



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, 25th 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 11th April 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 9th May 2022.

PLANNING COMMITTEE Meeting, 25th 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 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 5.3 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 : Permitted</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 5.4 The Bungalow Ballamanagh Road Sulby Isle Of Man IM7 2HB</p> <p>PA21/01161/A Recommendation : Refused</p>	Approval in principle for the erection of a new dwelling, closing up of existing access, creation of new access and demolition of part of The Bungalow, addressing details of the means of access
<p>Item 5.5 Methodist Chapel Station Road Port Erin Isle Of Man IM9 6BD</p> <p>PA21/01407/C Recommendation : Permitted</p>	Change of use of church into a dwelling with associated parking
<p>Item 5.6 The Ballacallin Dalby Isle Of Man IM5 3BT</p> <p>PA21/01485/A Recommendation : Permitted</p>	Approval in principle for the erection of a dwelling to replace the former Hotel
<p>Item 5.7 Clubhouse Lime Street Port St. Mary Isle Of Man IM9 5ED</p> <p>PA21/01491/B Recommendation : Permitted</p>	Erection of new timber/steel frame constructed single storey extension to the North East Elevation with terrace over.

<p>Item 5.8 6 Prospect Hill Douglas Isle Of Man IM1 1EJ</p> <p>PA22/00206/C Recommendation : Permitted</p>	<p>Change of use from a sandwich bar (class 1.3) to a hot food takeaway (class 1.4)</p>
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PLANNING AUTHORITY AGENDA FOR 25th 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/B- [click to view](#)

Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application subject to a legal agreement

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

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

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

C 2. 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 Auldlyn 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.

This application was further presented subsequent to an initial consideration at the sitting 11th April, deferred by the members in order to conduct a site visit.

Such visit was carried out 10am 21st April 2022.

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 then 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 upgrades 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 Auldryn 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 Dooey 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 Lezypare. 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);
- * Sunnymeade, 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 were 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 Auldryn 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 Auldryn 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 additional 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 be 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 spend 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 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 30 trees ranging (mainly 18 Sessile Oak 3 to 4m in height (14 to 16 cm in girth) and a mixture of Gear/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 date 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 vanning and we 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 condition 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 considered 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 under taken 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 boarding 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 continue access across Lezayre Road by bats approaching the site form 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 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 our highlighted by the Manx Bat Group/Ecosystem Policy Team. Accordingly, with the appropriated 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 under taken 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 comments 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 include public footpaths being created; however, these have been removed. It should be noted that such 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 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 where 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 where 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 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".

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 25th April 2022

Item 5.2

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

0.0 PREAMBLE

0.1 This application was considered by the Committee on the 11.04.22 and deferred for a site visit.

0.2 At the 11.04.22 meeting, the owners/occupiers of The Grange, Ramsey Road, Knocksharry, made additions to their previously submitted representation highlighting further issues that directly impact their property. The new issues raised are:

- o The proposal will detrimentally affect their outlook and privacy.
- o The increase in traffic to the site and the change of use of the land will have a material effect on their living conditions both short and long term.
- o The only access to the site is owned by them, with the applicants having rights of access only.

0.3 In assessing the additional comments, the first issue of concern raised was the detrimental impact on outlook and privacy. Whilst this was not assessed in the initial officer report, it should be noted that the site of the proposed development is not on elevated grounds where there would be elevated views to this neighbouring property and as such, privacy concerns would not be valid grounds to refuse the scheme. In terms of impacts on outlook, it is also noted that the scale of the scheme which only covers an area measuring 12.4m x 7.8m, with the panels set at a maximum height of 1m above ground level, would not be so significant to result in detrimental impacts on outlook from 'The Grange' given that the arrays would look towards the south (and away from this property), and be set 32m from the application site boundary with this neighbour and about 51m from the nearest window on 'The Grange', totalling a minimum distance of 83m. Besides, the scheme includes the erection of a 1m high timber fence on the northern and eastern edges of the arrays which would serve to conceal the panels and ameliorate any impacts on outlook from 'The Grange'.

0.4 With regard to the matters related to increase in traffic affecting the occupants of 'The Grange', it should be noted that the only period that would generate increased traffic is the installation period. Therefore given that issues related to construction impacts bear no weight as material planning considerations this supposed impact cannot be considered in the assessment of this planning application. As such, this issue would be better addressed via the Highways legislation.

0.5 The matters related to ownership or rights of access, although may have implications for implementation of the proposed scheme, is also not a material planning matter as land ownership is a civil matter and would hold no weight in the assessment of a planning application. As such, the right to access cannot be taken into consideration in the assessment of the proposal.

0.6 Other matters which were further raised but previously contained in earlier representation include:

- o The proposal does not comply with EP2;
- o The site is in an area zoned as an Area of High Landscape or Coastal Value and Scenic Significance and part of the site fall within an area of Archaeological interest;
- o Do not agree that the break with national policy with regard to this site is essential as there are other possible and less intrusive locations within the applicant's ownership;
- o The site would be visible from nearby public roads;

These have been considered and assessed within the main body of the officer report and as such do not need to be reviewed again.

0.7 As was noted in the officer report, the owners/occupiers of The Grange, Ramsey Road, Knocksharry, as well as the other commentators did not explain how the scheme impacted on the lawful use of land owned/occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, and as such were not granted Interested Person Status. Given the new issues now raised which relate to the lawful use of their property, IPS has been reviewed to grant The Grange, Ramsey Road, Knocksharry, Interested Person Status for the application.

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

1.0 THE SITE

1.1 The 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 25th April 2022

Item 5.3

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 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 four containers, associated supports, platforms, scaffolding and spectator seating may be erected no sooner than one week before the first practice of TT and may remain until one week after the last race in that event, and no sooner than one week before the first practice of the Festival of Motorcycling and may remain until one week after the last race of that event. No approval is granted to the retention of the structures for the period in between the two events.

Reason: To clarify the extent of the planning approval and in the interest of the protection of the countryside.

C 3. The use for food and drink purposes shall be restricted to two containers only and may only be available for use no sooner than one day before the first practice associated with the TT races and up to one day after the last race in that event, and no sooner than one day before the first practice of the Festival of Motorcycling and up to one day after the last race in that event. No approval is granted for any food and drink purposes for the period in between the two events.

Reason: To clarify the extent of the planning approval and in the interest of the protection of the countryside.

C 4. For the avoidance of doubt, the four containers, associated supports, platforms, scaffolding and spectator seating shall not be stored anywhere outside on the site when not in use, unless otherwise agreed in writing by the Department.

Reason: in the interest of visual amenity, and such storage would need to form part of a separate planning application.

C 5. The site highway layout, access and egress shall be carried out in full accordance with drawing number 100.02 Rev B and retained as such thereafter and visibility splays kept permanently clear of obstruction above 1.05m.

Reason: In the interest of highway safety.

C 6. Prior to the first coming into use the permanent and accessible car parking spaces shall be marked out on site and retained thereafter.

Reason: in the interest of highway safety and parking provision.

C 7. The access lane (between the hardstanding and field) shall be surface finished in a bound material for the first 6m from the edge of the highway and retained as such thereafter.

Reason: In the interest of highway safety and to avoid loose material from entering the road.

Reason for approval:

The proposal is only considered acceptable on a temporary basis during the Isle of Man motorcycle racing periods and suitably worded conditions will ensure no permanent or long term retention of any structures so as to protect the character and quality of the countryside and area of high landscape value in accordance with Environment Policies 1 and 2.

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.

PRE-AMBLE

0.1 The application was deferred by the Committee at the meeting dated 11th April 2022, to allow the applicant time to consider amended the application.

0.2 The original application sought permanent siting of four containers, fill and raised platforms within the countryside, and the temporary siting of bleacher seating and scaffolding for watching the races during TT and Festival of Motorcycling (FOM) race periods and for this seating and scaffold to remain up during summer months between racing so as to reduce dismantling times.

0.3 This application was assessed by the case officer, although there could be some imminent need for the proposed developments during the race periods only, there was no overriding national need or exceptional circumstances to warrant the permanency of the four containers, fill and platforms on this site, nor to warrant the long-lasting impacts of the proposals on the countryside and AHLV. The application was also lacking in detail for the

proposed imported fill and potential flood risk and so was recommended for refusal contrary to EP1 and EP2, EP 7 and 10.

0.4 Following the preparation of the PC agenda and the refusal recommendation, the applicant sought to amend the scheme to propose the four containers, platforms, scaffold and seating structures for only the race periods, seeking their erection one week before each race period and their removal one week after each race periods, and the structures were not to be retained over the summer period. They also sought to remove the imported fill and provide information to overcome and demonstrate no flood risk.

0.5 Committee members considered that the cumulative changes went too far beyond the original submission and so deferred the application until the next meeting to allow for amended drawings and information to be formally submitted, time for the Commissioners to comment should they wish and time for the officer to prepare condition wording if to be approved.

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 revised proposal seeks approval for the temporary siting of four containers and associated supports, scaffolding and platforms and the installation of bleacher seating for the IOM TT races and the IOM Festival of Motorcycling races. All the containers, associated structures and seating are to be erected one week before each race period and dismantled and taken off site one week after each race period. The containers, associated structures and seating are not to be retained between race periods.

2.2 Detail of the proposal also includes the use of two of the containers for food and drink purposes during the race periods, and the containers are shown as being on supporting jacks and scaffold.

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

2.4 The current proposal follows from the original submission which sought the permanent siting of the four containers, the permanent installation of imported fill and raised platform, the temporary erection of scaffolding and bleachers seating for the race periods and the retention of the scaffolding and seating between race periods and over summer months to reduce dismantling times.

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:

- 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 following paragraphs are two fold, i) addressing the issues of the original scheme which was recommended for refusal and presented and deferred by the Planning Committee on Monday 11th April 2022, and ii) the assessment of the amended information and revised scheme which will go back to Planning Committee 25th April 2022.

i) Original scheme recommended for refusal

6.2 The original officers report which was produced for the PC meeting dated 11th April 2022 made clear that there were 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 optimised use of land and the proposal would utilise existing highway infrastructure, the original proposal for the more permanent structures failed to take into account the countryside landscape and no other reasonable or acceptable alternative was demonstrated. The permanent siting of the containers and platforms and the temporary retention of the scaffold and bleacher seating for near 5 months of the year was considered to present an unacceptable and significantly intrusive level of development and one that 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 and the proposal was not considered to be such development meeting with these tests. Although it was agreed that there could be some imminent justification for the development during the racing periods, there was no exceptional reasons or national need for the proposals outside of this time and the long term impacts on the countryside were felt to be significantly harmful and damaging contrary to Environment Policies 1 and 2. The lack of detail for the proposed imported fill and potential flood risk ask raised concern in respects of Environment Policies 7 and 10 in ensuring the watercourse was not harmed from potential leaching of fill material or that the proposal was safe from flood harm.

ii) Revised scheme

6.3 The proposal now seeks to amend the scheme omitting the imported fill and now having the four containers assembled on supporting jacks and only having the structures, platforms and bleacher seating for the racing periods only and its removal in-between.

