



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

**DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE**

**TOWN AND COUNTRY PLANNING ACT 1999**  
**TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) (No2) ORDER 2013**  
**TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2019**

**Agenda for a meeting of the Planning Committee, 23rd 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](http://www.gov.im/planningcommittee)**

**1. Introduction by the Chairman**

**2. Apologies for absence**

**3. Minutes**

To give consideration to the minutes of a meeting of the Planning Committee held on the 9<sup>th</sup> May 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 20<sup>th</sup> June 2022.

**PLANNING COMMITTEE Meeting, 23rd May 2022**  
**Schedule of planning applications**

<p><b>Item 5.1</b> Land South Of MER Stop Parsonage Road Ramsey Isle Of Man</p> <p><b>PA22/00306/B</b> <b>Recommendation : Permitted</b></p>	<p>Creation of an outside seating area with associated landscaping</p>
<p><b>Item 5.2</b> Fynoderee Distillery Parsonage Road Ramsey Isle Of Man IM8 2EE</p> <p><b>PA22/00307/B</b> <b>Recommendation : Permitted</b></p>	<p>Variation of condition 2 of PA 19/01440/B to change permitted hours of operation</p>
<p><b>Item 5.3</b> Field West Of Junior House King Williams College Grounds Castletown Isle Of Man IM9 1TP</p> <p><b>PA21/00228/A</b> <b>Recommendation : Refused</b></p>	<p>Approval in principle for the erection of a sports centre comprising 50m swimming pool, 60m running track, sports hall and gym with changing facilities with associated parking addressing siting, access, design and external appearance</p>
<p><b>Item 5.4</b> Ballagilbert Farm &amp; Field 434818 Ronague Castletown Isle Of Man IM9 4HH</p> <p><b>PA19/00447/B</b> <b>Recommendation : Refused</b></p>	<p>Creation of a road access and culvert</p>
<p><b>Item 5.5</b> Meary Veg Sewage Treatment Works Balnahowe Santon Isle Of Man IM4 1HL</p> <p><b>PA21/01551/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of 3 tanks for the storage of chemical, Yara Nutriox.</p>
<p><b>Item 5.6</b> Ballachrink Beg Fields 214314 And 210194 Jurby East Isle Of Man IM7 3HD</p> <p><b>PA22/00036/B</b> <b>Recommendation : Permitted</b></p>	<p>Creation of pond</p>
<p><b>Item 5.7</b> The Wonder House Dhoon Loop Road Dhoon Ramsey Isle Of Man IM7 1HN</p> <p><b>PA22/00249/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of a replacement dwelling</p>

<p><b>Item 5.8</b> Ballakindry Mill Ballagawne Road Ballabeg Castletown Isle Of Man IM9 4PD</p> <p><b>PA21/01258/B</b> <b>Recommendation : Refused</b></p>	<p>Conversion and extension of existing mill building to form a single dwelling with associated landscaping, garaging and new vehicle entrance</p>
<p><b>Item 5.9</b> The Nappin Glen Duff Ramsey Isle Of Man IM7 2AT</p> <p><b>PA22/00064/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of a stable block with storage</p>
<p><b>Item 5.10</b> EV Charging Point Station Road Kirk Michael Isle Of Man IM6 1AD</p> <p><b>PA22/00197/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of 3 electric vehicle charging points</p>
<p><b>Item 5.11</b> Ballaoates Farm Ballavagher Road St Johns Isle Of Man IM4 3JE</p> <p><b>PA21/01463/B</b> <b>Recommendation : Refused</b></p>	<p>Conversion of existing agricultural buildings into 2 tourist accommodation units with associated landscaping and drainage works</p>
<p><b>Item 5.12</b> Parish Church St Sanctains Church Road Santon Isle Of Man IM4 1EZ</p> <p><b>PA22/00248/B</b> <b>Recommendation : Permitted</b></p>	<p>Extension to existing graveyard</p>
<p><b>Item 5.13</b> Manx Birdlife Point Of Ayre Reserve Cranstal Bride Isle Of Man IM7 4BS</p> <p><b>PA22/00377/B</b> <b>Recommendation : Permitted</b></p>	<p>Continuation of restoration works rebuilding of gravel bund, re-profiling of the lake edge, new ponds, erection of birdwatching hide.</p>

## PLANNING AUTHORITY AGENDA FOR 23rd May 2022

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### Item 5.1

**Proposal :** Creation of an outside seating area with associated landscaping  
**Site Address :** Land South Of MER Stop  
Parsonage Road  
Ramsey  
Isle Of Man  
**Applicant :** Fynoderee Limited  
**Application No. :** [22/00306/B](#)- click to view  
**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

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

1st October to 31st March - 9am to 7pm

1st April to 30th September - 9am to 10pm

Reason: In the interests of public amenity and to reflect the application as submitted.

