



Isle of Man
Government

Reillys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

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

Agenda for a meeting of the Planning Committee, 9th May 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

Mr Cubbon was unavailable for the start of the meeting, but intended to join later.

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the 25th 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 23rd May 2022.

**PLANNING COMMITTEE Meeting, 9th May 2022
Schedule of planning applications**

<p>Item 5.1 The Bungalow Ballamanagh Road Sulby Isle Of Man IM7 2HB</p> <p>PA21/01161/A Recommendation : Refused</p>	<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>
<p>Item 5.2 Bix House And Land To Rear Farmhill Lane Douglas Isle Of Man IM2 2EB</p> <p>PA21/01540/B Recommendation : Approve subject to Legal Agreement</p>	<p>Erection of 6 residential dwellings with associated infrastructure and landscaping</p>
<p>Item 5.3 Glen House Residential Home New Road Laxey Isle Of Man IM4 7BE</p> <p>PA21/00064/B Recommendation : Approve subject to Legal Agreement</p>	<p>Conversion of residential care home (class 3.2) to self-contained apartments & a dwelling (class 3.3 and 3.4) with associated parking.</p>
<p>Item 5.4 Oatlands Farm Oatlands Road Santon Isle Of Man IM4 1ED</p> <p>PA21/00036/B Recommendation : Permitted</p>	<p>Conversion of existing stable, store and kennel buildings to provide 12 tourist accommodation units (class 3.6), wellness spa (Class 4.1), café (class 1.3) and a residential apartment (class 3.4) with associated parking and access, creation of an equestrian arena with associated stable block and relocation of an existing agricultural building</p>
<p>Item 5.5 Smeale Farm Smeale Ramsey Isle Of Man IM7 3EB</p> <p>PA22/00127/B Recommendation : Permitted</p>	<p>Creation of 2 ponds</p>
<p>Item 5.6 Bay View Hotel Primrose Terrace Port St. Mary Isle Of Man IM9 5AP</p> <p>PA21/01527/B Recommendation : Permitted</p>	<p>Variation of Condition 1 of PA 17/00976/B for an extension of time for a further 4 years</p>

<p>Item 5.7 Scoreboards Grandstand Glencrutchery Road Douglas Isle Of Man IM2 6DA</p> <p>PA22/00269/B Recommendation : Permitted</p>	<p>Erection of a replacement TT scoreboard</p>
<p>Item 5.8 Glenside Cottage West Baldwin Isle Of Man IM4 5HA</p> <p>PA21/01336/B Recommendation : Permitted</p>	<p>Erection of a detached double garage</p>
<p>Item 5.9 No.5 Balnahow Farm Cottage Balnahow Farm Balnahowe Santon Isle Of Man IM4 1HN</p> <p>PA21/01036/B Recommendation : Permitted</p>	<p>Erection of a detached shed/boathouse</p>
<p>Item 5.10 Field 614795 Ballamenagh Road Baldrine Isle Of Man</p> <p>PA21/01113/A Recommendation : Refused</p>	<p>Approval in principle for the erection of a new dwelling addressing siting, design, and means of access</p>
<p>Item 5.11 Little Mill Bungalow Little Mill Road Onchan Isle Of Man IM4 5BD</p> <p>PA21/01134/B Recommendation : Permitted</p>	<p>Erection of a replacement dwelling and a detached garage</p>
<p>Item 5.12 Kates Cottage Ballnahowe Road Ballnahowe Port Erin Isle Of Man</p> <p>PA21/01341/B Recommendation : Permitted</p>	<p>Alterations and extension to existing tholtan to form dwelling</p>
<p>Item 5.13 Old Ballacorris Mullinaragher Road Santon Isle Of Man IM4 1HZ</p> <p>PA21/01358/B Recommendation : Permitted</p>	<p>Conversion of existing outbuilding into ancillary living accommodation, erection of a carport, installation of patio doors, and creation of a pond with associated landscaping works</p>
<p>Item 5.14 Thie Magher Homefield Park Ballasalla Isle Of Man IM9 2EL</p> <p>PA22/00212/B Recommendation : Permitted</p>	<p>Erection of a timber summer house</p>

PLANNING AUTHORITY AGENDA FOR 9th May 2022

Item 5.1

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

0.0 PREAMBLE

0.1 This application was deferred from the previous committee meeting for a site visit. The report has not been altered.

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 9th May 2022

Item 5.2

Proposal : **Erection of 6 residential dwellings with associated infrastructure and landscaping**
Site Address : **Bix House And Land To Rear**
 Farmhill Lane
 Douglas
 Isle Of Man
 IM2 2EB
Applicant : **John Parsons**
Application No. : **21/01540/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. No dwelling shall be occupied until the estate road from the junction of the adopted highway to the access of that dwelling has been constructed at least to base course level and lighting has been provided.

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

C 3. Prior to the occupation of any dwelling 2 car parking spaces associated with that dwelling as shown on approved drawing 172 REV B shall be provided and retained free from obstruction thereafter.

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

C 4. No tree marked as being retained on drawing TR-131221 shall be cut down, uprooted or destroyed during the development phase and thereafter within 5 years from the date of occupation of the dwelling, other than in accordance with the approved plans and particulars. In the event that retained trees become damaged or otherwise defective during the construction phase due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action approved in writing by the Department and implemented in accordance with the approved details.

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

C 5. Prior to the 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. The AMS should address all the technical design issues discussed in Section 6 of BS5837, and especially how the project arboriculturist will carry out arboricultural site monitoring, including a schedule of specific site events requiring input or inspection. The agreed protection measures and construction methods shall adhere 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 the site

C 6. The pruning carried out on trees T2504, T2506, T2508, T2511, T2513 and T2514 shall be done in accordance with the recommendations of BS3998:2010 (Tree Work - Recommendations).

Reason: To reduce the potential for the approved pruning work to have adverse consequences on the health and longevity of the trees, for the purposes of preserving the amenity value they provide to the area.

C 7. The implementation of the tree protection measures set out in the approved Arboricultural Method Statement (required under condition 5) shall be monitored by a suitably qualified and pre-appointed tree specialist, in accordance with the details contained therein.

Reason: Required to safeguard and enhance the character and amenity of the site and locality by ensuring compliance with the tree protection and arboricultural supervision details submitted under condition 5 and to ensure that professional technical advice is on hand to deal with problems that arise or modifications that become necessary.

C 8. All tree/shrub planting shall be carried out in accordance with drawing 172 REV B submitted in support of this 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 9. All recommendations listed within the approved "Preliminary Ecological Appraisal Report" prepared by Manx Wildlife Trust dated December 2020 (Sections 5.1 to 5.15) are to be fully adhered to.

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

C 10. All planting, seeding or turfing comprised in drawing 172 REV B in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

New Zealand Broadleaf (*Griselinia littoralis*) and other Wildlife Act 1990 Schedule 8 non-native invasive plant species are not permitted to be planted on site.

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

C 11. No development shall take place until boundary details to the rear eastern boundaries of Plots 17 to 22, the side southern boundary of Plot 17 and the new rear eastern boundary of Bix Houses have been submitted for approval and these approved details shall be fully adhered to and completed prior to the occupation of any dwelling and retained thereafter.

Reason; In the interest of the visual amenities of the street scene.

C 12. No external lighting to be installed unless a detailed external low level lighting scheme has been submitted to and approved in writing by the Planning Department, which is in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018).

Reason; In the interests of biodiversity of the site/area.

C 13. The application hereby approved shall be fully implemented in accordance with the approved Drainage Strategy (dated December 2021/updated 25th Feb 2022), The Flood Risk Assessment (Issue 4.0 December 2021) and Drawings 172 REV B and 180 REV A prior to the occupation of any dwelling and maintained thereafter for the lifetime of the development in accordance with the approved maintenance scheme.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.

Reason for approval:

It is concluded the proposals complies with the relevant planning policies of the Isle of Man Strategic Plan 2016, Residential Design Guide 2021 and the Area Plan for the East 2020 and therefore it is recommended the application is approved subject to conditions as listed and subject to a Section 13 Legal Agreements relating to long-term woodland management plan.

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:

Department of Infrastructure - Public Estates and Housing Division
Department of Infrastructure - Flood Risk Management Team
Manx Utilities

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):

- o 38 Farmhill Park, Douglas
- o 39 Farmhill Park, Douglas
- o 40 Farmhill Park, Douglas

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

It is recommended that the 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):

- o Isle of Man Friends of the Earth, 7 Snaefell Crescent, Onchan

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 THE APPROVAL WILL BE SUBJECT TO A SECTION 13 LEGAL AGREEMENT AND THE LEVEL OF WRITTEN REPRESENTATIONS CONTRARY TO THE RECOMMENDATION

1.0 SITE

1.1 The site defined in red is a parcel of land, 2.76 acres (1.1 hectares) which is made up of the dwelling Bix House and its rear garden and a woodland area beyond the rear garden. A strip of land is also shown to the north eastern corner of the site which runs from the main body of the site to the public highway Iheannag Park.

1.2 The site is located to the north eastern side of Farmhill Lane and west of Farmhill Park. The site (within red line) can be split into two sections (shown as Zones C, D & E on submitted plans / Planning Statement). Zone C is the parcel of land which currently forms part of the residential garden of Bix House. It is characterised as having a gently slope (flat in places) running downwards from Bix House towards Zone D and is in large parts lawned but with a central section of woodland which was planted by the owners of Bix House a few decades ago (1980's). To the northwest boundary; which is shared mainly with Nr 38 Farmhill Park, but to a lesser extent Nr 39 Farmhill Park, there is significant leylandii hedgerow of a significant height (5m+ in height). To the northeast boundary of Zone C is the beginnings of the woodland area of Zone D, there is currently no physical barrier (fence/wall) at this point. To the southeast boundary is a sod bank with mature trees. This boundary adjoins the neighbouring site which is currently being developed for housing. The south-western boundary is currently open as it forms part of Bix House curtilage; but also back onto the rear boundaries with Farm Hill Cottage and Nr 40 Farmhill Park.

1.3 Zone D character is a wooded area, which ground level is below that of Zone C. This area is a typically wooded area with many trees of various sizes and types but also watercourse and dubs in places. This area is currently not open to member so the public, being part of the ownership of Bix House.

1.4 The site to the south east, south, south west and westerly directions the areas are characterised as housing sites which have been developed gradually over the last few

decades. To the north and northeast of the site are characterised as wooded areas/Ballaughton Park/Ballaughton Nurseries.

1.5 Zone E comprises the main dwelling Bix houses which is a substantial two storey dwelling. This is proposed to be retained albeit given the proposal will loss a significant section of existing sustainable rear garden. Other than a change to its garden size and new landscaping being planted for the creation of a new rear boundary, no physical changes will be made to the dwelling.

2.0 PROPOSAL

2.1 The application seeks approval for the erection of 6 residential dwellings with associated infrastructure and landscaping. The proposal includes a total of one house types all two storeys and detached. The proposals are all four bedroom dwellings. All have at least two off road parking spaces and also have an integral garage. The housing is all located within Zone C. No housing development is proposed to Zone D (i.e. woodland area) or E (Bix House).

2.2 Access form the site will be from the neighbouring housing development (16 dwellings approved under 19/01408/B) which is currently under construction (over 50% complete), utilising the approved main estate access onto Annacur Lane.

2.3 The proposal includes the provision of a new public footpath to run along the southeast boundary of woodland (Zone D), connecting the application site to a new footpath within the Iheannag Park (residential estate) which has links to a further public footpath to Ballaughton Park.

3.0 KEY DOCUMENTS / POLICY

3.1 Material Considerations

3.1.1 Section 10(4) of the Town and Country Planning Act states:

"In dealing with an application for planning approval... the Department shall have regard to -

- (a) The provisions of the development plan, so far as material to the application,
- (b) Any relevant statement of planning policy under section 3;
- (c) Such other considerations as may be specified for the purpose of this subsection in a development order or a development procedure order, so far as material to the application; and
- (d) All other material considerations."

3.2 Area Plan for the East 2020

3.2.1 The main body of the application site (Zone C), including the woodland area (Zone D) is within an area recognised as being an area of "Predominantly Residential" under the Area Plan for the East as is the existing Bix House (Zone E). The site is not within a Conservation Area.

3.3 Isle of Man Strategic Plan 2016

3.3.1 The Strategic Plan takes its lead from the Government aims which include the pursuit of manageable and sustainable growth based on a diversified economy which is intended to raise the standard of living of the people of the Island and to provide the resources to sustain and develop public services. It also includes the protection and improvement of the quality of the environment such that it continues to be an asset for future generations.

3.3.2 The Strategic Aim is: "To plan for the efficient and effective provision of services and infrastructure and to direct and control development and the use of land to meet the community's needs, having particular regard to the principles of sustainability whilst at the

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

3.2.3 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:

3.2.4 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."

3.2.5 Spatial Policy 1 states: "The Douglas urban area will remain the main employment and services centre for the Island."

3.2.6 Environment Policy 42 states: "New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans."

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

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

3.2.8 Environment Policy 3 states: "Development will not be permitted where it would result in the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value."

3.2.9 Environment Policy 4 states: "Development will not be permitted which would adversely affect:

(a) species and habitats of international importance:

(i) protected species of international importance or their habitats; or

(ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites.

(b) species and habitats of national importance:

(i) protected species of national importance or their habitats;

(ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or

(iii) Marine Nature Reserves; or

(iv) National Trust Land.

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

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

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

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

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

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

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

3.2.12 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."

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

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

The current standards are set out in Appendix 7."

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

3.3 Residential Design Guide - July 2021

3.4 Climate Change Bill 2020

"Town and Country Planning (Development Procedure) Order 2019¹ amended
After paragraph 2 of Schedule 1 to the Town and Country Planning (Development Procedure) Order 2019, insert —

«2A All applications except those for approval for change of use, reserved matters, replacement windows and doors in conservation areas and minor changes

(1) This paragraph applies to applications for planning approval except those referred to in sub-paragraph (2).

(2) This paragraph does not apply to —

(a) an application for change of use only;

(b) an application for approval of reserved matters;

(c) an application to replace a window or a door of a building in a conservation area; and

(d) a minor changes application.

(3) Every application to which this paragraph applies must —

(a) demonstrate that the application has been made having regard to the following climate change policies —

(i) the maximisation of carbon sequestration;

(ii) the minimising of greenhouse gas emissions;

(iii) the maintenance and restoration of ecosystems;

(iv) biodiversity net gain;

(v) the need for sustainable drainage systems; and

(vi) the provision of active travel infrastructure; or

(b) explain why consideration of one or more of those policies is not practicable in relation to the proposed development."

3.5 Department of Environment, Food and Agriculture - Agriculture and Lands Directorate Forestry, Amenity and Lands - TREE PROTECTION POLICY - Department Policy Relating to the Protection of Trees - Version 2.0, December 2021

"25. The Directorate will normally object to planning applications if any of the following is true:

(a) The proposed development includes the removal of any tree(s) worthy of a category A or category B classification, as defined by BS5837:2012.

(b) The proposed development includes the removal of more than 50% of existing tree canopy cover from the site.

(c) The proposed development includes the removal of any tree(s) worthy of a category C classification, as defined by BS5837:2012, without sufficient mitigation.

(d) The application includes insufficient information to properly judge the arboricultural impact of the proposed development

(e) The application does not show how the proposed development could be implemented without having a detrimental impact on the health and longevity of adjacent retained trees, and does not show how this impact will be mitigated.

(f) The proposed development is likely to lead to significant future pressure to remove or prune trees, either by an application made under the Tree Preservation Act 1993 and/or by complaints made under the Trees and High Hedges Act 2005*.

(g) The proposed development includes the removal of a tree, group of trees or woodland which is registered under Section 2 of the Tree Preservation Act 1993."

And

"29. The Directorate recognises that in terms of the relevant planning policies available at the time the application is determined, a proposed development may be acceptable despite its potential impact on existing trees and woodlands of merit. If the Directorate submits an objection to a planning application, it will consider the possibility that the application may be approved and make recommendations to the PBCD on how the impact to existing trees and woodland of merit can be minimised (e.g. by the use of conditions)."

3.6 UNESCO Biosphere Isle of Man

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

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

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

- o "Protecting our natural resources - this could relate to anything you're trying to do better that will impact positively on our natural resources, from managing water use to planting trees.
- o Developing our economy in a sustainable way - doing business responsibly, balancing the need for growth with respect for our natural, social and cultural environment. Responsible businesses tend to be more resilient, contributing to a diverse economy which is more sustainable than a 'monoculture' economy.
- o Supporting and promoting our cultural heritage - for example, staff involvement in, or corporate sponsorship of, cultural events and groups.
- o Making our environmental impact positive wherever possible - closely related to the first principle of protecting our natural resources, this could include anything from energy saving and waste management measures to support of local environmental projects.
- o Engaging with the local community - through environmental, social or community groups, whichever fit best with your business. You'll find a wide range of groups listed under 'Who is involved?' on the Environmental/Cultural, Community and Educational pages.
- o Promoting our outstanding living landscapes through active involvement with Biosphere Isle of Man - being an ambassador for the project and advertising the fact that you support it, thereby encouraging others to get involved."

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

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

4.0 PLANNING HISTORY

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

4.2 Approval in principle for three building plots, land at the end of Oak Close, off Farmhill Lane, Douglas - 96/01864/A - REFUSED on the following grounds:

"R 1. The proposed development would be contrary to the terms of the planning approval for the overall layout and use of this land (PA 87/0912), whereby the site formed part of an area

of Private Open Space adjoining the stream course; approval would establish a precedent for further similar development of other parts of this area.

R 2. The proposed development would have an adverse impact on the occupants of adjacent dwellings as a consequence of disturbance and loss of privacy".

4.3 Approval in principle to the layout of plots and roads, Land adjacent to Farmhill Manor, Ballaquark Estate, Douglas (Amended Resubmission) - 86/01382/A - APPROVED

4.4 RECONSIDERED - Layout of new streets and sewers for residential development, Field 2043, Farmhill Lane, Douglas - APPROVED - 87/00912/B

4.5 Erection of eleven residential properties with associated infrastructure and landscaping - 20/00824/B - WITHDRAWN

4.6 Erection of 12 residential dwellings with associated infrastructure and landscaping (20/01531/B) - APPROVED by the Planning Committee with the decision dated 19.11.2021; however, an APPEAL is in process (is on hold pending the outcome of this current application under consideration now) and therefore there is not a final decision in relation to this previous application 20/01531/B.

4.7 Proposed installation of maintenance access gate - 22/00319/B - Pending Consideration

Adjacent site

4.8 Erection of 16 dwellings with associated infrastructure and landscaping works (revised scheme to approved PA 18/00862/B) - 19/01408/B - APPROVED

4.9 Erection of 16 dwellings with associated infrastructure and landscaping - 18/00862/B - APPROVED

5.0 REPRESENTATIONS

All comments received can be viewed in full on the Planning Departments website.

5.1 Douglas Borough Council made the following comments:
20.01.2022

"Following consideration of the planning application listed above at a meeting of the Council's Environmental Services Committee held on the 17/01/22, I can advise that the Committee resolved to support the application. The Council gave consideration to the proposed new development and believes that this new application is a further improvement on the previous approved application (PA 20/01531/B) for the development of twelve dwellings and associated infrastructure. Based upon the information provided by the applicant and the measures taken to reduce the number of trees required to be felled as well as a reduction in the number of properties to be built on the site the Council supports the proposed development."

5.2 Highway Services have no objection to the application (05.01.2022) making the following comments:

"The proposal reduces the number of units and modifies the site layout to the consented scheme, PA 20/01531/B. It retains and enhances landscaping and, from the highway viewpoint, reflects updated guidance contained within the Manual for Manx Roads.

Accessibility: The site is considered to be accessible to sustainable forms of travel and meets the accessibility criteria set out in the MfMR as contained in Appendix C of the submitted Transport Statement. The proposal enhances walking for recreational purposes and

connectivity to Lheannag Park on agreement by including a 2m link footpath with localised widening to 4m. Details of the termination and connections will be necessary and a S4 Highway Agreement should the path be intended as highway maintainable at public expense after the grant of any planning consent.

Vehicular Access and layout: A modification to the junction with Farmhill Lane is approved under the earlier application and would remain suitable to cater for the additional six units proposed under this application; although adjustments will be necessary to better accommodate buses. The proposal provides a north westerly extension of a shared surface internal street from that approved under 19/01408/B. It is intended to serve a layby, turning point, driveways for four plots before terminating in a private drive serving two plots. It is to be mainly 5.5m in width other than the southern section where there to be a narrowing to retain a tree of 3.7m over a distance of 6.5m before widening to 5.5m. The width reduction is acceptable over short distances and would remain adequately sized for emergency and larger vehicle use as shown by a swept path analysis using a waste collection vehicle within the submitted Transport Statement. This demonstrates that the turning head opposite plots 17 and 18 would function satisfactorily too. Additionally, suitable manoeuvres are shown for a large car. The proposed layby for visitor parking, south west of Plot 17, is suitably dimensioned at 6 x 2m.

A separate s4 Highway Agreement would apply to this section as well as those sections adoptable under 19/01408/B or for those under 19/01408/B to be amended by a Deed of Variation.

Plot driveways are to be dimensioned suitably for shared use between vehicles and pedestrians having side by side car parking at 6.0 x 6.0m. This would comprise a 3.4m width for the driveway space located between the shared surface street and the front door with an adjacent space of 2.6m width.

The proposal shows each plot with integral garages. These are below recommended internal size of 6 x 3m to count as parking and are to be 5.0 x 2.5m. These would allow parking for small vehicles or serve as storage for bicycles and other items.

Electric vehicle charging points should be considered for each plot.

There is space for waste bin storage with collection pull distances met. The Applicant / Developer is to install drainage and comments on this matter will be provided by the DOI's Flood Risk Management and Highway Services Drainage team.

Parking: The proposal identifies a total of 12 on plot car parking spaces with each plot to have two 'open' car parking spaces per unit with the garages discounted. This would be compliant with Strategic Plan standards. One other is to be formed by the layby for visitor use. Acceptable storage for bicycle parking is to be provided by way of garages, meeting the minimum MfMR provision of a one cycle parking space per bedroom.

Transport Assessment: The submitted Transport Statement provides an assessment of the proposal in terms of accessibility, layout, safety and expected traffic impact of the proposal. It is acceptable.

Traffic Impact: The proposal is predicted to add a small amount of traffic equivalent to four or five vehicles to the 10 two-way peak hour vehicular traffic movements proposed under 19/01408/B. This would be within the limits of materiality not to cause undue highway functionality issues on the approved upgrading of the Farmhill Lane junction.

Road Safety: The proposal does not give rise to significant road safety issues. The submitted Stage 1 Road Safety Audit raised few issues. Of these, one would arise from the risks of collisions involving parked vehicles within the turning head restricting space for manoeuvres and another from trip hazards caused by too high kerbs. There is to be adequate on-site parking, but additional measures may be necessary to deter parking within the turning space. Provision of dropped kerbs would be necessary to deliver lower kerbs. As suggested by the Designer's Response, these matters can be resolved at the detailed design stage and do not impact on the proposed layout. There is further safeguarding on review under a Stage 2 RSA. The latter would be undertaken as part of the street highway adoption process under a s4 Highway Agreement.

Conclusion: As drawn, the proposal is satisfactory in highway terms for Highways Development Control to raise no opposition subject to conditions to cover the extension of the street, layby, turning head, driveway access, driveways, hardstanding for car parking to accord with Drawing No. 172 Rev A; garages to drawing no: 183; and link footpath to Drawing No 178 with details required of terminating and connecting points. The Applicant is advised of the need for a s4 Highway Agreement adoption of streets and paths and adjustment to the junction arrangements at Farmhill Lane to better cater for buses.

Recommendation: DNOC"

05.04.2022

"Highways Development Control notes the amendments uploaded on 31 March 2022 and makes no further comment to those made in response dated 5 January 2022. Highway Drainage may provide a separate response."

5.3 The Ecosystems Policy Officer (DEFA) comments (21.01.2021);

"The DEFA Ecosystem Policy Team confirm that the Manx Wildlife Trust's Preliminary Ecological Appraisal (PEA) and Bix House PEAR revision technical note are both in order and an appropriate level of assessment has been undertaken.

This application presents a reduction in tree removal and an increase in native tree planting from what was previously proposed and therefore from an ecological perspective is better than the previous applications for this site.

If this application is approved, we request conditions are included to secure the following:

- o The development is undertaken in accordance with the mitigation measures detailed in section 5.1 to 5.15 of the Manx Wildlife Trust's Preliminary Ecological Appraisal dated December 2020. Though sections 5.11- 5.15 are listed in the report as 'Enhancements' we believe that the detailed measures are required as part of the ecological mitigation. These measures include the integration of bat and bird bricks into the new properties and therefore we also request that a specific condition is secured for plans to be submitted to Planning for written approval containing details of integrated bat and bird bricks to be installed in the new properties.

- o Bricks should be installed at least 3m above the ground but not directly above or next to windows, doors or balconies. Bird bricks should be installed on north east to north westerly elevations. Bat bricks should be installed on a variety of elevations to provide bats with different roosting opportunities depending on their seasonal requirements. All boxes must be positioned away from artificial lighting.

- o A Construction Environmental Management Plan (CEMP) detailing roles, responsibilities and suitable procedures to ensure the environment is protected during the

development phase and all environmental legislation and policy is adhered to, to be submitted to planning for written approval prior to further development (including construction, further site clearance and enabling works).

o No external lighting to be installed unless a detailed external low level lighting scheme has been submitted to and approved in writing by the Planning Department, which is in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018).

o The landscaping should be undertaken as is shown on the Site Plan (drawing no. 172 A), any revision to what is shown must be submitted to Planning for written approval. Though this site plan contains the details of tree and hedge planting across the site with specific tree species, there are no species listed for the proposed low level hedging and ornamental hedging. We therefore request that a condition is secured to ensure that New Zealand Broadleaf (*Griselinia littoralis*) and other Wildlife Act 1990 Schedule 8 non-native invasive plant species are not planted on site.

We recommend that a woodland management plan is enacted on site to achieve biodiversity net gain. However, as an enhancement for wildlife cannot request this as a condition."

5.4 The Senior Forestry and Arboricultural Officer (DEFA) makes the following comments (26.01.2021):

"I would like to make the following comments in relation to application 21/01540/B (Bix House) on behalf of the Agriculture and Lands Directorate (the Directorate) of DEFA. These comments are being provided in accordance with Part 3 of the Directorate's Tree Protection Policy (v2.0, Dec 2021), a copy of which is available online.

Before discussing the merits of this application it may be useful to review the Directorate's responses to previous development proposals on this land. The first development proposal that I reviewed for this site was submitted under application 20/00824/B. An objection was raised against this application on the basis that:

1. The proposal does not provide adequate trade-off between the loss of tree canopy cover and the gain of public amenity through increased public access to adjacent woodland, as discussed in pre-application consultation.
2. The incursion in to the RPA of T25 is likely to result in a reduction in the safe useful life expectancy of this Category A tree.
3. The proximity of plots 22-25 to trees to the North-East is likely to lead to future pressure to remove trees marked for retention; the design will fail to achieve a harmonious relationship between trees and structures that can be sustained in the long term.
4. The woodchip providing a link between the proposed development and the existing Lester's Yard is likely to need replacing in the future, which will put retained trees at risk.

This application was subsequently withdrawn.

A revised scheme was submitted under 20/01531/B in which all of the above issues were addressed and the Directorate did not, therefore, object to this application. 20/01531/B was approved but an appeal is in progress, meaning that there is no fall-back position based on an extant permission. Despite the change in context provided by the Directorate's adoption of the version 2 of the Tree Protection Policy in December 2021, had this application been approved without an appeal, or had the appeal had been concluded and the decision upheld, my review of this application would have been restricted to assessing change in impact from what had already been approved. As it is, however, with no previous planning approval to rely upon, this latest application will be viewed afresh, through the lens of the Directorate's Tree Protection Policy which has been adopted since the previous application was submitted.

The AIA confirms the need to remove 1 individual category B (BS5837) tree, 8 individual category C trees, 1 category C group, 1 category B group and partially remove a further category B group. The tree canopy cover (TCC) loss is estimated to be 1365.5m² which is claimed to be 3.6% of 'local canopy cover'. The 'local area' selected, however, is rather arbitrary. It would be more valid to create a sample area around the site and measure the existing TCC within this sample area. For example, a circle with a radius of 100m (area just over 3Ha) centred on the site. Figures of existing TCC loss within the site are not provided but based on a rough assessment using 2018 aerial imagery I estimate this to be approximately 18%. The site plan shows there is an opportunity for approximately 650m² of TCC to be reinstated so the net TCC change as a result of this development (assuming that planting occurs as shown and that the trees successfully establish) will be approximately -10%. Given the poor quality of the individual trees which make up this existing tree cover, however, I don't view this overall loss of canopy cover as significant. The removal of individually rated category B trees, however, remains an issue, as it is my Directorate's view that these trees should be viewed as a material constraint to development.

The AIA (paragraphs 4.3 & 4.4) describe several risks to retained trees, but I am fairly confident that all of these issues can be managed through tree protection conditions. In the process of reviewing this application and the information submitted I identified 3 additional concerns which weren't addressed in the report. These were discussed with the agent and project arboriculturist prior to submitting these comments. The issues raised (blue text) and responses provided (red text) are detailed below. Some of the responses reference drawings/sketches, not all of which have been formally submitted to the planning office to support the application. This should be addressed prior to determination of the application.

1. In the Outline Tree Protection Plan (OTP-131221) the proposed SW drainage route appears to conflict with the proposed CEZ.

The drainage work referred to in this area is currently being reassessed with the MUA preferring that the diversion follows the new road to the north boundary and discharge into the newly formed drainage ditch. Therefore the concerns for the area pointed out should no longer be an issue. This alteration is indicated on the drawing "Hart 037 - 179 rev A" which we are currently discussing with MUA.

2. In the Outline Tree Protection Plan (OTP-131221) what do the orange dashes to the west of G4 represent?

What's the likely profile of this and what impact might it have on G4? The lines referred to represent ground contouring as indicated on "Sketch 01" attached. It is intended that this work will take place outside the RPA of G4.

3. More details are required on the drainage ditch that runs through G2. The drainage ditch that runs through G2 is detailed on the attached flood Plan drawing "Hart 037 - 180".

This area has been assessed on the previous application and the route shown on the plan is deemed to be the route that would have the least impact. 2 No affected trees were highlighted for removal (2545 & 2548) and works within this area will be carried out under arboricultural supervision. Trees 2545 & 2548 have been marked on the tree removal plan and Tree protection fencing indicated in this area has been shown on the tree protection plan.

The annotated photo shows the trees to be removed and route of the ditch. Fencing will be used to provide a corridor for a small/medium excavator. Through the responses provided I am satisfied that these additional concerns can also be addressed through tree protection conditions. It is important to emphasise that even with a tree protection plan in place there will be a number of residual risks which will need to be managed throughout the construction

process. A positive outcome for retained trees will only be guaranteed, therefore, if there is ongoing involvement of a suitably qualified and experienced tree specialist throughout the construction process. In the event that this application is approved I strongly recommend that a condition is applied requiring the submission of an Arboricultural Method Statement. This should include details of, amongst other things, how arboricultural site monitoring will take place and a schedule of specific events requiring arboricultural input/supervision.

In summary, based on the Directorate's current policy there appears to be grounds for objection on one issue: The proposed development includes the removal of trees worthy of a category B classification, as defined by BS5837:2012.

In the event that this application is approved I recommend that the following condition is applied:

1. 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. The AMS should address all the technical design issues discussed in Section 6 of BS5837, and especially how the project arboriculturist will carry out arboricultural site monitoring, including a schedule of specific site events requiring input or inspection. The agreed protection measures and construction methods 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 the site

2. The pruning carried out on trees T2504, T2506, T2508, T2511, T2513 and T2514 shall be done in accordance with the recommendations of BS3998:2010 (Tree Work - Recommendations). Reason: To reduce the potential for the approved pruning work to have adverse consequences on the health and longevity of the trees, for the purposes of preserving the amenity value they provide to the area.

If you have any queries in respect of these comments please do not hesitate to contact me

5.6 Inland Fisheries (DEFA) comments (19.01.2022);

"Fisheries Officers have conducted a site visit with the applicant. I can confirm that DEFA, fisheries have no objections to this development from a fisheries perspective, provided that there is no adverse effect or disturbance on the adjacent watercourse. This is due to the nature of both the watercourse and the proposed works. Precautions will be needed to reduce the possibility of harmful materials such as concrete or washings entering the river."

5.7 Manx Utilities (Drainage) initially sought additional information (07.01.2022) from the applicants. Following additional information being provided Manx Utilities comments (31.03.2022)

"Further to the above application Manx Utilities are happy with the amended proposals as detailed in the Drainage Strategy Rev A document. The developer is encouraged to enter into a Section 8 adoption agreement with Manx Utilities for parts of the foul sewerage system, the surface water sewers and attenuation tank. Construction drawings will be required prior to any works commencing on site. The individual plot pump stations will remain private and not be considered for adoption as part of the public sewerage system."

5.8 Department of Infrastructure Flood Risk Management Team (DOI) initially objected to the application due to additional information/calculations for attenuation of surface waters being required. However, these have now been provided and FMD confirms they have no objection (31.03.2022).

5.9 Highway Services Drainage Division initially sought additional information with regard to the system draining runoff from the estate road (03.02.2022), but again following additional information being provided they have no objection (26.04.2022).