6.4 The supporting statement for the original application included some examples of similar temporary race spectator stands one of which was PA 15/00209/B 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 Since the original submission and the original refusal recommendation to Committee, the agents have sought to amend the application to a more temporary nature seeking the development for only the race periods and a scheme which is now perhaps not so far removed from the above referenced 2015 application. It has overtime become expected that during these race periods the Island's environment adapts and changes to meet with the imminent racing needs. Just as the Inspector concluded for the 2015 application, the proposals here would still have an adverse visual impact on the whole, but minded of their temporary nature and their positioning only to meet the apparent and immediate needs of the race periods that an exception is to be made for their short term siting and the proposal is considered acceptable subject to suitably worded conditions.

6.6 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 during these race times, that the proposed uses would likely be acceptable and suitably worded conditions should also be added to the application in respect of time limitations.

6.7 The proposal now omits the importation of fill and thus there are no expected impacts on the adjacent watercourse in relation to the quality of this fill or the potential leaching in to the watercourse and as such the proposal is considered acceptable.

6.8 Additional information provided by the applicants indicates the level changes between the site and watercourse with the proposed containers sitting much higher than the river and only on the cusp of the flood risk areas. For the short term duration of the works coupled with the height at which they sit and that the timing of the races is also during the summer months when there is less likely chance of flooding that the proposal is not expected to be at any unacceptable or increased flood risk. This view is concurred. It is also in the applicant's best interest to not have development susceptible to flood risk. On this basis it is considered that the temporary works would have an acceptable flood risk impact in line with Environment Policy 10.

6.9 The revised drawings were circulated for comment. The report as prepared will be published prior to the deadline for these comments and so these will be verbally updated to the Planning Committee at the meeting dated 25th April 2022. The original views of the Commissioners (as referenced at 5.1 of this report) stated that the scaffolding and structures would be unsightly and that they felt they should all be erected only before and removed after each race period. So minded that the revised scheme now proposes this it is felt that to

some degree these concerns have been addressed. Nevertheless given the favourable findings as set out above the application the proposal is considered acceptable. Of course there have been no changes to the highway matters of the proposal and so the Commissioners original comments in respect of highway safety likely still remain unchanged. However given the now temporary nature of the whole scheme and the favourable comments received from DOI (subject to conditions) that the proposal is considered acceptable and not to have a significant adverse impact on highway safety as to refuse the application in this case. It is felt that it would be unreasonable to delay the determination of the application any longer but of course any comments received between now and the Planning Committee meeting will be updated verbally to the members and they would have the concluding view of the determination of the application.

CONCLUSION

7.1 In taking into consideration the above, the level and scale of development for the containers on a now temporary basis only for the racing periods that the proposal is considered to be acceptable. Ensuring the removal of these structures after the racing periods will ensure the countryside and AHLV is suitably protected in line with Environment Policies 1 and 2.

7.2 The removal of the imported fill and the additional information for the flood risk helps to ensure no harmful impact on the watercourse and to demonstrate how the temporary structures would not be at increased flood risk, and on this basis the proposal is considered to meet the tests of Environment Policies 7 and 10.

7.3 Suitably worded conditions shall be added to the application relating to the temporary timing of the structures and ensuring their erection and removal one week before and one week after each race period, the contemporaneous use of two containers for food and drink purposes only for those race periods, the need to undertake the access and highway works in accordance with the submitted drawings, the need to mark out the permanent and accessible spaces in the parking areas, provision of details for barriers and the need for a bound material up to 6m from highway on the access into the field.

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 : Approval in principle for the erection of a new dwelling, closing up of existing access, creation of new access and demolition of part of The Bungalow, addressing details of the means of access

Site Address : The Bungalow
Ballamanagh Road
Sulby
Isle Of Man
IM7 2HB

Applicant : Miss Pippa Edmonds
Application No. : 21/01161/A- [click to view](#)
Head of Development Management : Mr S Butler

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The application is considered to be contrary to Strategic Policy 1, Spatial Policy 4, Paragraph 4.3.11, Spatial Policy 5, General Policy 3 and Environment Policy 1 of the Strategic Plan (2016) and the site designations of the Sulby Local Plan (1998) and no 'other material considerations' have been identified that would outweigh these formally adopted policies which should be afforded significant weight having been informed by public consultation, public inquiry and adoption by Tynwald.

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):

South Grawe, 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

THIS APPLICATION IS REFERRED TO THE COMMITTEE AT THE REQUEST OF THE DIRECTOR OF P&BC

1.0 THE SITE

1.1 The application site is located to the North of Ballamanagh Road and is surrounded by agricultural land. It comprises an existing property (The Bungalow) and land to the rear. The character of the road is rural and it extends from the Claddaghs to the Ginger Hall public house.

1.2 The existing house is a large (in footprint) single storey property with a hipped tiled roof and prominent chimneys stacks on its east and west (sides) elevations that sits to the east. The property has a flat roof link extension to the west that connects onto a sizeable hipped tiled roof extension that is finished in the same format. The overall appearance is painted render. The appearance is elongated parallel with the highway rather than extending to the rear (north). The site has existing mature landscaping.

1.3 The rear half of the site is also well landscaped, both around the edges and to some extent between it and the existing house. During a site visit (6th April) there was evidence of it being used by the occupants of the dwelling (shed etc.).

1.4 The property has two accesses off the highway one formally presented with rendered walls and capped pillars and the second one with Manx stone walls splaying into a solid wooden gate approx. 2.2m wide.

1.5 A public footpath (51) runs immediately alongside the eastern boundary of the site, from the Ballamanaugh Road to join footpath 50 which leads south west to the Claddaghs and also continues on north to Sulby Village and the A3 TT Course.

2.0 THE PROPOSAL

2.1 The application seeks approval in principle for the erection of a new, additional dwelling, the retention and alteration of the existing dwelling (with a previous extension being demolished to provide access for the new dwelling). All matters are reserved other than means of access.

2.2 The site plan and layout drawings shows the creation of a new access adjacent to the solid wooden gate. This access is to be blocked up and planting of new road side hedging to match the existing type of shrubs. The new driveway would be to the west of these gates with a splayed entrance into the site at approx. 5.0m wide offering visibility splays of 2.4 x 194m to the east and 2.4 x 113m to the west with new gate piers set 6m back from the edge of the highway. To facilitate this it is proposed to remove a single tree.

2.3 From this entrance the roadway would curve east and across the location of the extension to the east of the main dwelling house and follow the western boundary to the rear of the site where the agents have indicatively shown two options (either or) of where a single dwelling could possibly sit. To facilitate this access road and access to the rear of the site the applicant is seeking to remove the extension of the main dwelling house and restore this property back to what it once was.

The agent notes the; "proposed dwelling design and siting is indicative only and we have shown two possible locations for the proposed dwelling. This is to demonstrate that a suitably designed dwelling could be accommodated on the site. The final design and layout would be

subject to a "Reserved Matters" application should the "approval in principle" application prove successful. For a sense of scale the indicative footprint shown is 8m wide x 12m long and if two storey would provide an overall floor area of 192 square metres".

2.5 The original planning statement sets out various points (in summary):

- o The existing house in need of attention, and currently has an unsympathetic extension.
- o The statement highlights a variety of options explore for altering and extending the existing dwelling or a replacement of the existing dwelling, then notes the restoration of the original appearance of 'the Bungalow' and finally reaching the conclusion of seeking an additional dwelling in lieu of the extension and alterations to the "The Bungalow".
- o Believe they could demolish and replace given Strategic Plan policies but would like to retain given what they regard as its historic significance and instead built an additional house.
- o Rule out further extension or alteration of the existing because again, whilst they believe this could be done in compliance with policies, would require significant changes which they believe may not be a sound investment and may not respond to climate Change objectives as set out in the Bill, and would instead like to restore to original appearance. But, would like to retain a house of equivalent to existing size and so propose to build a new house.
- o There previously existed a second house on the site (Gaythorne) and so the proposed dwelling should be regarded as a replacement of this. The proposed new dwelling would not be on the footprint of the existing for a number of reasons, including that a new dwelling so close to the existing would comprise potential access/visibility improvements and reduce privacy/amenity for occupiers.
- o New dwelling would be thermally efficient, designed/located so as not to be seen from public view and would therefore accord with Strategic Plan policies that protect the countryside and they believe the site is reasonably close to amenities (less than 500m from Ginger Hall Hotel and 1,500m to the Sulby Glen Hotel and shop, St. Stephen's church and Sulby Primary School) and other housing and so the new house would not significantly undermine policies that promote sustainable development.
- o Other undesignated sites which have had planning approval - Allandale Farm (07/00375/A, 09/01719/REM and 15/01134/B), Sulby Glen Road (15/00991/B), Glen Mona Loop Road (18/00200/A)

2.6 The additional supporting statement sets out various points (in summary):

- o Explanation of the proposed work (and that this includes the principle of part-demolition of the existing property)
- o Comments around the description of the application - the applicants consider that the proposed new dwelling should be regarded as a replacement for Gaythorne
- o Potential conditioning of works to the existing property
- o Clarification of Residential Status of the rear part of the site and why it should be regarded as within the curtilage of the existing house - applicants have lived at property since 2007 and have provided various photographs which they consider that the area has not been used as agricultural for sufficient time for it to be immune from enforcement

3.0 PLANNING POLICY & LEGISLATION

3.1 LOCAL PLANNING POLICY

3.1.1 The application site is identified on the Sulby Local Plan 1998 as white land or land not zoned for development. The Sulby Local Plan identifies several opportunities for residential development and clarifies in para 3.20 that it does not propose any additional residential development outside those areas. The site is not within a designated Conservation Area or within an identified area of Flood Risk Zone.