Reason for approval:

The proposal complies with Environment Policy 22 & 23, and General Policy 2 and is recommended for approval.

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

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

- 12 Park Road on behalf of 3 Towerside Court
- 1 Parsonage Road
- 5 Towerside Court.

As they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (January 2020).

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are considered not 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):

- 2 Albert Street
- Cranstal, 2 Santon Terrace
- 3 Albert Street
- 6 Waterloo Road

As they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (January 2020).

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE NUMBER OF OBJECTIONS AND THE RECOMMENDATION OF APPROVAL

#### THE APPLICATION SITE

1.1 The application site is within a parcel of land situated to the South of the MER stop, Parsonage Road. The site was scrub land and has recently been cleared.

#### THE PROPOSAL

2.1 The current planning application seeks approval for the change of use of the land to sitting area in connection with the Fynoderee bar situated across the road. Works to the land will include gravel to be laid on a fully permeable sub-base to allow the addition of tables with integral seating, wildflower seeding of the banked areas and an accessible wheelchair ramp. The application will also include the installation of bird and bat boxes to the existing banks.

2.2 The proposed opening times of the site are as follows;

1st October to 31st March - 9am to 10pm

1st April to 30th September - focused on daylight hours

#### PLANNING HISTORY

3.1 There are no previous applications on the application site which are relevant to the assessment of this application, whilst that is the case, the proposal is in connection with the bar across the road, Fynoderee of which there are two applications which are relevant in this assessment, PA20/00430/B which was to vary condition 3 of the original proposal PA19/01440/B, for the change of use to bar and PA22/00307/B which was put in at the same time as this application and is for the increase of opening times.

#### PLANNING POLICY

4.1 The site lies within an area zoned as "Town Centre - Mixed Use" on the Ramsey Local Plan 1998, Map 2. The site is not within a Conservation Area nor a Flood Risk Zone.

4.2 Given the land designation of the site and the proposal the most relevant Strategic Policies are Environment Policy 23 which seeks that alterations to existing facilities do not have an adverse impact upon the existing neighbours and Environment Policy 22 which seeks in relation to this assessment that development does not unacceptably harm the neighbouring amenity of nearby properties, followed by General Policy 2 which sets out general development standards.

4.3 Other Strategic Policies which are relevant to the assessment of this application is Business Policy 1 which seeks that employment opportunities are encouraged and Transport Policy 7 in relation to Appendix 7 which sets out the parking standards.

#### REPRESENTATIONS

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

5.2 Highway Services initially required additional information to make an assessment of the application (31.03.22), additional information was received and Highway Services state that they "Do not Oppose subject to conditions." (13.05.22)

5.3 Garff Commissioners have considered the proposal and state that they have "resolved not to submit any comments on this proposal." (22.04.22)

5.4 The following properties have raised objections on the basis of noise disturbance and highway safety;

- 12 Park Road
- 1 Parsonage Road
- 2 Albert Street
- Cranstal, 2 Santon Terrace
- 3 Albert Street
- 5 Towerside Court.
- 6 Waterloo Road

## ASSESSMENT

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

- impact on wider environment (EP23, 22 and GP2)
- highway safety

### 6.2 IMPACT ON WIDER ENVIRONMENT

6.2.1 The main consideration of this application is whether the proposed seating area in connection with Fynoderee would result in harm to the surrounding environment and specifically the residential dwellings. The site is situated to the end of land designated as within a Town Centre - Mixed Use area which is an area where one would expect a higher degree of noise and disturbance through greater activity and therefore there needs to be an understanding by persons living in such areas that there is likely a greater level of background noise and general disturbances throughout the day and night, than those in more residential area designations. Generally there are a mix of uses within a town centre to maintain and enhance the viability of vitality of the areas.

6.2.2 As stated above the land in question is situated to the end of the Town Centre - Mixed Use area, which means that there are more residential properties surrounding the site than there would be, if the site was situated directly within Ramsey Town Centre. Prior to the change of use of the garage/workshop directly across the land in question (PA19/01440/B) it is understood that there would not have been any Town Centre uses close to the site, and as such the residential properties surrounding the site would have had a quiet spot close to the Town Centre.

6.2.3 This means that any use which increases the likelihood of sound after a "normal" time would be raised as a nuisance. Town Centres within the Isle of Man do not have the vibrancy or vitality of Town Centres within the UK or beyond, even with late night bars and restaurants, as such innovative ideas which can bring vitality and vibrancy to a Town Centre should be encouraged.