5.10 A number of private representations have been received from the following addresses:

- o 38 Farmhill Park, Douglas (24.01.2022, 31.03.2022 & 27.04.2022);
- o 39 Farmhill Park, Douglas (20.01.2022 & 31.03.2022);
- o 40 Farmhill Park, Douglas (19.01.2022 & 31.03.2022);
- o Isle of Man Friends of the Earth, 7 Snaefell Crescent, Onchan (20.01.2022);

5.11 Full details of the comments can be viewed on the Planning Departments Website. Below are a summary of the comments received;

- o represents an ill-judged proposal to create new houses in an area where long-lasting disruption to wildlife, the wanton destruction of trees, the loss of amenity for local residents, and a danger to motorists, cyclists and pedestrians would be the unavoidable consequences;
- o Inadequate consideration of the impact that this additional development will have to the motorists and pedestrians of Douglas who use Farmhill Lane and its junction with Cushag Road and Annacur Lane; and the residents of Lheannag Park in particular;
- o fail to adequately address the need for Manx Utilities to provide sufficient capacity within the water system to support the increased need for more fire hydrants within the area;
- o As we have stated on previous occasions, a principal concern for us is the increased security risk arising from any new development on this site. Having been burgled in 2018 (whilst asleep in our beds), the police determined that access was likely gained through access to our garden, and we are therefore very concerned that the link footpath will be used as a means of accessing our property;
- o Finally, we ask that the Planning Committee does not follow the (flawed) argument which says that it must be okay to approve 6 houses if planning for 12 houses was previously approved - and it instead considers this new Planning Application on its own merits - and against the backdrop of a Manx public who now have a more enlightened understanding of the ecological impacts arising from the unnecessary removal of trees;
- o The Climate Change Act has now received royal assent and every relevant application needs to demonstrate that the application has been made having regard to the following climate change policies — (i) the maximisation of carbon sequestration; (ii) the minimising of greenhouse gas emissions; (iii) the maintenance and restoration of ecosystems; (iv) biodiversity net gain;
- o This schedule has yet to be enacted but planning policy should be forward looking not backward, especially in an Unesco Biosphere;
- o Using the UK standard of Biodiversity metric 3.0 spread sheet, we cannot get no net loss let alone a positive gain result;
- o D.E.F.A. Tree Protection Policy 2021 now applies and the proposal would fail Section 25 and we assume the directorate will object to this application;
- o Reference to restrict to covenant requiring the area to be maintained in its present natural state;
- o The Copse of trees, now adjoins the long line of wood/ stream/ green belt creating a 'green gap' nature corridor between Farmhill/Douglas and Saddlestone/Braddan where wildlife can safely traverse;
- o We notice from ours the following using the site Bats, Butterflies, Toads, Newts, Finches, Thrushes, Wrens, Kestrels, Herons, Gold Crests, etc. We hope the Woodpeckers will return too;
- o Fails Environment Policy 3 & 4;
- o Fails Area Plan for the East (3.6 Desired Outcomes, 5.3. Area Plan Objectives, 5.4 Area Plan Desired Outcomes & 5.11.4 Potential future Wildlife Sites in Douglas, Onchan and Braddan);

- o Before purchasing our property we researched the history, seeing the restrict covenant and previous planning history which was refused at appeal for (96/1864) 3 houses in 1997;
- o The Inspector attached much weight to the expectations of householders to the designating by condition of the area including the appeal site as open space;
- o Fails General Policy 2 as it would affect adversely the amenity of local residents or the character of the locality;
- o The proposed layout fails General Policy 2 and Environment Policy 42 and Areas Plan for the East;
- o The Areas Plan for the East 1st December 2020, identifies sufficient & excess sites to meet the foreseeable housing needs of the Eastern Area. They do not include this site along with the elimination of nearly 100 mature urban trees being 60% of the urban canopy;
- o The original planning concept of 40 good sized individual houses on large, well-spaced plots, incorporating wide strip of open space has been carefully preserved to date;
- o Development would impact on the visual amenity value and outlook from our house;
- o The site is zoned as "predominately residential" for the simple reason that it is the back garden of an existing house; and it is insufficient reason now to view it as a development site;
- o The Area Plan for the East identifies sufficient sites to meet the foreseeable housing needs of the Eastern Area;
- o There is sufficient brownfield sites within the area;
- o Application for 3 houses was refused in 1997 when the Inspector commented; ""I would attach much weight to the expectations of householders to the designating by condition of the area including the appeal site as open space. To my mind, nothing in the definition of open space in the 1982 Order predicates the approval of buildings in such areas as suggested. For this reason, the appeal should fail".
- o Nothing material has changed in the area in the intervening years and the inspector's comments are as relevant now as they were then. The major difference is that the current application is for 6 houses, as opposed to the 3 which were refused in the previous application;
- o The Aerial Photo Montage which forms part of the application clearly demonstrates how close together even the proposed 6 houses would be and how entirely out of keeping they would be with both our property and the wider area of Farmhill Park, which is comprised entirely of larger, detached houses on individual plots;
- o These copses are said to incorporate 138 trees, creating some 3,396 sq.m of canopy cover. The application proposes the removal of the majority of these mature copses with the obvious adverse effect on the environment and wildlife, Manx Roots report comments that 34 weak tree should be removed for good management and there is no denying that this action would be the correct way forward but felling scores of healthy trees purely to facilitate the development would be entirely wrong;
- o Whilst it is fully accepted that not all of the trees in these copses have individual value, together they form an attractive urban canopy, providing nesting, foraging and roosting opportunities for a variety of birds and small animals. The potential loss of most of this canopy would have a significant impact on this wildlife;
- o The decimation of this woodland would result in significant Ecosystem and biodiversity loss;
- o To the East of the proposed site is an area of private woodland and is a natural habitat, as described by Manx Wildlife Trust. Whilst the apparent intention is to retain the majority of this woodland, there can be no denying that the proposed development immediately adjacent to it would have a major detrimental effect on the wildlife there, effectively destroying their habitat;
- o Concerns of loss of light due to the intention to plant 1100 new trees, the proposed siting of them gives us considerable cause for concern along out boundary;

- o To support this application would leave the way open for the continuation of this unwelcome backland development into the remaining areas of open space along the bottom of Farmhill Park, thereby creating even more disruption to the private woodland and the amenity of existing residents;
- o The intrinsic value of trees as vital carbon sinks is not adequately addressed;
- o There are no metrics provided for the amount of carbon sequestration anticipated from the migratory planting;
- o Loss of habitat for birds bats and small mammals in terms of loss of canopy, foraging and shelter and the timescales to get back to status quo before getting anywhere near net biodiversity gain;
- o Covid and other factors have delayed the progress of the Act so it has only recently received Royal Assent. The Council of Ministers has not had sufficient time to address the necessary amendments contained in the Schedule. However it would surely be perverse for any planning decision not to take account of the clear statutory intentions outlined above. The application is lacking in these areas;
- o Concerns the site would not comply with Building Regulations 2010 Fire Safety Approved Document B as a fire tender would have to reverse (were it to service the property nearest to our boundary) would be more than the permitted 20m;
- o No mechanism in place to ensure that the turning facilities remain clear of obstruction that would permit them to be used to reverse a fire tender;
- o There is nothing noted on the plans that indicates that the development complies with the requirement for all properties to be no more than 90m from a fire hydrant;
- o The letter from Hartford Homes appears to imply that this proposal would have no impact on the neighbouring properties and that they have been developed with input and agreement from us. This is not the case and we are not of the view that the development of 6 houses on the Site is appropriate for all of the reasons that we have previously stated.

5.12 Sarah Maltby MHK for Douglas South writes on behalf of her constituency and objects to the application for the following summaries reasons (12.01.2022): Development is not in keeping with environmental ambitions I have for the area or the Government policy in relation to retention of trees; concerned for residents who feel their quality of life will be effected by the proposal. The resulting loss of habitat for the wildlife and the impact in general wellbeing having an area of 'green' space; the area is known to provide habitat for bats, birds; the Area Plan for the East provides sufficient sites to meet the foreseeable housing needs; development of brownfield sites should be a priority; while the new scheme is significantly more empathetic to the area (retains 40% of the woodland area) I am still concerns that the destruction of a number of mature trees that goes against the needs of our islands younger and older residents.

6.0 ASSESSMENT

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

PRINCIPLE OF DEVELOPMENT

6.2 The first issues relates to this application is the principle of residential development on this site. As outlined within the planning policy section of this report, the site is proposed for residential use and therefore the proposal for additional residential development is acceptable.

6.2.1 The Isle of Man Strategic Plan 2016 has been undertaken and adopted, which identified that a total of 2440 new dwellings are required to be provided between the years of

2011 to 2026 in the east of the Island alone. A total of 5,100 dwellings are required over this same period throughout the Island. Given Douglas is regarded as the "Main Employment and Service Centre" on the Island, it is reasonable to consider the majority of these dwellings are likely to be provided in within and around Douglas.

6.2.2 The Planning Inspector for the Area Plan for the East has revisited these housing numbers and now the amount of dwellings in the East has initially been reduced to 1500, albeit including the Strategic Reserves sites this gives a total of 2440 new dwellings as initially suggested by the IOMSP. The site in questions was not specially allocated in the housing number (not all sites are). However, the fact remains the land is designated as "predominately residential" use. The adjacent site (approval for 26 dwellings) was considered by the Inspector during the Area Plan process. A "Notional Number of Dwellings" of 10 was given on this site; however, this did not necessary mean that only 10 can be approved. 16 had already been approved on the site and the very meaning of the word "Notional" is not an absolute. Further, the whole purposes of undertaking this assessment are to ensure that there is sufficient land designated to meet the housing needs throughout the East of the Island. It would be extremely difficult, if not impossible; to give precise housing number on each site; as generally only once a detail application has been submitted and considered all the issues can a judgement be made. Furthermore, during the Area Plan Process not all sites are precisely allocated, rather are 'washed over', in this case the site was washed over in pink colour on the maps to identify residential designation. This designation is a continuation of the Douglas Local Plan 1998 land use designation which also designated it as "predominately residential".

6.2.3 In terms of the Area Plan process and the Inspector report, it is importantly to note, the Inspector also commented that; "I consider the priority should be given to development of land allocated for residential development within existing settlements. That would provide about 560 dwellings as shown in table 1 below....". While the current application site was not included within this table, it is within an area allocated as residential and within an existing settlement.

6.2.4 In terms of the density of the application site and that of the surrounding housing developments it is important to note the guidance within the Residential Design Guide 2021. This indicates that:

"Land is a finite resource and it is important to strike a balance between the need to make best use of land (i.e. by maximising densities, so that as many dwellings as possible can be provided on the least amount of land thus reducing the need to develop new areas) and the need to make sure that new developments are attractive and fit-for-purpose. The Site Assessment Framework for the Area Plan for the East contained broad assumptions about typical densities for different locations and types of developments, and these can provide a helpful starting point. However, these should not be taken as targets. In reality, the development that takes place may be of a higher or lower density and, as determined by the context of the site and/or the location."

6.2.5 The Residential Design Guide (RDG) indicates that:

- o Very high density about 100-450 dwellings/hectare Promenade or very centre of town development (typically apartments);
- o High Density about 40-100 dwellings/hectare (Town centre typically apartments or terraced housing);
- o Medium Density 15-30 dwellings/hectare (large sites close to the settlement centre, typically estates incorporating different dwelling types including some apartments and terraced housing);
- o Low 5-10 dwellings/hectare (larger sites towards the edge of settlements, consisting mainly of houses and bungalow with relatively few apartments or terraces;

- o Very low 2 dwellings/hectare (houses set in parkland by substantial grounds).

6.2.6 In this case the application site (with the woodland being excluded) and the new position of the rear garden of Bix House, the development site equates to 0.34 hectares which would represent 17.45 dwellings/hectare. The proposal would therefore be considered on the lower side of a "Medium Density" development. The adjacent housing development (Farmhill Grange Development) which is current under construction and would link into this proposed development represents 26.47 dwellings/hectare.

6.2.7 For reference the previous application which was approved by the Planning Committee but is pending and final decision (appeal stage) equated to 24.61 dwellings/hectare (with the woodland being excluded) and including the woodland (it was proposed to be public open space) the site is 12.8 dwellings/hectare.

6.2.8 Regarding neighbouring developments in the area:

- o Lheannag Park 36.76 dwellings/hectare;
- o Woodland View & Appledene Court 47.03 dwellings/hectare;
- o Ballaquark Estate 30.94 dwellings/hectare;
- o Farmhill Grange Development 26.47 dwellings/hectare; and
- o Farmhill Park 6.24 dwellings/hectare;

6.2.9 An argument in favour of the proposed development is that considering the density of the site against these other housing sites, the density in the main would appear to fit well with the existing housing densities in the area, and namely with the Farmhill Grange Development which this development essential forms part of and would be seen against the most.

6.2.10 A counter argument is that Farmhill Park to the west/northwest of the site less dense development (6.24 dwellings/hectare) and refusal for three dwellings was refused in 1997 on the grounds that; "The proposed development would be contrary to the terms of the planning approval for the overall layout and use of this land (PA 87/0912), whereby the site formed part of an area of Private Open Space adjoining the stream course...".

6.2.11 However, since this refusal 25 years ago, there has been the Douglas Local Plan being adopted (1998) and more recently the Area Plan for the East 2020 which both designated the land as residential. Furthermore, the IOM Strategic Plan has been adopted in 2007 and updated in 2016 (Housing numbers only). The IOMSP and the Area Plan for the East main aims is to provide more sustainable development and in terms of new housing development which is required this is by located new housing in existing settlements.

6.2.12 Strategic Policy 1 from the IOMSP indicates we should optimise the use of previously developed land and ensure efficient use of sites (taking into account the needs for access, landscaping, open space and amenity) and that development should be located to make best use of planned and existing infrastructure, facilities and services. As Douglas is a "Main Employment and Service Centre", again it is considered the majority of dwellings would be located in and around this area, in line with sustainable objectives of the overall IOMSP, i.e. people living close to existing services/employment and have less reliance of cars. This site would fit well with that brief. It is close to good bus routes, near to local shops/pubs, surrounded by existing development to the South, West & Northwest, existing parks and playgrounds (Ballaughton Manor Park & Anagh Coar) are within a short walking distance to the east and south of the site.

6.2.13 In terms of the previous application; while this was approved by the Planning Committee, this decision is pending, following the appeal being put on hold until the outcome

of this current application is determined (applicants are willing to forfeit the previous decision). However, given this previous application "decision" has not been finalised; little planning weight can be attached and as with all applications, each application is judge on its "own merits". Since the previous application was approved by the Planning Committee, there have been updates to the Residential Design Guide 2021, specifically relating to "Sustainable Construction" which includes a section of Climate Change matters and the Tree Protection Policy (DEFA) - Department Policy Relating to the Protection of Trees has all been approved by the Minister of the Department (DEFA). These matters need consideration now as "other consideration" as outline in the Planning Act. The planning elements of the Climate Change Act are not yet in force (No Appointed Day Order) and therefore has only limited material planning weight. However, it does give a clear direction of travel. All these matter will be considered in the relevant sections later in this report.

6.2.14 Accordingly, while the previous refusal is of material planning weight; it is a matter of balance whether this outweighs more recent planning policy which would appear to support the principle of residential development on this site. In this case, once again it is considered the passage of time of the previous decision and more up to date planning policy which would support the development of land designated for development and therefore it is consider the principle of developing the site for residential development is acceptable. This is not an automatic reason to allow the planning application, as further material planning matters as indicated previously need to be considered, to determine if the 6 dwellings on the site are appropriate.

THE POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE AREA

6.3.1 General Policy 2 paragraph (b) states that the design should respect the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them.

6.3.2 The site from public views would be well screened given existing properties surrounding the site namely those within Farmhill Park and the amount of existing and proposed landscaping which would be in place between any public views. The street scene where the new properties would be most apparent, are from the new estate road within Farmhill Grange Development to the south of the site. However, this view would be limited given the recently constructed dwellings within that estate and existing landscaping. However, even where there may be glimpses of the dwellings, these will be limited and be seen in connection with existing residential properties which is the character of the area generally.

6.3.3 The surroundings area's character is mainly of residential development and this proposal would just be a continuation of this existing character in a suburban location. While there is an amount of trees proposed to be removed, the trees in question from a visual perspective do not contribute significant to public amenity, as similar to the proposed dwellings, they are screened by existing built development in the area and existing and proposed landscaping within the area/site. The issue of the potential ecology issues by the tree removal will be consider later in this report.

6.3.4 The site will become more apparent once it is completed, especially as the new public footpaths (if it is considered acceptable) through the site and into the wooded area will provide new public vantage points. However, the boundary treatments of the dwellings, especially those backing onto the wooded/public footpaths are proposed to be hedgerows and post and wire fencing (this will need conditioning). It is considered, especially in the longer term that this arrangement would appear as a soft barrier between the two areas i.e. garden and woodland areas. The fence to the side boundary of Plot 17 is proposed to be a 1.8m high timber fence, but with a hedgerow planted in front to soften the visual impact.

Overall, in terms of the street scene, the design, layout, finishes and scale of the development would be appropriate. Details of the new rear boundary (eastern) of Bix house which fronts onto the new estate road should also be conditioned. The applicants have indicate perhaps a metal railing fence with hooped tops with hedging in front could be installed, which is likely to be acceptable compared to a timber 1.8+m fence which would be inappropriate.

6.3.5 It is perhaps also worth considering the density of the development as discussed earlier in this report and whether the density of this development is in keeping with the area. While density figures can be helpful in considering whether a site is appropriate level, it is perhaps more importantly to consider how a site actually fits in its context, especially when viewed in the public realm. Clearly the site density (17.45 dwellings/hectare) is greater than the adjacent Farmhill Park (6.24 dwellings/hectare); however, if built, the two areas from public views are not going to be read as one. As mentioned from Farmhill Park, public views of the site would be limited by the dwellings within Farmhill Park and landscaping between each dwelling. The application site is more likely to be read in context with the Farmhill Grange Development (26.47 dwellings/hectare) which essential these 6 dwellings would form a continuation of. Following this process through, the Farmhill Grange Development is publically viewed in context with Lheannag Park (36.76 dwellings/hectare) to the east and Woodland View & Appledene Court (47.03 dwellings/hectare) to the west. Accordingly, from the main public views of the application site, it is not considered that the proposed development would be out of keeping with the majority of housing in the immediate area, being significantly lower than all but Farmhill Park which this new development will not form part of either visually or connectively.

6.3.6 Accordingly, whilst there will be an impact to the visual amenities of the area over the current situation (i.e. a garden), the impact to public views would not be significant and it is considered the proposals would be acceptable and comply with General Policy 2 of the IOMSP.

POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES

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

6.4.1 In terms of overlooking, the Residential Design Guide advises that a 20 metre gap between direct facing first floor windows of habitable rooms should be retained. In this case all the proposed dwellings with direct facing windows towards neighbouring windows are greater than 20 metres. Nr 40 Farmhill Park is approximately 58+m away from the closest dwelling Plot 21 and Nr 39 Farmhill Park is approximately 53+m away both from the closest dwelling on Plot 22. Further, the finished floor level of Nr 40 is set above the finished floor level of the dwelling on Plots 21 and 22 by approximately a storey in height (see Site Section Plan Nr 177). Between the boundaries of the two above sites is existing landscaping varying in height, some of which would screen views of the site. However, there are sections where views from Nr 40 especially, but also Nr 39 would look towards the proposed new dwellings. The neighbouring property to the northwest is Nr 38 Farmhill Park which is located approximately 52+m away both from the closest dwelling on Plot 22. The property also has a substantial rear garden which runs along the majority of the northern boundary of the site and is comprised of a mature leylandii hedgerow and fence line below.

6.4.2 Nr 40 Farmhill Park is a two storey detached property which has a total of six windows to its rear elevation that face towards the application site. All windows at ground floor (two of the three are French Doors) level serve primary habitable rooms (living rooms). The three upper windows serve bedrooms and a bathroom. A rear/side garden also faces towards the site. Around the garden boundaries is mature landscaping which varies in site, some block outlooks into the application site, where as others places there are open views over the site.

4.4.3 Nr 39 Farmhill Park is a part single/part two storey dwelling which is located to the northwest of the site. The finished floor level is set above the application site. To the rear, due to the ground level of this site the finished floor level of Nr 39 is set approximately a storey above the majority of the rear garden associated with this property. Accordingly, there is a rear raised terrace which has outlooks over the application site; albeit, the majority of views are screened by existing mature landscaping within the site, but also in large parts by the significant leylandii hedgerow which runs along the northern boundary of the application site, which is proposed to be retained.

4.4.4 The dwelling Nr 38 Farmhill Park is located to the north west of the site, albeit has its rear garden immediately to the north of the site. The significant leylandii hedgerow previously mentioned is proposed to be retained. With this being retained the majority if not all the proposed dwellings would be screened from views, especially from the windows within the dwelling of Nr 38.

6.4.5 Visiting all these neighbouring properties when the previous application/s were made; there was an initial concern with planning application 20/00824/B that there would be an overbearing impact upon the neighbours outlooks, given there was a dwelling immediately to the rear of Nr 40. Due to this concern the applicants withdrew the application (20/00824/B) and submitted application 20/01531/B, which overcame the Departments concern. This new application under consideration now, reduces the potential impacts upon neighbouring properties even more. While it is accepted that the views and outlook especially from Nrs 40 and 39 will change, it is considered with the retention of the a large amount of the central section of woodland within the existing rear garden of Bix House, with the significant amount of additional landscaping proposed also (between Nrs 40 & 39 and new dwellings), the change will not be significant or adverse. There of course will be some views of the new dwellings namely on Plots 21 and 22, but over time these will be reduced given the proposed tree planting. It should be noted that these outlooks are over the rear garden of Bix House, rather than the open countryside and therefore it would have been in the owners of Bix Houses want to plant landscaping etc to prevent such views, to increase their own privacy if they wished.

6.5.6 As mentioned the current proposal does include the planting of landscaping & trees in the area of the new rear garden of Box House, which also includes between the gap of the retained central woodland area and the leylandii hedgerow (all within new rear boundary of Bix House) which does run adjacent/near to the neighbouring boundaries of Nr 39, but especially with Nr 40. Concerns have raised by neighbouring residents that the tree planting may result in loss of light which is a very relevant concern. The Department has sought comments from the applicants in relation to what are the maximum heights of the tree/landscaping proposed to be planted in the vicinity of the neighbouring boundaries. The applicants have commented that the landscaping has been considered by Manx Roots and that:

"The largest trees in the micro woodland mix on the boundary with No40, are Silver Birch and Downey Birch which are classed as medium trees and will likely reach a height of around 10-12m at maturity in this location. It's worth noting, however, that Birch are characterised by their open crown which lets a lot of light through and should not feel imposing at all. The remaining trees in that mix are small and will achieve heights around 5m.

So, heights of the biggest trees at various life stages will be approximately:

- o 5yrs = 2-5m depending on planting size,
- o 10yrs = 5-10m,
- o 20yrs 8-12m.

Its worth noting that there is a Hornbeam hedge planting in between the existing boundary planting and the micro woodland planting, so there will be a grading up of heights."

6.5.7 The concerns of the neighbours are understood and understandable, their outlook will change as described previously and with the retention of the existing wooded area closest to these neighbouring properties, the leylandii hedgerow and with new landscaping/trees their outlook will likely have less open views over Bix House garden and the woodland beyond. However, it is not considered the impact would be unattractive and would still retain the character of a woodland setting from these properties. The types of trees proposed and their location would seem appropriate and ensure the loss of light to neighbouring properties would not be significant.

6.5.8 Overall, given the siting of the proposed dwellings in relation to existing properties; the design, scale and size of the proposed dwellings; the ground level differences between the neighbouring properties and the site; existing/proposed landscaping & tree planting; and the suns orientation (east to west); it is not considered the proposed dwellings would give result in a significant adverse impact upon the residential amenities of any neighbouring properties in the area, to warrant a refusal and therefore comply with General Policy 2 and the Residential Design Guide 2021.

POTENTIAL IMPACT UPON HIGHWAY SAFETY

6.6 The site would be linked into the existing estate road of Farmhill Grange Development and also utilise the same entrance onto Farmhill Lane which was approved previously for the Farmhill Grange Development. This access has viability splays of 2.4m x 25m metres in both directions, as requested by Highway Services (as approved previously). Furthermore, no objections have been made from Highway Services in terms of traffic generated by the development.

6.6.1 In terms of off street parking provision the IOMSP requires each dwelling to be provided with two off road parking spaces. All the properties would have at least two off road parking spaces.

6.6.2 The submitted plans do include a new public footpath which runs from the new estate road through the woodland area to the Lheannag Park estate would be constructed to an adoptable standard and DOI have previously indicated they would adopt them as well as the estate road itself. However, given presentation made regarding potential security as new path may give more access to the woodland area and into neighbouring properties, the applicants have advised they would be happy to omit the path. Planning Committee will recall the previous application included a woodland loop path which created a path through the woodland which connected to the new public footpath. This is not included as part of this application. Accordingly, the new public footpath would only provide an access from the new estate to Lheannag Park. The applicants comment in detail why they believe the new path should be omitted (email dated 03.03.2022):

"Whilst the application as submitted includes a footpath link into and through the woodland to the north east of the proposed houses, as did the previous application which was approved (20/01531/B) - a footpath which provides a pedestrian link for the occupants of the proposed 6no. houses to Lheannag Park, we have reconsidered the value and impact of this footpath and now would prefer for it to be omitted from the scheme."

And

"In conclusion, we believe that the proposed woodland footpath route would result in a potentially adverse environmental impact which is not justified as we believe it will not be used, would be less desirable, less safe and longer than the existing footpath route through Lheannag Park which would better integrate the proposed housing into the existing housing and would enable those in the new houses to walk conveniently and safely to their desired designations. It would also go further to removing concerns previously raised by number 38 Farmhill Park, who believed public access through the woodland may provide access to potential burglars, to their property."

6.6.3 In terms of whether the new public footpath should or shouldn't be omitted, the applicants provides reasonable reasons why it is perhaps not required now. Previously the new path would have provided access to the woodland loop path; however, with this now not being required (open space provision is not required as part of this application being under 10 dwellings) and as the new path alone would not seem to provide a benefit to residents in the area as a whole, it is considered the omittance of the new footpath is acceptable.

6.6.4 Representation received regarding concerns of parked vehicles at or near to the junction of Farmhill Lane and Annacur Lane/Cushag Road are noted; however the photographs submitted and comments made appear to relate to construction traffic relating to the adjacent housing development. While the construction traffic can cause issues with general traffic in an area (generally occurs with most development sites and even single residential properties); this will generally stop once the adjacent development has been completed. It is one reason why impacts during the construction period are not material planning matters which can be considered. Should construction traffic etc not be abiding the rules of the road (illegal parking etc) then this is a matter for the relevant authorities, who have the powers to deal with such matters. As mentioned above the application site provides sufficient parking requirements for future residents and therefore it is not considered the new development would cause issues of parking on Farmhill Lane or adjacent roads.

6.6.5 A concern has been raised on fire appliances accessing the site. The concerns raised have been put to Highway Services and they made the following comments; "The dwellings more than 20m from the turning point could be fitted with sprinklers or other such facility to conform. Plots 21 and 22 are indicated to come off a private drive so would require alternative provision regardless. We do not insist on turning facilities to be protected by double yellow lines. A Traffic Regulation Order would be needed of which there is an uncertain outcome. Notwithstanding, the proposal is compliant with parking standards to reduce the risk of obstruction."

6.6.6 Accordingly, given no objection from Highway Services and for the reasons indicated within this report the application complies with Transport Policies 1, 4 & 7 and the parking standards of the IOMSP.

POTENTIAL IMPACTS UPON TREES/BIODIVERSITY

6.7 An Arboricultural Impact Assessment has identified the requirement to remove 1no category B tree, 8no category C trees, the complete removal of 1no category B (16 trees) and 1no category C tree groups (7 trees), and the partial removal (62% of group) of 1no category B tree group (62 trees) in order to facilitate construction of 6no dwellings. A Further 6no category U trees have been recommended for removal, irrespective of the development, due to their poor form and location. The total number of trees to be removed equates to 100 trees. The main bulky of tree lost are those trees within groups G3 & G4 which are central within the site, which form a visual point of view has least visual impact given the treed boundaries of the site would remain.

6.7.1 For information the previous application resulted in the removal of 155 trees within the rear garden of Bix House and four small trees were proposed to be lost within the mature woodland area.

6.7.2 It is noted the objection received from the Agriculture and Lands Directorate; albeit the previous application they did not object. As can be seen from the Agriculture and Lands Directorate representations within this report; since the previous application the Directorate has approved its Tree Protection Policy (December 2021) and therefore the current application has been considered on this basis and an objection has been made; not necessary given the loss of the tree canopy coverage or the amount of trees, rather on one issue; "The proposed development includes the removal of trees worthy of a category B classification, as defined by BS5837:2012". Accordingly, due to this an objection has been made. It is now the Department/Planning Committee to balance this objection against all matters.

6.7.3 It is noted the submitted Arboricultural Impact Assessment indicates that; "The majority of the proposed loss of canopy cover comprises tree groups G1, G3 and G4 and totals an estimated 1,365.5m². This figure equates to approximately 3.6% of tree cover in the wider landscape. Refer to table 5 of section 5 and drawing TR-131221 of appendix 4"

6.7.4 It is noted that the "tree cover in the wider landscape" includes the trees within the application site, but also the woodland which continues from the site to the north and south of the site (see Fig 2 page 8 within assessment), outside the applicants control. Overall the assessment equates this total area to have a tree canopy of 36,941 m² and therefore the 3.6% figure indicated above is the reduction of this area as a whole, rather than just the trees within the application site. Helpfully the Agriculture and Lands Directorate have noted this and consider that appropriately 18% of the trees solely within the application site would be removed. The Directorate also indicates that the site plan shows there is an opportunity for approximately 650m² of Tree Canopy Coverage (TCC) to be reinstated so the net TCC change as a result of this development (assuming that planting occurs as shown and that the trees successfully establish) will be approximately -10%. They also comment that; "Given the poor quality of the individual tree which make up this existing tree cover, however, I don't view this overall loss of canopy cover as significant."

6.7.5 The Arboricultural Impact Assessment indicates; "The loss of arboricultural value associated with this development will be moderate. The majority of trees being suggested for removal to facilitate the development are, with some exceptions, of low individual quality. It is strongly recommended that a robust replanting proposal be implemented to mitigate any trees that have to be removed as part of the development. We are aware that Hartford Homes Limited and the Manx Wildlife Trust have collaborated to produce a comprehensive replanting proposal which will offset and mitigate tree loss."

6.7.6 As indicated above the applicants are proposing a significantly level of tree planting, with up to 1,535 new trees proposed to be planted within the application site (red line). These are made up of 6 individual trees to the front of each dwelling, 150 to create the Hornbeam hedge to north-western boundary, 279 around the woodland edge planting (to rear gardens of plots/edge of existing woodland) and 1100 trees to form the Micro forest planting (northern western boundary and between gaps of central woodland area).

6.7.7 It should be noted the applicants are also in discussions with Douglas Borough Council to plant additional trees within the public realm near to the site; however, they have indicated these discussions are unlikely to be concluded before the application is determined and will be part of the applicants generally UNESCO Biosphere Pledge.

6.7.8 Perhaps at this stage is it worth turning to the potential impacts upon biodiversity of the site as this has a direct impact through tree loss. The application includes a Preliminary Ecological Appraisal (PEA) and Bix House PEAR revision technical note prepared by Manx Wildlife Trust and that the Ecosystem Policy Team (DEFA) confirms that both are in order and the level of assessment is appropriate.

6.7.9 The submitted PEA indicates the most significant changes over the previous application is the retention of one third of the existing plantation broad leaf woodland (central wooded area within rear garden of Bix House) and locating new planting of native trees and shrubs in the immediate surrounds. The report indicates that native planting has been proposed to create species and structural diversity to support a range of fauna i.e. woodland edge invertebrates, woodland and suburban birds and commuting and foraging bats.

6.7.10 The Preliminary Ecological Appraisal does utilise DEFRA (Department for Environment, Food and Rural Affairs - UK) Biodiversity metric which gives a figure on the site habitat value. This can be an accounting tool for measuring the biodiversity losses and gains that result from development projects. In this case the woodland area has a value of 3.71 biodiversity units, the trees with the centre of the rear garden of Bix House have a 1.48 biodiversity units, the garden/lawn 0.65 biodiversity units, and the southern/eastern boundary hedgerow has 0.39 biodiversity units. Therefore the woodland area has the greatest biodiversity value than all the other areas combined. The appraisal indicates that these calculations are useful (in UK) to determine how much offsite habitat would be required to offset biodiversity units lost; however within such a confined site the necessary area required for standard offsetting is not available. Due to this the appraisal indicates that the most practical solution for 'no net loss' and potential 'net gain' would be ecologically minded design and implementation to retain the best ecological features and enhance them, whilst providing new habitats of value to biodiversity.

6.7.11 The Preliminary Ecological Appraisal goes into detail of what animals (bats, birds, common frog & common lizard albeit the latter is unlikely to be found on the site), tree & plants etc. where found on the site and also outlines a number of recommendations to improve the biodiversity of the application site and wooded area. Some are the recommendations including installation of bird and bat boxes within the area and within eaves of the dwellings, protection of trees, production of a Site Environmental Management Plan to demonstrate how the development will ensure adequate measures will be put in place to protect the existing woodland; new tree planting and landscaping as suggested by Manx Roots being undertaken for nest birds, sheltering, foraging etc. are some examples. These recommendations listed within the Preliminary Ecological Appraisal are appropriate and a condition should be attached to any approval which requires the recommendations be fully adhered to.

6.7.12 Clearly, the removal of the trees and therefore habitats will have an impact on biodiversity and this does weigh against the development. While limited weight can be given to the previously approved application; it needs to be acknowledged this current proposal appears to have less impact to the existing biodiversity to the site (less tree removal etc) and proposes to plant substantial more native trees/shrubs throughout the site. However, given no objections being received from the Ecosystems Policy Officer who agrees with the conclusions and recommendation of the Manx Wildlife Trust, it is considered the impact upon wildlife and ecology can be adequately mitigated.

6.7.13 In relation to the loss of trees, namely the visual amenity of the area. For similar reasons to why the proposed dwellings are not significantly apparent from public views (existing built development and larger mature wooded areas to the north/east of the site) the

eastern section of the central copse of trees within the centre of the rear garden of Bix Houses do not result in significant public amenity value, i.e. they are not seen from public views to a significant extent. Accordingly, from a visual impact there are no concerns. Manx Roots detailed reports indicated that the proposal would equate to a loss of 3% of canopy cover in the wider landscape (DEFA consider approximately 18% of canopy lost within site) and while this arguably significant, the trees in question have a lower individual amenity value and if left unmanaged many of the trees are likely to see physiological decline in the coming years due to suppressions cause by over congestion and/or structural failure due to weakness resulting from over congestion.