3.2 THE ISLE OF MAN STRATEGIC PLAN (2016)

3.2.1 The following policies that are considered relevant;

- o Strategic Policy 1 indicates development should make the best use of resources by ensuring efficient use of sites and being located so as to utilise existing and planned infrastructure, facilities and services.
- o Strategic Policy 2 - directs new development to existing towns and villages, or the countryside only in exceptional circumstances (see General Policy 3)
- o Strategic Policy 5 - design quality
- o Strategic Policy 10 - integrated transport network and related issues
- o Spatial Policy 4 - indicates that in certain villages (including Sulby) development should be at an appropriate scale to meet local need and that Area plans will define boundaries.
- o Paragraph 4.3.11 states, "While wishing to conserve the historic landscape of the Island the Department welcomes new styles of housing as long as they take into account the landscape context and the impact on the amenities of the area in which they are sited. Merely arguing that a new building cannot be seen in public views is not a justification for the relaxation of other policies relating to the location of new development".
- o Spatial Policy 5 - development outside defined settlements only permitted in accordance with General Policy 3.
- o General Policy 2 - sets out normal 'Development Control' considerations
- o General Policy 3 - sets out the exceptional circumstances in which development will be approved in the countryside (none of which are considered to apply to this site)
- o Environment Policy 1 - protects the countryside and its ecology for its own sake
- o Environment Policy 2 - protects Areas of High Landscape or Coastal Value and Scenic Significance*
- o Environment Policy 42 - seeks to prevent inappropriate backland development - supporting text defines this as, "development on the land at the back of properties" and indicates it "may also be acceptable in some circumstances, but only if satisfactory access can be achieved and if there is sufficient space to provide adequate amenity for both new and existing adjoining dwellings"
- o Transport Policy 7 and Appendix 7 relate to parking standards

*The Sulby Local Plan (1998) does not include on the proposal map any Areas of High Landscape or Coastal Value and Scenic Significance. South of the TT course going towards the uplands is identified as AHLVoCV&SC in the 1982 Development Plan.

3.2.2 Housing Policy 4 directs new housing to settlements other than in exceptional circumstances and cross references the policies which set those circumstances:

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

3.2.3 Housing Policies 15 and 16 relate to extensions to properties in the countryside

3.2.4 Other policies within the Strategic Plan which are considered relevant in the assessment of the proposal are; Infrastructure Policy 5 (water conservation and management), Community Policy 7 (designing out criminal and anti-social behaviour), Community Policy 10 (proper access for firefighting appliances) and Community Policy 11 (prevention for the outbreak and spread of fire).

3.3 RESIDENTIAL DESIGN GUIDE (2021)

3.3.1 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.

3.4 CLIMATE CHANGE ACT (2021)

3.4.1 The Act includes provisions to amend various element of planning legislation including to add the wording below after section 2(2) of the Town and Country Planning Act (1999). Although this element of the Act has not been the subject of an Appointed Day Order, it shows the direction of travel and is capable of being a material consideration.

"(2AA)The development plan must also take into account the following climate change policies established under the Climate Change Act 202- —

- (a) the maximisation of carbon sequestration;
- (b) the minimising of greenhouse gas emissions;
- (c) the maintenance and restoration of ecosystems;
- (d) biodiversity net gain;
- (e) the need for sustainable drainage systems; and
- (f) the provision of active travel infrastructure".

3.5 AREA PLAN FOR THE NORTH AND WEST

3.5.1 Preliminary Publicity for the Area Plan for the North and West was undertaken in 2021 and a draft plan is anticipated to be published in 2022. Paper PP1 notes the outcome of the inquiry into the Area Plan for the East where the Inspector made recommendations to focus development to Douglas and Onchan and away from smaller settlements and that this is relevant for the North and West (3.4.7 and 3.4.8) and proposes an approach that focuses new housing on Ramsey and Peel. The summary of Chapter 4 (page 27) notes, "The housing need as set out in the Strategic Plan appears to have been largely met in the North and West if adjusted to take account of the findings of the 2016 Census".

4.0 PLANNING HISTORY

4.1 IDO32015 (Approved on 25/02/1972) provided for the demolition of Gaythorne and its replacement with an extension of the Bungalow, with the curtilage of Gaythorne being subsumed into that of The Bungalow.

4.2 It is noted that the site plan for 32015 is clear that the other house was to be demolished and the curtilage subsumed into the curtilage of The Bungalow but also seems to exclude the land at the back as being either part of the existing or proposed curtilage of either property. It would therefore appear that the curtilage of the Bungalow has at some point been extended into surrounding agricultural land without the benefit of planning approval.

5.0 REPRESENTATIONS (in brief, full representation can be read online)

5.1 Lezayre Parish Commissioners (16.11.21) - support the application (no details or reasons given)

5.2 DOI (Highways) commented (19.10.21, 24.12.21 and 24.03.22) - no objection subject to conditions in relation to drainage provision and that access arrangements and visibility splays are built in accordance with Drawing No. 21 1529 01.

5.3 DEFA (Ecology) (22/10/21) does not object but requests; a landscaping replacement condition before any works on site commence and that the vegetation is only removed outside of the nesting season (March - August); they further advise the applicant seek a bat survey prior to any demolition given the proximity to the river and open countryside.

5.4 DEFA (Trees) (11.04.22) - No Objection.

5.5 DEFA (Registered Buildings Officer) (08.04.22) sets out an assessment of the architectural/heritage value of the existing house and concludes that it is an "architectural oddity" and "would not say that it is innovative" and concludes it is, "experimental, but not executed with particular merit". He indicates it is not of sufficient architectural or historic interest to object to its loss but, "would encourage its retention where possible as it has survived until this time, but I would give it no more weight than any other average dwelling of this period". He also notes that, "I do consider however that there is scope to improve on those elements through sympathetic redevelopment of this property which could involve replacement of existing additions with new".

5.6 1 South Grawe, Laxey (11.10.21) seeks clarification on what the application proposes.

ASSESSMENT

6.1 The key issues are:

- o Distribution of New Housing (StP1, StP2, StP10, SP4, SP5)
- o Site Designation and Policies Providing for New Houses on un-allocated land (StP2, GP3, see para 3.2.2)
- o Impact on the Openness of the Countryside (EP1, Para 4.3.11)
- o Quality of Accommodation/Amenity for current/future occupants (StP5, GP2, EP42)
- o Impact on Residential Amenity of other properties (StP5, GP2, EP42)
- o Highway Issues (GP2, TP7)
- o Trees and Bio-Diversity (GP2)
- o Previous Dwelling
- o Curtilage
- o Retention/Alteration of Existing Dwelling (HP15 and 16)
- o Climate Change Act
- o Other matters (see para 3.2.4)

6.2 DISTRIBUTION AND NEED FOR NEW HOUSING (STP1, STP2, STP10, SP4, SP5)

6.2.1 The Strategic Plan indicates a low level of new housing may be suitable in villages, and that the boundaries of these should be set through Area Plans. The current Local Plan makes provision for residential development and does not include the current site. The emerging information from the Area Plan work suggests there is unlikely to be a need for new sites. It is therefore considered that no local need for additional housing on non-allocated sites near to Sulby has been identified, and that any opportunities for such development should properly be assessed through the Area Plan process. In any case, it is questionable whether a new house at the site could be considered to be properly part as Sulby as there is agricultural land dividing the application site from Sulby itself in terms of settlement pattern, and the site is some distance from the existing settlement centre.

6.3 SITE DESIGNATION AND POLICIES PROVIDING FOR NEW HOUSES ON UN-ALLOCATED LAND (SP5, GP3 AND SEE PARA 3.2.2)

6.3.1 The site is not designated for development. It does not meet any of the exceptions for new houses in the countryside as set out in the relevant policies. This is considered to be grounds for refusal.

6.3.2 There are examples where a dwelling is essentially filling in a gap between two or more properties and so not unacceptably impacting upon policies which seek to protect the countryside and in some of these cases this has been considered a material consideration that would justify setting aside the above, however that does not appear to be the case here.

6.4 IMPACT ON THE OPENNESS OF THE COUNTRYSIDE, LANDSCAPE AND VISUAL IMPACT (EP1, PARA 7.5.1, 4.3.11)

6.4.1 The application includes an argument that because the site is well landscaped and behind an existing house it is of limited view and as such does not negatively impact on the countryside and so complies with EP1 and EP2, and that this is also a reason to outweigh no compliance with other policies.

6.4.2 It is agreed that the site has mature landscaping on all sides (including from the road) which would reduce the visibility of any new dwelling on the site (although as part of an Approval in Principle and without indicative elevations or other details it is difficult to make this judgement with certainty). Of course, there is no guarantee that such landscaping would be retained in the long term and indeed as part of the site visit it was noted that the height of some of the vegetation gives areas of the site a 'gloomy' feel and may impact on light for both the existing and any new dwelling. It is possible that the occupiers of either dwelling may wish to reduce the extent of the vegetation to respond to this which would be likely to increase the visibility of the site, from both the road and the public footpath. Depending on this, and the actual design of the property, it is possible that it could be visible from public view.

6.4.3 If it is accepted that the dwelling could be 'hidden' by landscaping, there is a temptation to view each Strategic Plan policy as a stand-alone test, rather than to read the document as one and in context (including the supporting text). However, paragraph 1.7.2 of the plan states, "The Aim, Objectives, Policies and Spatial Strategy must be looked at as a whole. They are intended to inter-relate and should not be read in isolation". It is also noted that section 10(4) of the Act does not give primacy to the policies, and as such the supporting text is of equal weight.

6.4.4 It is noted that paragraph 7.5.1 states (in part - my emphasis), "It is recognised that all of the countryside across the Island is generally of a good quality and where development proposals are permitted by other policies of the plan, they should be designed in such a way which helps preserve the rural character of the open countryside. Accordingly, the following general policy is adopted".

6.4.5 Overall it is judged that the application does not comply with EP1. Even if it were judged that the proposal was not in-isolation, contrary to EP1, this is not a reason to set aside the policies set out at 6.3 - EP1 is an additional safeguard, not an alternative test. This is reinforced by paragraph 4.3.11 which states, "Merely arguing that a new building cannot be seen in public views is not a justification for the relaxation of other policies relating to the location of new development". Therefore whether or not the new dwelling would be visible is not capable of being an 'other material consideration' which could outweigh the Development Plan, because it is an issue specifically addressed within the Development Plan.

6.5 QUALITY OF ACCOMMODATION/AMENITY FOR CURRENT/FUTURE OCCUPANTS (STP5, GP2, EP42)

6.5.1 The site is not within a conservation area or is a registered building and sits detached in its own grounds. Guidance is given in EP42 for 'backland development' as noted in para 3.14 and can be acceptable if satisfactory access is achievable and adequate amenity space for existing and proposed dwellings.

