road) would be clear to see when driving along this road, but those passing views would ensure the building would be read in the same residential context as the property and would not appear out of keeping given the level and scale of the proposal. The matching levels of finish in terms of wall finish, doors, windows and roof tiles, helps to visually link the two together.

6.7 The proposals would be considered appropriate when read within the context of the area in terms of its height and design would be subservient to the scale and character of the main dwelling house. It is considered the proposal would be an acceptable form of development that would be read in accordance with Ep1, HP16, GP2, and would not have any adverse impact on that of the countryside or on the dwelling house and its rural setting.

6.8 Neighbouring Amenities

The site sits remote on the land scape with considerable distance to the nearest neighbours, as such there are no immediate neighbours that are considered to be impacted by the proposed development. As such, these aspects would be considered to be compliant with those sections of General Policy 2(g).

6.9 Sustainable construction

The erection of a new extension would have to conform to building regulations standards which ensures the thermal efficiency of the building is maximised. In addition the building has been designed with the majority of the glazing to take advantage of the rear and side facing elevation and glazing aspect. These are all seen as positive design attributes to reducing energy consumption for domestic dwellings as sought from GP2n.

6.10 Any other matters arising

None.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the proposal would accord with General Policy 2, 3; Environmental Policy 1 and Housing Policy 16 of the Isle of Man 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;

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