6.7.14 Manx Roots have also produce tree protections plan and tree planting plans which the Agriculture and Lands Directorate raises not objections subject to recommended conditions.

6.7.15 As outlined earlier in this report since the previous application being approved the Climate Change Bill has received Royal assent, albeit it is not yet in force and therefore has little planning weight; although it does give a clear direction of travel. If this had been in force the application would need to undertake the following;

"(a) demonstrate that the application has been made having regard to the following climate change policies —

- (i) the maximisation of carbon sequestration;
- (ii) the minimising of greenhouse gas emissions;
- (iii) the maintenance and restoration of ecosystems;
- (iv) biodiversity net gain;
- (v) the need for sustainable drainage systems; and
- (vi) the provision of active travel infrastructure; or

(b) explain why consideration of one or more of those polices is not practicable in relation to the proposed development."

6.7.16 As mentioned, as it is not yet in force the application is not required to. However, while the application is perhaps silent on the "carbon sequestration" the submission does appear to cover the other points raised by the Bill. Further, the recently approved Residential Design Guide 2021 does include "Sustainable Construction" section which does include a number of aspects including, construction materials, building design and climate change resilience. It also included the following;

"2.5.4 As well as complying with relevant Legislation (Wildlife Act 1990) proposals should aim to:

- o protect and enhance the existing biodiversity on site through the retention and protection of existing wildlife features (as a priority);
- o compensating against their loss where retention is not possible (as a last resort); and
- o by providing enhancement measures.

2.5.5 The outcome should be to achieve an overall net gain in biodiversity. Consideration should be given to the following points.

- o Retention and protection of important habitats for wildlife such as mature trees, hedges, sod banks, ponds & semi-natural habitats.
- o Protection of features from the impacts of artificial lighting.
- o Retention and protection of bat roosts or bird nest sites within buildings (e.g. designing roof space to retain bat roosts or swift nest sites).
- o Where reasonable and proportionate, providing alternative wildlife features as compensation, should retention of existing features not be possible (e.g. creation of a new sod bank or the erection of integrated bat and bird bricks).
- o Providing additional opportunities for wildlife on site via the creation of natural or artificial features (e.g. creation of ponds, provision of bat or bird boxes, choosing landscaping plants that are good for insects)."

6.7.17 In terms of Environment Policy 4 the site is not designated of Ecological Importance or Interest. There are no records of "Red List" species of high conservation on the site accordingly to the Manx Wildlife Trust Ecological Appraisal. Nine records of five species of bats (Manx Bat Group records) have been found within 0.5km of the site; however, none within the red line of the site. Ten species of birds were found on the site, although all are regarded as Green (least concern) on the Conservation status. Non common frogs were found on the site and the Common lizard isn't considered likely due to the dominant unfavourable habitable types. No legally protected plants were found on the site.

6.7.18 When any un-developed site is proposed for development, there will almost always be a potential impact upon biodiversity. This site is no exception, as will have been the neighbouring existing housing sites in the area for example Lheannag Park, Ballaquark Estate, Farmhill Grange Development & Farmhill Park. The Manx Wildlife Trust Preliminary Ecological Appraisal concludes that;

"In summary, if the mitigation proposed is deployed and maintained correctly the project should achieve no net loss of biodiversity and with a woodland management plan in place could enable biodiversity net gain."

6.7.19 The removal of the number of trees proposed is a negative aspect of the proposal and does weigh against the submission. However, with the recommendations of the Manx Wildlife Trust for mitigations methods and the significantly level of new tree planting/landscaping as proposed, all in agreement with the Ecosystem Policy Team (DEFA).

6.7.20 In relations to sustainable construction/climate change measures the applicant have indicated the following which again address some of the points raised by the Bill and the RDG;

"The following points are relevant to this application;

- o The site is in an area identified for predominantly residential use and is close to local services, which will encourage walking and cycling, and reduce car use, compliant with Active Travel ethos.
- o The design makes the most efficient use of the land while balancing ecological considerations.
- o The woodland area will be retained, and improvement works outlined in the Preliminary Ecological Assessment (PEA) produced by Manx Wildlife Trust, will be implemented. The loss of 60% of the central tree plantation will be mitigated and offset by substantial new native tree and hedge planting, together with other ecological provisions, including the installation of bat and bird boxes.
- o Access to public transport, cycle ways and footpaths, are close by
- o The use of modern construction methods will achieve good thermal insulation levels, reducing energy use
- o Low energy LED lights will be used throughout the development
- o Provisions will be made for electric vehicle charging points to be fitted if required.
- o Efficient heating systems and controls, will be used
- o Natural daylight into habitable rooms will be maximised
- o Water efficient sanitary appliances will be utilised throughout.
- o Construction materials and labour will be sourced locally where possible, to reduce the carbon footprint of the development."

6.7.21 The applicants have also confirmed that air source heat pumps will be available to the occupants of the new dwellings as standard, instead of a gas boiler.

6.7.22 Within the representation section of this report comment has been made that the IOM UNESCO Biosphere Status. Under the Biosphere the IOM as a whole is split into three zones,

Core, Care and a Sustainable Development Zones. The application site is within a "Sustainable Development Zone". This is described as; "within a Towns, Villages, Man-made surfaces including Buildings, Rail and Roads". Further the "Sustainable Development Zone" covers our urban areas and all remaining areas outside of Core and Care Zones, with a focus on developing our communities and economy in a responsible way.

6.7.23 It should be noted that the purposes of the Biosphere Status is not intended to raise new restrictions additional to the usual considerations for wildlife and the countryside, though it is clear that it does bring special emphasis and an international focus on the protection of sites on the Isle of Man and sustainable forms of development in appropriate places. Further the "The Zonation Guide for Appropriate Uses" suggests that development in such "Sustainable Development Zone" are both "allowable and encouraged". The emphasis of the Biosphere status is on promoting innovative approaches to sustainable development, so the question is essentially, is the development sustainable, in terms of its positive or negative effects on the environment, society and economy, taking account of the specific proposals and the site and position.

6.7.24 It is worth noting that there are no specifically planning policies which restrict development because of the UNESCO Biosphere status. However, It would appear from existing planning policies seeking to protect the environment/ecology etc (and other legislation within DEFA) are still in place to ensure the impacts to the most sensitive areas like the "Care & Core Zones" are still protected from development which causes harm, as well as sites within a "Sustainable Development Zone".

DRAINAGE/FLOODING.

6.8 The proposal includes a diversion of the existing surface water pipe which currently runs along the southern gable end wall of Bix House and runs across the application site to the woodland to the rear. The proposal is to divert this via an open drainage ditch which runs along the eastern and north boundaries of the site into the existing drainage ditches within the wooded area (where current surface water runs to) to the north of the site. Surface water is proposed to be accommodated with a new attenuation tank beneath the estate road which will have a control on the flow of collected surface water (hydro brake). Foul drainage will be connected into the existing Farmhill Grange development.

6.8.1 The site is not within High Flood Risk zone (River or Tidal) but there were initial comments from the Flood Management Division (DOI) in relation to the surface water flooding (1 in 100 year event). As mention above the sustainable drainage ditches are proposed. The scheme raises no flood risk to the new or existing properties.

6.8.2 Following initial concerns by the relevant drainage authorities the applicants provided additional information/plans, following discussions with the relevant parties (Manx Utilities, Flood Management Division (DOI), Highway Services Drainage (DOI). The altered drainage scheme has been acceptable by all drainage authorities and therefore it is considered from a drainage and flooding point of the view, the proposed application is acceptable.

7.0 SECTION 13 LEGAL AGREEMENTS

7.1.1 The S13 agreement should provide details of a scheme for a long-term woodland management plan within the existing woodland area (TN1) as identified in the Manx Wildlife Trusts Preliminary Ecological Appraisal which is required for the site to achieve biodiversity net gain. An agreement will also be required to essentially forfeit the previous planning application (20/01531/B). The applicants have agreed the "heads of terms" of the two S13 agreements.

8.0 CONCLUSION

8.1.1 The proposed application requires a balanced decision, against the scheme is the amount of tree loss/biodiversity impacts, while the proposed application does provide mitigation, it is just that, mitigation. Further, objection from the Agriculture and Lands Directorate due to the removal of the individually rated category B trees is noted, following the approval of the Directorates new Tree Protection Policy. These factors go against the application.

8.1.2 However a balance needs to be taken and whether the positives of developing the site sufficient outweigh these concerns or not. In favour the site is designated for residential development, which is within Douglas which is the main settlement for housing, services, education, shops, employment & public transport and the most sustainable town on the IOM. The aims of the IOM Strategic Plan and the Area Plan for the East both promote sustainable developments which can utilise existing services and have good transport links. Clearly, therefore the principle of developing the site for residential development weight in favour of the application. There will be an impact upon neighbouring amenities compared to the current situation; and while the concerns of the neighbours are understandable, it is not consider the impacts of this proposal are so significant to warrant a refusal for the reason outlined within this report.

8.1.3 In conclusion; on balance, for the reasons indicated with this report it is concluded the proposals complies with the relevant planning policies of the Isle of Man Strategic Plan 2016, Residential Design Guide 2021 and the Area Plan for the East 2020 and therefore it is recommended the application is approved subject to conditions as listed and subject to a Section 13 Legal Agreements relating to long-term woodland management plan within the existing woodland area.

8.1.4 This recommendation is on basis that no public footpath is provided.

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 9th May 2022

Item 5.3

Proposal : Conversion of residential care home (class 3.2) to self-contained apartments & a dwelling (class 3.3 and 3.4) with associated parking.

Site Address : Glen House Residential Home
New Road
Laxey
Isle Of Man
IM4 7BE

Applicant : Crystal Care Limited

Application No. : 21/00064/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. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

C 3. The six parking spaces as shown on drawing 1528.p1 shall be allocated to one space per apartment/dwelling and retained thereafter unless agreed in writing with the Department.

Reason: To ensure that sufficient provision is made for off-street parking for the units within the site.

C 4. Prior to the commencement of any development additional details shall be submitted in writing for approval by the Department which demonstrates 17 secure and covered bicycle spaces being provided within the site store and these approved details shall be completed prior to the occupation of any unit. The approved bicycle spaces shall be retained at all times thereafter.

Reason: To promote sustainable travel and given a relaxation of the parking standards have been agreed.

C 5. Prior to the commencement of any development a scale detailed plan shall be submitted for approval in writing by the Department which show adequate bin storage within

the site and this approved scheme shall be fully completed prior to the occupation of any residential unit hereby approved and retained thereafter.

Reason; to ensure adequate covered bin storage, in the interests of visual amenities of the area and amenity for the occupants of the units.

Reason for approval:

It is concluded that the proposal would re-use an existing unoccupied building which is located within a prominent and central location within the centre of Laxey Village, within a Conservation Area and which has architectural interest. The proposal would introduce 11 new residential units within the centre of Laxey where new dwellings are limited in an area which is sustainable in terms of travel, shops, services and employment. Whilst the proposal would generate a parking requirement in the area, so would the previous use, potentially to a similar level; this new scheme proposes six off street parking spaces and covered and secure cycle spaces and is within a minute's walk of the main bus stop within Laxey. Overall, the proposal would have no adverse impacts upon private or public amenities and therefore complies with the relevant planning policies of the Isle of Man Strategic Plan 2016 and the Area Plan for the East 2020.

Interested Person Status – Additional Persons

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

Flood Management Division (DOI)
Estates and Housing Division (DOI)

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):

Timber Hill, Stoney Road, 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 REQUIRED TO BE UNDERTAKEN

1.0 SITE

1.1 The site is the residential curtilage of Glen House Residential Home which is a large detached building ranging from two to four and half storeys in height located on a prominent corner with new road to the east and the entrance to the Laxey Glen Garden Pavilion to the south as is the Laxey Flour Mill.

1.2 The building has been operating until recent months as a residential care home for the elderly. It is currently closed.

1.3 To the south of the site is a car park which is owned by DEFGA and allows person to park their on a temporary basis while visiting the Glen. This is not part of the application site.

1.4 To the north of the proposed building is an area of hardstanding which is understood was used as a garden for the occupants of the care home.

2.0 THE PROPOSAL

2.1 The application seeks approval for the conversion of the residential care home (class 3.2) to self-contained apartments and a single dwelling (class 3.3 & 3.4) with associated parking. The existing 23 bed care home would be split into 10 apartments and a single dwelling.

2.2 The parking would be located to the north of the building where the existing area of hardstanding (garden). A total of 6 off road parking spaces would be proposed and would access off an existing roadway within the Glen and then utilise the existing junction with New Road. A cycle store is also proposed to this area as is refuse storage (10 bins).

2.3 There are no significant external alterations proposed to the existing building.

3.0 PLANNING HISTORY

3.1 There are no previous planning applications on this site which are considered relevant in the determination of this application.

4.0 PLANNING POLICY

4.1 In terms of local plan policy, the application site lies within an area zoned as "Mixed Use" under the Area Plan for the East. The site is within a Conservation Area.

4.2 The Isle of Man Strategic Plan 2016 contains the following policies which are considered specifically relevant to the assessment of this current planning application:

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

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

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

4.5 Strategic Policy 10: New development should be located and designed such as to promote a more integrated transport network with the aim to:

- (a) minimise journeys, especially by private car;
- (b) make best use of public transport;
- (c) not adversely affect highway safety for all users, and
- (d) encourage pedestrian movement

4.6 Spatial Policy 3: The following villages are identified as Service Villages

- o Laxey
- o Jurby

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

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

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

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption.

4.8 Environment Policy 35: Within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development.

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

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

4.10 Housing Policy 5: In granting planning permission on land zoned for residential development or in predominantly residential areas the Department will normally require that

25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more.

4.11 Housing Policy 17: The conversion of buildings into flats will generally be permitted in residential areas provided that:

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

4.12 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.

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

4.14 Residential Design Guide July 2021

5.0 REPRESENTATIONS

5.1 Highways Services (DOI) do not oppose and commented on:

17.01.2022

"Since the last Highways response (dated 23/02/2021) the application has changed from a 'change of use' to 'conversion of residential came home'. The amendments made to the application are in respect of an off-street parking area located to the rear of the building. The previous Highways response requested alternative parking arrangements for the proposed development as the spaces identified in the surrounding grounds were considered unsuitable. The revisions overcome the concerns raised by HDC for the most part.

Access to the rear parking area is off a non-adopted road leading to Department of Environment, Food and Agriculture owned car park and building. Access off this road has been resolved with DEFA. The width of the access to the parking area is sufficient to accommodate the number of expected in and out movements, and allow ease of access to all spaces. It has also been agreed that the proposal would see a reduction in the number of vehicular movements in, out and around the site.

The applicant has provided six parking spaces within the new parking area. Using the Strategic Plan parking standards, the proposal requires two spaces for the separate dwelling and nineteen spaces for the apartments. The six spaces are to be allocated to the apartments with the largest number of bedrooms (three and four bed) as well as one to the single dwelling. This results in a one parking space reduction to standards to all of those that have allocation, and leaves the remaining five apartments without a parking space. However, the applicant has provided justification for the deviation from the standards.

The smaller apartments are created specifically as affordable housing and aimed to provide for those who 'may not have the means to own a motor car'. The application site is in a central location within Laxey, being a short distance from local amenities, railway and along a frequently serviced bus route with a stop just outside. The justification given is in line with Appendix 7(d) of the Strategic Plan allowing relaxation of the standards. In addition to the given justification, the proposal would see the redevelopment of a currently unused building.

However, the relaxation of the standards in this instance will only be acceptable to Highways subject to bicycle parking to the full requirement being met.

Bicycle parking requirements should be to the LTN 1/20 standards now adopted in the current edition of Manual for Manx Roads, at one space per bedroom. To meet this standard would require a total of 28 spaces; 26 for the apartments and two for the separate dwelling. In this instance, HDC would accept bicycle parking at a minimum of one space per apartment with one or two person occupancy, and two spaces per apartment with three or four person occupancy. Two spaces for the separate dwelling are also required. This gives a total parking requirement for 17 bicycle parking spaces.

In forming this view, HDC recognises that the current edition of MfMR was not in use at the time of the registration of the planning application, has regard for the IOM Strategic Plan to consider cycling and acknowledges the context of the location and nature of the proposal.

The proposed secure and enclosed shed would need to be enlarged to accommodate this amount as a gas propelled vertical or a semi vertical type. There is space within the site to provide this and such details should be conditioned. The stepped access is relatively shallow to enable the shed to be reached, but this should be repaired or chamfered to reduce trip hazards.

There is adequate space for waste in storage. Surface water must be contained within the site.

As revised, the proposal does not raise significant road safety or network functionality issues. Accordingly, Highway Services Development Control raises no opposition subject to conditions for the parking layout to conform to Drawing No.1528.p1 and details to be approved pre-commencement for the type of bicycle parking.

Recommendation: DNOC"

5.2 Garff Parish Commissioners object to the application on the following grounds:
26.02.2021

"It was noted that the physical changes should cause no visual impact. Member discussed the proposals for parking in the support material. The consensus was that these were inadequate. The various parking requirements outlined in policy were considered. It was noted that there is currently a shortage of public parking in Laxey and without adequate provision this development will undoubtedly exacerbate the situation. No additional parking facilities are offered by the applicant's agent, rather suggesting that the profile of resident that the apartments will attract will not be vehicle owners: this is clearly very questionable.

The parking that is on the approach road to the Glen Gardens immediately in front of the building is used by the general public but this is with agreement from DEFA and their leaseholder and is not guaranteed. This area is well used, is currently generally at capacity.

It is the view of Members that parking provision must be addressed before any permission is given to change the use of the units. In these circumstances the Commission opposes the proposals."

13.01.2022

"The Commission has considered the amended plans and notes that the number of parking spaces indicated are highly likely to be well below the number that will be generated by the number of apartments in the proposed development. Members note the comments of the applicants in regard to the six spaces indicated, but they remain certain that the development

will attract many more vehicles to the site than is suggested: it is the view of the Board that the presence of a bus stop will not deter residents from owning either a vehicle or several vehicles.

As the Commission and Laxey Residents can attest parking in the Village Centre is already a serious and very problematic issue which affects residents, businesses, and visitors; Members are unanimous in believing that the development as proposed will significantly exacerbate this situation.

The Commissioners request that the applicant brings forward adequate properly considered parking arrangements that meet or exceed the Department's parking provision standards before the application is determined.

Members note that currently the proposals do not meet the parking standards as set. They also note the comment from Highways outlining how in some instances parking standards may be relaxed (Appendix 7.6(d) of the Strategic Plan); Members feel that the circumstances in Laxey are too severe in terms of current parking provision for any relaxations to be permitted: perhaps such relaxation could take place in other locations, but it is the view of the Commission that such action would be inappropriate in the centre of Laxey.

Garff Commissioners wish to reiterate their Objection to this application."

5.3 The Flood Management Division (DOI) comment they have no interest (12.03.2021).

5.4 Estates and Housing Division (DOI) comment (08.03.2022):

"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 the East of the Island excluding Douglas indicates that there are 23 persons on the general public sector waiting list for affordable housing to rent in the east.

There are 42 persons on the First-time Buyers Register seeking to purchase a first home in the east of the Island, excluding Douglas. Of this number, 23 are on the Active Purchaser List who are seeking to purchase a home within the next 12-18 months. 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 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 either affordable housing, based upon the usual calculation of 25% of the number of units approved within the application, or an equivalent Commuted Sum."

5.5 The owners/occupiers of Timberhill, Stoney Road, Laxey have objected to the application which can be summarised as (10.02.2021); Not against the principle but there is no parking associated with the apartments; it is difficult to find parking at the best of times when visiting the local shops; and new residents will take up the existing Glen car park making parking in the area harder.

6.0 ASSESSMENT

6.1 The main considerations are; the principle of development, potential visual impact upon the Conservation Area, the potential impact upon neighbouring amenities, potential impact upon highway safety and parking, Potential amenities for future occupants, and Section 13 Legal Agreements.

Principle of development

6.2 The current use is a residential car home which is a type of "residential" use. Further the site is designated as mixed use, which also allows residential development. The site is within a sustainable area, immediately adjacent to shops, services and public transport links. Accordingly, in terms of the principle of the building being used for residential purposes there are no objections. This is not an automatic reason to allow the application and all other matters need to be addressed also.

Potential visual impact upon the Conservation Area

6.3 As outlined earlier in this report, there are not any significant external alterations proposed with the main alterations to the rear (roof light, replacing existing doors and new window) of the building which raise no concern. Perhaps the main alteration is the change of the existing hardstanding which appeared to be used as a garden/patio area to a car park. While this will represent a change in appearance, it is noted that there are car parkings in the vicinity of the site/Glen and therefore it is difficult to argue this change would have a significant or adverse impact upon the visual appearance or character of the area.

6.4 As indicated by General Policy 2 any development in such areas needs to respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them; not affect adversely the character of the surrounding landscape or townscape. Further Environment Policy 35 seeks any development preserves or enhances the character and appearance of the Conservation Area. In both respects the proposal raise no concerns.

Potential impact upon neighbouring amenities

6.6 The use of the building for 11 units (ten apartments and a single dwelling) are likely to have a similar impact, if not less than a 23 bed care home, namely by having less coming and goings to the site. As mentioned there is no significant physical development proposed. Accordingly, given the sites position, orientation from neighbouring properties, and no residential dwellings in the vicinity; it is not considered the proposal would have a significant impacts upon neighbouring amenities. Accordingly, the proposal is considered to be contrary to General Policy 2.

Impact upon highway safety and parking

6.7 Arguably, this is the main issue with the application due to the parking provision. Originally, when the application was made, it did not propose any off road parking spaces. This initially did raise concern as it was felt owners/visitors would likely utilise the Glen car park (no overnight parking permitted) which is immediately to the south of the site. Following discussion with the applicants and Highway Services the current proposal was submitted which provide 6 off road parking spaces within the site.

6.8 In terms of parking requirements (as laid out within the Parking Standards of the IOMSP) the proposal would require 2 spaces for the single dwelling and 15 spaces for the apartments, so a total of 17 spaces. The current care home use would require 8 spaces for residents and additional spaces for staff and visitors. The Parking Standards is silent on what "additional spaces for staff and visitors" requires. However, a new care home generally required mini bus parking, ambulance parking, service vehicles etc.

6.9 The Parking Standards in the IOMSP indicate that these maybe relaxed where;
"(a) would secure the re-use of a Registered Building or a building of architectural or historic interest; or
(b) would result in the preservation of a sensitive streetscape; or
(c) is otherwise of benefit to the character of a Conservation Area.

(d) 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."

In terms of the application it is considered the proposal could be considered to meet all four potential relaxations. Firstly, the building is of architectural interest and is in a prominent location within the heart of Laxey Village. Second the proposal would preserve the sensitive streetscape, third the proposal to reuse the building and to convert in a sensitive manner as proposed would be beneficial to the character of the Conservation Area. Fourthly, the site is within a minute's walk of the main bus stop in Laxey, and even closer to shops (Co-op, garage, Doctors, post office and others). It is considered the site is a prime example where the standards could be relaxed.

6.10 As indicated it is proposed to allocate the dwelling and five of the larger apartment with one of the 6 parking spaces to the rear of the site. This would leave a total of 5 apartments (one bed units) without a dedicated parking space. The submission also proposed a covered cycle store, albeit does not specifically state how many it could accommodate. It could be conditioned that adequate space for cycle parking provision (if not more - Highway Services indicate 17 cycle spaces) is provided.

6.11 The Garff Commissioners have raised concern that even with the additional 6 spaces proposed this would have an unacceptable impact upon the existing parking in the locality, namely the approximate 12 spaces immediately to the south of the site. It is understood these are owned by DEFA and are specifically for users of the Glen, rather than general use. However, the only parking restriction is no overnight parking; therefore it is presumed persons visiting the village shops etc. can utilise these spaces. In support of this view is an email exchange between the applicants and DEFA to whether these parking spaces could be used for residents as well. DEFA confirmed they were not willing to agree to this, as this section of the Glen was being upgraded (new play park and increase access) and wanted to ensure there was sufficient parking for user of the Glen.

6.12 Of course, it is likely the occupants especially staff/visitors, where likely to have utilised this DEFA parking previously, perhaps long period of times (restriction was only overnight and is understood not to have been enforced) and given there was also no off road parking spaces associated with the care home, there is an argument that use had a greater or similar impact to parking in the area compared to the proposal. The care home generated at least 8 parking space requirements (not including service vehicles etc.) and would have relied solely on the public parking spaces. The current, proposal results in over half the units having at least one space and five not.

6.13 Overall, while it is difficult to say for definite whether the proposal will or will not impact existing parking in the area; it is considered on balance the reuse of this existing large, architectural interesting, in a Conservation Area and being a prominent building in the heart of Laxey Village; outweighs the possible concerns and therefore the proposed 10 apartments and one single dwelling is considered to be an appropriate use in a sustainable location which overall, will likely benefit Laxey as a whole. It should be noted that a building of this size and any use will always generate a parking requirement.

6.14 It is noted that such new residential development within the immediate area is very restricted with little land available for new development in this location. Again it is considered the social benefits of the proposal by introducing new residential units within the centre of Laxey can only be beneficial, including to existing business in the area.

POTENTIAL AMENITIES FOR FUTURE OCCUPANTS

6.15 Each of the units would have their principal habitable rooms (lounge/living rooms) have views out of the front of the building (south & east elevations) which would be clear and pleasant outlooks. All would have individual bin storage and internally the units would have acceptable level of accommodation. Overall, it is considered the proposal would comply with Housing Policy 16.

SECTION 13 LEGAL AGREEMENTS

6.16 As the proposal is for 11 residential units both Public Open Space and Affordable Housing (25%) is required. Given the sites location and closeness to existing Public Open Space it is considered a commuted sum payment in lieu of open space is provided. A total of 640sqm (0.15acres) is required. The applicant has been in discussion with the Department and the Commissioners and have agreed a sum of £11,000 (£1000 per unit). In terms of the Affordable Housing 2.75 units are required (25% of 11). The applicants have been in discussion with Estate and Housing (DOI) and have confirmed that 3 of the units would be Affordable Housing.

7.0 CONCLUSION

7.1 In summary, the proposal would re-use an existing unoccupied building which is located within a prominent and central location within the centre of Laxey Village, within a Conservation Area and which has architectural interest. Whilst the proposal would generate a parking requirement in the area, so would the previous use, potentially to a similar level. The new scheme proposes six off street parking spaces and covered and secure cycle spaces and is within a minute's walk of the main bus stop within Laxey and close to shops and services. With this in mind it is considered the proposal would meet Strategic Policy 1 making best use of redundant buildings and being located to utilise existing infrastructure, facilities and services.

7.2 The proposal would also comply with Strategic Policy 2 being located within a sustainable location and within an existing settlement.

7.3 Furthermore the proposal would comply with Strategic Policy 10 given its central location and reasons indicate above by potentially minimising journeys, especially by private car and making best use of public transport given its proximity to such services.

7.4 Finally, the proposal will also provide new housing within the centre of Laxey which is supported Spatial Policy 3, which indicates that; "Housing should be provided to meet local needs and in appropriate cases to broaden the choice of location of housing".

7.5 Accordingly, while the concerns of the Commissioners are understandable, on balance for the reasons given the potential parking issues are outweighed by the benefits of the proposal and therefore comply with the relevant planning policies of the Isle of Man Strategic Plan 2016 and the Residential Design Guide 2021 and therefore recommended for an approval.

8.0 INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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

Item 5.4

Proposal : Conversion of existing stable, store and kennel buildings to provide 12 tourist accommodation units (class 3.6), wellness spa (Class 4.1), café (class 1.3) and a residential apartment (class 3.4) with associated parking and access, creation of an equestrian arena with associated stable block and relocation of an existing agricultural building

Site Address : Oatlands Farm
Oatlands Road
Santon
Isle Of Man
IM4 1ED

Applicant : Mr Mark Pearce
Application No. : 21/00036/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 tourist accommodation units, wellness spa, café, residential apartment, and equestrian arena with associated stable block hereby approved shall not be occupied or operated until the Visibility Splay arrangements, internal pedestrian and vehicle areas, and additional car parking and manoeuvring areas, have been provided in accordance with the approved plans (20/03026/03A and 20/3026/04) received 19 January 2021. Such areas shall remain free from obstruction thereafter and remain available to the users of the approved development.

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

C 3. The tourist accommodation units, wellness spa, café, and residential apartment which forms part of the development hereby approved shall not commence until a scheme for the provision of a bat boxes to be installed in specific locations on the converted buildings has been submitted to the Department for approval. The bat boxes are to comprise five boxes suitable for crevice dwelling species, and three suitable for cavity dwelling species. The works to install the bat boxes shall take place strictly in accordance with the approved details and shall be completed before the first occupation of the development. The bat roost shall be permanently retained in accordance with the approved details.

Reason: To safeguard a statutorily protected species.

C 4. Prior to the commencement of the development hereby approved, details of the two swallow nesting platforms to be erected in the re-located barn to mitigate against the loss of their nest sites shall be submitted to and approved in writing by the Department. The details shall also show how permanent access into the barn will be enabled for them. The swallow nesting platforms shall be permanently retained in accordance with the approved details.

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

C 5. The development hereby approved shall be carried out in strict accordance with the submitted mitigation scheme detailed in Appendix 1 (Pages 7-12) of the Manx Bat Group's amended Oatlands Farm Bat Survey Report dated 7 December 2021, to provide appropriate mitigation for bats swallows within the site and immediate locality.

Reason: To safeguard a statutorily protected species.

C 6. The holiday/tourist accommodation hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the Department.

They shall not be occupied as a person's sole or main residence and the owner of the holiday/tourist accommodation shall maintain an up-to-date register of the name of each occupier of the holiday/tourist accommodation on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the Department.

Reason: The occupation of the holiday/tourist accommodation as permanent residential units would not comply with the Strategic Plan policies regarding residential development in this area.

C 7. The tourist accommodation units, wellness spa, café, residential apartment, and equestrian arena with associated stable block hereby approved shall not be commenced until details of refuse storage have been submitted to and approved in writing by the Department. These elements of the development shall not be occupied until the refuse storage has been provided in accordance with the details so approved, and shall thereafter be retained solely for this purpose.

Reason: In the interests of the appearance of the development and of the amenities of the area.

C 8. The walls of the proposed stable block shall not be made of cavity-wall construction, if blockwork is used for the wall construction.

Reason: To ensure compliance with the requirements of Environment Policy 21 in terms of form and materials used for construction of stables.

C 9. The apartment hereby approved shall not be occupied at any time other than for use as staff accommodation; and shall not be occupied as rental accommodation or sold off separately.

Reason: To ensure proper control of the development and to reflect the information provided in the application, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 10. Prior to the occupation of any part of the converted buildings and equestrian arena with associated stable block hereby approved, the traffic management scheme which includes the segregation of existing access to dwelling, equestrian/agricultural traffic and tourist traffic shown on the Entrance Visibility Splays (Drw. No. 20/3026/04), Proposed Equestrian Stables and External Riding Arena (Drw. No. 20/3026/09), and Proposed Site Plan (Drw. No. 20/3026/03 A), all received 19 January 2021, shall be provided and retained as such. Signs shall be provided at the site entrance(s) and within the site to clearly show this segregation.

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

C 11. There shall be no permanent or temporary jumps or other equestrian related structures erected, fixed or constructed within the site without the prior written approval of the Department.

Reason: In the interests of visual amenity given the prominence of the site in the open countryside.

C 12. 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), the café (class 1.3) use hereby permitted shall not include deliveries to clients off the premises or any activity involving such sales whether ancillary or incidental to the use of the premises.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 13. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 or Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 or any order amending, revoking or re-enacting these Orders, the buildings hereby approved shall be used only for the purpose hereby approved, as tourist accommodation units (class 3.6), wellness spa (Class 4.1), café (class 1.3) and residential apartment (class 3.4), and shall not be used for any other purpose without the express grant of planning approval from the Department.

Reason: To enable the Department to consider the implications of any subsequent change of use on the amenities of the area.

C 14. There shall be no external lighting of the external arena hereby approved.

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

C 15. Prior to the commencement of the development hereby approved, details of secure and covered Cycle storage and EV Charging points shall be submitted to and approved in writing by the Department. The secure and covered Cycle storage and EV Charging points shall be provided strictly in accordance with the details, and thereafter retained as such.

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

Reason for approval:

The application would not harm the use and enjoyment of neighbouring properties, or the character of the surrounding countryside and would comply with Strategic Policy 8, Business

Policy 12, Environment Policies 15, 16, 19, 20, 21, and broadly aligns with Housing Policy 11 of the Strategic Plan 2016.

Interested Person Status – Additional Persons

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

(DOI) Flood Risk Management Division,
Manx National Heritage,
DofE (Tourism Division)

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):

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

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

The Society for the Preservation of the Manx Countryside and the Environment, and
Isle of Man Natural History & Antiquarian Society,

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 DOES NOT COMPLY FULLY WITH HOUSING POLICY 11, AND SOME ELEMENTS OF THE PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN, BUT THE APPLICATION IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The site represents part of Oatlands Farm, which is located on the south western side of the Oatlands Road (B24) which links the Old and New Castletown Roads (A25 and A5). To the southwest of the farm is Oatlands Quarry.

1.2 The farm complex (all included within red line of submitted site plan) includes the original farmhouse to the southeast of the complex, with a number of stone traditional Manx barns to the north and north-west of the farmhouse. Beyond these stone barns to the northeast and west are a number of more modern portal framed/block work barns and silos

all various heights and sizes. It would appear the more modern barns have been erected over a period of time, rather than all at the same time.

1.3 Along the northwest boundary there is a significant level of mature landscaping and mature trees, with recent additional planting as well, which limit the appearance of the farm to the north and northeast of the site (i.e. from the Oatlands Road). This dense line of mature landscaping also lines the frontage of the buildings on the northeast section of the site. Trees are also scattered along the front boundary of the site, by the B24.

2.0 PROPOSAL

2.1 The application seeks approval for Conversion of existing stable, store and kennel buildings to provide 12 tourist accommodation units (class 3.6), wellness spa (Class 4.1), café (class 1.3) and a residential apartment (class 3.4) with associated parking and access, creation of an equestrian arena with associated stable block and relocation of an existing agricultural building.