6.5.2 The proposed drawings note an indicative layout to show how a single plot (two options shown) could be laid out with an internal access road from the highway that includes parking and their own amenity space. The indicative footprint of those two plots, on an either or basis, would broadly measure approx. 12m x 8m at the extremities and if two stories would provide an overall floor area of 192 sq m. At a full two stories, the site may become

too dominant, however a condition limiting the dwelling to single story to eaves level does not preclude any dormer accommodation within the roof space. The drawings indicate the site is broadly level between the carriage way and the proposed footprint. This footprint would be smaller than the current property "the Bungalow" on site.

6.5.3 At this stage it is only the principle of development and the access is to be discussed but the indicative plans do give an illustration how the density of development works within the confines of the site. Any further design of the dwellings which concerns those aspects of scale, form, design, massing would be considered at any future Reserved Matters Application and would need to comply specifically those aspects of Gp2b and again EP42, STP5, CP7 & 11.

6.5.4 Overall, although noting the limited detail is provided in relation to this, but the size of the plot and distance from proposed to existing results in there being no concerns here that would justify refusal of an Approval in Principle.

6.6 IMPACT ON RESIDENTIAL AMENITY OF OTHER PROPERTIES (STP5, GP2, EP42)

6.6.1 It is noted the nearest neighbour that would be affected by this proposal would be the applicants of the site. The nearest residential dwelling house would be Close Moar (180m) to the east or Glen Villas (100m) to the West or The Dhyne (140m) to the North. All of which would not be visible from the application site.

6.6.2 This application seeks that all matters, other than the access (siting, design, external appearance of the building, internal layout, drainage, and landscaping of the site) to be determined at the any future Reserved Matters Application. The potential impacts upon neighbouring amenities through overlooking, loss of light, over bearing impact, privacy and visual amenity, potential impacts upon the visual amenities of the street scene, and potential amenities of future occupants of the dwelling are all matters which would be considered at any future Reserved Matters Application specifically those aspects of GP2.

6.7 HIGHWAY ISSUES (GP2, TP7)

6.7.1 Highway Services have considered the principal merits of the proposal, 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 heavily relied upon and it is noted they do not object to the principle of the means of access to this application.

6.7.2 Having considered the above, the details have shown how access to the rear of the site and off the highway can be achieved and has been designed to align with the principles of GP2 h&i and TP4&7 and CP10 and can be conditioned as per highways recommendation.

6.8 TREES AND BIO-DIVERSITY (GP2)

6.8.1 The comments from DEFA (Ecology and Trees) are noted and relied upon. It is considered that, subject to conditions, the proposal could be acceptable in this regard.

6.9 PREVIOUS DWELLING

6.9.1 Procedurally, when a building has been demolished and no longer remains on site in any capacity any 'permission' it may once had, is lost when the building is removed in planning terms and the site is treated afresh. The planning history of a site is a material consideration. In accordance with Section 10 of the 1999 Act (page 16) part(4) the Department shall have regard to (d) all other material considerations.

6.9.2 Given the very significant amount of time since the previous dwelling was demolished, the clear intention for the dwelling to not be replaced planning history and current situation the proposal is not for a replacement (extension built on footprint, curtilage subsumed) and

that the new dwelling is proposed on a different (but adjacent) site it is considered that the proposal could not be reasonably considered to be a replacement. Accordingly very little weight can be afforded to the fact there was, perhaps 50 years ago, a house near to the site.

6.9.3 Furthermore, it is noted the policies within the Strategic Plan which relate to replacement dwellings refer to the "existing" (e.g. HP11, HP12, HP14 etc.), which reinforces the above view.

6.10 CURTILAGE

6.10.1 The site plan for 32015 is clear that the other house was to be demolished and the curtilage subsumed into the curtilage of The Bungalow but also seems to exclude the land at the back as being either part of the existing or proposed curtilage of either property. It would therefore appear that the curtilage of the Bungalow has at some point been extended into surrounding agricultural land without the benefit of planning approval. If this is the case, the current application could be progressed on the basis that it seeks approval for a dwelling on land which is currently on land which aerial photographs suggest has been used as residential curtilage for some time and so is perhaps immune from enforcement action, although such use remains unlawful in the absence of a certificate of lawful use.

6.10.2 It is not considered that the lawfulness of the curtilage is in itself a key material issue because it is considered that even if it is accepted that the application site is within residential curtilage, this is not in itself sufficient grounds for granting planning approval for a house on a non-allocated site. It is noted that there are cases where such applications have been approved as departures, but these have also been more closely related to the edges of existing built up areas and a higher level of existing built development (see 6.3.2).

6.11 RETENTION/ALTERATION OF EXISTING DWELLING (HP15 AND 16)

6.11.1 The removal of the newer extension is considered acceptable in principle. There may be some limited planning benefit if previous extensions to the Bungalow were removed but the main dwelling retained, however given the comments from the Registered Buildings Officer this benefit is given very limited weight (and to some extent any benefit is reduced by the current boundary treatment which reduces public view - although see earlier comments on potential for this to change). Further, it is not accepted that The Bungalow is not capable of sensitive alteration/extension and so this is not considered a reason to set aside the policy objections.

6.12 CLIMATE CHANGE ACT

6.12.1 The planning provisions within the Climate Change Act are not yet in force, and it is clear that these are to be implemented initially through changes to planning policy, and therefore they are of limited weight. However it is useful to understand the direction of travel. The concept of Sustainable Development (and arguably responding to Climate Change issues) is already centrally embedded within the Strategic Plan and many of the policies reflect this. The overall settlement strategy is aimed at supporting existing settlements and reducing the need for journeys by car. Whilst a new house in the countryside could be built to a high standard, this is not considered a reason to ignore the spatial aspects of responding to Climate Change nor the other policy issues as outlined previously.

6.13 OTHER MATTERS (SEE PARA 3.2.4)

6.14.1 No concerns are identified.

7.0 CONCLUSION

7.1 The following matters are considered to weigh in favour of the application: quality of accommodation; lack of negative impact on existing/neighbouring houses; lack of objection in terms of highways; lack of objection in terms of trees and ecology; and potential to improve existing dwelling,

7.2 The following matters are considered to weigh against the application: Site Designation and being contrary to policies in terms of new housing and protection of the countryside; distance from Sulby Centre; and intervening land uses.

7.3 The following matters are judged neutrally in terms of planning balance: Housing Need; Visual/Landscape Impact; Planning History (Previous Dwelling and Questions over Curtilage); Climate Change Act; and Other Matters.

7.4 The application is considered to be contrary to Strategic Policy 1, Spatial Policy 4, Paragraph 4.3.11, Spatial Policy 5, General Policy 3 and Environment Policy 1 of the Strategic Plan (2016) and no 'other material considerations' have been identified that would outweigh these formally adopted policies which should be afforded significant weight having been informed by public consultation public inquiry and adoption by Tynwald.

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

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 25th April 2022

Item 5.5

Proposal : Change of use of church into a dwelling with associated parking
Site Address : Methodist Chapel
Station Road
Port Erin
Isle Of Man
IM9 6BD
Applicant : Port Erin Methodist Church Council
Application No. : 21/01407/C- [click to view](#)
Planning Officer : Mrs Vanessa Porter

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

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

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

Reason for approval:

The proposed application for a change of use to residential would be supported by according with General Policy 2 of the Strategic Plan 2016.

Interested Person Status – Additional Persons

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

Davlin, Bay View Road, Port Erin and 37 Droghadfayle Road, Port Erin as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

Planning Officer's Report

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

THE SITE

1.1 The application site is within the curtilage of Port Erin Methodist Church, Station Road which is situated within the Port Erin Village upon a corner plot where Station Road meets Droghadfayle Road. The Church is part of a larger site which includes the Methodist Church Hall which is situated to the West of the site.

1.2 The overall site in which the Church is situated upon is a quarter circle which includes a Funeral service to the West of the site and the Royal Legion Hall to the South of the site. To the South West of the site is a public car park.

THE PROPOSAL

2.1 Proposed is the change of use of the Church to a dwelling. No physical changes are proposed to the building.

2.2 The plan submitted shows the conversion and installation of first floor to the Church to provide a kitchen, dining, living room, study/snug and atrium garden to ground floor level and four bedrooms with home office to first floor level.

2.3 The application also proposes the alteration of the existing outside space to provide a landscaped area.

2.4 Two parking spaces have been provided with the site from the adjacent Church Hall's parking.

PLANNING HISTORY

3.1 The following applications are on the application site itself;

3.1.1 PA09/01218/B - Installation of replacement windows and door to entrance porch - Permitted

3.1.2 PA97/01448/B - Alterations to front entrance including ramped access and new doors - Permitted

3.2 Whilst not within the red line boundary, it is within the blue line given, the Church Hall next door has had a recent application PA21/01105/B, which was for the installation of "Installation of pitched roof, erection of porch, window / doorway alterations, revised building access and car parking provision and landscaping" which was Permitted.

PLANNING POLICY

4.1 The site lies within an area zoned as "Civic & Worship" on the Area Plan for the South, Map 7 - Port Erin/Port St Mary. The property is not within a Conservation Area or a Flood Risk Zone.

4.2 As such the most logical Isle of Man Strategic Policy is Community Policy 3 which seeks that the loss of a local community facilities (other than shops and public houses) will only be permitted if it can be demonstrated that it is no longer practical or desirable to use the facility for its existing use or another use likely to benefit the local community.

4.3 Consideration should also be given to General Policy 2 which sets out the general standards towards acceptable development, Transport Policy 7 which sets out acceptable parking standards.

REPRESENTATIONS

5.1 The following representations can be found in full online;

5.2 Highway Services have considered the proposal and state "Do not Oppose." (09.12.21)

5.3 Port Erin Commissioners have considered the proposal and are in support of the application (8.12.21)

5.4 The owner/ occupier of Davlin, Bay View Road, Port Erin have written in to object to the proposal on the basis of the land designation and its overall appearance within the streetscene.

5.5 The owner/occupier of 37 Droghadfayle Road, Port Erin initially wrote in to object to the proposal but further correspondence on the 19th January 2022 stated they would like to withdraw their previous comments.

ASSESSMENT

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

- principle (CP3)
- character and appearance (GP2)
- impact on neighboring amenity (GP2, g)
- other matters (TP7, CP7, 11 & IP5)

6.2 PRINCIPLE

6.2.1 The main issue arising in the case of this application is whether the loss of the Church and community aspects of the Church is acceptable, taking into account Community Policy 3.

6.2.2 When looking at the information provided as part of this application, there is no reference to the use of the Church no longer being required as a community apart from a low congregation number. Whilst this is the case the information goes on to state that a feasibility study was done and that for the owners of the Church the feasibility of them continuing to use the Church as a church or alternatively alter the internal structure to use the Church as a community space would be costly and ultimately it was decided that it would be more worthwhile to sell the site.