2.2 The proposal would include residential, tourist, equestrian and agricultural uses and would include the following elements:

2.2.1 Alterations to existing buildings to create 12 tourist accommodation units:

The unsightly lean to additions to the existing stables and stores around the existing courtyard garden would be removed, with the barns converted to the 12 tourist units. The external changes to the barns would include creating additional fenestrations or altering the size of existing fenestrations.

i. The southeast elevation (Elevation A) facing the courtyard will have an additional window created on the first floor, while the cill of some windows would be lowered to create bi-fold doors. Also, the lower cill of three windows would be raised. New UPVC single pane casement windows and a top hung casement window would be installed to replace the existing windows on this elevation which are of various casement styles. New stable doors with glass top will replace the existing doors on the front elevation.

ii. The Northeast elevation (Elevation B) also facing the court yard. The key change on this elevation would be the creation of a new opening for a picture window on the first floor, removal of the sliding shed door, lowering of the window cill to create new door and window, and installation of new Anthracite grey UPVC casement windows to replace existing windows.

iii. The southwest elevation (Elevation C) which faces the existing paddocks will be the elevation with the most alterations. The lean to addition on this elevation removed, with four new openings created for patio doors with Juliet balconies. In addition, a new window opening would be created on the first floor, while an existing opening on this floor would be adjusted to create a new patio door opening with Juliet balcony. Five openings on the ground floor would be adjusted to create new opening for bifold doors.

iv. On northwest elevation (elevation D), the elevation facing the proposed parking area, and currently faces the farmyard on its north elevation, would also have the lean to addition on this elevation removed. As well, five new window openings would be created on the first floor of this elevation, while seven new window openings would be created on the ground floor. Further alterations on this elevation would involve the re-adjustment of three windows (two on the ground floor and one on the first floor).

2.2.2 All the new doors and frames to be anthracite grey UPVC frames with sealed double glazed units, while the new windows to be anthracite grey UPVC Rehau Conservation Section frames with sealed double glazed units. The existing Manx stone external walls to be treated

and repointed. The roof over this building would be replaced with new roof tiles finished in natural slate to match existing. New gutters and downpipes to be cast iron style UPVC in black colour. A new walled garden would be created at the rear of units 6 - 10 with grass planted within garden. The units would also have decking area leading to the grassed area within the walled garden.

2.2.3 Conversion of the existing kennels, stables and stores situated on the southern side of the courtyard to tourist units 11 and 12. The works would include:

- i. On the northwest elevation: Creating a new window opening on the northwest elevation; Lowering a window cill to create a new door to one of the units; and Blocking up the lower part of a door to create a new window.
- ii. The changes to the southeast elevation would involve creating four new window openings.
- iii. There will be no changes to the southwest and northeast elevations.

2.2.4 Conversion of existing buildings (Stable/store/hayloft/garage and workshop) to create Wellness Facility and Apartment. The works would include:

- i. Installing five Velux rooflights over the roof on the front (southwest) and rear (northeast) elevations of rendered section.
- ii. Installing a bifold door to opening on front of Manx stone section.
- iii. Installing new glazed sections with patio doors at centre below painted/stained vertical timber cladding over.
- iv. Existing cill over the two large windows on rear of rendered section lowered to create new door openings, with new units installed on openings.
- v. New windows and doors to be installed on openings.
- vi. There would be no changes to northwest elevation and rear of stone section.
- vii. A new one bedroom apartment with bathroom, store and open plan kitchen, dining and living area would be created on the first floor of the rendered section and over the Café and Wellness Spa.

2.2.4 Construction of a new Equestrian arena with 14 associated horse Stables:

- i. The riding arena would be 60m long and 30m wide, and have a new timber fence to perimeter. A gated access would be created to connect the riding arena to the hardstanding area linking the paddocks, proposed stables, and farm yard.
- ii. A new stable block measuring 33.5m long (on the widest elevation) and 18.6m long on the sides, 5m wide, and 3.6m high (2.5m to the eaves) would be erected southeast of the riding area; partly enveloped by the paddocks. The roof of the building will be finished in profiled metal roof sheeting, while the external walls of the building would be finished in painted blockwork or stained shiplap timber boarding. Ne doors and windows to be painted/stained timber units.

2.2.5 Relocation of an existing Agricultural shed:

The existing agricultural barn situated directly north of the courtyard and south of the pond on the site is to be relocated to the northwest end of the existing building cluster and directly north of the proposed external riding arena. This barn which has no openings to the sides and rear elevations, with open sections and a pedestrian access door to the southeast (front elevation) would be dismantled and moved but there would be no changes to its external appearance. Its orientation would also remain unchanged. The barn is to be relocated to give better aspect to the tourist units of the surrounding area and facilitate the creation of the parking areas.

2.6 Total floor area for the proposed units and relocated barn:

2.6.1 Tourist Units 1 - 10:

- o Ground Floor - 517.34m²
- o First Floor - 489.32m²
- o Total - 1006.66m²

2.4.2 Tourist Units 11 & 12:

- o Ground Floor - 109.66m²

Total Area for Tourist Units - 1116.32m²

2.4.3 Treatment and Wellness Spa:

- o Ground Floor - 205.27m²
- o Apartment above - 133.86m²

2.4.4 Equestrian

- o Stable Block - 308.71m²
- o External Arena (60x30m) 1800m²

2.4.5 Relocated Barn - 390m² (this is an existing building being moved)
(All areas are gross external)

2.2.6 Additional works would include creating all associated parking and access arrangements:

The existing agricultural barn situated north of the farmyard would be dismantled and relocated, while a new parking area would be created at this location. 30 parking spaces would be created here and would include 26 standard parking spaces and four disabled parking. The parking areas would be finished in new block paving. Added to these are 6 parking provisions that already exist on site.

2.3 Additional information provided by the applicants include the following:

2.3.1 The courtyard between the buildings has been kept clear of traffic to create a central community style space for use as amenity for the guests.

2.3.2 The Spa facility is designed as a multifunction space with treatment rooms to allow for meetings or classes to be held. The café within this facility will serve light snacks, tea and coffee to people attending the spa and to visitors to the Equestrian arena, as well as the tourist units created on the site.

2.3.3 A new Bio Disc sewage treatment plant discharging to soakaway would be installed on the site.

2.3.4 The tourist units are intended to be let for a minimum of 2 nights. Check out would be 11am and check in would be 3pm. Staff would consist of 2 cleaners at busy times. An additional member of staff may be employed to man reception and serve teas and coffees.

2.3.5 The spa has two treatment rooms and a general room for classes of up to 12 persons. Spa treatments are anticipated to be at hourly intervals from 9am to 5pm. With two treatment rooms this would generate 14 car movements per day. Staff would consist of the owners / operators of the business who intend to live over the Spa. There would be two additional professional staff for the treatment rooms. The Spa and café will generate some delivery traffic which is estimated at two deliveries per week if not collected by the operators from Tosco's on the Quay which is 5 minutes' drive away.

2.3.6 Traffic movement for the staff could be an additional 3cars per day in each direction commencing at 9am and leaving at 5.30pm.

2.3.7 Classes could only be held when room permits as the area for the café facility would double up with the class area.

2.3.8 Most classes would be held in the evenings when treatments are not taking place. This would take the form of Yoga classes or similar and would generally be 3 times per week during weekdays. Cars journeys generated would be a maximum of 12 entry and egress from say 6pm to 8pm.

2.3.9 The existing farm currently houses dog kennels and stables where the tourist accommodation is to be located. This currently attracts a number of vehicle movements during the day.

2.3.10 The new stable block and arena is accessible from the Industrial Unit and concrete plant end of the farm also.

2.3.11 There will not be any new horses on site they are simply being relocated to better purpose designed stables with a better riding facility. It is not anticipated that the numbers will increase greatly but the time spent on site for visitors will increase due to having the additional facilities.

2.3.12 The loss of the dog kennels will decrease traffic movements to and from site in the morning and evening.

2.3.13 Waste disposal trucks currently access the site on a regular basis and whilst having additional tourist accommodation and spa facilities on site will increase this domestic waste it will not increase the frequency of these visits.

2.3.14 Bicycle parking is easily catered for in the existing barns which are already used for storage and electric vehicle parking points could be integrated subject to identifying the best location for them. A condition to facilitate say 2 vehicle charging points would deal with item. Electric Bicycle's and normal mountain bikes would be available for hire by the guests.

2.3.15 The traffic movements are split throughout the day with arrivals and people leaving at different times.

2.3.16 The entrance to the site has good visibility and the road is infrequently used and therefore the impact of the additional traffic is negligible.

2.4 Further to queries regarding the equestrian use of the site by the Planning Officer, the applicant's agent has provided additional information dated 5 April 2022 which states the following:

- i. The buildings being converted have been used as stabling for horses for at least 20 years with the exception of units 11 and 12 which have been used as dog kennels.
- ii. Whilst these were used for horses, they are not up to present day standards and require considerable work taking place hence the use proposed.
- iii. The present owners purchased the property with the equestrian use already in place.

3.0 PLANNING POLICY

3.1 The application site is within an area not designated for a particular purpose on the Area Plan for the East. The site is not within a Conservation Area, and the site area is generally not prone to flood risks, although small sections of the site area have low, medium

and high likelihood of surface water flood risk as indicated on the Isle of Man Indicative Flood Maps. The site is also not within a Registered Tree Area and there are no Registered trees on the site.

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

"Landscape Character Area: Santon (D13)

3.2.1 Landscape Strategy

Conserve and enhance:

- a) the character, quality and distinctiveness of the area, with its wooded valley bottoms and wooded horizons;
- b) its scattered settlement pattern;
- c) its Victorian garden and the railway.

3.2.2 Key Views

Open and expansive views from the higher areas along the rugged coast in the east and inland towards the upland areas over Braaid.

Incinerator chimney forms a notable landmark in the immediate area.

Glimpsed views framed by vegetation in the valley bottoms and along the main roads where they follow the wooded valley bottoms.

Views in the northern part of the area up to the Transmitting Masts on top of Douglas Head hill top.

Views from Isle of Man Steam Railway."

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

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

- (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
- (c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

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

3.6 Environment Policy 16:

"The use of existing rural buildings for new purposes such as tourist, or small-scale industrial/commercial use may be permitted where:

- a) it is demonstrated that the building is no longer required for its original purpose and where the building is substantially intact and structurally capable of renovation;
- b) the reuse of the building will result in the preservation of fabric which is of historic, architectural, or social interest or is otherwise of visual attraction;
- c) it is demonstrated that the building could accommodate the new use without requiring extension or adverse change to appearance or character;
- d) there would not be unacceptable implications in terms of traffic generation;
- e) conversion does not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing town and village services; and

f) the use of existing buildings involves significant levels of redevelopment to accommodate the new use, the benefits secured by the proposal in terms of impact on the environment and the rural economy shall outweigh the continued impact of retaining the existing buildings on site."

3.6.1 A number of the Strategic Plan policies also reinforce support for tourist development in the countryside and provide guidance as to how these would be acceptable. These include Strategic Policy 8, Business Policy 11, Business Policy 12, Business Policy 14, and Environment Policy 16, as well as paragraph 7.13.2 which supports the diversification of farms in the countryside.

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

3.8 Transport Policy 7: "The Department will require that in all new development, parking provision must be in accordance with the Department's current standards."

3.8.1 Appendix 7:

- i. Apartments - 1 space for 1 bedroom; 2 spaces for 2 or more bedrooms.
- ii. Hotels, motels, guest houses - 1 space per guest bedroom. In rural and suburban locations. In urban locations standards may be relaxed as (d) below
 - o (d) 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.
- iii. 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.

3.9 There are policies within the Strategic Plan which make provision for the conversion of existing buildings of interest to other uses, including residential accommodation as exceptions to the presumption against development as set out in General Policy 3. Housing Policy 11 states:

"Conversion of existing rural buildings into dwellings may be permitted but only where,

- a) redundancy for the original use can be established;
- b) the building is substantially intact and structurally capable of renovation;
- c) the building is of architectural, historic or social interest;
- d) the building is large enough to form a satisfactory dwelling, either as it stands or with modest, subordinate extension which does not affect adversely the character or interest of the building;
- e) residential use would not be incompatible with adjoining established uses or, where appropriate land use zonings on the area plans; and
- f) the building is or can be provided with satisfactory services without unreasonable public expenditure.

Such conversion must:

- a) where practicable and desirable, re-establish the original appearance of the building; and
- b) use the same materials as those in the existing building.

Permission will not be given for the rebuilding of ruins or the erection of replacement building of similar, or even identical form.

Further extension of converted buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character."

3.10 There is also guidance on the erection of new equestrian buildings in Environment Policies 19, 20 and 21.

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

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

4.0 OTHER MATERIAL PLANNING CONSIDERATIONS

4.1 Isle of Man Non-Serviced Accommodation Futures - Final Report

4.1.1 Planning Policy Recommendations

"It will clearly be some time before planning policy can catch up. We have thus suggested two quicker, more proactive solutions that could be considered to bridge this current policy gap:

- i. A clear articulation of what is meant by 'overriding national need';
 - o In terms of defining what is meant by 'overriding national need', we have suggested a number of tests or criteria that could be considered in terms of:
 - o Extending the season/attracting visitors outside the main May-September period;
 - o Serving and helping attract target markets - accommodation aimed at families, empty-nesters, walkers, cyclists etc.;
 - o Securing and attracting investment from both Island and off-island developers and investors - with developers signed up;
 - o Showing 'additionality' in terms of providing something not already offered on the Island; meeting an identified gap in supply; attracting new markets rather than diluting existing ones; or bringing an established national or international brand name to the Island and all that brings with it in terms of profile, customer databases, and the ability to drive new demand through marketing, central reservations and customer loyalty schemes;
 - o High quality, distinctive accommodation provision;
 - o Spreading tourism activity and benefit geographically across the Island;
 - o Encouraging longer stays and greater visitor spend as a result;
 - o Inclusivity and contributing to the health and well-being agenda, e.g. the provision of accessible accommodation, provision for outdoor activities, accommodation that helps connect with nature;
 - o Environmental sustainability in terms of eco-friendly accommodation development that respects, protects and enhances the Island's landscape and natural environment and develops its reputation as a sustainable tourism destination".

4.2 IOM Destination Management Plan 2016-2020

4.2.1 Part 3: How do we get there?

"This section of the DMP provides a summary of the Strategic Objectives and Programme of Activity that will be undertaken for the period 2016 - 2020. The Strategic Objectives are based on evidence and research that has been reported and commissioned over the past two years by Isle of Man Tourism. They cover the 5 key aspects of development for the Visitor Economy up to 2020 and will be supported by annual Operational and Marketing Plans showing each year's work in more detail.

4.2.2 The Strategic Objectives that will be implemented during the period 2016 to 2020 are as follows.

- o PRODUCT DEVELOPMENT:

"d) Championing new investment and product development.

OBJECTIVE: Develop and create new products and experiences that the defined target markets will enjoy at different times of the year. This will help to achieve growth in the market areas as well as achieve a longer tourism season".

5.0 PLANNING HISTORY

5.1 The site has been the subject of 9 previous planning applications, six of which are considered relevant in the assessment and determination of this application;

5.2 PA 13/91202/B for Erection of an agricultural building and access track - Approved.

5.3 PA 06/01209/B for Extension to existing implement shed to form grain/machinery store -- REFUSED on the following ground:

"R 1. The proposed extension will be unacceptably close to an existing 11 kV electricity cable. Working in such close proximity to this cable may result in serious injury to farm or construction staff and/or damage to the cable."

5.4 PA 02/00469/B for Erection of an agricultural building. APPROVED

5.5 PA 00/01545/B for Extension to agricultural building. APPROVED

5.6 PA 99/01992/B for Extension to agricultural building. APPROVED

5.7 PA 91/00029/B for Erection of commercial greenhouse, Oatlands Farm, Santon. Approved

5.8 A number of the buildings which have been erected or altered via the above applications would be the subject of the current application which would see some of these buildings being altered or relocated within the site.

5.9 The search through the site history did not yield any details regarding the equestrian use of the site and as such the applicants were asked to provide additional information regarding the equestrian use which is stated to be operational on site.

6.0 REPRESENTATIONS

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

6.1 The Department of Infrastructure (DOI) Highways Division who had previously written in to request for additional information in a letter dated 16 February 2021, has written in to state that they do not oppose the application subject to conditions to cover the internal pedestrian and vehicle areas, including bicycle and car parking in a letter dated 7 April 2021.

6.1.1 Following submission of additional documents by the applicants, DOI Highways have stated that they have no further comments to add to their previous response (14 October 2021/9 December 2021).

6.2 Representation from the Department of Infrastructure (DOI) Flood Risk Management Division confirms that there is 'No Flood Risk Management interest' in the letter dated 23 March 2021.

6.3 The Ecosystem Policy Team have made the following comments regarding the application:

6.3.1 Consultation dated 5 March 2021:

- o They requested that bat surveys and assessment for nesting birds be undertaken on the buildings to be converted by a suitably qualified ecologist prior to determination of this application, in order to comply with Environment Policy 4 and 5 of the Isle of Man Strategic Plan and the Wildlife Act 1990.
- o The Bat surveys should be undertaken in accordance with the Bat Conservation Trusts Bat Surveys for Professional Ecologists - Good Practice Guidelines (3rd Edition 2016).
- o The Surveys are required to identify the species of bat utilising the property, their location, abundance and whether they are breeding and this will determine the mitigation required.
- o A report detailing the findings, including a mitigation plan for the bats protection during and after the development, should be submitted to the Planning Directorate for approval prior to determination of this application.
- o They state that although the applicant has requested that this be made a condition of approval, they request that it is done prior to determination in line with best practise as per the UK Bat Conservation Trust.

6.3.2 Consultation dated 5 May 2021:

Having reviewed the first bat survey they have made the following comments:

- o The outline bat survey dated 18th April 2021 undertaken by the Manx Bat Group is in order.
- o The survey found bat droppings in one of the old buildings and concluded that the buildings were considered to have low suitability for bat roosts and a further survey visit is recommended at a time of year when bat roosts are occupied, i.e. from late-May.
- o Detailed mitigation proposals will have to await the results of the summer emergence survey.
- o They request that request that a follow up bat surveys be undertaken and the resulting survey report be submitted to planning for written approval prior to determination of this application.

6.3.3 Consultation dated 9 December 2021:

Having reviewed the second bat survey provided by the applicant, they have made the following comments:

- o They confirm that they are satisfied with findings and recommendations of the Manx Bat Group's Bat amended bat survey report dated 21st October 2021, and note that a suitable level of assessment has been undertaken.
- o The survey found that the buildings to be converted are being used for roosting purposes by three species of bats.
- o As all species of bat and their roosts are protected under the Wildlife Act 1990, they state that it is essential for avoidance and mitigation measures be put in place before, during and after development for the protection of bats and to ensure that an offence is not committed.
- o The mitigation measures detailed in Appendix 1 (Pages 7-12) of the Manx Bat Group's amended Oatlands Farm bat report dated 21st October 2021, should be secured by planning condition.
- o The applicants must get statutory written advice from the DEFA Ecosystem Policy Team prior to starting the works, in line with sections 9 and 10 of the Wildlife Act 1990.
- o They request that a number of bat boxes must be installed in specific locations prior to the start of works as part of the mitigation: Five boxes suitable for crevice dwelling species, and three suitable for cavity dwelling species.
- o They recommend that if work is due to commence shortly then these boxes should be purchased as soon as possible to ensure they arrive and can be erected in time for the works.
- o They note that bat survey report also makes reference to nesting swallow in the barn and the loss of their nest spaces due to the works.

- o They recommend that a condition should be secured for at least 2 swallow nesting platforms to be erected in the re-located barn to mitigate against the loss of their nest sites. Permanent access into the barn will also need to be enabled for them.

6.4 The Society for the Preservation of the Manx Countryside and the Environment has indicated support for the application in a letter dated 23 February 2021, subject to satisfactory arrangements for foul drainage and compliance with Building Regulations in respect of room ventilation.

6.5 Santon Commissioners have not made any representations regarding the application although they were consulted on 5 February 2021.

6.6 Since the proposed scheme has a significant tourism element, the DofE (Tourism Division) were consulted for comments on the application on 12 January 2022. Their comments received 26 January 2022, states the following:

- o This comment has been provided by Officers from within the Visit Isle of Man Agency and as such, should be taken as Officer Comment only, and not the view or official position of the Visit Agency Board, Department or political members for the Department for Enterprise.

- o The Hotel Solutions Non-Serviced Accommodation Study (2017) states in 7.2.2 that there may be opportunities for additional self-catering provision largely at the top end of the market and for accommodation that is weatherproofed in terms of offering leisure facilities.

- o The Officers would welcome the opportunity to meet with the applicant and to arrange a site visit to understand the plans for the tourism elements of the development in more detail.

6.7 MUA Electricity were consulted on the application, although no comments have been received as at the time of drafting this report. (Dates consulted 04.02.2021/13.10.2021/08.12.2021).

6.8 Manx National Heritage have made comments relating to carrying out of bat survey on buildings to be converted in order to establish whether or not bats are present, in addition to suggesting that further bat surveys be carried out with report detailing the findings with appropriate mitigation measures to ensure their protection during and after development, should evidence of roosting be found within the affected buildings (24 December 2021).

6.9 The Isle of Man Natural History & Antiquarian Society have made the following comments relating to the application (29 January 2022):

- o They fully supports the principle of converting some of the courtyard ranges at Oatlands to tourist accommodation.

- o They note that, particularly with Units 1 -10, the proposal requires the walls to be punctured by a significant number of new windows at fairly regular intervals. Moreover the traditional timber doors and existing and new windows are all to be replaced with UPVC windows. The Society considers that together these will result in significant alteration of the character of the buildings around courtyard / former midden / pond and no longer reflect their traditional use as barns and stables.

- o The Society would prefer to see a less regular pattern of fenestration with fewer new windows on all elevations, retention of traditional style of timber windows, particularly on the first floor level, and doors on the courtyard elevation which could possibly be obtained by a less intensive number of units. This would result in a less overall artificial residential appearance being given to the buildings.

- o Isle of Man Natural history and Antiquarian Society believes that the spirit of Isle of Man Strategic Plan Housing Policy 11 is that renovations should not result in an overly

residential appearance in the countryside but retain an appearance appropriate to their original use. The Society does not consider that this application achieves this.

6.10 The owners/occupiers of 1 South Grawe, Laxey object to the application on the following grounds in a letter dated 19 February 2021:

- o Lack of proper dimensions on drawings submitted.
- o Lack the basic supporting information for the planning application.
- o Poor drawing scales

7.0 ASSESSMENT

7.1 The application comprises a number of components and as such the assessment of the proposed development will consider each of these separately. The key issues are;

- i. The Principle (GP3, EP 19, and EP 15);
- ii. Assessment of Impacts for Conversion of Farm Buildings to Tourist Units/Apartment (HP 11, EP 16, SP8, BP 12 & BP 14);
- iii. Assessment of Impacts for Construction of New Equestrian Arena With 14 Associated Horse Stables (EP 19, EP 20, & EP 21); and
- iv. Impact on Ecology (EP 4, GP 2).

7.2 THE PRINCIPLE

7.2.1 The starting point for any development within the countryside (i.e. areas not zoned for development) is General Policy 3 of the Isle of Man Strategic Plan. This policy states that development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with exception afforded to some schemes such as those involving the (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11); to which the majority of the proposed scheme could be classed.

7.2.2 There are also exceptions to this presumption with respect to equestrian buildings set out in Environment Policy 19 and General Policy 3 (f); given that equestrian buildings are considered to be a part of the countryside setting as reiterated by Paragraph 7.15.1 of the Strategic Plan which reinforces the fact that "equestrian activities are becoming increasingly popular in rural areas and on the fringes of our towns and villages. Given the above, the principle of the equestrian element would also be acceptable.

7.2.3 Further to this policy, Environment Policy 15 also needs consideration, as the first paragraph of this policy requires the planning authority to be satisfied that there is agricultural or horticultural need for a new building, sufficient to outweigh the general policy against development in the countryside. Whilst the agricultural element does not involve the erection of a new building, it would involve the relocation of an existing agricultural shed from its current position to an undeveloped part of the farm. Given that the site already has an established agricultural use, and the fact that there would be no alteration to the size of the building, save for its relocation, it is considered that the building would continue to meet the need of supporting agricultural production on the farm.

7.2.4 Environment Policy 15 also sets the criteria for the siting of agricultural buildings. In this case, the relocated building would be within the existing farm complex, situated close to the existing building cluster on the farm, in addition to being situated away from the highway. It is therefore considered the siting is acceptable and complies with Environment Policy 15.

7.2.5 The tourism elements are also considered to be aligned with the requirements of Strategic Policy 8 and Environment Policy 16 which support the use of existing built fabric of interest and quality (which the existing buildings represent) for tourist development proposals. Paragraph 7.13.2 of the Strategic Plan further supports the diversification of farms

and farm buildings to support commercial, tourism, sports and recreation uses which would serve to promote healthy economic activity in rural areas.

7.2.5 With regard to the acceptability of the principle of locating the spa and café (class 1.3) within the facility, it is noted that these are more suited to town centre locations, where they would serve to enhance the vitality of the town centre whilst increasing the diversity of the options available to visitors of the town centre. However, it is not unusual to have spa's or café's within the countryside, particularly where they serve tourist facilities where proximity to the tourist facilities would improve the offerings available to tourists, in addition to making the tourist facilities attractive tourist locations for a broad range of visitors. It is also noted that this element of the scheme aligns with paragraph 7.13.2 of the Strategic Plan which supports the introduction of commercial, tourism, sports and recreation uses as a form of farm diversification, provided these do not materially affect the rural character of the area, or necessitate the creation of new buildings; conditions which the current scheme meets. Whilst it is noted that these uses would be more appropriate to town centre locations and it would be difficult to argue that there is local need in this case, it is not considered that their siting here would be sufficient reasons for refusal, given that they would be complimentary to the tourist use here.

7.2.6 The principle of creating a residential apartment within the facility is also not considered to be at variance with the general principle of the scheme. Whilst the need for the additional accommodation is somewhat uncertain as there is already accommodation available on the site in the form of the existing Oatlands farm house and cottage, it should be noted here that the farm still serves agricultural purposes for which these accommodations serve. Besides, the applicants have indicated via their correspondence dated 30 March 2021 that the new apartment would house the owners / operators of the business who intend to live in the apartment; a condition that would better serve the business given that they would be easily reachable for the daily running of the business should approval be granted.

7.2.7 Given the issues highlighted above, it is considered that the principle of the proposed scheme is acceptable and aligns with General Policy 3, Environment Policy 15, Strategic Policy 8, Environment Policy 16, and Environment Policy 19.

7.3 ASSESSMENT OF IMPACTS FOR CONVERSION OF FARM BUILDINGS TO TOURIST UNITS/APARTMENT (HP 11 AND EP 16, AND SP8, BP 12 AND BP 14)

7.3.1 In assessing the acceptability of the proposed, it is noted that there is policy support in the Area Plan for the East and the Strategic Plan for tourist development where it would not result in adverse impacts in terms of its visual impact, traffic and noise or demands on infrastructure. There is also policy support to re-use buildings, specifically Strategic Policy 8 which states that tourist proposals will generally be permitted where they make use of existing built fabric of interest and quality and where they do not affect adversely environmental, agricultural or highway interests. Additionally, Business Policy 12 allow for conversion provided the development meets the tests in Housing Policy 11, and Business Policy 14 actively encourages self-catering units in barn conversions.

7.3.2 The current scheme seeks to re-use the existing agricultural buildings on site, and would not result in the removal of any trees on site, but seeks to integrate the trees as canopy for external sitting areas within the development. As well, a number of new tree plantings would added to the site, which would be to the benefit of the broader environment.

7.3.3 There would also be a limited visual impact on the surrounding countryside as the buildings are not easily visible from a public perspective as only a small section of the rear elevation of the existing farm buildings situated northeast of the farm would be visible from the highway, given the significant tree cover on this part of the site.

7.3.4 In terms of the tests in Housing Policy 11, the following elements are assessed:

7.3.4.1 In terms of redundancy of the original use of the buildings (part a), it is noted that the applicants have not provided supporting information to clearly ascertain the redundancy of the buildings which are the subject of the current scheme. Albeit, a careful observation of the buildings will show that they have not been in active agricultural use for some time when compared with the other buildings on the site (such as the agricultural barns). Given the nature of the interior spaces and condition of doors and windows, it could be argued that they have been redundant in terms of agricultural use.

7.3.4.2 The buildings also appear to be substantially intact (part b). Whilst no structural report has been provided, a visual assessment of the building show that the buildings would only require minimal repairs to enable their use. The external stone walls show limited wear, and there are no noticeable bulges on the external walls. As well, the lintels, window and door frames, and roofing materials are mostly in good form and the walls do not show any sign of water ingress.

7.3.4.3 In terms of architectural, historic or social interest (part c), it is considered that the appearance, age and character have an overall architectural interest to warrant retention and therefore complies with this aspect of Housing Policy 11. These buildings which are predominantly traditional Manx stone barns, together with the other farm buildings on the site reflect the character of the Manx countryside and as such would be vital to retain. Their layout and form also reflect historic agricultural practices on the island and have some charm. Accordingly, it is considered that the scheme would serve to retain buildings of some historical and social interest on this part of the island.

7.3.4.4 It is also considered that the units are large enough to accommodate the proposed tourist units/apartment without needing extensions that might undermine their character (d). In fact, a number of lean-to extensions which have somewhat obscured their Manx stone finish would be removed to reveal the main elevations of the buildings. Whilst the creation of new window and door fenestrations would slightly alter their general appearance, it should be noted that the policy allows modest, subordinate extensions which does not affect adversely the character or interest, which in this case are the stone finish, the roof structure and slate finish. These changes are considered to be relatively modest and not judged to cause harm to the appearance of the main building or the character and quality of the area.

7.3.4.5 The proposed tourist/residential use is not incompatible with the adjoining area (e) as the buildings are within a farm and it is not considered that these uses are incompatible with the area provided they are used for the indicated uses.

7.3.4.6 With regard to part (f) which requires that the buildings can be provided with satisfactory services without unreasonable public expenditure, it is considered the buildings are within a farm when services are already required to facilitate it operation. Besides, the buildings are near to an existing dwelling (The Farm house) and as such is, or can be, easily served by the necessary facilities.

7.3.5 Given the above, it is considered that the scheme does not comply fully with the provisions of Housing Policy 11 in that the proposal would change the current appearance and character of the buildings somewhat in terms of the addition of new fenestrations. Albeit, the resulting effect is, however, not unacceptable and the scheme will make better use of existing buildings which could otherwise fall into disrepair.

7.3.6 In terms of the tests in Environment Policy 16 (as it relates to the proposed tourism use of the buildings), it is noted that parts (a) to (c) and parts of (f) have been addressed under HP 11. Parts (d, e and f) are assessed below:

7.3.6.1 Part (d) of Environment Policy 16 requires that there would be no unacceptable implications in terms of traffic generation. In the case of the current scheme, it is noted that the proposed tourism use would result in a modification of the traffic pattern for the site as there would be increased tourism traffic to and from the site. However, DOI Highways Division have considered the application carefully and do not oppose the proposal subject to conditions to cover the internal pedestrian and vehicle areas, including bicycle and car parking. Besides, most tourists coming to the island would rarely come with their private cars, and the site is within a fair distance from the main public transport routes along the A25 and A5.

7.3.6.2 In considering compliance with part (e) of EP 16, it is considered that the nature of tourism accommodation being offered within the scheme is most suitable for rural areas, given that it seeks to link equestrian offerings to the tourism accommodation, with the accompanying farm operations offering additional benefit to tourists. As such, it would not prejudice the vitality and viability of the nearby towns and villages. As well, the site and its surrounding area which would support a number of outdoor activities such as hiking, sightseeing and other tourist uses reliant on the natural environment which are most suited to countryside locations, and not common in urban locations.

7.3.6.3 In terms of part (f) it is considered that the benefits secured by the proposal in terms of impact on the environment and the rural economy shall outweigh the continued impact of retaining the existing buildings on site. The broader scheme incorporates additional planting on site and would utilise the existing buildings which if not put into productive use could fall into disrepair or dereliction. As well, the diversification of the site use to include tourist and equestrian uses, in addition to the agricultural use would create additional opportunities for employment in the local area, besides providing avenues to generate revenue for the operators of the farm and allied businesses that may be located within the site; conditions that would be in the interest of the rural economy.

7.4 ASSESSMENT OF IMPACTS FOR CONSTRUCTION OF A NEW EQUESTRIAN ARENA WITH 14 ASSOCIATED HORSE STABLES (EP1, EP 19, EP 20, EP 21)

7.4.1 In assessing the impacts of this element of the development on the site and surrounding area, the key issues to be considered are whether the impact of the development upon the surrounding area is acceptable (EP1 and EP21); whether the proposal is acceptable in terms of highway safety (EP 19); whether the development would result in the loss of high quality agricultural land (EP 19); and whether the proposal would cause an unacceptable impact upon the amenities of existing properties.

7.4.2 With regard to impacts upon the surrounding area, it is noted that the arena would be situated over 220m from the main highway at Old Castletown Road and 230m of the Oatlands Road (B24), is bounded by mature trees and the existing buildings on site which screen, resulting in a relatively low visual impact and as such no loss in local amenity is expected.

7.4.3 In the case of the proposed stables, these would occupy an area measuring about 244sqm, be 3.6m at the highest point, with the construction such that they could be easily removed and the ground restored to its original state. Unlike the riding arena where distance views could be attained of its western end, the stables would be completely screened by the thick cluster of shrubbery and trees on its entire southern boundary, and the building situated northeast. These would serve to reduce the potential visual impacts. Thus, the proposal would comply with Environment Policy 21 in terms of siting, design, size or finish.

7.4.4 In terms of the loss of high quality soils, the proposal site does not represent high quality agricultural land (Classes 1 and 2) and as such the development would not result in a reduction of superior farm land. The soils here are within capability classes $\frac{3}{4}$ which are not the best soils for cultivation. It is, therefore, considered that stables and riding arena which is part of the broader scheme would comply with EP 19.

7.4.5 In relation to the impacts on highway safety, it is noted that whilst proposal is expected to generate some level of traffic relative to its scale of operations, Highway Services have considered the additional commercial element of the scheme and have no objection, subject to condition to cover the internal pedestrian and vehicle areas, including bicycle and car parking. Therefore, it is judged that this would be acceptable and comply with EP 19 and GP 2 (h & i).

7.4.6 In terms of impacts on in local amenity (for nearby residents), it is considered that the nearest property is situated about 198m from the application site and separated by the existing mature landscaping on the site boundaries. Given the separating distance between the application site neighbouring property and landscaping between, it is not considered that the proposals would adversely affect the amenities of any neighbouring property.

7.5 ASSESSMENT OF THE SPA AND CAFÉ FACILITIES (TP 4 & BP 1)

7.5.1 In assessing the cafe and spa, the key concern here lies with possible impacts on highway safety, and the vitality of nearby town centres. From the details provided, it is considered that the spa and café would mainly serve visitors to the tourist facility. Whilst it is noted that these facilities (spa and café) may also serve other users within the countryside, as the proposed mode of operation of these facilities could attract other users besides those lodging at the site, it is not considered that this would be of concern given the detached location of the property away from major public transport corridors. The somewhat isolated nature of the location would suggest that any visitor not staying at the facility would be those living within close proximity to the facility. Besides, the highway serving the site is such that would be capable of accommodating any additional traffic stimulated by these uses.

7.5.2 It was also considered that reference to deliveries could imply that the café would be delivering to clients outside the facility. This has been discussed with the applicant who notes that reference to deliveries here only relate to deliveries that would be coming to the site. As such, it is not expected that there would be deliveries to clients from the site. It is, however, vital to note here that the current reference to deliveries from the site excludes any form of agricultural delivery arrangements which may exist between the agricultural operations on site and their clients, as the agricultural operations are not the subject of the current application. Notwithstanding, a condition would be imposed to ensure that there are no deliveries from the café to clients off site.

7.5.3 In evaluating whether the spa and café would result in dispersal of activity from the nearby town centre which is Douglas, it is noted that whilst there could be concern with the location, as this element of the scheme could serve to attract some users from the Douglas town centre, the provision of these services alongside the tourist uses is considered to be complementary in this case, with the tourist use and equestrian components serving as the main attractions to make people congregate here. As such, it is not considered that these elements of the proposal will not result in unacceptable dispersal of activity.

7.5 IMPACT ON ECOLOGY (EP 4, GP 2)

7.5.1 In terms of the ecological impacts of the proposed development, the application is supported by bat surveys which have been carried out by Manx Bat Group. The report concludes that the buildings to be converted are being used for roosting purposes by three species of bats. It also provides mitigation measures that should be implemented to

ameliorate any impacts on bats within the site. This report has been commented on and accepted by DEFA Ecosystems Officer and in this respect it is felt that the application has satisfied the principles of Environment Policy 4. Conditions would, however, be imposed to ensure that the required mitigation measures are implemented.

7.6 OTHER MATTERS (Issues with submitted plans and documents)

7.6.1 The issue of gaps with information submitted were raised by the commentator (1 South Grawe, Laxey) who stated that there was a lack of proper dimensions on drawings submitted, poor drawing scales, and a lack the basic supporting information for the planning application.

7.6.2 With regard to poor drawing scales, the it is vital to note that the submitted plans have been scaled to comply with the requirements of the Development Procedure Order (Schedule 1, Article 5, Part 3, 2), as it relates to scale of submitted plans given that the metric scales have been set out on all the drawings/plans submitted. Also, revised plans have been submitted to address concerns with dimensioning of the plans, with dimensions now included on the plans. As such, it is considered that this concern has been addressed by the submissions.

7.6.3 In terms of basic information to support the application, it is noted that additional information to enable the assessment of the scheme where gaps in supporting information has been adequately addressed whenever the request been made by the Planning Officer or consultees. As such, it is not considered that any concerns still exist with information provided to enable the assessment of the scheme.

8.0 CONCLUSION

8.1 On balance, whilst the proposal to convert the barns does not fully comply with Housing Policy 11, the scheme will retain in similar form the buildings which complements the courtyard and will provide additional accommodation which will support an existing successful business, together with the proposed new equestrian building and as such the application is recommended for approval.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

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 9th May 2022

Item 5.5

Proposal : Creation of 2 ponds
Site Address : Smeale Farm
Smeale
Ramsey
Isle Of Man
IM7 3EB
Applicant : Mr Christopher Martin
Application No. : 22/00127/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. No excavated material shall be removed from the site and no fill materials may be brought onto the site.

Reason: For the avoidance of doubt - the works proposed are engineering works to alter the existing landform but do not seek approval to remove material from/import material to the site and so any impacts which may result from that have not been assessed.

C 2. Within two months of the date of this decision, details of any proposed planting/seeding shall be submitted to and approved in writing by the Department and the development shall not take place other than in accordance with the approved details.

Reason: the application does not provide details of any proposed planting/seeding and given the nature of the proposed scheme, it is important that any that does take place is appropriate.

C 3. Within two months of the date of this decision, details of the proposed fence proposed new fence on the western boundary of the tree planting and pond areas (shown on the Site Plan received 31 January 2022), including minimum height, materials and positions (entire perimeter) shall be submitted to and approved in writing by the Department.

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

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

N 1. This planning approval relates to the retrospective creation of 2 ponds and associated bund earthworks. The planting of trees referenced in the Supporting Statement has not been assessed as it did not form part of the application.

Reason for approval:

The proposal is considered not to have an adverse impact on the character and appearance of the countryside, and the works would enhance the nature conservation value of the site,

thus according with Environment Policies 1, 2, 4 and 27. No material considerations have been identified which would justify refusal.

Interested Person Status – Additional Persons

It is recommended that the following organisation 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 Wildlife Trust, as they do not clearly identify the land which is owned or occupied by them which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy, 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.

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

(DOI) Flood Risk Management Division

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

1.1 The application site comprises part of fields 124454 which is part of Smeale Farm, Smeale, Andreas, located along the A10 (Coast Road). The site is bounded on the southwest end by Blue Mountain Cottage and Old Chapel.

1.2 The site has its entire frontage lined by a sod bank that rises to about 2.5m high, with the other boundaries also lined by the sod bank. There are tree interspaced along the sod banks. A pond which measures about 422.9 sqm is situated on the eastern side of the site.

2.0 THE PROPOSAL

2.1 Planning approval is south for the creation of 2 ponds within the field. Both wildlife ponds would be situated on the eastern side of the site and directly north of the dwellings situated southwest of the field. The works are retrospective, although the planting works and fencing have not been concluded.

2.2 The first pond which will be elliptical in shape will be approximately 35m by 8m, and be 1m deep at the deepest point. An earth bund about 1m high will run along the entire north, west and south boundary of the pond, which will be about 400mm from the sod hedge on this boundary which is about 2m high.

2.3 The second pond which will have a somewhat oval shape will be approximately 12m by 9m, and be 1.5m deep at the deepest point. An earth bund will be created on the east and west boundaries of the pond.

2.4 The ponds shall be enclosed by new tree planting areas which measure 0.18, 0.01 and 0.26 hectares. A new fence shall run along the entire eastern boundary of the ponds and new tree planting areas (details of fence not provided).

2.4 The applicants provided additional information which indicate the following:

- o The two shallow wildlife ponds are created as part of DEFA's Agri-Environment Scheme which seek to encourage farmers to create and improve wildlife habitat in order to enhance biodiversity and sequester carbon.
- o Excavated soil would be used to create the earth bunds.
- o The corner of the field where the ponds would be created are less agriculturally productive area as it has always been very wet during the winter months, with the site clearly designated as a boggy area separate from the general patchwork of fields on the 1860s map.
- o The two shallow dubs are unlined and are not visible from any highway. The only people who can see the dubs are the occupiers of Old Chapel and Blue Mountain to the south of the site.
- o Any overflow from the ponds will flow into the adjacent Curragh are as previously.
- o None of the nearby trees and shrubs will be cut down or lopped and an additional 550 trees have been planted on site recently.
- o No excavated soil has been removed from site as it has been used to create earth bunds to help retain water in the ponds.

3.0 PLANNING POLICY

3.1 The site is within an area not designated for any particular purpose and lies within an area of High Landscape or Coastal Value and Scenic Significance under the 1982 Isle of Man Development Plan, and the site is not within a Conservation Area. The location of the ponds (as most parts of the broader site area) are not prone to flood risk although an area situated northwest of the ponds location and outside the site is considered to have high likelihood of surface water flood risk as indicated on the Isle of Man Indicative Flood Maps for River and Tidal Flood Risk. There are no registered trees on site and there are no registered trees on site.

3.2 Due to the nature of the scheme and the location of the development, the following parts of the Strategic Plan are considered relevant:

3.3 The site is not designated for development, however, what is proposed is designed to be wildlife-oriented with little visual change in the appearance of the area and would facilitate the interpretation of the countryside, its wildlife or heritage and as such GP3 applies:

3.4 General Policy 3 states: "Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:
h) buildings or works required for interpretation of the countryside, its wildlife or heritage".

3.5 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.

3.6 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.

3.7 7.21 Environmental Enhancement

3.7.1 7.21.1 In addition to the need for protection there is also a need to carry out enhancements to the natural environment if a sustainable vision for the Isle of Man is to be achieved. Opportunities for environmental enhancement, such as tree planting, the removal of eyesores and the management of habitats will need to be identified in Area Plans with the full involvement and support of local communities. Such opportunities may include former mining areas which have been or are in the process of being reclaimed. Appropriate reclamation should protect or enhance features of industrial or archaeological significance.

3.7.2 Environment Policy 27: The Department will seek to enhance the natural environment, including sites contaminated by former mine workings, along with other Government Departments, local communities, the private sector and all appropriate agencies in order to ensure the appropriate reclamation, water management, planting of appropriate tree species, the management of special habitats including aquatic habitats and the removal of eyesores.

3.8 Environment Policy 22: Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:

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

3.9 Strategic Policy 1: Development should make the best use of resources by:

- (a) optimising the use of previously developed land, redundant buildings, unused and underused 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

3.10 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 archaeological interest;
- (b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and
- (c) not cause or lead to unacceptable environmental pollution or disturbance."

3.11 Environment Policy 4 - seeks protection of ecology and designated sites/protected species.

4.0 OTHER MATERIAL CONSIDERATIONS

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

4.1.1 "6.0 Aims, objectives and strategic actions

By 2025 we aim to:

- o manage biodiversity change to minimise loss,
- o maintain and where necessary restore or enhance biodiversity and
- o actively involve society in understanding, appreciating and safeguarding biodiversity".

4.1.2 "Objective 4. Community engagement and understanding

By 2025 everyone will understand what biodiversity is, why it is important to our quality of life and will have been empowered to use it more sustainably.

Different methods will be needed to engage different groups of people in biodiversity conservation. These include people whose activities are most likely to affect biodiversity; Government, the main users of land and sea (farmers and fishers) and private companies who manage or use our land and marine resources".

4.2 Wildlife Act 1990

4.2.1 Part 30 "Management agreements with owners etc of land

(1) The Department may for the purpose of —

- (a) conserving or enhancing the natural beauty or amenity of any land;
- (b) conserving the flora, fauna or geological or physiographical features of any land; or
- (c) promoting its enjoyment by the public,

make an agreement (in this section referred to as a "management agreement") with any person having an interest in the land with respect to the management of the land during a specified term or without limitation of the duration of the agreement".

5.0 PLANNING HISTORY

5.1 The site has not been the subject of any previous planning applications that are considered to be materially relevant to the current application.

5.2 Approval has been granted for similar works at a nearby site at Bees Bothy, Ballakinnag Road, situated west of the application site, only separated by a 30m strip of agricultural field under PA 15/00484/B. The ponds approved under the above scheme is significantly larger than that proposed under the current scheme.

6.0 REPRESENTATIONS

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

6.1 The Department of Infrastructure (DOI) Highways Division confirms that there is 'No Highway Interest' in the letter dated 10 February 2022.

6.2 The Department of Infrastructure (DOI) Flood Risk Management confirms that they 'Do not oppose' in the letter dated 7 February 2022.

6.3 DEFA Inland Fisheries Officer confirms that that they have no concerns in relation to this development from a fisheries perspective. This is due to the nature of the nearby watercourse (ditch) which is not known to contain fish populations (07 March 2022).

6.4 Andreas Parish Commissioners indicate that they have no objection to the application in a letter dated 3March 2022.

6.5 Manx Wildlife Trust has made the following comments regarding the application in a letter dated 4 February 2022:

- o They support for the application, which provides for guaranteed Net Biodiversity Gain and helps the Island meet the ambitions of our Biodiversity Strategy 2015-2025.
- o The Island's Nature Recovery Network will be strengthened by the inclusion of such new habitats.
- o The two new dubs in this application are found within Field 124847, which has long been in intensive arable agricultural use. While arable fields are important for some farmland specialist flora and fauna, they are amongst the most ecologically degraded habitats. The opportunity to create new wildlife habitats in such areas is therefore very welcome.

- o A study of the 1860s Ordnance Survey of this field shows that wetland habitats were once situated in this location; it is therefore especially welcomed that lost habitats are now being replaced.
- o Within the immediate surrounds of Field 124847 can be found several other wetlands, many of which were once open-water 'dub' habitats, which have, in recently decades declined in their ecological interest through drying-up and becoming dominated by Curragh, reducing their importance for wildfowl and certain wetland plant species.
- o MWT's ecological work on site confirmed that no species protected under the various Schedules of the Wildlife Act 1990 (as amended) are present within Field 124847.
- o They provided advice under the Agri-Environment Scheme regarding the design and layout of the dubs, ensuring varied shapes and depths to provide maximum wildlife benefit. These include a shallow, gently-sloping 'draw-down' bank, to benefit wildflowers and over-wintering wildfowl such as Wigeon. Also included are deeper, steeply-sided vegetated banks to benefit the Red-listed Eurasian Teal.
- o It is hoped that other Red-listed birds such as Snipe, Woodcock, Water Rail and Amber-listed Mallard, Moorhen and Coot will benefit from these new wetlands.
- o This is an excellent example of sensitive and well-designed habitat creation on a degraded habitat. It is fully in accordance with the stipulations of the Agri-Environment Scheme Handbook and Guidelines and just what the Agri-Environment Scheme hopes to achieve.
- o They request Interested Party Status for this application, as they are the ecological advisers for the application.

7.0 ASSESSMENT

7.1 The key issues to consider with this application are:

- i. Principle of development;
- ii. Visual Impact
- iii. Ecological Impact;
- iv. Impact on neighbouring amenity
- v. Other Matters

7.2 Principle of development

7.2.1 At present the land where the ponds are situated are essentially very wet soils and has limited, perhaps no, agricultural value and as such has not been farmed for some time, unlike the other parts of the agricultural field which are in constant use. Given that works are intended to enhance the nature conservation value of the site, with minimal visual change in the appearance of the area, in addition to the works facilitating the interpretation of the countryside, its wildlife or heritage it is considered that the scheme broadly aligns with the requirements of General Policy 3. Moreover, the creation of the wildlife ponds accord with the environmental aspirations of the Strategic Plan, the Biodiversity Strategy and are specifically allowed for in Environment Policy 27/paragraph 7.21.1. As such, it is considered that the principle of the development are acceptable.

7.3 Visual Impact

7.3.1 In terms of the visual impact of the scheme, it is noted that the ponds are at positions that would be publicly visible outside the site given the existing sod banks around the site boundary, the presence of the buildings south of the site and the remote position comparative to the position of the abutting highway, although it is acknowledged that there would be private views from Blue Mountain Cottage and Old Chapel, minding these views are views to a managed habitat which are not unpleasant.

7.3.2 Given the above, and the fact that the site already has a larger pond on eastern boundary which could be considered to offer pleasant natural views, it is concluded that the proposal would have an acceptable visual impact and aligns with Environment Policy 2.

7.4 Ecological Impact

7.4.1 With regard to ecological impacts, it is considered that the existing pond situated east of the ponds which are the subject of the current application has been very successful in attracting and maintaining wildlife as evidenced in the aerial photographs (Google Maps), and it is considered that the new ponds will complement this.

7.4.2 It is also considered that the new ponds will introduce new wildlife habitats within the area, which has to be seen as bringing some benefit into the area. It is also considered that the scheme would not entail any removal of excavated soil from site as this material is to be used to create the earthen bund by the new ponds as part of the proposed works.

7.4.3 Given the above, it is considered that the proposal represents an interesting and presently unique form of development which will attract more wildlife to the area and increase the diversity in wildlife offerings for the site, in addition to encouraging more people to visit and better understand the countryside.

7.5 Impact on Neighbouring Amenity

7.5.1 In terms of impacts on neighbouring amenity, it is considered that the ponds would be situated about 70.7m from the Blue Mountain Cottage and Old Chapel to the south, and about 64.7m from the residential property at Bees Bothy, Ballakinnag Road which is situated west of the site. Whilst it is noted that 'Bees Bothy' is situated somewhat closer to the ponds, this property has significant tree cover within its site area which would serve to screen it from the ponds (being situated within a Registered Tree area). This does not include the fact that 'Bees Bothy' has a larger pond within its site area, and the sod banks which sits on the boundary of the application site. It is, therefore, considered that the scheme would meet the requirements of Environment Policy 22 in terms of impacts on neighbours.

7.6 Other Matters

7.6.1 No other matters have been identified.

8.0 CONCLUSION

8.1 Overall, it is considered that the proposed development is considered to be of a scale and nature which would not have an unacceptable impact upon the environment and surrounding countryside. Additionally, the proposed works would enhance nature conservation for the site in accordance with Environment Policies 1, 4 and 27, and no material considerations have been identified which would justify refusal.

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 9th May 2022

Item 5.6

Proposal : Variation of Condition 1 of PA 17/00976/B for an extension of time for a further 4 years

Site Address : Bay View Hotel
Primrose Terrace
Port St. Mary
Isle Of Man
IM9 5AP

Applicant : Red Pen Limited

Application No. : 21/01527/B- 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. Prior to the commencement of any work including demolition, the applicant must have submitted to and approved by the Department a photographic survey of the outside and inside of the building to retain a record of this for the future.

Reason: The building is a prominent one in the streetscene and an old one and a record of it is considered necessary before the building is demolished.

C 3. Prior to the commencement of any building work, the applicant must have approved by the Department a scheme for the treatment of the front boundary wall. The development shall be carried out in accordance with the approved scheme.

Reason: It is important that all elements of the building are considered appropriate from all perspectives, particularly from a pedestrian's view. Additional details are therefore required which demonstrate how the front boundary wall will add positively to the character of the building and the streetscene.

C 4. Prior to the occupation of any of the units, the parking spaces and garaging must be available for use for the parking of vehicles by occupants of the building and retained as such thereafter.

Reason: To ensure that there is sufficient car parking available in accordance with the standards of the Strategic Plan.

Reason for approval:

The proposal complies with Section 18(4) of the Town and Country Act (1999) and Environment Policy 35 and General Policy 2 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THERE IS AN OBJECTION FROM THE LOCAL AUTHORITY AND IT IS RECOMMENDED FOR APPROVAL.

THE APPLICATION SITE

1.1 The site is the curtilage of an existing public house with guest accommodation above, situated on the corner of Bay View Road and Lhargan which runs behind and merges with Cronk Road to the north. The building is a three storey property which is taller than the rest of the terrace which lies to the north. The building is relatively plain, with diminishing floor heights as one progresses up through the building. Whilst traditional in general form, the building is surprisingly simple, with a relatively shallow pitched roof, no chimneys and a more squat appearance than the more vertically proportioned vernacular properties in the vicinity.

1.2 The existing property is at its highest, 11.5m tall and is 17m long across Bay View Road. The building is built right up to the footpath and has a smaller, two storey element with castellated top between it and number 12, a semi-detached properties with a hipped roof. The footprint of the building continues right up to the highway around to the side and rear, the rear having an area of monopitched roofing and a section of single storey walling. An area across the road is included within the site, used for providing the property with its only car parking spaces. Also included is a small area on the other side of Bay View Road which provided a small beer garden for the public house.

1.3 The premises closed for business around 2013. The existing building is described as suffering from extreme damp and internally the building has been remodelled with an emphasis on functionality and compliance with modern fire and Building Regulation requirements. The basic structure of the building is solid and stone built but the walls suffer from damp ingress due to the prevailing weather and proximity to the coast and despite having been internally lined, the damp has pervaded the walls. Any conversion project would require the building to be fully exposed and dry lined to provide modern levels of insulation. Uncovering the walls may, the applicant suggests, reveal areas of wet rot and dry rot in supporting timbers. They also advise that an injected damp proof membrane would need to be provided and the external render may need to be removed and re-finished in a waterproof render and painted.

1.4 Whilst the existing roof appears sound, it would be good practice to remove it, all purlins and rafters checked and treated if necessary and the roof insulated before being re-finished. The joist ends in the floors are likely to be suffering from damp and rot and the floor joists in the public bar are currently supported by Accro props in the basement and the floors in the remainder of the building are uneven through years of modernisation and installation of services. Whilst the windows were replaced in 2003 they have not been well maintained and would need to be replaced with windows which meet current standards of ventilation and heat retention. Whatever happens to the main building, the rear outriggers are not worthy of repair and should be demolished.

1.5 They describe the internal layout as not easy to convert to residential use.

THE PROPOSAL

2.1 The current planning application seeks approval for the variation of Condition 1 of PA17/00976/B by extending the approval for a further four years.

2.2 The proposal for PA17/00976/B was as follows:

"Proposed is the demolition of the building and its replacement with a new building which accommodates three apartments with on-site garaging and parking. The ground floor will provide an entrance lobby on the right hand side of the front elevation with a lift and stairs to the flats on the upper floors. The ground floor will be used for garaging - two units each 5.8m long and at least 3.25m wide. A store for the third apartment will be available alongside the garaging as there is insufficient space to provide three garages together with the required turning and access space. In front of the garages there will be two further spaces associated with the garaging with direct access out onto Lhargan. A further two spaces are available across Lhargan for the third apartment. A second access from the rear will be provided into a larger entrance lobby.

The first and second floor plans will accommodate two three bedroomed units which have a bathroom, one of the bedrooms has en-suite facilities, a lounge and kitchen. The top floor apartment will have the same layout but the area immediately in front of the lift would not be generally available due to it only serving that top floor flat. All of the units have a glazed balcony on the lounges looking out over the bay.

The new building will be almost 14m high with a roof pitched at 30 degrees, with a substantial chimney at each end and finished in natural slate. The front elevation will be finished in horizontal banded render on the ground floor with plain render above and two eaves peaks, the one on the left of the front elevation being wider than that towards the right and will windows below - the wider peak accommodating a series of patio doors and glazed balconies on the first, second and third floors and decorative, fixed, obscured glass windows in the ground floor serving the garage. The building will have an elevated ground floor level due to the natural fall of the level of the site from back to front and the underbuild will be accommodated by a 1.2m high wall with planting behind. A stepped access leads from the pavement off Bay View Road to the entrance which is 1.3m higher than the pavement level.

The smaller peak will have below it a series of three Juliet-style balconies. The remaining windows will be a bottom fixed quarter, top three quarters top hung opening light in vertically proportioned apertures.

The side elevation will have a symmetrical arrangement of windows to match the smaller windows in the front elevation with a fixed, obscure glazed window at ground level 2m above the pavement.

The rear elevation introduces a different palette of materials - using render and standing seam prefinished steel grey vertical cladding and raised metal cladding to the window surrounds together with the rendered finish seen on the other elevations. One section will be flat roofed and the other, projecting slightly further forward than the flat roofed section, which is pitched roofed and finished in the metal cladding. The flat roofed section will have an open ground floor with the upper floors above supported by a cantilevered construction with two supporting steel columns to accommodate the parking.

The elevation facing 12, Bay View Road will have three windows serving the three private entrance lobbies and three lift entrances. The existing building adjoins number 12 and after the existing building is demolished, this wall will be made good as part of the work."

PLANNING HISTORY

3.1 Planning permission was granted on appeal on the 29th May 2018 with a number of conditions attached under PA17/00976/B;

C1 - 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 14 of the Town and Country Planning (Development Procedure)(No.2) Order 2013, and to avoid the accumulation of unimplemented planning approvals.

C2 - Prior to the commencement of any work, including demolition, there must have been submitted to and approved by the Department a photographic survey of the outside and inside of the Bay View Hotel building, to retain a record of the existing building.

Reason: The building is a historic feature of the street scene and a record of it is considered necessary before the building is demolished.

C3 - Prior to the commencement of any building work, there must have been approved by the Department a scheme for the treatment of the front boundary wall of the building hereby approved, facing Bay View Road. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that all elements of the building are appropriately designed and finished.

C4 - Prior to the occupation of any of the apartments hereby approved, the parking spaces and garages must be available for use for the parking of vehicles in connection with the occupation of the apartments and must be retained for that purpose thereafter.

Reason: To secure the provision of sufficient off-street car parking in accordance with the standards of the adopted Strategic Plan 2016.

PLANNING POLICY

4.1 The site lies within an area zoned as Predominantly Residential on the Area Plan for the South, Map 7 - Port Erin/Port St Mary. The site is within a Conservation Area but not a Flood Risk Zone.

4.2 Given the nature of the of the land designation and the property being within a Conservation Area, Section 18(4) of the Town and Country Planning Act (1999) is the most relevant in the assessment of this application. Followed by paragraph 7.29.2 and Environment Policy 35 of the Isle of Man Strategic Plan, which set out development in Conservation Areas will only be permitted where they preserve or enhance the character and appearance of the area.

4.3 Other relevant policies from the Isle of Man Strategic Plan include;

4.3.1 Strategic Policy 1 which sets out that development should be located to make best use of previously developed land, redundant and underused buildings and utilising existing infrastructure,

4.3.2 Strategic Policy 5 which seeks that new development, including individual buildings should be designed to make a positive contribution.

4.3.3 Strategic Policy 2 which sets out that new development must be in existing settlements unless it complies with GP3.

4.3.4 General Policy 2 which sets out detailed "development control" considerations including:
...

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- ...
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption.

4.3.5 Housing Policy 4 which sets out that new housing must be located primarily within our existing towns and villages

4.3.6 Housing Policy 18 which states that applications which would involve the loss of existing housing which is fit for habitation or which could be made fit at reasonable cost will not usually be approved unless accompanied by firm proposals for replacement housing.

4.3.7 Transport Policy 4 which sets out that new development must be designed to be capable of accommodating vehicle and pedestrian journeys generated by the development in a safe and appropriate manner,

4.3.8 Transport Policy 7 which sets out that new development requires parking according to the standards with appendix 7.

REPRESENTATIONS

5.1 Highway Services have considered the application and state, "After reviewing this Application, Highway Services find it to have no significant negative impact upon highway safety, network efficiency and/ or parking subject to repeating conditions 3 & 4 of PA 147/00976/B." (22/12/21)

5.2 Port St Mary Commissioners have considered the application and Object on the basis that there are issues with maintaining the existing structure and that a 4 years extension will exacerbate this. (27.01.22)

ASSESSMENT

6.1 The application is to vary a condition that seeks to restrict the time limit for the implementation of the application. This would have the effect of adding an additional four years onto the time in which the permission would be implemented.

6.2 The main issue in the assessment of this application is whether there have been any material changes, in planning terms, since the application was last approved; for example policy changes, a change to the land use designation, new or altered legislation, or site circumstances that would lead to a different decision being made. Essentially, there has been no change in the circumstance or policy, however it is warranted to look at the history of the

previously approved planning application, PA 17/00976/B, which is the application the variation of condition is on.

6.3 Since the initial approval there have been no material planning changes which have arisen. The Area Plan for the South has not been superseded and therefore continues to comprise the Development Plan. The policies contained therein have not been the subject of appeal decisions or decisions related to planning applications that indicate a different approach to those policies should be taken. No new legislation has been brought into force and no objections have been received.

6.4 The reasoning for the time period of all applications is to ensure planning applications cannot have everlasting permissions, and either the applicant needs to commence development or seek a variation of condition to extend the period be submitted. This process to potentially extend the original period is to re-assess whether there have been any changes in local plan/planning policies and/or any other material planning matters. As indicated above there have been none since the last approval.

6.5 Since the previous application the Department has brought out the Residential Design Guidance 2021, when assessing the application against this we can see that the proposal is adding in modern aspects as well as keeping traditional factors, which is in keeping with the surrounding area, with the officer of PA17/00976/B stating, "6.6 The restrained but modern approach to the redevelopment is considered appropriate in this instance, retaining sufficient traditional features to sit comfortably in a streetscene which does not comprise wholly vernacular buildings."

6.7 Accordingly, as previously considered and with regards to the Residential Design Guidance 2021 the proposal would comply with the relevant planning policies and therefore recommended for an approval.

CONCLUSION

7.1 Since the initial approval there have been no material planning changes which have arisen. The Area Plan for the South and the Isle of Man Strategic Plan 2016 have not been superseded and therefore continue to comprise the Development Plan. The policies contained therein have not been the subject of appeal decisions or decisions related to planning applications that indicate a different approach to those policies should be taken. It is recommended that planning permission be approved.

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 9th May 2022

Item 5.7

Proposal : **Erection of a replacement TT scoreboard**
Site Address : **Scoreboards**
Grandstand
Glencrutchery Road
Douglas
Isle Of Man
IM2 6DA
Applicant : **Mr Andy Spiers**
Application No. : **22/00269/B- 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. The LED screens shall not be turned on other than when the roads are closed for racing.

Reason: In the interests of amenity and road safety

C 3. The LED screens shall incorporate a mechanism to ensure that, in the event of a breakdown, the display will default to a blank black screen, with no flashing error message or pixilation.

Reason: In the interests of amenity and road safety.

C 4. The LED Screens and associated items, may be erected no sooner than two weeks before the first practice of TT and may remain until two weeks after the last race in that event, and no sooner than two weeks before the first practice of the Festival of Motorcycling and may remain until two weeks after the last race of that event. No approval is granted to the retention of the LED Screens for the period in between the two events.

Reason: To clarify the extent of the planning approval

Reason for approval:

Overall, it is considered that a scoreboard on this site is well established over a number of decades and therefore the principle of the structure is acceptable. Furthermore the size, scale, siting, design and finish of the proposal is acceptable and appropriate for the site, the overall streetscene due to its location within racing features/buildings. The LED screens will be on during limited time periods, and as such they are not deemed to raise significant adverse impacts upon public or private amenities. Conditions are attached to make sure that

this is the case. Accordingly it is considered the proposal would comply with General Policy 2 of the IOM Strategic Plan 2016 and the Area Plan for the East 2020. The application is recommended for an approval.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT IS AGAINST THE LAND ZONING AND RECOMMENDED APPROVAL

THE APPLICATION SITE

1.1 The application site represents the curtilage of the Scouts Scoreboard at the TT Grandstand, Glencrutchery Road, Douglas. The scoreboards take up a large site situated to the North side of Glencrutchery Road, near the start/finish area of the TT course.

1.2 There is a long history of scoreboards being within the site all the way down to 1912, with the structure mainly being a mix of wood and steelwork. The scoreboard is used to document lap times, speeds and positions of riders during the TT and MGP.

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

THE PROPOSAL

2.1 The current planning application seeks approval for the erection of a steel structure which will house the TT Scoreboard. The structure will measure 73.020m in length with a max width of 2.511m. Each side will house a staircase and a LED screen which will measure 5.2m by approximately 3.4m.

2.2 There is proposed a large screen situated to the middle of the scoreboard which is to measure 9.9m by approximately 6.7m.

2.3 The structure will have the effect of a walkway with the frontage where the details regarding the information on lap times, speeds and positions of riders will be accessible from the rear.

2.4 The materials to be used are as follows;

- flat roof and trims finished in light grey
- all steel framing to be galvanized to Corus system B12 & iaw BS EN ISO 1461:1999
- rain water foods to be light grey uPVC
- fascia's and soffits to be light grey
- LED screens to have black covering outside of race periods
- footway to be extended in Bitmac to give 1.2m access around building perimeter.

2.5 The applicants outline the following;

"The proposed design of the replacement scoreboard aims to encompass the TT heritage whilst also providing a design that incorporates current technology. The design is based on the previous scoreboard structure but with improvements to the safety of the Scouts who will continue to operate the Scoreboard. The proposed design utilises dark colours to minimise

dirt and staining from Glencrutchery Road traffic but also to ensure the scoreboard ties in with the colour scheme of the proposed, new Timekeeper's hut."

PLANNING HISTORY

3.1 There are two previous application which are relevant to the assessment of this application,

3.1.1 PA90/01216/B - Permanent installation of TT grandstand scoreboard - Permitted.

3.1.2 PA84/00216/A - Approval in principle, extensive improvements to grandstand area - Permitted.

3.2 Also of relevance to the assessment of this application is PA21/01454/B which was for the "Erection of a 2 storey structure" and was Permitted.

PLANNING POLICY

4.1 The site isn't designated for any particular development forming part of the highway under the Area Plan for the East, Map 4 - Douglas. The site is not within a Conservation Area, nor a Flood Risk Zone.

4.2 Given the nature of the application the most relevant policies would be Strategic Policy 1(A), which seeks optimisation of previously developed land, Environment Policy 22(iii) which seeks that there will not be unacceptable levels of light pollution, General Policy 2 which sets out the general standards towards acceptable and Strategic Policy 5 which seeks that new development must have a positive contribution to the environment.

REPRESENTATIONS

5.1 The following representations can be found in full online, below is a short summery;

5.2 Highway Services have considered the proposal and state, "Accordingly, HDC raises no opposition subject to conditions for the layout to accord with Drawing No.01, and restriction on use of the screen. The Applicant is advised of the need for discussion over the ARMCO barrier and the requirement for an interdepartmental agreement for the works in the highway." (24.03.22)

5.3 Douglas Corporation have considered the application and have no objections to the proposal. (13.04.22)

5.4 The Arboricultural Officer has written in to state that they have no objections to the proposal. (08.04.22)

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

ASSESSMENT

6.1 In the first instance it is relevant to note that this application has not be assessed for advertisement consent. Having discussed the application with the applicants, they state that no advertisement will be put on the screens and as such it has not been assessed under General Policy 6.

6.2 Turning towards the application at hand with the main issues to consider in the assessment of this planning application are:

- principle of development
- potential impact upon visual amenities of the area
- access/highway safety

6.3 PRINCIPLE

6.3.1 Having looked at the land designation, it can be seen that the site is not designated for development, however, there is under Strategic Policy 1(A) acceptable means of new development if it optimises the use of previously developed land.