6.2.3 As stated within part 1 of this report, the Church also owns the Church Hall which is connected to the site, this had planning in 2021 (PA21/01105/B) to do works which was remodelling to make the space there more useful and to provide a better service to their congregation.

6.2.4 The loss of the community use of the main Church is regrettable, whilst this is the case there has been a long standing understanding that less and less people are going to Church services, especially with more modern ways of Church sermons being done such as online. With this in mind and the low numbers of official memberships it indicates that the likelihood of a use resulting in income sufficient to ensure the continued maintenance of the building

would be minimal. In this case, therefore, it is not considered objectionable that the development would result in the loss of a community facility

6.2 CHARACTER AND APPEARANCE

6.2.1 The floor plans provided within this application and the surrounding area are indicative, as such several pieces of information are missing from the drawings. There are proposed to be no changes to the exterior of the property apart from landscaping within this application.

6.2.2 The proposed use as residential would not be out of character for the surrounding area, as there are properties adjacent to the site and as such there would be a limited impact to the character and appearance of the surrounding area through the domestication of the site. The continued use of the site as residential should ensure that the church is habitable by a degree of upkeep and is maintained to help retain the visual appearance of the building.

6.3 IMPACT ON NEIGHBOURING AMENITY

6.3.1 When looking at the impact on neighbouring amenity, the level and scale of development proposed within this application is considered to be relatively minor and not judged to cause harm to the neighbouring sites due to there use is a Church Hall and Community Centre for the British Legion, including the surrounding area which will have it's own underlying noise levels. The closest residential property to the site will be "Norville" which is situated to the East of the site across the main road.

6.3.2 It is further noted we have not received any objections or comments from the adjoining neighbours and the local authority do not object. On balance, these aspects would be considered to be compliant with those sections of General Policy 2(g).

6.3.2 Another aspect of the amenity of the dwelling would be whether the proposal has a clear pleasant outlook from the principle rooms. Having looked at the indicative floor plans, it can be seen that the main principle rooms are situated to the East of the dwelling which overlooks the main Droghadfayle Road and due to its location within a town centre this is acceptable. It is considered that the views from the principal rooms, living room, kitchen and main bedrooms would have a pleasant outlook and all other rooms would have windows to provide natural light.

6.4 OTHER MATTERS

6.4.1 With regards to the parking available within the curtilage of the site, the proposal includes two spaces within the existing Church Hall site to the West of the site. The Church Hall site has an already reduced amount of parking within its site, which is less than the recommended under Transport Policy 7.

6.4.2 The application site, as stated previously is within a town centre position as such, there is public transport available on a fairly regular occurrence and there is a public car park situated to the rear of the site. Whilst the parking spaces would be better suited to the church hall it is noted on why they have been put forward as part of this application and understandable.

6.4.3 The removal of the parking spaces, whilst not needed, will be fulfilled via either public transport, the car park to the rear or alternatively with the on street disc parking surrounding the site.

CONCLUSION

7.1 It is considered that the conversion of the church to a dwelling house would provide in most regards adequate living conditions without compromising the character and appearance of the surrounding area/church itself or impact highway safety and as such is considered to comply the Strategic Policies within section 4 of this assessment and recommended approval with conditions.

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 25th April 2022

Item 5.6

Proposal : Approval in principle for the erection of a dwelling to replace the former Hotel

Site Address : The Ballacallin
Dalby
Isle Of Man
IM5 3BT

Applicant : Mr William Costain

Application No. : 21/01485/A- [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 either before the expiration of four years from the date of this approval or before the expiration of two years from the date of approval of the last of the reserved matters.

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

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

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

C 3. Plans and particulars of the reserved matters referred to in condition 2 shall include details of;

- a. the surface treatment of any roadways and other parts of the site which will not be covered by buildings;
- b. all external materials to be used in the development;
- c. existing and proposed ground and floor levels;
- d. foul and surface water drainage;
- e. integrated measures to support bio-diversity net gain;
- f. Measures taken to provide sustainable drainage systems.

Reason: in the interest of the character of the area

C 4. Detailed drawings of the following shall be submitted to and approved in writing by the Planning Authority before the relevant part of work is begun. The details hereby approved shall be carried out in accordance with that approval:

- a. Pedestrian and vehicular access to remain as existing and shown on the Drawing named Site Plan.

- b. Additional details in the form of scaled plans and / or written specifications to consist of:
 - i. Internal pedestrian and vehicular arrangements within the site, including any garage
 - ii. Car parking to adopted standards
 - iii. Bicycle storage to accommodate one space per bedroom
 - iv. Electric vehicle charging point.

Reason: In interests of highway and road user safety.

Reason for approval:

It is considered whilst the demolition of the original dwelling in 2021 was unfortunate from a planning policy standpoint (as the previous building was destroyed by a fire incident and subsequently demolished), it is considered that given the uncontrollable circumstances of the building's removal, and the fact that the previous building was an integral part of the settlement structure and contributed to the built form of this part of Dalby, with the site broadly fitting the description as a previously developed land or brownfield site, it is considered the proposal could be considered to broadly comply with GP3 and HP4 and therefore the principle of a single dwelling on this site is acceptable. The proposed access arrangements are again acceptable and comply with GP2 and TP7.

Interested Person Status – Additional Persons

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

Manx Utilities Drainage

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

The owners/occupiers of Shen Chroit, Ballacallin, Dalby, as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy.

Planning Officer's Report

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

1.0 THE SITE

1.0 The application site represents the curtilage of a dwelling known as Ballacallin, a large detached building that was set back approximately 47 metres from the A27 (that previously operated as Ballacallin Hotel), Dalby, Patrick. The building which was substantial in size, being arranged over three floors, was well proportioned, attractive, and occupied a prominent position within Dalby Village. This building was significantly damaged in a fire on 9th February, 2021 with the elements that survived the fire subsequently demolished, with approval under the Building Regulations as an Emergency Demolition of fire damaged dwelling (21/00002/BCD dated 24th February, 2021).

1.2 The site is accessed from the A27 coastal highway which runs from Peel to Port Erin along the western coast of the Island, having an 'in' and 'out' access arrangement. The site slopes gently westwards with the lands to the east significantly elevated. These neighbouring elevated lands serve as agricultural fields.

2.0 THE PROPOSAL

2.1 The application seeks approval in principle for the erection of a dwelling to replace the former Hotel. The applicant seeks that only the principle and 'means of access' are to be considered as part of this application. All other matters would be considered at any future Reserved Matters application stage.

2.2 The applicants have provided an Accompanying letter to draw attention to their particular circumstances and reasons for the removal of the previous dwelling which the current application seeks to reinstate on site. They state that;

- o The previous building was fire devastated and subsequently demolished for safety concerns.

- o They seek to replace the demolished property with a slightly smaller private residence on the site, further away from the cottage Shenn Croit which is situated to the south and remains within the footprint of the original structure.

- o They wish to retain the existing means of access to the site, with any gates opening inwards.

- o Sufficient space will be provided for privacy, with wind and flood protection tree lined boundaries to the south and east.

- o The now removed structure being an amalgam of construction methods over a period of two centuries could not be said to be a high quality build, despite significant structural works they undertook since acquiring the property in 1997.

- o They believe the replacement of the building with a new, slightly smaller construction built to contemporary building and thermal efficiency standards would be most appropriate for the site in both architectural and environmental terms.

The letter also refers to other issues such as the secured by design approach, Future Homes Standard, and flood mitigation which would be integral to the design of any replacement dwelling on the site.

2.3 The application is also accompanied by a Planning Statement. This statement;

2.3.1 Addresses the site and proposal; planning policy elements of the scheme; the planning history of the site; the Justification for the erection of a dwelling on the site; as well as Flood risk, Impact on the living conditions of those in neighbouring property, and Design.

2.3.2 It concludes that;

- i. the site should be considered as eligible for redevelopment as the site was until recently occupied by a sizeable building whose demolition was brought about through no fault of the applicant who cleared the site in the interests of safety and amenity and as an emergency.

- ii. the site is currently identified as lying within the settlement boundary and has existing buildings on all four sides - Shen Croit Ballacallin, the scout hut, Ballacallin Cottage on the same side of the road and Ballacallin House opposite.

- iii. the new house will utilise all of the services and access that served the previous dwelling on the site and there will be considerable opportunities for improving the thermal effectiveness of the building on the site and improving the biodiversity value of the site.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the site is within an area not zoned for a particular purpose under the Isle of Man Development Plan Order 1982, as well as being within an area of High Landscape Value or Coastal Value and Scenic Significance. The site which is noted as 'Dalby Hotel' on the 1982 Development Plan Order is not within a designated Conservation Area. The site is not within a Registered Tree Area and there are no registered trees on site. The site is largely not prone to flood risks, although the western and southern boundaries are within medium to high flood risk zones.

3.2 Much of the curtilage of the former building as well as that of Shen Chroit Ballacallin, falls within the initial definition of the Dalby settlement boundary on the North and West Area Plan - Call for Sites Settlement Boundary Map.

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

3.3.1 Spatial Policy 4: In the remaining villages development should maintain the existing settlement character and should be of an appropriate scale to meet local needs for housing and limited employment opportunities. These villages are:

- o Dalby

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

- (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;

- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and

- (c) being located so as to utilise existing and planned infrastructure, facilities and services."

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

3.3.4 Spatial Policy 5;

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

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

- (c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;

3.3.6 Definition of Previously Developed Land:

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

The definition includes defence buildings, but excludes:

- o Land that is or has been occupied by agricultural or forestry buildings.

- o Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.

- o Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.

o Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

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

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

3.3.8 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.

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

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

3.3.10 Paragraph 7.34.1

"7.34.1 Every settlement in the Island has its own individual character and identity which needs to be conserved and enhanced. If such characteristics and qualities are not to be lost, any new development must be appropriate to the locale in terms of scale, siting, design, relationship with other buildings and land uses. Area Plans should identify important spaces within settlements, whether in the form of village greens, squares or areas which simply add to the attractiveness and interest of particular areas which have positive amenity value. It is important to the attractiveness and individuality of centres that over intensive development is avoided as well as the gradual merging of towns and villages in order to preserve a sense of identity and sense of place. In terms of existing settlements, in both rural and urban areas, new development will be expected to follow the following design principles. Development will need to:

- i. be of a high standard of design, taking into account form, scale, materials and siting of new buildings and structures;
- ii. be accompanied by a high standard of landscaping in terms of design and layout, where appropriate;
- iii. protect the character and amenity of the locality and provide adequate amenity standards itself;
- iv. respect local styles; and
- v. provide a safe and secure environment".

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

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

3.3.13 Environment Policy 13:

"Development, which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted".

4.0 OTHER MATERIAL PLANNING CONSIDERATIONS

4.1 Whilst not adopted planning policy, DEFA's Residential Design Guide (2021) is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions...". Sections 2.4 on Climate Change Resilience, 2.5 on Contributing to the Local Environment, 3.1 on Local Distinctiveness, and 3.6 on Efficient Use of Land, are considered relevant to the current scheme.

4.2 Personal Circumstance

4.2.1 Section 10(4) (d) of the Town and Country Planning Act 1999 which allows the Department to take into account "all other material considerations", also allows for the inclusion of personal circumstances, in dealing with planning applications. In this case, the personal circumstances of the applicant, particularly as it relates to the fire which destroyed the previous dwelling, is a factor that should be material to the assessment of the application.

5.0 PLANNING HISTORY

5.1 The site has been the subject of a number of previous planning applications which are considered to be materially relevant to the current application. These include;

5.1.1 PA 88/00212/A for Approval in principle to the erection of 5 holiday chalets, land belonging to the Ballacallin Hotel, Dalby, Patrick - approved.

5.1.2 PA 88/04502/B for Construction of 4 holiday chalets and associated car parking adjacent to Ballacallin Hotel, Dalby, Patrick - approved.

5.1.3 PA 96/00715/A for Approval in principle for erection of four holiday chalets with associated car parking, Ballacallin Hotel, Dalby, Patrick - approved.

5.1.4 PA 99/00077/B for Alterations to bay window roof and erection of front porch, Ballacallin Hotel, Dalby, Patrick - approved.

5.1.5 PA 99/01365/B for Extension to kitchen, installation of rooflight and erection of two flagpoles, Ballacallin House Hotel, Dalby, Patrick - approved.

5.1.6 PA 00/01585/B for Installation of sliding sash windows to replace existing - approved.

5.1.7 PA 03/01844/B for Erection of three storey side extension to replace existing single storey extension, erection of replacement single storey rear extension and erection of bin and bottle enclosure - approved.

5.1.8 PA 08/01551/C for Change of use from hotel to private residence - approved.

5.2 The above applications enabled the Ballacallin Hotel in its previous form to be established on site, in addition to facilitating the conversion of the hotel to a private residence.

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 in a letter dated 4 January 2022 that they 'do not oppose subject to conditions' for:

a. Pedestrian and vehicular access to remain as existing and shown on the Drawing named Site Plan.

b. Additional details in the form of scaled plans and / or written specifications at reserve matters stage or under a full planning application to consist of:

i. Internal pedestrian and vehicular arrangements within the site, including any garage

ii. Car parking to adopted standards

iii. Bicycle storage to accommodate one space per bedroom

iv. Electric vehicle charging point.

6.2 Representation from the Department of Infrastructure (DOI) Highways Drainage note that the applicant has confirmed that any surface water runoff from the site on to the public highway will be minimised and that they are satisfied that there would be a reduction in runoff from the proposed new development compared with the original Ballacallin site (09 March 2022).

6.3 Manx Utilities Drainage have stated that they are happy with the proposal in a letter dated 11 February 2022.

6.4 DEFA Inland Fisheries have stated that they have no objection to the development from a fisheries perspective, provided that there is no adverse effect or disturbance on the adjacent watercourse. They, however, advise that precautions will be needed to reduce the possibility of harmful materials such as concrete or washings entering the river (19 January 2022).

6.5 Patrick Parish Commissioners have stated that they have no objection to the application in a letter dated 27 January 2022.

6.6 The owners/occupiers of Shen Chroit Ballacallin, Dalby, have expressed concerns with the application in a letter dated 7 February 2022. Their comments relate to;

o Shared access to a lane south of the application site and need to protect their right of access to this lane as it is the only means of access to their property.

7.0 ASSESSMENT

7.1 The main issues are to be assessed within this application are;

i. The principle of a new dwelling on the site; and

ii. Access/highway safety.

7.1.1 All matters relating to details of siting, design, external appearance of the building[s], internal layout, drainage (foul and surface water), and landscaping of the site would be considered at a Reserved Matter Application, hence they would not be assessed within the current scheme.

7.2 Principle of a new dwelling on the site

7.2.1 In assessing the acceptability of the principle of a new dwelling on the site, the starting point is the land designation. It is clear from the 1982 Development plan that the application site is within a rural and protected part of the countryside where any development is strictly controlled. As outlined by GP3 and HP4, new dwellings on land which is not designated for development is not acceptable, unless the new building would serve to replace an existing dwelling, involves conversion of an existing rural building or if essential need for an agricultural dwelling is justified.

7.2.2 Strictly speaking, the dwelling that was on this site has been demolished and it could be considered the proposal is contrary to the Development Plan. However, perhaps a more reasonable view is that a dwelling 'The Ballacallin' until recently (9th February, 2021) existed on this site and therefore, while it is no longer in place, the site for a number of decades has accommodated a hotel which was later converted to a dwelling and still has its existing access and residential curtilage in place. It should also be considered that the previous dwelling was only demolished as a result of fire damage, with approval granted under the Building Regulations as an Emergency Demolition of fire damaged dwelling (21/00002/BCD dated 24th February, 2021). Moreover, if the dwelling had been demolished a number of decades ago and under normal circumstances, then this view may carry less weight. Based on the foregoing, in this case it is considered that the principle of a new dwelling on this site is acceptable.

7.3 Access/highway safety

7.3.1 The application site already features an existing access which served the previous dwelling on site and would remain as existing as no changes are proposed. Although no parking areas shown on any indicative plans the site also large enough to accommodate the proposed six parking spaces which is over and beyond the requirements stipulated in appendix 7 of the Strategic Plan, minding the site previously housed a large property and 30 parking spaces. Moreover, Highway Services have considered the merits of the proposal, access to and from the site from the highway, as well as parking and highway safety and considered the scheme acceptable. As the transport professionals their comments are heavily relied upon and as they do not object, the proposal would be aligned with the principles of Transport Policy 4 and 7.

7.4 OTHER MATTERS

7.4.1 Potential visual impact of the development upon the countryside and the Area of High Landscape Value

7.4.1.1 In assessing the visual impact of the scheme, it is noted that the application is only an AIP and no reserved matters (except means of access) are for consideration now. More so, no indicative plans are submitted either. Therefore, it is not possible to judge the impact of the development on the site, surrounding landscape or countryside setting within the current scheme. It is, however, considered that the site is large enough to accommodate an appropriately sized replacement dwelling, which would take into cognisance the landscaping/countryside setting.

7.4.2 Potential impacts upon neighbouring amenities

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

7.4.3 Flood Risk/Drainage

7.4.3.1 With regard to flood risk impact to the proposed development or from the development of the site, it is considered that only a small section of the site is prone to some level of flooding, with the information provided by the applicants also reinforcing the flood

information about the site as the applicants have indicated that they have not had any experience of flooding in their 25 year ownership of the site. As well, the applicants have indicated that they would seek to use the vegetation of the site (increasing the height of the existing hedging on the susceptible parts of the site) to assist with flood mitigation.

7.4.3.2 In terms of any drainage impacts that could result, it is considered that in dealing with matters related to drainages for new developments, advice is sought from Manx Utilities Drainage and DOI Highways drainage. In this case, the advice provided indicates that both consultees are satisfied with the proposed development and do not foresee any challenges in terms of drainage issues. As such, it is not considered that the development would result in unacceptable risk from flooding, either on or off-site.

7.4.3.3 On balance, whilst the issue of flood and drainage would be fully assessed within any reserved matters application when the built form proposed for the site, as well as all non-permeable surfaces, roofs and driveways would be fully ascertained, it is not considered at the moment that the development would generate flood risks and drainage challenges sufficient to warrant refusal of the scheme.

8.0 CONCLUSION

8.1 Overall, whilst the demolition of the original dwelling in 2021 was unfortunate from a planning policy standpoint (since replacement dwellings should replace existing buildings on site), it is considered that given the relative short period between the demolition and the application being made and as the dwelling was the subject of previous repair works, with the applicant indicating that the previous dwelling being an amalgam of construction methods over a period of two centuries could not be said to be a high quality build, despite significant structural works undertaken to preserve it, it could be argued that the proposal could be considered to comply with GP3 and HP4 and therefore the principle of a single dwelling on this site is acceptable. The proposed access arrangements are again acceptable and comply with GP2 and TP 7.

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 25th April 2022

Item 5.7

Proposal : **Erection of new timber/steel frame constructed single storey extension to the North East Elevation with terrace over.**

Site Address : **Clubhouse
Lime Street
Port St. Mary
Isle Of Man
IM9 5ED**

Applicant : **Isle Of Man Yacht Club**

Application No. : **21/01491/B- [click to view](#)**

Planning Officer : **Mr Paul Visigah**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the use of the first floor terrace approved as part of this application, details of a privacy screen which shall have a minimum height of 1.7m and erected on the southern elevation of the terrace shall be submitted to and approved in writing by the Department. The development shall not be carried out other than in accordance with the approved detail and shall thereafter be retained as such.

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

Reason for approval:

Overall the application complies with General Policy 2, Environment Policy 35, and Transport Policy 7 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

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

Branlaig, 6 Lime Street, Port St. Mary;

8 Lime Street, Port St Mary;

24 Ballanoa Meadow, Santon (on the basis of comments submitted regarding the 'Island Shellfish', The Quay Port St. Mary);

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

Planning Officer's Report

THE APPLICATION IS BROUGHT BEFORE THE COMMITTEE AS THE LOCAL AUTHORITY HAS MADE WRITTEN REPRESENTATIONS OBJECTING TO THE APPLICATION AND THE APPLICATION IS RECOMMENDED FOR APPROVAL.

1.0 SITE

1.1 The application site is the existing curtilage of Clubhouse, Lime Street, Port St. Mary, which is situated within the Port St. Mary Harbour and situated directly south of the Harbour Yard Building. The Clubhouse which is a two storey pitched roofed property has its external walls finished mainly in painted render, although the front elevation, and parts of the right side elevation and rear elevation are finished in facing brick. There are two box bay windows on the first floor front elevation.

1.2 The rear elevation which contains most of its parking has a first floor terrace which has views to the harbour area and adjoining properties. The site is situated within the Proposed Conservation Area of Port St Mary.

1.3 Large parts of the surrounding area houses boats mostly stored in the open and within the two large areas of hard-standing either side of the unit for the dry dock of boats. There is a row of terrace houses that are situated south of the application site and separated by a walkway from the application site. Two windows on this terrace; a second floor window and a ground floor windows have views onto the application site. The properties of Lime Street vary in size with the majority being 2 or 3 storeys, with some of those situated on the terrace south of the Clubhouse having rear views towards the Clubhouse and terrace at the rear.