6.3.2 It can be seen from both the Planning history and non planning history of the site that there has been a scoreboard associated with the motorsports events throughout the year for a number of decades, as such it can clearly be seen as previously developed land of a sort. Accordingly whilst the site is not specifically designated, the sites lawful use is for the purposes proposed. Therefore the principle of the development is acceptable.

6.4 IMPACT UPON VISUAL AMENITIES OF THE AREA

6.4.1 As stated above there has been a scoreboard within this site for a very long period of time, with the existing scoreboard being subject to a structural report in 2018, which stated that the structure was unsafe for its existing use and subsequently taken down with the ideals that a more modern safe structure would be accepted.

6.4.2 Generally structures such as this are not permitted due to their large size and for them being a permanent. What is proposed within this application should be assessed with the area it is within. Over several years structures have been built up in the adjacent grandstand area, which provides its own clutter and visual impact. The proposal within this application, as stated by the applicant, is based on the previously scoreboards structure, whilst this is very minimally.

6.4.3 Due to the clutter of structures within this immediate area and the expectation that there would be a scoreboard within this site, mainly due to the overriding history of there being a scoreboard here of some type/shape and size, the erection of a more modern and safety forward scoreboard would have a minimal impact upon the area, as it is a structure which the local streetscene and surrounding area is used to. The dark colouring will assist the structure in matching with the already approved Timekeepers hut.

6.4.4 The main impact from the proposed works will be from the LED Screens, which are a new addition to this area. Whilst no information has been received regarding the removal of the LED screens outside of TT/ MGP, a conversation with the applicant has stated the LED screens are in sections and they will go into storage outside of TT/MGP week. As such a condition should be attached which will state the LED screens can only go up during these periods.

6.4.5 Due to the location of the screens, the time period that they will be in situ and the unlikelihood that they will be on outside of closed roads, with confirmation of this from the applicant, the impact of the LED screens will be minimal.

6.4.6 Once the LED screens are removed, the proposal is to put plain black coverings over the structure, to make safe anything which is in situ. Whilst this is an acceptable measure, having seen the visualisation given from the application, having the main TT signage instead of the black coverings would be an addition to the area, by providing interest into what could be a bland area. Having the TT signage instead of the black coverings could also add interest out of the main race periods for tourists who come over.

6.4.7 A discussion with the applicant, has stated that this is an acceptable change and a future advertisement regulations application will be received in due course.

6.5 ACCESSIBILITY AND HIGHWAY SAFETY

6.5.1 Another item which needs to be looked at is the accessibility of the main footpath and whether there are any safety impacts from the proposal.

6.5.2 Within the application is the increase of the proposed footway by up to 1.2m which will assist pedestrians with Highway Services stating, "The widening of the footway is welcomed. The replacement scoreboard would improve access and remove a tunnel impact and an unsafe structure. Additionally, it would revert to a more traditional arrangement for pedestrians then currently."

6.5.3 Whilst no information has been received on whether the walkway will be accessible outside of TT/MGP, and the proposal shows the entrances open, a conversation with the applicant states that it will not be accessible outside of the TT/MGP period. The applicant is aware that doors and other items will require an additional application.

CONCLUSION

7.1 Overall, it is considered that a scoreboard on this site is well established over a number of decades and therefore the principle of the structure is acceptable. Furthermore the size, scale, siting, design and finish of the proposal is acceptable and appropriate for the site, the overall streetscene due to its location within racing features/buildings.

7.2 The LED screens will be on during limited time periods, and as such they are not deemed to raise significant adverse impacts upon public or private amenities. Conditions should be attached to make sure that this is the case.

7.3 Accordingly it is considered the proposal would comply with General Policy 2 of the IOM Strategic Plan 2016 and the Area Plan for the East 2020. The application is recommended for an approval.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 9th May 2022

Item 5.8

Proposal : **Erection of a detached double garage**
Site Address : **Glenside Cottage**
 West Baldwin
 Isle Of Man
 IM4 5HA

Applicant : **Mr Paul Kirk**
Application No. : **21/01336/B- click to view**
Enforcement/Planning **Ms Charlotte Gatt**
Assistant :

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

The proposal is considered to be appropriate in this location and comply with Environment Policy 1 and the provisions set out in Strategic Policy 1 and 5, and transport policy 7 of the IOM Strategic Plan 2016 and the application is approved.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE DUE TO THE PLANNING HISTORY OF THE SITE AND MINDED THAT THE CURRENT PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR APPROVAL.

THE APPLICATION SITE

1.1 The application site is the residential curtilage of Glenside Cottage, a two storey detached dwelling located on the southern side of the highway, West Baldwin. Also on site is a detached single garage.

1.2 The application site is accessed via a narrow track, which forms part of the Millennium Way, and runs off the West Baldwin Road to serve a further three dwellings. From the West

Baldwin Road, the site is not visible given its siting and boundary of dense tree planting and other natural vegetation.

1.3 The access on the boundary of the site 6000m in width.

1.4 There is currently a single detached garage to the east of the site.

THE PROPOSAL

2.1 The application seeks full approval for the erection of a detached double garage to the south west of the application site (south east of the main dwelling).

2.2 The proposed garage is to measure 9000mm in depth by 1400mm in width, and 6400mm from finished floor level to ridge height. The new structure will be offset 3000mm from the existing dwelling "Glenside Cottage". A retaining wall is proposed be offset from the rear of the newly erected garage by 1100mm.

2.3 It is proposed that the roof will be finished to match that of the existing dwelling, with a pitch of 35 degrees (approx.) and "slate like" tiles. The walls will be finished in a sand a cement render and painted, again, to match the existing dwelling.

2.4 Two 4200mm x 2200mm Hormann panel doors are to be installed on north east elevation.

2.5 Both gables (north west and south east elevations) are to have a 1200mm x 2000mm uPVC framed window installed, centrally located. The north west elevation also includes a 1000m x 2200mm to the east of the window.

2.6 The applicant has confirmed that the single garage that is currently on site is to be demolished.

2.7 The proposal also includes groundworks and changes in site levels.

PLANNING HISTORY

3.1 The application site has been subject to a number of previous applications including a number of alterations and extensions to the original house in the late 2000's, then approval for a replacement dwelling in 2015 under PA 15/00701/B.

4.0 PLANNING POLICY

4.1 In terms of local plan policy, the application site lies within an area zoned as Open Space (Agriculture) under the Area Plan for the East

4.1.2 The application site is also within an area recognised as being an area not zoned for development under the Isle of Man Development Plan Order 1982. The site is not within a Conservation Area, but is within an area zoned as High Landscape or Coastal Value and Scenic Significance. Minded of the site location, the nature of the current proposal and the planning history for the site it would be most relevant to have regard to Strategic Policies 1 and 5 in ensuring efficient use of existing sites and buildings and ensuring good quality design, Environment Policies 1 and 2 in ensuring no harm to the countryside or AHLV and Environment Policy 16. While there are no strict policies for the development of domestic garages in the countryside we can lean on both Housing Policies 15 and 16 in ensuring the development of such would not detract from the traditional qualities of the existing buildings and would not adversely harm public views.

4.2 Strategic Policy 1 states:

"Development should make the best use of resources by:

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

4.2.1 Strategic Policy 5 states:

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

4.2.3 Environmental 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."

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."

4.3 Planning Circular 3/91: GUIDE TO THE DESIGN OF RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE contains four policies that are considered materially relevant to the assessment of this current planning application:

POLICY 2 states:

"New buildings are to be integrated with the landscape and where in groups, with each other. Single buildings in prominent locations can only be considered if they are satisfactory in all aspects and include landscape proposals.

POLICY 4 states:

"External finishes are expected to be selected from a limited range of materials."

POLICY 5 states:

"Doors and windows together with their size and relationship with each other and the wall face should follow traditional rural forms."

POLICY 7 states:

"Existing features are an essential part of the rural scene. New work should follow and respect successful past patterns."

REPRESENTATIONS

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

5.1 Marown Parish Commissioners have no objection to the current planning application (22.12.2021).

5.2 The Department of Infrastructure Highway Services made the following comments - "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking, on Planning being satisfied on amenity grounds - Do not oppose" (19.11.2021).

5.3 No comments from neighbouring properties have been received at the time of writing.

ASSESSMENT

6.1 Given the nature of proposal it is imperative to consider the following points within the assessment of this planning application:

- 1) The principle of the development and location suitability;
- 2) The impact of the development upon the countryside;
- 3) Potential impacts upon neighbouring amenities
- 4) Parking and access

Principle of the development and location suitability for garaging

6.2 In relation to the principle the starting point is that the site lies in the countryside where development is restricted, in order to protect the countryside for its own sake. Whilst the policies in the Strategic Plan allows for some exceptions, the proposal does not fall within any of those categories. The Strategic Plan is silent on new development in the form of detached garages/extensions to garages/stores, however some extensions to garages/stores have been approved, in some instances, where the extension would not have an undue impact on the countryside or undermine the rural character of an area.

6.2.1 Furthermore, the Permitted Development Order allows (subject to conditions) the erection of a double garage (6m x 6m); therefore there is a general acceptance to the principle of a garaging to properties within the countryside (i.e. land not designated). In this case there is no concern to the principle of garaging. The applicants currently have a single garage within the site, which is not suitable for the applicant's car collection. The proposal would enable all of the applicants' cars to be store within a garage; as outlined in the applicants supporting statement.

6.2.3 Overall, it is considered the principle is acceptable for a reasonably sized garage on this site.

Potential visual impact upon the amenities of the countryside

6.3 The proposed garage would both be very well screened from public views, given the proposals and the existing dwellings are within (and surrounded) a wooded/significant landscaped area; especially from the highway to the north. Any views of the garage that could be partially apparent from the roads that surround the site would not appear as an isolated and unusual as the proposed garage would be located next to the applicants existing property and read within the same residential context.

6.3.1 Furthermore, the scale, proportion, finish and positioning adjacent to the main dwelling, which would still appear as the more prominent feature on the site. Finally, a garage of this size and design are not uncommon features within a larger residential curtilage of a dwelling within the countryside setting.

Potential impacts upon neighbouring amenities

6.4 The closest neighbouring property (Bridge House) is to the north east of the site of the proposed garage between a mature hedgerow and is separated by a row of mature grown trees. Given the existing natural landscaping, and distance between the proposed garage and nearest neighbouring property it is considered the garage would not have a significant impact upon neighbouring amenities to warrant a refusal.

Parking and access

6.5 The site has adequate provisions for the parking of a number of vehicles.

6.5.1 The access to the site is currently 6000mm wide. The works to the driveway would be contained solely to the driveway with no works required to the public highway.

6.5.2 It is judged that the development proposed is acceptable with regards to parking and access. It should also be acknowledged that Highway Services do not oppose the current planning application.

CONCLUSION

7.1 For these reasons the proposal is considered to be appropriate in this location and comply with Environment Policy 1 and the provisions set out in Strategic Policy 1 and 5, and transport policy 7 of the IOM Strategic Plan 2016 and the application is therefore recommended for an approval.

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 9th May 2022

Item 5.9

Proposal : **Erection of a detached shed/boathouse**
Site Address : **No.5 Balnahow Farm Cottage**
 Balnahow Farm
 Balnahowe
 Santon
 Isle Of Man
 IM4 1HN
Applicant : **Mr Ian & Mrs Robin Birdsall**
Application No. : **21/01036/B- click to view**
Senior Planning **Mr Jason Singleton**
Officer :

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. If the use of the building hereby approved ceases for period exceeding 3 months, the building and any supporting base shall be removed and the ground restored to its former condition within 6 months of the date of the cessation, unless a time is otherwise approved in writing by the Department.

Reason: The building has been exceptionally approved solely to meet the applicants need and its subsequent retention could result in an unwarranted intrusion in the countryside.

C 3. The building shall be for private (not commercial) use only and associated with No.5 Balnahow Farm Cottage and the land defined in red and blue on the site plan as submitted.

Reason: In view of the location of the site in this rural part of the countryside; the Department does not consider the site suitable for anything other than private use.

C 4. There shall be no external storage of plant, machinery, materials or vehicles outside of the building identified on the drawing referenced; B4/21/a sheet 1, received on 23/08/21 , unless otherwise agreed in writing by the Department.

Reason: To protect the character of the area and use of the land.

C 5. For the avoidance of doubt, the residential curtilage of No. 5 shall not extend into the adjacent area to the east of the dwelling house utilised as "paddock". The paddock remains not designated for any particular purpose.

Reason: to clarify the extent of the approval and the status of the site.

Reason for approval:

The proposal is deemed to accord with Environment Policy 1 of the IoM Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is the residential curtilage of No.5 Balnahow Farm Cottage. The site comprises a dwellinghouse which is a recently converted agricultural barn with garaging to the rear and timber frame horse stables / tack room to the north east and bounded by a Manx stone wall. This existing timber stable building would measure a footprint of 12m x 4m on a concrete base and 4.0m high to the ridge. The site here is broadly laid to grass.

1.2 The character of the area has been transformed recently with planning consent to convert all the outbuildings into separate residential properties with their own curtilages. There are 5 dwellings served from a private laneway with dwellings clustered together on both sides of the private road.

1.2 This application is a re-submission of a former refusal ref; 21/00633/B (see planning history) to address those reasons for refusal, specifically addressing the siting of the building.

2.0 THE PROPOSAL

2.1 Proposed is the erection of a detached timber building to the north east of the dwellinghouse and adjacent to the existing timber horse stables / tack room.

2.2 The structure would be timber framed construction on a concrete base and clad with 68mm tongue and groove timber boarding. The building would measure 10m long x 6m wide with 4m wide x 3m high opening doors on the south elevation (front) and 5.3m high to the ridge and 4.0m to the eaves with a shallow pitch 26 deg. The roof would be covered with lightweight shingle tiles.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the site lies within an area designated as not for a particular purpose / white land on the Area Plan for the East. On the Landscape Character Assessment, the area is recognised as Incised Slopes - the most common of the land use character types. The intention of the latter is to protect the countryside and its rural character. The site is not within a Conservation Area or prone to flood risks.

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

3.3 Strategic Policy 4 b (in part)

(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations;

3.6 General Policy 3: (in part)

Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan other than certain exceptions (none of which apply here).

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.

4.0 PLANNING HISTORY

4.1 21/00633/B - Erection of a detached garage. REFUSED.

"R.1 The application site is not zoned for development. Given the position of the development which is detached from the existing residential curtilages within the broader site area, where it would be visible from the surrounding fields over long distances, and the location for the development which is not essential, the scheme would result in an inappropriate development in the countryside contrary to General Policy 3, and Environment Policy 1 of the Isle of Man Strategic Plan.

R.2 The proposed erection of detached garage represents an unwarranted domestic intrusion into the open countryside beyond the existing residential curtilage of the existing dwellings on the site. As such, the proposal is contrary to both General Policy 3 and Environment Policy 1 of the Isle of Man Strategic Plan 2016."

4.2 19/01049/B - Erection of porch extension, detached stables, and alterations to access lane. Approved. Within this approval was consent for the erection of the timber stables noted on site and a condition that denoted the use of the land where the stables were sited;

C2. "The residential curtilage of unit 5 shall not extend into the area annotated as "proposed paddock" on drawing 12: the paddock remains not designated for any particular purpose. Reason: to clarify the extent of the approval and the status of the site".

4.3 19/00890/B - Erection of a detached garden store. Approved.

4.4 19/00682/B - Erection of a building to provide two garages and alteration to garden curtilage boundary lines. Approved.

4.5 17/00563/B approved the conversion and alteration of the buildings to residential and the approval was subject, inter alia, to a condition which suspends some of the provisions of the Permitted Development Order:

"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 extensions, garages, garden sheds, walling, fencing or summerhouses may be erected without planning approval at any time other than those shown and approved in this application. Reason: To control future development on the site."

5.0 REPRESENTATIONS

5.1 Santon Commissioners has not commented at the time of writing.

5.2 Highways Services do not object (No Highways Interest) 03.09.21

6.0 ASSESSMENT

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

- (i) Principle for essential need.
- (ii) the visual impact of the proposed development on the character and appearance of the countryside in terms of siting, design, size or finish.

(i) Essential Need

6.1 There aforementioned policies would indicate there is a general presumption against new development in the countryside, as indicated in Environment Policy 1 and General Policy 3 of the Strategic Plan. The starting point for any development within the countryside (i.e. not zoned for development) is whether there is an exception found through General Policy 3.

6.2 In this instance there is no such policies or exemption for ancillary buildings such as sheds and boat houses in this case and could be considered to be contrary to policy. However, it is clear that it is not unusual for approval to be granted for additional buildings associated with residential properties in the countryside and there is provision within the Town and Country Planning (Permitted Development) Order for buildings within curtilages. Here, it is understood the applicant is seeking a building in which to rebuild a timber boat and storage of such.

6.3 There is allowance for such "structures" in the countryside, albeit agricultural can be found in part (f) that allows an exemption for the erection of agricultural buildings. Whilst this application is not strictly for agricultural or horticultural use, the land is not strictly open countryside either since gaining planning consent for the conversion of the outbuildings through former approvals. The land here whilst not residential curtilage (the agent has confirmed the answer to Qu10 on the application form should read agricultural not residential) is a walled paddock area and is immediately adjacent to the dwellinghouse and at the eastern end of the cluster of buildings.

6.3 The Permitted Development Order generally allows the construction of such things as garages, and sheds alike within a residential curtilage, subject to constraints on size and location. In this case, however these provisions were suspended across all the site and those residential properties in the approval for the conversion of all the buildings to residential (condition 2) as part of the original approval ref; 17/00563/B.

6.4 The erection of a detached timber framed building would sit adjacent to the existing stables building and would not be introducing a new element into this area that is not already present. Given this part of the site is bound by a Manx stone wall and is in close proximity to the dwelling house, the general principle of a structure here could be acceptable (and appropriately conditioned to prevent any material harm) so long as there is no detrimental visual impact in accordance with Environmental Policy 1 to ensure any development does not adversely affect the countryside.

(ii) Impact of the proposal

6.5 Having considered the principle / the close proximity of the dwellinghouse to that of the existing barn and proposed location of the building, we turn to the siting of the building and its general appearance. The light weight design of the buildings utilising timber frame and timber cladding twinned with its low profile height and siting adjacent to the existing stables all helps to ensure any visual impact from distance views (if achievable) are mitigated.

6.6 Those aspects ensure the proposed building would not appear out of character in its setting and would be read in conjunction with the existing stables building and that of the wider Balnahowe buildings. This helps ensure the overall visual impact on the countryside is kept to a minimum thus limiting any visual impact. In this instance is not considered to have a detrimental impact which would adversely affect the character or quality of the landscape (and conditioned appropriately) to such an extent to warrant a refusal and would comply with the criteria of Environment Policy 1 in terms of no adverse impact.

7.0 CONCLUSION

7.1 The planning application has been designed to ensure its siting and appearance has no adverse impact on the character of this site and the wider countryside, which has been recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 9th May 2022

Item 5.10

Proposal : Approval in principle for the erection of a new dwelling addressing siting, design, and means of access

Site Address : Field 614795
Ballamenagh Road
Baldrine
Isle Of Man

Applicant : Mr Mark Casson

Application No. : 21/01113/A- click to view

Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The proposal is not within a named settlement in accordance with the settlement hierarchy and would encourage unsustainable development. Accordingly it is contrary to Strategic Policy 1, 2, 3 and 10. Also Spatial Policies 1,2,3,4 of the Strategic Plan.

R 2. The proposal is not of a nature which would be supported in the countryside under those policies which set out the exceptional forms of development which would be allowed in the countryside. Furthermore, it has not been demonstrated that there is an overriding national need and a site for which there are no reasonable and acceptable alternatives. Therefore the proposal is considered to undermine General Policy 3 and Housing Policy 4, of the Strategic Plan, which seeks to protect the countryside for its own sake.

R 3. The application site is not zoned for development and is within an area of countryside. The creation of a new residential dwelling in an area not zoned for development would result in an inappropriate development in the countryside contrary to Environment Policy 1 of the Strategic Plan.

R 4. The design, size and scale of the proposed dwelling, and its finishes, are not sympathetic to the rural character of the area and is considered over development with an adverse visual impact that affects the character of the setting, contrary to Strategic Policy 5 and General Policy 2 (b & c) of the Strategic Plan.

R 5. The proposal could be seen to have an adverse visual impact that would be detrimental to the overall setting of the Registered Building as it would be introducing a built form and massing where presently there is none and would be read against what Strategic Policy 4(a).

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

1.0 THE SITE

1.1 The application site as identified in red, is part of Field 614795 (1.40 Acres) that sits to the East of the Highway 'Ballamenagh Road'. The parcel of land also sits on the junction that serves further properties; 'Lhekerroo'; 'Kiwi Lodge' 'Ballakilley Farm' and St Adamnan's Church (RB-No.13). The boundary with the highway mainly consists of a soil/grass embankment approx. 1.5m High.

1.2 The site is currently used as a builders yard and has been levelled and sits proud of the surrounding topography making the upper proportions of the containers on site visible from the Highway. Access into the site is from the junction with the Ballanemagh Road and a hardcore track leads into the site. To the South of the site is a stream at a much lower level.

1.3 To the South East of the site (approx.180m) is the Registered Building No.13 which is 'Old Kirk Lonan (St. Adamnan's) Church', Ballamenagh Road, Lonan. The building sits within an open and rural part of the countryside.

2.0 THE PROPOSAL

2.1 Proposed is the principle for the erection of a detached dwelling. The applicant seeks that only the siting, design, and means of access are considered.

2.2 The proposed dwelling would be a contemporary approach to design, where the proposal would be approx. one and a half - two stories in height and would have the appearance of three buildings conjoined together. Internally the property would offer three bedrooms, open plan living area and large kitchen and dining room. It would also offer a disabled lounge, en-suite bedroom and attached garage.

2.3 The property would measure at its tallest 6.0m high to the ridge tile of the main house; 4.5m to the kitchen / dining room and 4.0m to the garage. The extents of the property would be 17m at the widest and 17m longest adjacent to the highway. The agent notes the property provides 200.6 Sq m to the ground floor and 78.3 Sqm to the first floor, totalling 278.9Sq m or 3000SqFt.

2.4 The building is proposed to be finished with Manx stone Cladding to the gable ends and painted rendered walls; Vertical Cedar cladding to feature walls; Doors and windows to be anthracite or dark grey colour; zinc / aluminium standing seam roof; Anthracite or dark grey aluminium gutters and down pipes.

2.5 The application is accompanied with a Preliminary Ecological Appraisal prepared from Manx wild life trust dated July 2019 that concludes there is 'high' likelihood of common lizards (although para 3.26 notes there were no common lizards recorded on site) on site and recommends site supervision and the creation of a habitat for them; also two species (Montbretia and Spanish Bluebell) of Schedule 8 invasive non-native plants are found on site and will need safe disposal. There was no evidence of bats or secondary evidence of bats was identified; no common frog was found, and no hedgehogs were found on site. They recommend avoiding illuminating the eastern and western boundaries so as not to deter bats; recommend using artificial bat bricks and nesting boxes for birds; creation of semi-natural grassland habitats.

2.6 Also accompanying the application is a 19 page Planning and design statement prepared by the agent that covers; the history of the site, previous planning consultation, flood management consultation, highways consultation, Ecological Impact Consultation, pertinent planning policies, design statement for the house, notes on energy efficiency and summary.

2.7 The agent notes the site is previously developed land and has been used as a builder's yard for many years. "The applicant has been using it as such for at least 15 years and has knowledge that it was used in the past for tipping of building hard core by the Isle of Man Government Highways Board. It is also noted that the site has not been used for agricultural use in living memory, if ever, as the slope of the land has made it impractical for agricultural use".

2.8 The applicant has also noted in their statement the specific rational for the new house is to; "accommodate the current and future needs of an immediate family member with Downs Syndrome in the applicants care... She has lived on Ballamenagh Road her entire life (60 years) as her father managed the land as part of Ballamenagh Mooar and held the key for the Isle of Man Government Highway Board to tip building/highway hard core over a period of many decades... The current property does not provide the necessary space for her needs and is not possible to adequately alter their current home to accommodate her specific needs given the size of the plot provided a number of supporting letters confirming the private needs or exceptional circumstances as to why a new house is needed.... She is increasingly less physically and mentally able, as she also suffers with Alzheimer's and Hydrocephalus... This dwelling will allow the applicants the opportunity to create a house suitable to her needs. Therefore, the new residence will predominantly be on one level with her bedroom, living room and bathroom specially equipped for disabled users whilst giving the opportunity her to be part of family life".

2.9 Further supporting information has been submitted from family members (brother / brother in law), Laxey and Village Walk health care practitioners; a statement from the applicant about her sister; a statement from the day care providers Praxis; a statement from the day care support provider from Premium Care Limited; a supporting letter from their podiatric care; a supporting letter from Manx care rheumatology Clinic. They all support the applicant's propositions for a new dwelling.

3.0 PLANNING POLICY

The site is identified as within an area recognised as being within 'white land' or land that is not zoned for development, use under the Area Plan for the East. Map No. 3 (Proposals). The site is not within a Conservation Area or identified as being prone to flood risks.

3.1 On the Landscape Character Assessment, the area is recognised as Incised Slopes - the most common of the land use character types. The intention of the latter is to protect the countryside and its rural character through a strategy of conserving and enhancing.

3.2 Isle of Man Strategic Plan 2016, the following policies are considered relevant in the determination of this application:

3.3 Strategic Policies;

- 1(a) previously development land
- 2 development directed to existing urban and rural residential areas
- 4(b) protection of Registered Buildings
- 5 Design and visual impact
- 10 sustainable transport

- 3.4 Spatial Policy;
 - 1 Priority to Douglas for development
 - 2 Identified Service Centres for development
 - 3 Identifies those Service Villages
 - 4 Remaining villages
 - 5 Building in defined settlements or GP3

- 3.5 General Policies
 - 3 Exceptions to development in the countryside
 - 2 General development control principles

- 3.6 Environmental Polices;
 - 1 Protection of the countryside
 - 2 Protection of AHLV

- 3.7 Housing Policies;
 - 4 Location of new housing and exceptions

- 3.8 Transport Policies;
 - 4 Highway safety
 - 7 Parking provisions

3.9 Residential Design Guidance (2021) 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 property.

4.0 PLANNING HISTORY

4.1 20/00405/LAW - Certificate of Lawful Use for the siting of containers for storing of equipment and materials; a poly tunnel and open storage of materials. AGREED.

C.1 This Certificate of Lawful Use is for the siting of containers for storing of equipment and materials; a poly tunnel and open storage of materials as defined in red on the attached plan, to Field 614795, Ballamenagh Road, Baldrine. Isle of Man.

C.2 The evidence submitted sufficiently demonstrates that the placement of the three containers have been in situ for a period in excess of 10 years, a small part of the site has been used for the transient storage of materials in the area highlighted in red on the attached plan based on the 2009 aerial imagery and not to the extents as shown on the application details.

4.2 19/00098/A - Approval in principle for erection of dwelling and ancillary shed addressing siting, design, and means of access. REFUSED.

1. The proposed erection of a dwelling, in the open countryside is not considered acceptable in principle. The proposal would unacceptably harm the characteristics of the existing site, the character and quality of the landscape within the Area of High Landscape or Coastal Value and Scenic Significance and the rural character of the surrounding countryside. The proposal therefore conflicts with Strategic Policy 2, General Policy 3, Environment Policy 1, Environment Policy 2 and Housing Policy 4 of the Isle of Man Strategic Plan 2016.

2. The applicant has not demonstrated that the access that would serve the development would be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner. The proposal therefore conflicts with Transport Policy 4 of the Isle of Man Strategic Plan 2016.

3. The applicant has not provided sufficient ecological information to adequately determine that the proposed development would not result in an adverse and/or significantly harmful impact to protected species or their habitats, which are either directly using the site and/or the existing watercourse, or in the surrounding area. The proposal therefore conflicts with Environment Policy 4 and Environment Policy 7 of the Isle of Man Strategic Plan 2016.

4.3 05/00047/B - Levelling of land and creation of boundary hedge. REFUSED at appeal.

4.4 99/00337/A - Approval in principle for erection of dwelling. REFUSED at appeal.

4.5 95/00360/B - Infilling of land and top filling of soil & grass seeding. REFUSED.

4.6 87/01531/A - Approval in principle to erection of two private dwellings. REFUSED.

5.0 REPRESENTATIONS

5.1 Garff Commissioners commented (12.10.21) and objects for a number of reasons citing, visual impact, sensitive rural location, land designation not zoned, increase in traffic movements.

5.2 Highways Services commented (19.10.21) at length noting the proposed visibility splays as being suitable, its location from the junction, local traffic, the need for a S.109 agreement, access width, the need for drainage to prevent run off water entering the highway and the garage internal dimensions and the provision for parking spaces and EVCP. "The proposal raises no significant road safety or highway network efficiency issues. Accordingly, Highway Services Development Control raises no objection to the proposal subject to all access arrangements to accord to drawing No. PA 001. An advisory for a S109(A) Highway Agreement to apply too."

5.3 DEFA Eco-systems Policy (14/10/21) commented confirming their acceptance to the Manx Wildlife Trusts Preliminary Ecological Appraisal (PEA) and that it is suitable level of assessment and suggests 4 appropriately worded conditions for an Ecological Clerk of works to be employed; the need for a lizard hibernaculum, a soft landscaping scheme and bird nesting boxes.

5.4 Manx National Heritage commented (05/10/21) seeking appropriate protection for the general wildlife in the area, the woodland corridor and potential for bats during and after construction.

6.0 ASSESSMENT

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

6.0 ASSESSMENT

- (i) Certificate of lawfulness (TCP Act 1999)
- (ii) Principle (STP1,2,10; SP3,5; Gp3.).
- (iii) Exceptional circumstances (GP3 & HP4 & EP1,2).
- (iv) Visual Impact (STP5; GP2b,c)
- (v) Neighbouring Amenities (GP2g)
- (vi) Highway Safety (GP2 h&i; TP 4&7)
- (vii) Impact upon Registered Building(STP4a)
- (viii) Any other consideration

- (i) Certificate of lawfulness

As noted in the planning history, the site benefits from a certificate of lawfulness. This only prevents the department from taking any formal action through the courts to seek removal of the containers and associated paraphernalia. The site, its use and the items placed on site would be defined as 'development' as defined in the Section 6 of the 1999 Act and do not benefit from a valid planning approval. As such no weight can be placed on the fact the site is immune from enforcement action, and there cannot be any additional work or other items placed on site otherwise as this would be deemed a breach of planning control. The application site has no existing residential use rights.

(ii) Principle

6.1 The starting point here is the land designation, it is clear from the Area Plan for the East, the application site is within a rural and protected part of the countryside where any development is strictly controlled and the site is not allocated for development.

6.2 In considering this application, Strategic Policy 2 and Spatial Policy 3 identify areas of development to be located, generally within existing towns and villages, it cannot be said the site sits within a defined areas and is very much part of the open countryside as previously identified and would be contrary to those policies.

6.3 The site does sit on a service road where there are some residential dwellings along its length and easily accessible from the highway. Given the broad location of the site and its location, it does sit within a remote part of the countryside where there are no provisions for accessible public transport. The nearest service villages would be either Onchan or Laxey. As such this aspect would be contrary to Strategic Policy 10 (a)-(d).

6.4 When considering Strategic Policy 2 and Spatial Policy 5 that directs development to designated towns or villages, development in the countryside is only permitted in exceptional circumstances, which is detailed in General Policy 3 and cross referenced in Spatial Policy 5. The proposed development does not come within any of those exceptional circumstances. In particular, it would not entail the provision of essential housing for an agricultural worker, or the conversion of a redundant rural building. There is no evidence of any building having taken place on this land. The proposed development would not entail the replacement of an existing dwelling. Neither would it be required for the working of minerals, or for agricultural or forestry operations. It is not considered that it would serve any over-riding national need - the need for it is essentially personal to the appellants. Finally the proposed dwelling is not required for the interpretation of the countryside, or its wildlife or heritage. When conjointly assessed against Spatial Policy 5 and Strategic Policy 2 and Strategic Policy 10 of the Strategic Plan it is considered that the proposal would not be deemed a sustainable location for 'development' and would be contrary to those policies.

6.5 The agents advises (para.2.7) that this land was previously used as a builders compound for at least 15 years (see planning history) and for tipping of building hard core by the Isle of Man Government Highways Board as a should be considered as previously developed land.

6.6 Through GP3(c) consideration can be given for previously developed land and also referred to in Strategic Policy 1(a) to optimise the use of such land. For an exception to be made through Gp3c there needs to be a significant amount of buildings; and; their continued use is redundant; and; where development would reduce the impact of the current situation of the landscape or wider environment; and where development would result in improvements to the landscape or wider environment. In this instance, there is not a significant amount of buildings on site. Those containers on site do not benefit from any planning consent only a certificate of lawfulness in that the Department won't take any formal enforcement action through the courts. Technically planning consent is still required for

them. It cannot be argued the builders compound / storage area is redundant, if it was the containers and alike could be removed immediately if they are no longer needed. The erection of a dwelling on site cannot be argued to reduce the impact of the current situation as it would be introducing an element of built development where at present there is none and their removal would improve the landscape and wider environment. As such the proposal cannot be considered to comply with GP3c.

6.7 Tuning to the definition of previously developed land in the appendix, the applicant places weight on the notice that the site was previously used as landfill. Again this never benefited from the any planning consent despite trying (see planning history) and was carried out in breach of planning control where it would not be possible to have any restoration made through the development control process as required within the definition.

6.8 To qualify for previously developed land, it seeks that there is or was a permanent structure on site and any fixed surface infrastructure, as there is none, it would not necessarily be compliant in these terms with the definition or would adhere to that of Gp3(c) for previous developed land.

6.9 The test is whether the proposal for a new dwelling here would be an improvement on the landscape and wider environment and whether an overriding exception can be found under Ep1 to offset development in the countryside as an over-riding national need in land use terms where there is no reasonable and acceptable alternative. This concludes the application is to be assessed for the creation of a new residential property in the countryside.