2.0 PROPOSAL

2.1 Approval is sought for erection of new timber/steel frame constructed single storey extension to the North East Elevation with terrace over. The proposed works would include:

2.1.1 The erection of an extension to the existing terrace at the rear of the clubhouse that would project 5.4m from the rear of the first floor terrace, be 13.9m wide (matching the wide of the existing building) and be 2.9m high. This terrace would be supported by steel columns which would be erected at the base. New proprietary metal guard rails would be fixed to the terrace. In response to comments regarding privacy for the residential properties situated south of the application site, the applicant have stated via written correspondence that they would be willing to install a privacy screen set at a height of 1.7-1.8m on the south-east elevation facing the rear gardens of lime street and that this could be included as a condition.

2.1.2 The erection of a steel frame sail store under the projected terrace. The store which would be positioned at the south-east end of the extension would be 3.8m wide and 5.4m long. This store would be finished externally in Blue colour composite cladding.

2.2 Other works proposed would include:

- i. Closing up the window to the rear of the existing changing and installing a new high level white UPVC window on the side of the changing room.
- ii. The existing window to the office at the rear would be removed and replaced with smaller uPVC unit. Infill external finish to be rendered to match existing.

- iii. Existing uPVC double doors that serve the existing rear lobby to be replaced with new aluminium single pivot door unit with 2No sidelights.
- iv. Existing uPVC window to the side of the lecture room on the ground floor (north elevation) to be removed and replaced with 2No smaller double glazed units.
- v. Existing uPVC double doors on the serving the existing sail store to be removed and infilled to have external finish to match existing render.
- vi. Existing mast/flag pole to be relocated to the front of the extended deck area.
- vii. Replacement of existing aluminium windows on the front and south elevation to be replaced with new white uPVC units to match existing style.
- viii. Existing uPVC door to lobby/delivery on the ground floor north elevation to be replaced with new aluminium single pivot door unit with 2No sidelights.

2.3 There would be internal alterations carried out within the ground and first floor, including the repositioning of doors and removal of wall partitions within the building.

2.4 The application is supported by a Planning Statement which clearly articulates the need for the proposed improvements for the building, the current facilities available to the property, detail of the proposed works as well as the justification for some of the changes which includes creating additional showering/changing facility to satisfy current safeguarding regulations, and enhancing the entrance and circulation for wheelchair and ambulant disabled users at the club.

2.5 The application is also accompanied by a Flood Risk Statement which states the following:

- o The boat park has had its flood defences improved in recent years as a new concrete wall with flood gates at the slipway.
- o The use of the property will remain as commercial and there is no sleeping accommodation in the building, therefore is no risk to life and safety as such.
- o The relatively small-scale extension will also not increase the likelihood or impact of flooding on the Yacht Club or on any adjacent properties.
- o The proposed extension is for the use as an unheated sail store and the items stored inside it will not be sensitive to sea water and are indeed frequently exposed to it; it would therefore be unlikely to be affected by flooding

3.0 PLANNING POLICY

3.1 The site lies within an area designated as 'Harbour Area' on Map 7 of the Area Plan for the South 2013, and also lies within the proposed Conservation Area of Port St Mary. The property is not prone to flood risks, although the southern boundary is on the edge of a high tidal flood risk zone.

3.2 The following part of the Area Plan for the South are considered relevant:

3.2.1 Paragraph 3.12.1 states:

"There is the possibility that harbour improvements will be undertaken in the future following on from the successful schemes in Douglas and Peel. A comprehensive, sensitively designed scheme which addresses satisfactorily the impacts would result in welcome investment in the Village. This may in turn result in greater use and renovation of the older buildings and enhance the Village's general character and appeal".

3.2.2 Paragraph 3.14:

iii. There is general support for the harbour improvements in Port St Mary, subject to any scheme being capable of meeting satisfactory design and environmental requirements.

3.2.3 Paragraph 6.28.5:

6.28.5 Port St Mary Village remains a popular destination for leisure boats, hikers, and railway travellers, and is of considerable visual attraction, particularly around the inner harbour, Lime Street, and Athol Street.

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

3.4 General Policy 2 states:

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

- b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- c) does not affect adversely the character of the surrounding landscape or townscape;
- d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including watercourses;
- e) does not affect adversely public views of the sea;
- g) does not affect adversely the amenity of local residents or the character of the locality;
- n) is designed having due regard to best practice in reducing energy consumption.

3.5 Although only proposed for Conservation and not officially designated as a Conservation Area it is important that Environment Policy 35 is considered, which states:

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

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

3.6.1 Assembly and leisure (includes cinemas, meeting halls, swimming baths, leisure centres, and the conference and leisure facilities of hotels) - 1 space per 15 square metres gross floor space.

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

- (a) minimise journeys, especially by private car;

4.0 PLANNING HISTORY

4.1 The site has been the subject of a previous application for enclosure of open porch with uPVC doors and side lights under PA 03/01209/B. This was approved in October 2003.

5.0 REPRESENTATIONS

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

5.1 The Department of Infrastructure (DOI) Highways Division have made the following comments regarding the application:

5.1.1 They confirms that there is 'No Highway Interest' (31 December 2021).

5.1.2 Comments received 15 February 2022:

- o They note the additions uploaded on 4 February 2022 and advise that the Applicant indicates that there are no loss of parking spaces on building the extension. Instead, there is on-site reconfiguration of parking on the creation of the proposed sail store with one space intended to be repositioned towards Lime Street where there is currently no parking.
- o They note that there is sufficient space.
- o They note that bad neighbour issues have been highlighted over access etc. which should be resolved by joint working between landowners and occupiers.
- o They note that Linked trips are expected, reducing the impact of new trip making to the site.

5.2 Port St Mary Commissioner's object to the application on the following grounds (27 January 2021/10 March 2022):

- o They presume that the capacity of the clubhouse will be increased with the addition of the veranda, however no additional parking is being provided to compensate for this.
- o They state that the area is already home to a boat park, fish factory, gym and that it is residential.
- o They opine that satisfactory consultation with residents has not been undertaken.
- o They note that the use of the veranda in summer where the noise impacts generated would be significant.
- o They recognise that the proposed extension for the sail store will be within the boundary of the club, however consider that this could impede access to large and tall wagons collecting/delivering to a vital business to the port, as this is the only access route to the fish factory for the wagons.

5.2.1 Following the comments made by the commissioners, the applicants via their agent have provided responses dated 14th and 27th January 2022. The responses states thus:

- o The store has been intentionally set back 1.1m from their boundary to the shared access to provide for vehicular traffic.
- o The area to the rear of the Club boundary is a shared surface (used by pedestrians, recreational users, residents, and vehicles) with no demarcations and is owned and maintained by the IOM Harbours. This area forms part of the boat park and harbour infrastructure and is not an IOM adopted highway.
- o The use of the sail store is during recreational sailing times, i.e., typically during evenings and weekends, whereas the limited amount of vehicular traffic to the fish factory is typically during business hours and rarely overlaps.
- o The clubs use of the shared space would not change as personal movements would remain as is current. The proposal only seeks to relocate the sail store in order to provide additional shower facilities to satisfy current safeguarding regulations.
- o There have been no comments from neighbours regarding excess noise from the club.

5.3 The owners/occupiers of Branlaig, 6 Lime Street, Port St. Mary situated 25m from the Club have stated that the application will result in the loss of parking spaces at the club resulting in parking congestion at the area (7 January 2022/28 February 2022).

5.4 The owners/occupiers of 8 Lime Street, Port St Mary, situated about 30m from the Club object to the application on the following grounds (13 January 2022):

- o The location of the sail store is entirely inappropriate because it limits access to the rear of Lime Street for cars and the large Lorries that service the fish factory.
- o The position of the doors is dangerous because traffic will not be able to see people exiting the store and people exiting the store will not be able to see traffic.
- o The new patio will further overlook the gardens at Lime Street reducing privacy.
- o Increased use of the club will also present a problem with the limited parking.
- o There is also a problem with noise with some events at the club. Increased usage will make this worse.

o They note that the planning application says that neighbours were consulted but do not agree with the statement as they were not consulted.

5.5 The owners/occupiers of 24 Ballanoa Meadow, Santon who run the Island Shellfish situated about 24m from the site object to the application on the following grounds (11 January 2022):

- o Access - the proposed development would restrict access to our crab unit via the access lane/highway from the inner harbour to our factory.
- o The existing car parking spaces, 6 in total will be removed.

5.6 In response to the comments made by the neighbours, the applicants have made the following comments (27 January 2022):

- o They sympathise with the neighbours in regard to general parking in the Harbour area but note that the proposed development would be completely contained within their site boundary and in no way impact on the existing shared access road the rear of the properties on Lime Street.
- o Their comments are supported with a relationship plan which shows the 20m zone of relationship for properties surrounding the site.

6.0 ASSESSMENT

6.1 In considering an extension such as this, it important to have specific regard to:

- i. the impact on the appearance of both the site itself and the street scene or character of the area having particular regard to the fact that the site is proposed for Conservation Area status;
- ii. potential impacts on neighbours and their amenity; and
- iii. the impact on parking and highway safety

6.2 Character and appearance including impact on the proposed CA (EP 35 & GP 2)

6.2.1 The works to the front elevation, as well as the new window changes and additional window and door installations are also expected to tie in with the existing building features, and would enhance the appearance of the property and are not the subject of any objection. This aspect of the application is supported.

6.2.2 The proposed rear extension would fit in seamlessly into the appearance and character of the rear of the clubhouse and would not detract from the overall appearance of the property given the modern appearance of the building, and the general character of the area dominated by a mix of building types, ages and appearance. As such, it is considered that the works to the rear are unlikely to have any adverse impact on the character and appearance of the proposed Conservation Area, given the appearance of the rear lane, its proximity to modern properties, car parking, the boat yard, and the fact that the rear of these buildings is not referred to in the CA Appraisal.

6.2.3 Similarly, the addition to the first floor terrace on the rear, although increasing the length of the building and creating covered parking at the rear, would not be a detriment to the building's appearance as it would seamlessly fit into the character of the rear elevation which as has been noted ties in with the dominant harbour cum industrial character of the rear which is somewhat diverse, and partly varied when compared with other parts of the area. The proposed blue colour and texture of the cladding to the new sail store would also be in keeping with the neighbouring sea front and harbour appeal. Whilst the changes to the rear would involve the use of modern materials, the use of modern materials are not uncommon within the rear lane where glass balustrades, and contemporary design and colour schemes are currently found on new extensions and alterations in this rear lane. As such, the introduction of a varied palette is not considered objectionable in this case. The proposal is therefore considered to accord with EP35 and GP2 (b and c).

6.3 Impact on Neighbours (GP 2g)

6.3.1 The principal issue in this case is the impact which the extension to the rear terrace would have on the living conditions of those in the nearby dwellings along Lime Street, particularly the rear gardens. In assessing this impact, the key concern would be for the occupants of Nos. 1, 2, 3 and 4 Lime Street, as they are all within 20m to the proposed rear terrace extension, with views attainable at 2.9m above ground level. However, it is not considered that this would be significant to warrant refusal of the scheme since the applicant has indicated in a correspondence dated 13 April 2022 that a 1.7m to 1.8m high screen would be installed on the side of the terrace adjacent to the residential properties on Lime Street to prevent any overlooking into the rear garden of these neighbouring dwellings. As such, a condition would be imposed to ensure these details are submitted prior to commencement of the development, with the scheme implemented with the privacy screen in accordance with the submitted details.

6.3.2 In terms of any potential overlooking impacts from the extended terrace towards the Harbour Masters House situated about 14m from the terrace, it is noted that this property has a large first floor terrace that has views to the proposed terrace extension given its elevated position above the floor level of the extended terrace. As such, it is considered that there is mutual overlooking in this regard. It is, however, worth noting that the existing public toilet building serving the harbour, which sits between both properties and rises to about 3.2m would serve to screen views to the grounds of this building from the new extension given its proximity to the extension.

6.3.3 In terms of noise impacts resulting from the increase in the size of the terrace, it is noted that this scheme has resulted in the reduction in functional gathering/meeting spaces within the building as the office at the rear has been replaced with WC/shower, while the larger sail store is to be replaced with shower/changing areas, minding a smaller store is now proposed as its replacement. As well, the size of the lecture room on the ground floor, and the function rooms and harbour lounge on the first floor have remained unchanged; conditions that clearly indicate that clubhouse would not have the capacity to hold more people besides having a larger terrace for members to engage outdoors. Whilst it is noted that the increased interaction space would enable more people to use the outdoor space, with the potential for noise levels slightly elevated beyond that currently attainable. Albeit, as has been noted earlier, the club does not have the capacity to house more members given the reduction in functional spaces proposed within this scheme. Additionally, the terrace is only a secondary space within the building, as the primary meeting spaces are the lecture room, main function rooms, and harbour lounge, and would only be used when the weather is suitable. Besides, none of the occupants of the neighbouring properties who should be impacted by any noise generated here have raised objection to the scheme (Those within 20m). Given the above, it is not considered that the scheme would generate noise levels considerably beyond that which is currently attainable, and any issues related to noise impacts would be sufficient to warrant refusal of the application.

6.4 Parking and Highway Safety Impact (GP 2 (h & i), TP 7, & STP 10 (a))

6.4.1 In terms of the parking impacts associated with the proposed development, it is noted that that the development would create about 20sqm of additional floor space; a situation that would require the creation of one additional parking space as required by Appendix 7 of the Strategic Plan which stipulates 1 space for every 15 square metres of gross floor space for leisure centres which the club could be classed as.

6.4.2 In assessing the current proposal, it is considered that the scheme would not result in the reduction in the number of parking spaces available to the property but its modification, whilst still retaining the five parking spaces on site. In applying the rules for the additional

parking requirements to make up for the additional floor area added, the development should have been required to make provision for an additional parking space on site. However, the Strategic Plan makes provisions for relaxing the rule where the development is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on street parking in the locality (See A.7.6 Parking Standards (part d) of the Strategic Plan. In this case, it is considered that the development is within an established public transport corridor and only situated about 84m from the nearest bus stop. Moreover, Highway Services have reviewed the scheme and indicated that there are concerns with the proposal; a clear indication that they are satisfied with the scheme as proposed. Whilst comments regarding parking within the rear lane are noted, there is no indication that the clubhouse is the cause of the parking challenges in the area, as the harbour activities attract vehicular traffic particularly during the summer months when a significant number of seafaring tourists and locals use the harbours.

6.4.3 The Comment by the Commissioners that the capacity of the clubhouse will be increased with the addition of the veranda, with impacts on parking are noted. However, it should be noted here that the calculation of gross floor area which is used as a measure for determining additional parking requirements does not include terraces and balconies, as they are not part of the internal or covered building area. As such, additional parking cannot be required to compensate for this addition to the building footprint. Hence the calculation of additional floor area only includes the sail shop which measures about 20sqm.

6.4.4 The comments related to the development impacting on large vehicles using the area are also noted. However, it is considered that the proposed development would be completely confined to the site boundary (red line) with allowance of about 1.1m created between the extension and its boundary to ensure that the development is positioned away from the boundary in the interest of other people using the harbour area. In fact this scheme would not in any way encroach onto public or shared spaces. This is considered acceptable and compliant with the requirements of GP 2 (h and i).

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

7.0 CONCLUSION

7.1 The proposal is considered to accord with the relevant Strategic Plan policies and is supported.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 25th April 2022

Item 5.8

Proposal : Change of use from a sandwich bar (class 1.3) to a hot food takeaway (class 1.4)
Site Address : 6 Prospect Hill
Douglas
Isle Of Man
IM1 1EJ
Applicant : Monapoli Limited
Application No. : 22/00206/C- click to view
Planning Officer : Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. No customers shall be served or remain in the building outside the following hours;

Monday to Thursday	8:00 a.m. - 6 p.m.
Friday	8:00 a.m. - 10:00 p.m.
Saturday	10:00 a.m. - 10 p.m.
Bank Holiday	8:00 a.m. - 10:00 p.m.
TT Period	8:00 a.m. - 10:00 p.m.

TT Period is from the day of the first race to the day of the last race.

Reason: In the interests of the public safety and as the application has specifically listed these times and the application have been considered on this basis.

C 3. No approval is hereby given for refuse or recycling storage along Prospect Hill.

Reason: to protect the character and streetscene of the area.

Reason for approval:

This application is considered to comply with General Policy 2 and Transport Policy 7 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BROUGHT BEFORE THE COMMITTEE AS THE HIGHWAYS AUTHORITY HAS MADE WRITTEN REPRESENTATIONS OBJECTING TO THE APPLICATION AND THE APPLICATION IS RECOMMENDED FOR APPROVAL.

1.0 THE SITE

1.1 The site is the commercial curtilage of 6 Prospect Hill, the ground floor of a three-storey mid-terrace property located on the east of Prospect Hill, close to its junction with Athol Street.

2.0 THE PROPOSAL

2.1 The proposed is the change of use from a sandwich bar on the ground floor (Use Class 1.1) to a hot food take away (Use Class 1.4).

2.2 The proposed operation hours are:

Monday to Thursday	8:00 a.m. - 6 p.m.
Friday	8:00 a.m. - 10:00 p.m.
Saturday	10:00 a.m. - 10 p.m.
Bank Holiday	8:00 a.m. - 10:00 p.m.
TT Period	8:00 a.m. - 10:00 p.m.

3.0 Planning History

3.1 Conversion of premises to sandwich bar was APPROVED under PA 94/01565/B.

3.2 Installation of a replacement shop front was APPROVED under PA 21/01269/B.

4.0 Planning Policy

Site Specific

4.1 The site is within an area designated as Mixed Use (Strand Street) in the Area Plan for the East.

4.2 The Written Statement states that "This area forms the core of the retail shopping area and is characterised by shops, food and drink uses, financial and professional services and other associated town centre uses such as hairdressers, beauticians and so on."

4.3 The site is within the Athol Street and Victoria Street Conservation Area.

Strategic Policy

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

Principles of Developments

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

4.6 Strategic Policy 10 states: New development should be located and designed such as to promote a more integrated transport network with the aim to: (c) not adversely affect highway safety for all users.

4.7 General Policy 2, which provides overall requirement for all development, states:

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

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

Visual Design

4.8 Strategic Policy 3 focuses on the visual design of developments, they states that the design should take account of the local materials, character and identity of its immediate locality, in terms of buildings and landscape features. Focused on landscaping.

4.9 Environment Policy 35 states:

"Within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development." This is also reiterated in CA/2 of PPS 1/01.

Environment

4.10 Strategic Policy 5 states:

"New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island."

Parking

4.11 Transport Policy 7 states:

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

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

Other

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

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

PPS and NPD

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

5.0 OTHER MATERIAL CONSIDERATIONS

Legislation

5.1 Section 18(4) of the Town and Country Planning Act (1999) states, "(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act". This sets out the approach to be taken in determining planning applications, which includes giving great weight to the asset's conservation when considering the impact of a proposed development on the asset. Given that the site is within a Conservation Area, the above requirements apply and appropriate consideration will be given in section 7.

6.0 REPRESENTATION

6.1 Douglas Borough Council does not object to this application (14.03.2022). In the meantime, the comment strongly object to any "waste receptacles being stored outside of the property on the pedestrian pavement area".

6.2 DoI Highway Services object to this application (10.03.2022). The comment states that the proposal would exacerbate parking violation on the double yellow line and impose difficulty for bus to manoeuvre the road.

7.0 ASSESSMENT

Conservation Areas Statutory Test

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

7.2 The change of use does not involve external alteration. The potential placement of waste bin will be conditioned to be avoided. Therefore, the proposal is considered to pass the test.

Elements of Assessment

7.3 The key consideration in the determination of the application are the principle of development, its impact on the character and streetscene of the area, on parking provision and on Highway Safety.

Principle of the Development

7.4 The proposal is along a mixed use area which is characterised by businesses including "food and drink use". Therefore, it is considered that the proposal is principally acceptable.

Character and Streetscene

7.5 As mentioned in 7.2, a condition will be attached that no waste bin is allowed to be placed on the pavement. Therefore, it is considered that there is no negative impact on the character and streetscene of the area.

Parking Provision

7.5 There is no change in the number of parking space required as both the existing and proposed use is considered to be town centre shops. Therefore, it is considered that the impact on parking provision is acceptable.

Highway Safety

7.6 Although illegal parking does have a positive correlation with the presence of hot food takeaways, there is no evidence that existing level of or the potential increase in illegal parking along the street is or will endanger highway safety to a point of no return. The danger is still speculative at the time of the application and is not able to be considered as a material consideration.

8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2 and Transport Policy 7 of the Strategic Plan. Therefore, it is recommended for an approval.

9.0 INTEREST PERSON STATUS

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

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

9.2 The decision-maker must determine:

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