6.10 To summarise, as identified earlier within the planning policy section of this report, this presumption against is set out in four different ways; the application site is not zoned for residential development under the Area Plan for the East; Secondly, General Policy 3 of the Isle of Man Strategic plan, states that in such areas new dwellings will generally not be permitted; Thirdly, the site is not identified in an Area Plan being a town, village, or within a sustainable urban extension and there for contrary to the exceptions indicated in Housing Policy 4; Fourthly, The site is zoned within an area of countryside which seeks to prevent development, unless the development is for an overriding national need where there is no alternative and would not adversely affect the countryside (visual impact assessed below). The erection of a dwelling house on this site would fail on both counts and therefor a refusal can also legitimately be made on that basis in contravention of the established policy presumption against development in the countryside.

6.11 Furthermore Section 8.8 of the Strategic Plan refers to the possibility that further dwellings may be added to existing groups of houses in the countryside that are too small to be recognised as villages. The Strategic Plan stresses that additions to small groups of dwellings in the countryside should be controlled by the development plan process, rather than through ad hoc decisions taken in isolation. As such groups are to be identified in Area Plans and this site is not identified. As such the present proposal would be contrary to the Strategic Plan policies (STP1,2,10 and SP3,5 and Gp3) which govern development in the countryside, and would be unacceptable in principle on that count.

(iii) Exceptional circumstances

6.12 In terms of planning policy there is a long established presumption against new residential development in the countryside. General Policy 3, and Housing Policy 4 both identify potential exceptions for development within such areas. More specifically, both General Policy 3 (paragraphs a, b, & d) and Housing Policy 4 identifies three potential circumstances where residential development may be allowed;

- o Firstly, if there is an essential need for an agricultural workers dwelling (agricultural condition attached requiring the property to be used only by full time agricultural workers only, which is proven to be justified);
 - o Secondly, conversion of existing rural properties (i.e. traditional Manx stone barn); and
 - o Thirdly the replacement of an existing dwelling with a new dwelling.
- Nevertheless, turning to the suitability of the site and noting the lack of support from the local authority, on balance, it is not considered for there to be an exception to be made in this application to create a new residential dwelling in the countryside and would be contrary to Gp3 and HP4.

6.13 The special circumstances of the applicant finds themselves in is unfortunate. However, it is necessary to assess whether these personal circumstance are sufficient to outweigh the arguments against the proposed development. Importantly, General Policy 3 of the Strategic Plan makes no provision for purpose-built housing for disabled people to be treated as an exception to the general presumption against development in the countryside. It is noted that the proposed dwelling would be occupied by the applicant's sister (60 years old) with varying forms of degenerative disabilities. It could be advantageous to have a purpose built house to provide the support as their health deteriorates in their old age. It is also noted that the applicants grew up in this area and would have local connections. However, in considering those personal circumstances as a material consideration, of this sort, are seldom, if ever, sufficient to justify the erection of a permanent building in the countryside, which would contravene planning policy and permanently change the landscape. If approved and erected, the proposed dwelling would remain in place long after the present personal circumstances of the applicant had ceased to be material and its effect on the rural landscape would continue to be apparent. Unfortunately there are no grounds to set aside the Strategic Plan of 2016, or the policies in the more recent Area Plan for the East where personal circumstances should outweigh the established planning policies for this site.

(iv) Visual Impact

6.14 The proposal would be introducing an element of built development on site where at present there is none. Environment Policy 1 of the Strategic Plan provides that, in the absence of an over-riding national need, development which would adversely affect the countryside will not be permitted. Environment Policy 2 applies to proposed development in an AHLV. It indicates that in such areas, the protection of the character of the landscape will normally be the most important consideration which are clear and consistent.

6.15 There is no avoiding the fact that the proposed property in terms of its siting, scale, massing, height and finishes would be clearly visible from the highway and given the general topography of the wider area, would be visible from a far. The application site is in a highly visible location, adjacent to a main road in an Area of High Landscape Value. Its development would add to the mass of buildings in the countryside and detract from the openness of the rural scene.

6.16 The nearest residential properties that would be considered to be the 'character of the streetscene' are too far away to be read in the same context and this property would clearly be seen as dominant property on the landscape and being of a contemporary design would exacerbate the situation. There are no neighbouring residential curtilages where the site could be seen as an infill development within the surrounding pattern of residential development along this part of the Highway and would be read as a new dwelling in the open countryside.

6.17 Section 7.34 of the Strategic Plan, which applies to existing settlements, indicates that 'infill development' may be acceptable in built-up areas. However, the application site is not

within an existing settlement as identified in Appendix 3 of the Strategic Plan. Those settlements must have the characteristics of towns or villages, and be served by mains drainage systems. The site does not qualify on either count. There is no policy in the Strategic Plan that supports 'infilling' as an exception to the general policy presumption against development in the countryside.

6.18 Along the length of this section of the road has seen dwellings built, (pre strategic plan 2007 and 2016) many are of traditional vernacular, however greater protection in line with the planning policies seek to prevent unwarranted development. When considering properties in the countryside, the rational is that they should ideally follow that of more traditional vernacular to fit in with the age when general development was emerging on the Island in the 80's as noted in planning circular 3/91 to ensure any visual impact is appropriate for the countryside. In this case, the proposal would not be supported and would be contrary to aims of STP5 and GP2b&C where the proposal would be overdevelopment for the site and have a detrimental visual impact through its design.

6.19 Furthermore the site is designated on the 1982 Development Plan as one of an Area of High landscape Value, and any development here should not harm the character and quality of the landscape or the location of the application is deemed essential. The proposal would further be considered to have an adverse visual impact upon the openness of the countryside for which EP1 seeks to protect and would in turn also fail Ep2 on both accounts.

(v) Highway Safety

6.20 The application site already features an existing access that already serves the site. It is noted highways do not accept the existing access as being suitable as it would proposed a number of conflicting movements. The proposal is seeking to create an additional / new access onto the highway with creating visibility splays (cutting back of Manx Hedge) of 25m in either direction which would result in a loss of 3.5m of existing Manx hedgerow. Highway Services have considered the 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 noted and they do not object specifically on highway safety.

6.21 However, a balance has to be taken and as noted, the proposals would be seeking to create an additional entrance and as there are no proposals to sever the existing entrance to the site as shown on the plans, only the notation that "the orange line indicates section of site covered by CLU as a Builders Yard" one has to assume the existing would be retained for part of the site. Nevertheless, whilst if an approval was forthcoming this could be conditioned. However, as there would be a loss of Manx hedgerow to create this new entrance, it could not be supported as this would visually alter the character of this section of the highway and would further lead to domesticate the site rather than utilising an existing access. As such this aspect of the proposal would be considered to adversely affect the countryside and contrary to EP1 and SP4(b).

(vi) Impact upon Registered Building

6.22 The Registered Building (No.13) of the former Lonan Church sits approx. 180m to the south east and is accessed from the adjacent highway. From Ballamenagh Road, the RB with its surrounding walled graveyard and mature trees on the boundary are clearly visible as it sits within the open countryside. The proposed building would be visible from within the grounds of the RB and vice versa as there is no intervening topography or structures in between. As such the proposal could be seen to have an adverse visual impact that would be detrimental to the overall setting of the RB as it would be introducing a built form and massing where presently there is none and would be read against what Strategic Policy 4(a) is trying to achieve in protecting the setting of registered buildings when viewed from the highway.

(vii) Any other considerations

6.23 In instances such as this, consideration should be given to the conversion and adaptation of the current residential accommodation; 'The Paddock' Ballamenagh Road, Baldrine. This property is a bungalow and initial gained consent under 93/00894/A - Approval in principle for erection of dwelling and garage and was latterly erected under 93/01431/B Erection of dwelling and garage having gained planning consent subject to a number of conditions. It is further noted this property has an agricultural workers' condition attached to the property and attempts were made to remove the condition under 98/01095/C - 'Change of use from agricultural workers dwelling to residential dwelling' that was refused, however on review (equivalent to an appeal) was permitted in March 1999 to be used as a private residence.

6.24 Internally those plans showed the subdivision of space with labelling; garage, utility room, kitchen, dining room, lounge, 4 bedrooms, 2 bathrooms (1 en-suite). The dwelling house is characterised as a bungalow with a footprint broadly measuring 17.7 x 14.0, with an area of 158sqm and a garage of 41sqm. The dwelling was further extended in 99/00197/B - Erection of a conservatory off the south elevation (lounge) measuring 4.8m x 3.7, giving an additional 18sqm. This offers a total (158+18) 176sqm or 1894sqft.

6.25 Within the supporting letters from the applicants, (received 18.02.22) they describe the context of their current house and raise the points, about the unsuitability of the existing house, the layout no longer works for them, how the garage cannot be converted and not fit for purpose, the property cannot be extended as they are bounded on all sides with no room to extend, they have no funds or monies to convert the property, require more space for care of a relative, want to remain in the area and to fund this; "We will also have the funds to finance it a very close family member will buy our current property and allow us to live here until a new build is ready".

6.26 It is further noted on the planning history, no attempts have been made to further extend the property since 1999 to generate additional floor space, despite there being space within the residential curtilage to facilitate this or an upward extension.

7.0 CONCLUSION

7.1 On balance it is judged, the proposal is contrary to those aforementioned Policies of the Strategic Plan and does not meet the tests for exceptional development within the countryside. It is therefore concluded that the planning application is recommended for refusal.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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 9th May 2022

Item 5.11

Proposal : **Erection of a replacement dwelling and a detached garage**
Site Address : **Little Mill Bungalow**
Little Mill Road
Onchan
Isle Of Man
IM4 5BD
Applicant : **Mr & Mrs Geoff And Gillian Evans**
Application No. : **21/01134/B- click to view**
Senior Planning **Mr Jason Singleton**
Officer :

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. No site clearance, preparatory work or development shall take place until a tree or hedge planting plan, which also includes details of the restoration of the ground following demolition of the existing building is submitted to and agreed in writing by the Department. Where applicable the plan shall adhere to the recommendations of BS8545:2014 (Trees: from nursery to independence in the landscape - recommendations) and in all cases shall include the following details:

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

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

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

C 3. The detached garage hereby approved, may only be used for the domestic use in relation to the occupation of Little Mill Bungalow, Little Mill Road as defined on the submitted plans Ref No.2, or as otherwise approved by the Department.

Reason: To ensure that the building is used for purposes appropriate to its residential setting.

C 4. For the avoidance of doubt, no approval is hereby given for the subdivision of the property into two planning units and this assessment has been on the basis the replacement dwellinghouse and detached garage building is ancillary in use to the main (replaced) dwelling Little Mill Bungalow.

Reason: To avoid any future splitting of the property into two planning units

C 5. Prior to the commencement of the development hereby approved, details of the dark grey stone cladding to be used (including materials and method of installation) to those elevations identified in the approved plans; shall be submitted to and approved in writing by the Department. The development shall be undertaken in accordance with the approved details and maintained as such thereafter.

Reason: In the interest of visual amenity of the Countryside.

C 6. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 7. 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 garden sheds or summerhouses shall be erected or placed within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 8. 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 garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 9. 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 greenhouses or polytunnels shall be erected or placed within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 10. In the event that the garage building hereby approved for the private storage of cars and motorbikes is not used or required for ancillary purposes to the dwellinghouse for a

period exceeding 12 months, the garage buildings hereby approved shall be removed and the ground restored to its former condition within 18 months of its last use.

Reason: The garage building has been exceptionally approved solely to meet the applicants need and its subsequent retention could result in an unwarranted intrusion in the countryside.

C 11. Prior to the commencement of the development hereby approved, a definitive plan and proposed boundary fencing and hedge planting treatment delineating the extent of the residential curtilage to the east and scheme of implementations, shall be submitted to and approved in writing by the Department. The development shall be undertaken in accordance with the approved details and maintained as such thereafter.

Reason: To reinforce the boundary of residential curtilage In the interest of visual amenity of the Countryside.

C 12. Prior to the installation of the roof mounted Solar Panels and the Air Source Heat Pump, a plan and specification/ trade literature shall be submitted to and approved in writing by the Department. The development shall be carried out as indicated on the approved drawings and retained as such thereafter.

REASON: To ensure there is no adverse impact upon the streetscene or that of the neighbouring amenity.

C 13. The insulated up and over sectional garage doors on the garage building must be a dark grey colour and the roof a dark grey colour all being retained thereafter.

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

C 14. Prior to the occupation or substantial completion of the new dwellinghouse, the existing dwelling/bungalow on the application site as indicated on the approved plans shall be fully demolished, all materials resulting from the demolition which are not used for the replacement dwelling must be removed from the site and landscaped as indicted on drawings referenced No.3;

Reason: In the interests of the visual amenity of the site in accordance with General Policy 3 and Housing Policy 14 of the Isle of Man Strategic Plan.

C 15. No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of grassed areas and new planting (including tree planting) showing, type, size and position of each. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwelling hereby permitted. No excavation works or changes to site levels shall be carried out other than in accordance with the approved details.

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

C 16. The Tree Protection Plan and construction exclusion zones as indicated on drawing TP-130921 shall be erected and retained for the duration of the construction works.

Reason: To ensure that trees marked for retention (to the north of the site) are adequately protected, in the interests of maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 17. The existing trees shown as being retained on the approved drawings shall be retained and in the event that the retained tree becomes damaged or otherwise defective due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

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

C 18. The south facing front elevation at first floor of the dwellinghouse shall be clad in dark grey colour stonework with black colour pvc fascia, soffits, barge boards and rain water goods and retained thereafter.

Reason: To mitigate the appearance at first floor level from views from the south.

C 19. Prior to the commencement of any works an Energy Statement shall be submitted and approved in writing by the Department (planning) which demonstrates the new dwellings has a Standard Assessment Procedure (SAP) rating of at least 93 (or similar rating system) and prior to the occupation of the dwelling a further Energy Statement post completion shall be submitted to and approved in writing by the Department (planning) to demonstrate that the SAP rating of at least 93 (or similar rating system) has been achieved.

Reason: A reason why the application is considered acceptable is due to the overall environmental impacts as outlined on Housing Policy 14 and namely the eco efficiency credentials of the new dwelling as noted by the agents.

C 20. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO COMMITTEE AS IT IS A REPLACEMENT DWELLING OVER 50% LARGER THAN EXISTING

1.0 THE SITE

1.1 The application site is the residential curtilage of Little Mill Bungalow, Onchan. The property sits in a rural part of landscape that is accessed off Little Mill Road that serves a number of sporadic detached dwelling houses along its length from Ashley Hill Road to the south and the Mountain Road to the North.

1.2 The application site is access from a 100m approx. private lane features a detached bungalow and detached garage and a number of detached sheds within a large curtilage. The site is bounded by agricultural fields and mature planting enclosing the site and ensuring there is no visibility of the site from the public highway.

1.3 The current dwellinghouse is an older 'Cambar' (pre-cast reinforced concrete panels) constructed home finished with a pitch tiled roof and spar dash render. The property offers the usual room configuration with a floor area of 222sqm.

2.0 THE PROPOSAL

2.1 Proposed is the demolition of the existing bungalow and the footprint landscaped over and the erection of a new, part two storey dwelling house to the north east of the site and the erection of a part two storey detached garage with accommodation above.

2.2 Dwelling house:

The proposed dwelling would have a floor area, measured externally, of 498 sq m, an increase of 124% over the existing that would be split over two floors with;

Ground Floor - 388.9sqm

First Floor area - 109.4sqm

The new house will be modern in appearance which has the appearance of three built form conjoined with the two storey element being centrally positioned using hipped slate roof with the vertical elements being either stone or render. The vast majority of the building is single storey with the rooms on the first floor being en-suite bedroom, dressing room, and games room with a roof terrace to three sides with an external staircase. The first floor is also accessed from an internal lift and staircase.

2.3 Garage:

The garage will have similar finishes and designed with an asymmetrical roof pitch that allows for a large area of south facing roof slope with solar pv panels to provide renewable energy for the property. Internally the ground floor is open plan with a staircase to the first floor / mezzanine area of 6.5m x 5.0m labelled a games room with bi-fold doors to a roof terrace measuring 4.6m x 2.7m.

Ground floor - 240sqm

First Floor - 32.9sqm

Total - 272.9sqm

2.4 The proposal is accompanied with an Arboricultural Impact Assessment with plans showing; tree constraints, Tree impact plan and an outline tree protection plan which broadly highlights the need to remove 4 trees (Yew, Ash, Oak, Cherry) and two groups of trees (Leylandii). A further 20 trees have been marked for removal under license number 382/21 (Dated 24th JUNE 2021). Also proposed (plan No.4) is an area identified for new tree and shrub planting to mitigate the loss of tree cover as part of the proposal. This area is to the south east of the proposed new house, including native species.

2.5 The application is accompanied with a planning design statement that depicts the planning history of the site; planning policies; history of the site, the design rationale; an assessment of the pertinent points of the application and the eco-credentials of the design

and renewable energy sources. The agents notes the applicant's circumstances for the additional garage as;

"The applicant owns a considerable number of vehicles which are in various places at the current time. He owns 35 motorcycles - a variety of trials, road, off road machines of varying ages and these are currently kept on the site and on a number of industrial estates. In addition he owns a Ford Transit motorhome, a van, two Range Rovers, on Landrover, one mini cooper and four Jaguars all of varying ages and which are currently spread between Andreas, St. Mark's Ballasalla, Braddan and at the application site as well as far afield as Italy. The applicant works on his vehicles himself and would like to accommodate as many as possible at home rather than travelling to various parts of the Island to do so with the consequent duplication of tools and equipment at each site and to reduce travel time and fuel".

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the East as not for any particular purpose (Map 6 - Onchan) and within an area of Incised Slopes as part of the Landscape Character Appraisal (Map 2). The intention of the latter is to protect the countryside and its rural character.

3.2 The site is not within a Conservation Area or within an area identified as flood risk. There are no defined registered trees or registered trees areas on the Govt maps.

3.3 The Isle of Man Strategic Plan 2016 contains a number of 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
- 4b Protection of the landscape and biodiversity
- 5 Design and visual impact

Spatial Policy

- 5 Building in defined settlements or GP3

General Policy

- 2 General development control principles
- 3d Exceptions to development in the countryside

Environmental Policy

- 1 Protection of the countryside and its Ecology

Housing Policy

- 4c Replacement of existing rural dwellings
- 14 Criteria for a replacement dwelling

Transport Policy

- 4 Highway safety
- 7 Parking provisions

3.4 The Strategic Plan (2016) states at paragraph 4.3.8 for LOCAL DISTINCTIVENESS;
"The design of new development can make a positive contribution to the character and appearance of the Island. Recent development has often been criticised for its similarity to developments across the Island and elsewhere - "anywhere" architecture. At the same time some criticise current practice to retain traditional or vernacular designs. As is often the case

the truth lies somewhere between the two extremes. All too often proposals for new developments have not taken into account a proper analysis of their context in terms of siting, layout, scale, materials and other factors. At the same time a slavish following of past design idioms, evolved for earlier lifestyles can produce buildings which do not reflect twenty first century lifestyles including accessibility and energy conservation. While there is often a consensus about what constitutes good and poor design, it is notoriously difficult to define or prescribe".

OTHER MATERIAL CONSIDERATIONS;

3.5 Residential Design Guidance 2021 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 property.

4.0 PLANNING HISTORY

4.1 87/04076/B - Alterations and extensions to provide additional living accommodation, Little Mill Nurseries, Onchan. APPROVED.

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

5.1 Onchan District Commissioners has no objection. (20/10/22)

5.2 Highways Services do not object. (06/10/22)

5.3 DEFA Forestry (13.10.22) comments on the trees on site, and how a felling license has already been issued (4 trees and 4 groups of trees - poor quality) Of those remaining trees does not object to their removal. Seeks a tree planting scheme (condition) to mitigate the canopy loss. "Re-planting should cover the total area of canopy cover being lost - roughly 300m2... of native trees" Recommends the submitted tree protection plan is conditioned.

6.0 ASSESSMENT

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

- (i) the principle of development; (STP1,2 HP4, GP3d)
- (ii) visual impact of the proposed development; (EP1; SP5,HP14)
- (iii) impact upon the neighbouring properties; (GP2;RDG)
- (iv) impact on the trees (SP4b)
- (v) highway Safety (TP4,7)
- (vi) Sustainable construction

(i) Principle

6.1 The starting point here is the land designation within the area plan which designates the site as not zoned for development or within the countryside setting. The location of the site has an existing dwelling and garaging that is habited by the applicant. The character of the area is sporadic dwellings located along either side of the little mill road, but as this site is not identified as being within any service centres (Spatial Policy 2) or service villages (SP3) or remaining villages (SP4). However, Strategic policy 2 ensures development within existing towns and villages is broadly supported except in 'exceptional circumstances' development in the countryside is allowed as identified in paragraph 6.3 which directs us to GP3. In this instance, GP3(d) allows for replacement dwelling in the countryside and further supported through Housing Policy 4(c) and directs to housing policies 12,13,14.

6.2 The principle of the proposal is deemed to satisfy the criteria for Strategic Policy 1 for previously developed land to allow for a replacement dwelling on this site, which is broadly supported thorough Gp3(d) for a replacement dwelling and echoed through HP 4(c) with an the emphasis is on HP 14 for its replacement.

6.3 The proposed garage building, whilst large in its massing and footprint would be an exception to the usual rules for development in the countryside, however it is not uncommon for larger properties to have a detached garage or storage building for private use. The agent has noted the use would be for the owners of the site and not for any commercial gain, but to house their private car and bike collection that is sporadically located around the island. As such an exception can be found and appropriately conditioned to ensure its use is as per this application and is not an attempt by stealth to gain an additional dwelling house in the countryside for which there is a presumption against. The principle of a detached garage in conjunction with the dwelling house is acceptable.

6.4 The applications site as previously noted has a larger than normal residential curtilage. The application in 1987 (same applicants) which was for two extension to the existing dwelling house and showed a line around the entire site. However this application shows a reduced curtilage. To get a better understanding of how the land has been used, when viewing the aerial imagery from 2012; 2015; 2018; 2021 there is little discernible difference in how the land is or has been used and the mature planting that borders the site remains. There has been a degree of 'creep' to the north east corner and the erection of a detached summer house shown on the 2018 image and was not there on the 2015 image. The summer house (footprint) is noted on the proposed plans. Therefore the residential curtilage as indicated on the plan (ref;No.4) is to be assessed as proposed.

(ii) Visual Impact

6.5 Turning to planning policy there is broad support for this contemporary approach within HP14 for 'buildings of innovative, modern design where this is of high quality'. Whilst this visual appearance is subjective, the particular design and form of construction for this dwelling house is to suit the specific parameters of this site and would result in a larger property that replaces on of poor form with revised siting which Hp14 strives to achieve.

6.6 The contemporary approach is also supported in the wording in paragraph 4.3.8 of the Strategic Plan (para 3.14 of this report), regarding local distinctiveness, where there is a focus on modern design. This approach can be said to carry equal weight in planning balance, than trying to follow a traditional method of design as noted in planning circular 3/91. This modern design is also further supported through SP5 which seeks new dwellings make a positive contribution to the Island in general and that applications are further supported by a design statement.

6.7 The design of the proposed dwelling house leans towards a more contemporary approach that would be read as three built forms conjoined together with the central part being the tallest at two stories. The use of hipped roofs and the majority being single storey helps to keep the massing low and with a contrast of finishes visually helps reduce the visual appearance of the building whilst retaining a modern appearance. This strikes a balance of a property whilst newly built, could be read as one that has evolved over the years and extended. The dwelling house would be the larger massing in size and scale and the detached garage with the asymmetric roof would be subordinate. As the existing cannot be seen from many public vantage points and the area to be developed is already built upon is within the residential curtilage the visual impact would be limited in this instance.

6.8 However, as the agent has correctly identified there is the opportunity to see the site and the wider landscape from the South on School Road. Whilst there is some mature landscaping, as the seasons change and the leaf cover on the trees diminishes, twinned with the siting being higher and at two stories, should there be any views, it would be prevalent to ensure this south elevation (front) is of a darker appearance. Part of the proposal is stone cladded to break up the massing and this could be echoed to the south elevation at first floor level. In this instance this stone cladded could be utilised at first floor on the front elevation

as opposed to painted cement render. This darker appearance will help reduce any distant views of the building in those winter months and will not be as apparent as the existing white dwelling houses on the landscape which this property could be part of when viewed from School Road.

6.9 Whilst not strictly overlapping the siting of the current house and garage, it is still within the residential curtilage and sited to the north east, slightly higher on the site, for maximum solar gain to the rooms and orientation. Given the site has a large curtilage and no neighbours to be affected by the siting and the lack of visual impact, this new position is deemed acceptable.

6.10 The increase in size over and above that of the existing (124%) is noted but what it is replacing would be deemed poor form and an ineffective use of the site given the size of the grounds and the development potential for the site. In terms of scale, the site broadly measures an area of 1.5 acres of gardens, so the proposal including the garage would not be seen as over development of the site. Given the extent of residential curtilage creep it would be appropriate to define the boundary of residential curtilage from the other land associated with the dwelling house and a definitive fencing installed and retained with hedging planting to avoid any further loss of agricultural land and work towards biodiversity net gain.

6.11 In this instance, since the existing dwelling is noted as being of an inferior construction (Cambor) and the agent has quoted in support of the application; "In this case, the existing house is of poor construction with limited thermal efficiency and is of poor appearance" a planning condition can be applied to ensure the removal of the existing bungalow as an exception for development in the countryside can be found in this instance on the strict basis this is on a one for one replacement dwelling house. This is essentially to prevent any abuse of the planning system.

6.12 On balance, this proposed design represents a more modern interpretation of architecture than the existing properties in the area, where there is a variety of styles, size, and design in the wider locality along Little Mill Road. The proposal is deemed to be an acceptable form of development that would not result in an adverse visual impact on this part of the countryside (EP1) and would be seen to and comply with those sections of HP14 and SP5.

(iii) Neighbouring amenities

6.13 The site sits remote on the landscape with considerable distance to the nearest neighbours, as such there are no immediate neighbours that are considered to be impacted by the proposed development. As such, these aspects would be considered to be compliant with those sections of General Policy 2(g) and the Residential Design Guide 2021.

(iv) Trees

6.14 The application is accompanied with an Arboricultural assessment and has identified the removal of a number of trees on site and a license has been issued for further removal of trees as defined in para 2.4 of this report. Whilst their loss is unfortunate, and a license granted prior to this application being submitted, the comments from the forestry department are helpful. As they don't object to the level of tree removal, they do seek a condition for a replanting scheme roughly 300m² of area of native species made up of "large nursery standard or whips or a mixture" and they confirm the proposed allocated area (drawing No.4) being suitable for replanting.

6.15 Whilst the proposal does not include any landscaping to the site, despite the removal of a number of trees, a landscaping condition can be applied to identify the areas of planting and also the soft and hard landscaping to ensure the setting of the property reflects the rural

nature by using indigenous species. The incorporation of hedging to the eastern boundary delineating the residential curtilage will also be of benefit to the site. This will help to enhance the landscape quality and nature conservation value in this area in accordance with SP4b.

(v) Highway Safety

6.16 Highway Services have considered the merits of the existing entrance, the specific dimensions involved and access to and from the site from the highway noting visibility splays. As the transport professionals their comments are heavily relied upon and it is noted they do not object to this application. Having considered the highways safety aspect and the use of the existing entrance in a safe and appropriate manner with parking and manoeuvring within the site, it would not be considered to have any adverse impact on the existing highway or upon those users entering and exiting the site. As such the proposal would be considered to align with the principles of TP4 &7.

(vi) Sustainable construction

6.17 The erection of a new dwelling here has been designed to maximise the effects of passive solar gain on the southern and westerly and eastern window orientation, with high performance double glazing. This approach also embraced modern and innovative energy efficiency measures to address the issue of reducing carbon footprint and including environmentally friendly technologies. This is set out in the agent's covering letter, whereby the property would include the use of solar panels on the south facing roofscape of the garage for hot water and heating; Air source heat pumps to provide space heating and underfloor heating; high levels of super insulation to walls roofs and floors. The agent also notes how they intend to; "reduce its carbon footprint, whilst minimising the levels of heating required by the integration of super insulation, air tightness levels in construction details, passive solar gains via design and window orientation, use of air source heat pump and whole building ventilation system. An electric vehicle charging point will be provided together with secure bicycle storage area, all to help in achieving the IOM Government climate change objectives".

6.18 The erection of the house and garage would have to conform to building regulations standards which ensures the thermal efficiency of the building is maximised. The amendments to the Approved Documents Order in 2019 at Schedule 3 notes the Targeted SAP value from 1st January 2024 would be 93. At present it is 88. It would be fair to assume this higher rate of 93 would be achievable given today's technology. It would be for the applicant to demonstrate that the SAP rating of at least 93 (or similar rating system) can be achieved for the replacement property. These design and inclusive features as noted by the agents are all seen as positive attributes to reducing energy consumption for domestic dwellings and weigh heavily on the decision making process for development in the countryside. As such these aspects as noted by the agents and can be conditioned accordingly to ensure they are implemented prior to the occupation of the house and garage as the two are intrinsically linked and supported by one another.

7.0 CONCLUSION

7.1 For the above reasons, an exception to development in the countryside can be concluded subject to conditions, whereby the planning application would not adversely harm the countryside nor would the proposals have a detrimental visual impact and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016, the Residential Design Guide 2021 and is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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 9th May 2022

Item 5.12

Proposal : Alterations and extension to existing tholtan to form dwelling
Site Address : Kates Cottage
Ballnahowe Road
Ballnahowe
Port Erin
Isle Of Man
Applicant : Cheeseden Investments Limited
Application No. : 21/01341/B- [click to view](#)
Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

- Class 13 - Greenhouses and polytunnels
- Class 14 - Extension of dwellinghouse
- Class 15 - Garden sheds and summer-houses
- Class 16 - Fences, walls and gates
- Class 17 - Private garages and car ports
- Class 18 - Domestic Fuel Storage
- Class 21 - Construction of decking
- Class 28 - Roof lights
- Class 29 - Solar Panels

Reason: To control future development on the site.

C 3. The development works hereby approved shall be carried out in full accordance with the approved drawings and approved structural reports.

Reason: The proposed works have been considered on an exceptional basis against Housing Policy 11 and 13 and that the original structure is to be retained.

C 4. No development shall commence until a sample of the stone to be used and a drawing showing how the stone is to be laid and pointed has to be submitted to the Department and approved in writing. The development shall be carried out as indicated on the approved drawings and retained as such thereafter.

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

C 5. Prior to the installation of the roof mounted Solar Panel slates, Air Source Heat Pump and EV Charging point, a plan and specification/ trade literature shall be submitted to and approved in writing by the Department. The development shall be carried out as indicated on the approved drawings and retained as such thereafter.

Reason: To ensure there is no adverse impact upon the streetscene.

C 6. No development, demolition or alterations shall take place until the applicant has secured the implementation of a programme of structural recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Department. The development shall be implemented in accordance with the approved details.

Reason: This is required as a pre-commencement condition as the information is required prior to development commencing in order to ensure that features which will be destroyed, removed or altered in the case of the works for which consent has been given are properly recorded in advance of destruction, removal or alteration as the building is of architectural or historic interest in accordance with Policies HP11 and 13 of The Isle of Man Strategic Plan 2016.

C 7. All new windows shall be painted timber, double hung vertical sliding sashes with joinery details and slate window cills and shall be retained thereafter.

Reason: To ensure the satisfactory preservation of this building.

C 8. There shall be no external lighting of the proposed roadway or entrances hereby approved.

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

C 9. Prior to the commencement of works on site, a plan showing further details with heights and levels of the method of enclosure for the patio and surface treatment areas, shall be submitted to and approved in writing by the Department and retained thereafter.

Reason: To ensure the rural character of the property is retained.

C 10. The proposed chimney stacks hereby approved shall be constructed and finished in stonework and pointing to match the remainder of the dwellinghouse and retained as such.

Reason: In the interest of the character of the property.

C 11. Prior to the commencement of works on site, a plan and supporting trade literature showing further details of the proposed parking area with 'grasscrete' or similar, shall be submitted to and approved in writing by the Department and retained thereafter.

Reason: To ensure the rural character of the property is retained.

C 12. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas

shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

C 13. The visibility splay(s) identified on drawing referenced; 2A shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1.05m in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 14. Within two months of the proposed timber shed (1.8m x 2.4m) to the rear of the dwelling as shown on plan 2A must be coloured dark brown, dark green or black and retained as such thereafter.

Reason: to ensure that the shed has an acceptable impact on the character and appearance of the area.

C 15. Prior to the commencement of works on site, a 'development within 9 meters of a watercourse form' with a written statement noting protection works to the watercourse should be submitted to and approved in writing by the Department. All works in or around the vicinity of the river shall be carried out in accordance with the approved details.

Reason; To ensure adequate protection of the watercourse.

C 16. Prior to the commencement of works on site, a written method statement should be submitted to and approved in writing by the Department, for the eradication of Himalayan Balsalm. All works shall be carried out in accordance with the approved details.

Reason; To ensure there is no spread of Himalayan Balsalm and that adequate protection of the rivers ecosystem is maintained.

C 17. No development (including site clearance) shall take place until a Precautionary Working Method Statement (PWMS) alongside appropriate mitigation proposals for viviparous lizards has been written by a suitably qualified ecological consultant and this has been submitted to Planning for written approval.

Reason: Protection of ecology on site.

C 18. Prior to the commencement of works on site, full details of flood risk mitigation measures shall be submitted and approved by the Department and implemented accordingly.

REASON: To ensure the property and its occupants are adequately protected from the risk of flooding.

N 1. The applicant/land owner is to be reminded of their obligations under the Wildlife Act 1990 to not cause spread or growth of invasive plants nor to cause harm to protected species, and their obligations for watercourse management and should review/contact Manx Utilities in relation to watercourse management guidance.

Reason for approval:

The proposal would be in accordance with General Policy 3, General Policy2, Housing Policy 4, 11 and 13, Environmental Policy 1, and Spatial Policy 4b of the 2016 Strategic Plan.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should 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 6(4):

DoI Flood Risk Management
Manx National Heritage

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 owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

95 Malew Street ; Isle of Man Natural History and Antiquarian Society.

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

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE COULD BE CONTARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

1.0 THE SITE

1.1 The application site is a small ruinous building to the west of the Ballnahowe Road, Port Erin and within the north east corner of Field 414828 (4.46 Acres). To the immediate north is an agricultural access track that serves those agricultural fields to the further west. To the front East is a small grass verge.

1.2 The structure is of Manx stone construction and is further detailed within the Structural Engineers report where they describe the structure as; "Kate's cottage is a detached Manx stone dwelling, constructed pre1900, which is in a dilapidated condition, with no roof, part collapsed gable walls and localised areas of loose stonework. The cottage measures approximately 9m by 5.5m on plan and comprises four external walls, which are approximately 600mm thick of random rubble construction... with a mix of dry and mortar jointing".

2.0 THE PROPOSAL

2.1 The application has been submitted to address a previous refused decision for similar proposals as noted in section 4.0 (planning history).

2.2 Proposed is the creation of a residential dwelling through a series of alterations to the existing structure (noted in para 2.5) and the erection of a single story rear extension. Also

proposed is the creation of residential curtilage and parking arrangement with access from the adjacent highway and visibility splays. Foul drainage would be provided from a 'Klargester Bio Disc' tank with tail drains.

2.3 The rear extension would measure an external footprint of 7.12m long x 5.3 with a 30deg pitch tiled roof with solar slates to the rear pitch. Internally this would have a ceiling height of 2.4m and constructed in traditional 300mm insulated cavity wall with 200mm pointed stone externally. The extension would also have an insulated concrete floor slab with underfloor heating. To the rear of this extension within the rear garden would be a shed of 1.8m x 2.4m timber shed for the storage for bicycles and garden equipment. Also proposed is the formation of a patio area to the south of proposed extension measuring a footprint of 3.0m x 5.3m, no details have been provided as to how this paved patio would be finished or enclosed.

2.4 The agent notes the following methodology and calculus for the scheme;
Existing Tholtan floor area is: 81.31 sq m for 2 storeys (49.05GF & 32.26 1st Flr)
The proposed extension floor area is: 37.75 sq m (single story)
Extension equates to 46.5% of the original building floor area.
Total floor area of proposed dwelling is: 86.80sq m

2.5 The scope of works to the existing Tholtan as annotated on the submitted drawings (HLK/20/187 No.1 and No.2) would see externally;

- o A small section of the stone wall to the front elevation rebuilt
- o Existing door and window apertures retained and unaltered
- o 40deg pitch tiled state roof
- o The construction of two stone chimney stacks
- o 'Conservation' roof windows to loft storage area
- o Increase in eaves level to existing Tholtan (internal roof height shown as 2.6mm)
- o Rebuild small section of existing stone work to external face of exiting building
- o Excavation of ground level at the rear to facilitate the extension to 150mm below finished ground level.
- o Existing openings to have timber double glazed sliding sash windows with slate cills
- o On the south roof of the extension to use solar slates and triple patio doors
- o Pointing of existing stone work to all elevations.
- o Provision for an Air Source heat pump to the rear elevation (no further details provided)
- o To the rear elevation remove the lower proportion of the wall to below Cill level to allow access to the new extension.
- o Retention of boundary stone wall at the front elevation running to the south
- o Existing access to field to be used for access to the dwelling

Internally the works would see;

- o Line out the existing stone walls internally in 50mm clear cavity, 100mm concrete blockwork and 'Kingspan' insulated lining board to the existing Tholtan to provide the required insulation values and weather proofing.
- o Reinforced raft floor slab to the structural engineers specification, floor screed on underfloor heating and insulation.

2.6 To form the residential curtilage the proposal notes the formation of a sod hedge 1.5m high with random planting with holly, hawthorn, fuchsia, honey suckle. This sod hedge is to be formed from the earth excavated for the rear extension.

2.7 The driveway and hard standing would be accessed from the laneway and would measure 8.5m x 6m and would use 'grasscrete' or similar.

2.8 The overall residential curtilage would measure approx. 500 sq m or 18m from north to south and 24m from east to west.

2.9 The application is accompanied with a Structural report dated 14/10/21 that provides a very brief description of the built form and materials used, its general appearance through observations, with comments on the integrity of the walls, floor levels and concludes the structure is capable of alteration and extension and lists the scope of works required to facilitate this;

- o Rebuild the loose / cracked stonework to the front walls adjacent the gable walls
- o Replace the existing slate lintels
- o Remove vegetation from the wall structure
- o Infill loose open and voided stonework to the internal face of the external walls with new stonework fully bonded to existing
- o Repoint the external stonework
- o Set floor and external ground levels to prevent undermining of the existing walls (existing underside of wall levels to be confirmed)

2.10 The engineers provide a list of proposed works based on the agents drawings ref HLK/20/167 and note the proposed works comprise;

- o retention of the existing cottage's four external walls
- o retention of the existing door and window openings, except for removal of the stonework below the window cill to the rear wall,
- o rebuilding the gable walls up to verge level
- o provision of a new slated roof.
- o New rear single storey extension

2.11 A planning statement dated 08/11/21 has been submitted that seeks to support the application and talks about the site, the history, the planning policies and their interpretation of them.

3.0 PLANNING POLICY

The land is designated is not zoned for development and sits within a rural part of the open countryside on Map 7 (Port Erin) of the Area Plan for the South.

3.1 The land is also linked to Map 2 Landscape Assessment Areas; that identifies site is within an area classified as 'Cregneash and Meayll Peninsula (H4).

3.2 Within the written statement, page 18, para 3.4 Notes the Landscape Strategies and Key views for the South. 'Cregneash and Meayll Peninsula (H4)';

"The overall strategy is to conserve the strong sense of openness of this rugged area, its expansive and dramatic views and to conserve the setting of the numerous archaeological features and Cregneash village and the surrounding traditional field pattern as well as the wartime structures on Meayll Hill. Key Views: Dramatic views of rising uplands to the north and across Port St. Mary Bay to the northeast. Dramatic views: across the Sound to the Calf of Man. Panoramic, open views across the Peninsula. Extensive, panoramic, open views across ever-changing sea and sky engulfing the character area on three sides."

3.3 The site sits to the north outside of the defined 'Meayll Peninsula and the Calf of Man' - National Heritage Area designation. The site is not within a Conservation Area. Part of the site is identified as being at a low flood risk from Surface water. There are no trees or groups of trees within the application site that are at risk or registered.

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

Strategic Policy

- 1(a) Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 4(b) Protection of built heritage and landscape conservation
- 5 Design and visual impact
- 10 sustainable transport

Spatial Policy

- 1 Priority to Douglas for development
- 2 Identified Service Centres for development
- 3 Identifies those Service Villages
- 4 Remaining villages
- 5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations
- 3 Exceptions to development in the countryside

Environment Policy

- 1 Protection of the countryside
- 4 Wildlife and Nature Conservation
- 7 Protection of existing watercourses
- 14 Loss of versatile agricultural land

Housing Policy

- 13 Conversion of abandoned rural dwellings to form a new dwelling

Transport Policy

- 4 Highway safety
- 7 Parking provisions

3.5 Paragraph 8.10 - Conversion of Rural Buildings to Dwellings

3.6 Paragraph 8.11.1 - Replacement Dwellings in the Countryside

3.7 Planning Circular 3/91 - Guide to the residential development in the countryside.

3.8 Residential Design Guide (2021)

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

4.0 PLANNING HISTORY

4.1 19/00448/B - Alterations and extension to existing tholtan to form dwelling. REFUSED:

R1. Although an argument could be made that the existing building is of sufficient interest to warrant its retention and conversion, the extent of the structural works required to make the structure sound coupled with the unacceptable upwards extension, the overbearing rear extensions, the inappropriate modifications to the apertures and spread of hard standing and domestic curtilage would have a significant and adverse impact on the original appearance,

character, historic interest and materials of the original building contrary to General Policy 3 (b) and Housing Policy 11.

R2. There is no information to demonstrate that potable water can be provided for the site contrary to Housing Policy 13 (c).

R.3 The proposed alterations and extensions and the subsequent introduction of large areas of hard standing would result in an unacceptable visual impact on the wider rural landscape and countryside setting of the site contrary to Environment Policy 1 and paragraphs 8.10.1 and 8.10.2.

R.4 There is insufficient information available to understand the impact of the development on the adjacent watercourse contrary to Environment Policy 7.

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

5.1 Arbory & Rushen Commissioners (20/12/21 & 24/02/22) have no objection.

5.2 DoI - Highways Services (08/12/21 & 16.02.22) have no objection. The proposal does not give rise to significant road safety or network functionality issues. Accordingly, Highways Development Control raises no opposition to this proposal subject to conditions for the public road access, driveway and track entrance as well as pedestrian, bicycle and vehicle arrangements to accord with Drawing no. 2. The Applicant is advised that a s109(A) Highway Agreement applies for works in the highway after gaining planning consent.

5.3 DoI - Drainage (21/12/21 & 19/02/22) initially sought additional information on highways run off water. On amended plans, now have no objection.

5.4 DEFA - Inland Fisheries Policy (19/01/22) has no objection but seeks that there is no contamination of the nearby watercourse from construction.

5.5 DEFA - Fisheries (06/12/21) Seeks completion of an application for works that are within 9m of a water course.

5.6 DEFA - Biodiversity (14/12/21) advises on the presence of 'Himalayan Balsam' an invasive plant and methods of disposal. As there could be a presence of lizards, they recommend; "a condition on approval for no development (including site clearance) to take place until a Precautionary Working Method Statement (PWMS) alongside appropriate mitigation proposals for viviparous lizards has been written by a suitably qualified ecological consultant and this has been submitted to Planning for written approval".

5.7 Flood risk Management (11/01/22) Do not oppose subject to a condition. "A FRA must be received and evaluated before planning is granted. An "Application for consent for works affecting watercourses" form must be received before planning is granted".

5.8 Manx National Heritage (27/01/22) comment with concerns on the proposed house; regarding the dormers, has issues with the comments in the planning statement on the front elevation, loss of the existing eaves level and could be replicated to restore the first floor accommodation, loss of the masonry of the front elevation removing the evidence of the first floor windows and accommodation itself, removes the historic built fabric and results in an oddly proportioned building. The present structure reflects a structure and form of its original purpose. The extension at the rear is of a traditional shallow pitched roof and questions the appropriateness, and seek that the dormer details reflect an important local vernacular where they are roofed over (Images supplied).

5.9 IoM Natural History and Antiquarian Society (23/02/22) raise concerns on the proposed dwelling; "could result in the creation of a house with a far greater impact on the Meayll Peninsula landscape than is evident from the application". Specifically the increase in size of the floorplan, essentially doubling the existing; the eternal patio should not have a conservatory and PDO should be suspended; both gable ends will require substantial rebuilding at the upper level; may not comply with the policy for having 4 walls standing and structurally sound; proposed visibility splays would make the Tholton more open to view from the highway; and public viewpoints such as Meayll Hill and Meayll Circle.

6.0 ASSESSMENT

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

- | | | |
|--------|---------------------------|------------------------------|
| (i) | Principle | (STP1,2,10 and SP3,5, GP3) |
| (ii) | Exceptional circumstances | (SP5, GP3b, HP4, HP11, HP13) |
| (iii) | Visual Impact | (GP2b,c; EP1) |
| (iv) | Neighbouring Amenities | (GP2g) |
| (v) | Highway Safety | (GP2 h&i; TP 4&7) |
| (vi) | Ecological | (STP4, Ep4, GP2d) |
| (vii) | Drainage / flooding | (GP2l, Ep7) |
| (viii) | Loss of Agricultural Land | (EP14) |
| (ix) | Sustainability | (Gp2J, n) |
| (x) | Conditions | |

(i) Principle

6.1 The starting point here is the land designation, it is clear from the Area Plan for the South, the application site is within a rural and protected part of the countryside where any development is strictly controlled and the site is not allocated for development.

6.2 In considering this application, Strategic Policy 2 and Spatial Policy 3 identify areas of development to be located, generally within existing towns and villages. The site sits outside of the 'main settlement boundary' for Port Erin and it cannot be said the site sits within a defined areas and is very much part of the open countryside as previously identified and would be contrary to those policies.

6.3 The site does sit on a service road where there are some residential dwellings along its length and easily accessible from the highway. Given the broad location of the site and its location, it does sit within a remote part of the countryside where there are no provisions for accessible public transport. The nearest service villages would be Port Erin, approx. 1km to the north east of the site. As such occupants here would be very dependent on private vehicle usage and this aspect could be contrary to Strategic Policy 10 (a)-(d).

6.4 When considering Strategic Policy 2 and Spatial Policy 5 these direct development to designated towns or villages, and development in the countryside is only permitted in exceptional circumstances, which is detailed in Spatial Policy 5 and cross referenced to General Policy 3.

6.5 In this case, General Policy 3 allows for exception for the conversion of redundant rural buildings and the sequential test through HP11 and the replacement of an existing rural dwelling assessed against the pertinent policy of HP12,13 and 14. In this instance, it would be prevalent to focus on HP11 and HP13.

(ii) Exceptional circumstances

6.6 In terms of planning policy there is a long established presumption against new residential development in the countryside. General Policy 3(b), and Housing Policy 11 all

provide for the conversion of buildings within the countryside subject to various caveats, including that the building is redundant and of architectural, historic or social value.

6.7 When considering HP11 and the conversion of the remaining fabric of the building, which precludes the rebuilding of ruins or the erection of a replacement dwelling of similar or even identical form. In this case, there is an existing structure on site that has been assessed by a competent structural engineer whom are of the professional opinion; " We consider the existing wall structure of the cottage can be used for the proposed alteration and extension" subject to the works listed in para 2.9-2.10 of this report as extrapolated from the structural report.

6.8 Manx National Heritage have provided some photographs and comments on the historic element of the property and its traditional appearance. Historically the structure would have once been a habitable dwelling. The presence of all four walls can be evidenced not necessarily up to eaves level and the gables are incomplete with the upper pitched sections having deteriorated and collapsed, this ensures there is no first floor and no roof present on the building, a far cry from what it once was.

6.9 When cross referencing the proposal with HP11 and the sequential test the following is summarised,

(a) It is clear from the survey and the site visit that the building is redundant from its original use in that it cannot be habited and is boarder line ruinous on the landscape.

(b) The building appears to be intact with 4 Manx stone walls standing (albeit no roof) and clear fenestration detailing at ground level and some first floor elements on the front elevation. The structural survey confirms the existing fabric of the building can be sympathetically restored and the agent's detailed drawings theoretically demonstrate how this can be achieved by using the existing openings, repairing and repointing the existing walls and rebuilding small sections of localised stone wall. For clarity the proposal does not seek to demolish any part of the existing fabric of the building only restore.

(c) The building is being retained with very little intervention to the exterior fabric,(other than noted above) which helps to preserve the historic character and its appearance within the rural landscape.

(d) The floor plan shows the layout of the existing building would provide two bedrooms and a bathroom with an extension to the rear to provide a lounge and kitchenette. This would be large enough to accommodate the usual room arrangement for a dwelling, with cooking and bathroom facilities, sleeping, dining and living accommodation with the overall dimensions of proposed floor area noted in para 2.4.

(e). The proposal for residential use not would be at odds with the character of the area given the sporadic nature of dwellings located along this length of Highway and would be read within the rural context of the immediate landscape where there are existing dwellings present.

(f). Whilst there is no doubt the building can be connected to electric, telecom, private drainage via a Klargester and drinking water given the existing provisions in the area.

6.9 On the whole it is considered this aspect could satisfy the main test under HP11 for development in the countryside to re-establish the original appearance of the building but in a slightly more modern appearance that uses the same materials as the existing building.

6.10 In terms of HP13(a), the material test, somewhat echoes HP11 where this policy seeks there are still three walls up to eaves level and the remainder of the building appearing structurally capable of being retained (reinforced with the comments from the Structural engineers report). The presence of the building whilst not strictly in accordance with the policy wording with walls up to eaves level, pragmatically it could be seen to partially meet this aspect of Hp13 for substantially intact and given the support from the Structural engineers report would be capable of being retained.

6.11 The next aspect (b) is to consider is there is an existing, usable track from the highway. As indicated, the proposal is immediately adjacent to the public highway. The proposal includes the creation of a new vehicle access to the north of the dwelling that is currently a farm access to the fields. The proposal would utilise this entrance to serve the dwellinghouse and also the existing field with farm gates set back 25m from the edge of the highway (tarmac) to ensure they are off the carriageway when opening the field gate. It is not uncommon on the island for rural dwellings to share an access off the highway with agricultural users.

6.12 The last section (c) of the policy requires there to be a supply of fresh potable water and of electricity can be made available from existing services within the highway. A drawings from the MUA has been submitted that show the location of the public water mains in the area and given the applicants land ownership, theoretically could be connected onto their own supply feed within their ownership.

6.13 The last aspect of the policy to consider, is arguable the aspect which is the most contentious. The policy indicates that extensions of dwellings formed in accordance with the above may be permitted if the extension is clearly subordinate to the original building i.e. in terms of floor space measured externally, the extension measures less than 50% of that of the original. The proposed extension would measure a 46.5% increase in floor area. The proposed extensions would also be fairly modest extensions equating to 37.7sqm at single storey. This would result in the dwelling having a total floor area of 86.8sqm of single storey floor area. In terms of accommodation, the extension provides the usual habitable layout and provisions to make the scheme viable/useable.

6.14 On balance, an exception through HP11 and 13 could be found and the proposal could theoretically demonstrate how this can be achieved to form a satisfactory dwelling in the country side through sympathetic restoration of the existing fabric of the building and subordinate extension.

(iii) Visual impact

6.15 The existing structure has been abandoned for many years; its physical remains being a reflection of agricultural and social change across the Island, often such features in the rural landscape are not unacceptable in their present and ruinous state. In the case of this application there is information that suggests the building is of historic interest to warrant its retention and sensitive development in order to convert it back to a habitable dwelling in its original state and in seeking to continue to positively contribute to the Islands built heritage. MNH comments are noted regarding the windows on the front elevation being reinstated at the upper floor level and incorporated into the roofscape. However as no upper floor is proposed here it would not be seen as appropriate to recreate a pastiche in this instance given the overall design attributes in the formation of a new dwelling.

6.16 In this case, the proposal is seeking to utilise an existing structure and bring it into a habitable use preserving the character and appearance by repointing the existing Manx stone and the erection of chimneys to each gable with a slate roof and timber framed sliding sash windows with slate cills and timber doors would in turn this would be considered to have no

detrimental impact on this part of the countryside given the existence of the building and would be more aligned with the principles of Planning Circular 3/91 - Guide to the design of residential development in the countryside which is still the adopted guidance for such design approaches.

6.17 The rear extension will only partially be apparent from public views; given its design, siting to the rear; and the appearance or finish will be pointed stone to match existing building (and not painted white render) ensures any impact is limited and in keeping with the existing structure and its appearance. There will be sections of the northern and southern elevation of the upper sections of the extension that may be apparent from public views; especially if the roadside landscaping was removed (not currently proposed, but a landscaping conditions should be attached to retain it). However, any views of the low roof pitch of the extension and the fact such views would be of isolated aspects and not of the extension as a whole are in favour of the application given the geometry of the road and the general topography. The design would likely ensure the extension would not become the dominating feature, and appear subordinate to the original cottage from public views and therefore considered to be acceptable.

6.18 The comments from Natural History and Antiquarian Society are noted but as the policies do allow for the re-use of the existing rural buildings and with subordinate extensions, a degree of visual impact over and above the existing is inevitable and to some degree unavoidable. The challenge is limiting this sprawl into the countryside and ensuring any impact is limited and conditioned accordingly.

6.19 As part of the proposal is the creation of residential curtilage and parking (8.5m x 6.0m), the consequential spread of hardstanding and associated domestic paraphernalia would be contained within a sod bank hedge (1.5m high) and a drainage ditch, 500mm wide x 500mm deep to ensure adequate drainage around the site.

6.20 The size of the curtilage would be contained and would be proportionate to the size of the dwelling whilst still providing a degree of amenity space for the occupants. Also proposed is a small timber shed and a patio area which would be read within the residential curtilage of the newly formed property. On balance the proposal would have a visual impact but given the broad acceptance through GP3, HP11 & 13 for the formation of a dwelling and the existing building on site any adverse impact on the countryside would not be detrimental to warrant refusal in accordance with Ep1 and GP2b,c.

(iv) Neighbouring Amenities

6.21 The site sits remote on the landscape with considerable distance to the nearest neighbours, as such there are no immediate neighbours that are considered to be impacted by the proposed development. As such, these aspects would be considered to be compliant with those sections of General Policy 2(g) and the Residential Design Guide 2021.

(v) Highway Safety

6.22 Highway Services have considered the merits of the existing entrance, the specific dimensions involved and access to and from the site from the highway noting visibility splays. As the transport professionals their comments are heavily relied upon and it is noted they do not object to this application. Having considered the highway safety aspect and the use of the existing entrance in a safe and appropriate manner with parking and manoeuvring within the site, it would not be considered to have any adverse impact on the existing highway or upon those users entering and exiting the site. As such the proposal would be considered to align with the principles of TP4 & 7.

(vi) Ecological

6.23 The proposed introduction of new Manx hedging and native plants will seek to enhance any existence of ecology on site and the applicant has no issue with a condition which requires surveys for bats and lizards prior to any works commencing. This will ensure the rural landscape quality is enhanced and the nature conservation value to help local wildlife and locally important habitats, which would be seen as a net gain for biodiversity and would ensure the proposal would broadly be in compliance with EP3; GP2d;SP4b

(vii) Drainage / Flooding

6.24 In relation to the issue of the front ditch/watercourse, the comments of the applicants are noted and those of Flood Risk Management Team who have considered the application in detail. Modification to the drawings were made to install heavy duty 'Aco drains' across the driveway to prevent any surface water run off onto the highway. A ditch to the rear of the property adjacent to the boundary hedge has been requested and shown on the plan to divert any flood waters around the property. The existing stream to the front (east) is noted as culverted on the drawings and the FRM request a form to be submitted before any works are commenced, this can also be secured via a condition prior to any works on site to ensure there is no contamination of the water course during construction. These aspect all help to ensure compliance with GP2l, Ep7.

(viii) Loss of Agriculture Land

6.25 With regard to the proposal and EP19 and the potential loss of agricultural land, the IoM soils maps (Figure 4) gives a broad indication of the areas and soil classification. The application site is defined within an area as being (brown in colour on the map) and referred to as A1 and of a class of single class 3 quality that is synonymous across the Island in its description of 'upland stony silty land'.

6.26 This description of the soil quality of the natural land goes some way to understand the limitations of agricultural usage. Nevertheless, the proposed building and its curtilage would only occupy a small footprint (500 sq m as noted in para 2.8) in the corner of Field 414828. The remaining field will continue to be used for grazing or for planted crops without being disadvantaged by the siting of the building with its curtilage and would not prejudice EP19 for the loss of agricultural land.

(ix) Sustainability

6.27 The erection of a new dwelling here has been designed to maximise the effects of passive solar gain on the southern window orientation, and would also feature the inclusion of air source heat pumps with underfloor heating. This approach also embraces modern and innovative energy efficiency measures to address the issue of reducing carbon footprint and including environmentally friendly technologies that also include EV charging points. These are all seen as positive design attributes to reducing energy consumption for domestic dwellings and weigh heavily on the decision making process for development in the countryside. As such these aspects can be conditioned accordingly to ensure they are implemented prior to the occupation of the house, furthermore the erection of the house would have to conform to current building regulations standards which ensures the thermal efficiency of the building is maximised.

(x) Conditions

6.28 Conditions should be applied to require the retention of the curtilage of the property to be defined by a Manx sod hedge, and also to restrict the provisions of the Permitted Development Order in respect of garages, garden sheds, fences, walls and extensions all of which, if implemented in accordance with the Order, could have an adverse impact on the character and appearance of the dwelling as approved. It is also appropriate to require approval of the proposed level of finishes proposed and stonework and its pointing as there are many types of stone finish appearances which would not be appropriate in this case as it

needs to be matching to what exists. Further conditions can be applied to ensure the level of detail that is proposed

7.0 CONCLUSION

7.1 The application has been assessed against those aforementioned planning policies and would be recommend for approval subject to a number of planning conditions.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 9th May 2022

Item 5.13

Proposal : Conversion of existing outbuilding into ancillary living accommodation, erection of a carport, installation of patio doors, and creation of a pond with associated landscaping works

Site Address : Old Ballacorris
Mullinaragher Road
Santon
Isle Of Man
IM4 1HZ

Applicant : Mr & Mrs Gary & Jo Blackburn

Application No. : 21/01358/B- [click to view](#)

Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The detached outbuilding hereby approved, may only be used for the domestic use in relation to the occupation of Old Ballacorris, Mullinaragher Road as defined on the submitted plans Ref GB-03, or as otherwise approved by the Department.

Reason: To ensure that the building is used for purposes appropriate to its residential setting.

C 3. No development shall commence until a bat survey has been submitted to and approved in writing by the Department. The bat survey shall identify impacts on bat species together with mitigation, where appropriate, including a timetable for its implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: To provide adequate safeguards for the bats.

Reason for approval:

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

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

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is the residential curtilage of Old Ballacorris, located to the northeast of Mullinaragher Road. The site accommodates a predominately two-storey dwelling in a traditional vernacular that has been the appearance of being extended at two stories to form an 'L' shape. The property has mature landscaped gardens surrounding and accessed via a private gravel trackway from the Mullinaragher road.

1.2 To the immediate North East elevation area is an attractive two storey building of Manx stone construction with a corrugated sheeting pitched roof and usual fenestration details to the front and rear measuring a footprint of 8.0m x 6.0m. The building is currently used as storage ancillary to the dwelling house.

2.0 THE PROPOSAL

2.1 Proposed are a series of works to the dwelling house, the outbuilding and to the grounds of the site. The scope of works would see;

- o Erection of a single storey, 3 bay timber framed car port with a pitch tiled imitation slate roof and cedar cladding over an Oak frame, located on the existing car parking area. The building would measure 9m x 6.2m. The building would be enclosed on three sides.
- o Creation of a wild life pond to the south of the dwelling house.
- o Refurbishment and ancillary use of an old stone building (supported by a structural survey) to an office / studio for the occupants for the dwelling house only.
- o Installation of two sets of Bi-fold doors to the west elevation of the dwelling house.
- o Re-surfacing of the access and driveway with Tarmac and landscaping to the south east embankment with blackthorn, hawthorn and Guelder rose.

2.2 The application is also accompanied with an Arboricultural Impact Assessment, Tree Protection Plan and Tree Survey Plan which highlights; the removal of one category B tree (Hawthorn) and 3 category C trees (Hawthorn, Cherry, Ash) in order to facilitate the development. The report notes; "the visual impact of tree removal associated with this development will be low; the individual trees marked for removal to facilitate the development are not clearly visible from the surrounding highways or adjacent residential property".

2.3 The application includes a Structural Survey of the outbuilding and concludes on its suitability for use as ancillary accommodation as suitable for re-development, subject to "the lateral strapping at roof and first floor to enhance the structural robustness of the building".

3.0 PLANNING POLICY

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

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

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

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

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

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

4.0 PLANNING HISTORY

4.1 The application site benefits from the following approvals;

09/01940/B - Creation of windows and door to existing sub structure store.

09/00999/B - Creation of private access road.

09/00299/B - Erection of a replacement dwelling.

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

5.1 Santon Commissioners has not commented at the time of writing

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5.2 Highways Services do not object (No Highways Interest) 09/12/21

5.3 DEFA Fisheries (06/12/21) has no objection to the creation of a pond and recommend the applicant contacts them if they proposed to stock the pond with aquatic animals.

5.4 Eco systems policy officer (17/12/21 & 14/01/22) comments on the Wild Life Act 1990 and requesting a bat survey and any mitigation measures and effective pruning of the ivy on the Manx stone outbuilding.

5.5 Manx National Heritage (10.12.21) commented on Tree pruning, bird nesting seasons and the Wildlife Act 1990.

6.0 ASSESSMENT

- | | |
|--------------------------------|-------------------|
| (i) Principle | (SP5; GP3) |
| (ii) Design | (STP5; GP2b,c) |
| (iii) Visual impact | (Ep1, HP16, GP2f) |
| (iv) Neighbouring amenities | (GP2g) |
| (v) Sustainable Construction | (GP2n) |
| (vi) Any other matters arising | |

6.1 Principle

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

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

6.3 Visual Impact

In terms of how visible the scope of works are to the existing, Hp16 seeks that the impact when or if viewable is respectful to the properties proportions and appearance. The visual appearance of the two sets of Bi-fold doors to the west elevation of the dwelling house would be appropriate when read in the elevation of the dwelling house.

6.4 The erection of a detached car port to the south of the house, in a single story manor is an acceptable form of development that would be considered proportionate to the use and designed to serve that specific purpose in terms of size, height and appearance whilst remaining subservient to the dwelling house. The car port is proposed to be finished in a way that would complement the finish and style of dwelling house.

6.5 The creation of a pond within the residential curtilage would be in a position adjacent to the access road and would be an appropriate location given the natural topography within the garden area to create a pond. The proposal would be built into the existing bank in a 'cut and fill' method and lined with a 'butyl' pond liner and be more of an ornamental garden pond / wildlife pond with shallow margins for planting and approx. 900mm deep. As such this would be an acceptable form of development in conjunction with the dwellinghouse and is not objected by the fisheries department who would regulate such features in terms of fish stocking.

6.6 The refurbishment of the adjacent stone building would not be seeking to alter any elevation but to utilise the existing apertures to install windows and doors respectively. The only major difference would be the re-roofing from corrugated sheeting to a natural slate roof covering with two small Velux type windows in the North West elevation (front). Internally the only discernible difference would be the installation of a shower, w/c and sink to the ground floor and a revised location of the internal staircase. As such the proposal is sympathetic to the traditional appearance of the property and in keeping.

6.7 As such, the proposals (as noted individually above) would be considered appropriate when read within the context of the area in terms of its proposals to the scale and character of the main dwelling house. It is considered the proposals would be acceptable forms of development that would be read in accordance with Ep1, HP16, GP2, and would not have any adverse impact on that of the countryside or on the dwelling house and its rural setting.

6.8 Neighbouring Amenities

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

6.9 Sustainable construction

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

6.10 Any other matters arising

None.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the proposal would accord with General Policy 2, 3; Environmental Policy 1 and Housing Policy 16 of the Isle of Man Strategic Plan 2016, and is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 9th May 2022

Item 5.14

Proposal : Erection of a timber summer house
Site Address : Thie Magher
Homefield Park
Ballasalla
Isle Of Man
IM9 2EL
Applicant : Mr & Mrs Peter Young
Application No. : 22/00212/B- click to view
Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

The proposed erection of a timber summerhouse within the garden would be in accordance with General Policy 2 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT (AS THE APPLICANT IS A MEMBER OF THE PLANNING COMMITTEE)

1.0 THE SITE

1.1 The application site is the residential curtilage of a detached single storey dwellinghouse called Thie Magher, Homefield Park, Ballasalla. The property sits to the south of the highway that also serves one further property to the east 'Suwannee'. To the west is the dwelling house No.2 Homefield Park and to the rear (south) is the Isle of Man Steam Railway tracks. Holmfield Park forms a residential cul-de-sac.

2.0 THE PROPOSAL

2.1 Proposed is the erection of a summerhouse within the north eastern corner of the front garden that serves the dwellinghouse.

2.2 The building would measure a footprint of approx. 2.2m wide x 3.6m long and 2.4m high to the ridge that is constructed from timber framing with horizontal timber tongue and groove cladding and a pitched felted roof. The buildings' interior is open plan with glazed French doors to the front and glazing panels to both sides. The rear elevation is blank.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area recognised as being within an area as 'Predominately Residential' on Map 4 Ballasalla of the Area Plan for the South. The site is not within a Conservation Area, or is identified as being at flood risk. There are no registered trees or groups of trees to be affected by the proposals.

3.2 The Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

3.3 General Policy 2 (GP2) (in part)

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

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (g) does not affect adversely the amenity of local residents or the character of the locality;

3.4 Other Material Considerations

The Residential Design Guidance (2021) 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 property.

4.0 PLANNING HISTORY

4.1 10/01387/B - Alterations and extension to dwelling. Approved.

5.0 REPRESENTATIONS

5.1 Malew commissioners commented (06/04/22) with no objection.

5.2 Highways Services have commented (11/03/22) with no objection

6.0 ASSESSMENT

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

- (i) visual impact; (GP2(b) & (c))
- (ii) the impact upon the amenities (overlooking, loss of light; over bearing impact, privacy and visual amenity) of the neighbouring properties. (GP2(g))

6.2 (i) Visual impact

The siting of the summerhouse would be within the properties residential curtilage and located within the corner of the front garden. The garden area is bounded by mature evergreen hedging approx. 2.0m high in places to the north and timber fencing to the east adjacent to the parking area for the property which gives a good level of screening of the front garden and that of the front elevation of the dwellinghouse. When erected the timber summerhouse would have a limited visual impact and only be readily noticeable from the internal estate road to the north and then this would only be of the upper proportions of the summerhouses roofscape, if at all given the geometry of the highway and the siting of the summerhouse.

6.3 The character of the area is predominately bungalows which ensures that there are no elevated view points and the only views achievable would be from the public highway, which would be limited. In any sense the proposal would be read in the context of the residential curtilage and that of the character of the area.

6.4 The size of the building would not be considered to be a dominant feature when considering the scale of the garden and would leave the vast majority for the owners amenity. The design and finish would be appropriate for this type of use and would be complementary to the dwelling and would be read in that context from any vantage point of the neighbours. This aspect is considered to comply with GP2 (b) & (c).

(ii) Neighbouring amenities

6.5 The proposed summerhouse would be of sufficient distance from the neighbouring properties at the front so as not to cast any overshadowing onto their properties. Being located to the north east corner of the garden it is not considered to be harmful in this instance to the surrounding properties.

6.6 The use of the building would be ancillary to the use of the house and is not considered to result in a statutory noise nuisance over and above the existing use of the garden / dwellinghouse. It is considered that there would be no adverse impact on the living conditions of adjacent neighbours due to the design and domestic use of the building in accordance with GP2 (g).

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the erection of summerhouse would be an appropriate form of development that does not harm the use and enjoyment of neighbouring properties and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016, and is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
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8.2 The decision maker must determine:

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