6.2.4 Whilst it is understandable that the proposal will increase the noise within the surrounding area due to it being situated within an outside area, which could impact the neighbouring properties, whilst this is the case the area is designated as a Town Centre and taking the above into account, noting the surrounding area, it should be noted that the Britannia Pub which has been closed in recent time (although could re-open as a pub), is

130m to the north east of the site and it is likely that use (given its size) would likely have a greater impact upon neighbouring amenities than the proposal would, as such it is deemed that the proposed seating area would not result in an unacceptable increase in noise pollution or have an impact on local amenity above and beyond what would be expected of the surrounding area as per General Policy 2 and Environmental Policy 22.

### 6.3 HIGHWAY SAFETY

6.3.1 Turning towards Highway Safety, which is a main consideration due to the seating area being across the road from the main bar.

The seating area is to be table service only, which will reduce the need for customers to cross the highway and during the busier periods of service, customers are to be served with more durable environmentally sustainable plastic cups, which will be cleared away regularly by staff. It is also noted that the likelihood of the site being used in adverse weather conditions will be minimal and that the seating area will be used in connection with the weather.

6.3.2 Representation has been received from Highway Services who state that the proposal should not raise any significant road safety or highway network efficiency issues, as such they have not raised any objections against the proposal.

With the above in mind it is deemed that the impact of the proposed works upon Highway Safety is enough to warrant refusal.

### CONCLUSION

7.1 The proposed seating area will provide vitality and vibrancy to an area which is zoned as within a Town Centre as such the proposal will comply with Environment Policy 22 & 23 and General Policy 2, subject to conditions regarding the opening times and access arrangements.

7.2 The applicants have suggested that they would be acceptable of a two year temporary period, if the Planning Committee would deem this acceptable over a full 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 23rd May 2022

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### Item 5.2

**Proposal :** Variation of condition 2 of PA 19/01440/B to change permitted hours of operation  
**Site Address :** Fynoderee Distillery  
Parsonage Road  
Ramsey  
Isle Of Man  
IM8 2EE  
**Applicant :** Fynoderee Limited  
**Application No. :** 22/00307/B- click to view  
**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. No customers shall be served or remain in the building outside the following hours  
Sunday to Thursday - 0800hrs to 2300hrs  
Friday to Saturday - 0800hrs to 0000hrs  
New Years Eve 0800hrs to 0100hrs

Reason: In the interests of public amenity and to reflect the application as submitted.

Reason for approval:

The proposal is considered to comply with General Policy 2 and Environmental Policy 22 & 23 of the Isle of Man Strategic Plan 2016 and therefore acceptable.

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

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

No.5 Towerside Court, "Cranstal," 2 Santon Terrace and 1 Parsonage Road, Ramsey as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (January 2020).

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## **Planning Officer's Report**

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE OFFICER RECOMMENDING APPROVAL AND THE LOCAL AUTHORITY OBJECTING

### THE APPLICATION SITE

1.1 The application site is the curtilage of Fynoderee, which is a distillery and "tasting" bar situated upon Parsonage Road, Ramsey. The site is situated on the eastern side of Tower Road, and northern side of Parsonage Road. The site itself was a garage/workshop. To the South of the site is the Manx Electric Railway.

1.2 The premises have approval for use for Class 3 (distillery with ancillary offices) and Class 1 (shop).

### THE PROPOSAL

2.1 The current planning application seeks approval to extend the existing hours from the following; 0800hrs till 2200hrs Monday to Thursday, 0800hrs till 0000hrs Friday and Saturday and 1000 hrs till 1630hrs Sunday to Monday to Sunday 0800hrs till 0030hrs.

2.2 Further to the above, an amendment was received to change the opening hours to the below;

Sunday to Thursday - 0800hrs to 2300hrs

Friday to Saturday - 0800hrs to 0000hrs

New Year's Eve 0800hrs to 0100hrs

### PLANNING HISTORY

3.1 There are several applications on the site of which there was an application in 2019 to change the use of the garage/workshop into a "tasting bar," PA19/01440/B (Installation of fencing, formation of parking and bin area and change of use from workshop/garage/offices to a distillery with ancillary offices (Class 4) and shop (Class 1)) and a subsequent application which was for the variation of the internal layout, PA20/00430/B (Variation of condition 3 of PA 19/01440/B to vary the internal layout of existing development). Below are the most relevant conditions in relation to this application, which was attached to the applications.

#### 3.2 PA19/01440/B - Condition 2

No customers shall be served or remain in the building outside the following hours 0800hrs till 2200hrs Monday to Thursday, 0800hrs till 0000hrs Friday and Saturday and 1000 hrs till 1630hrs Sunday.

Reason: In the interests of the residential amenity of the area.

#### 3.3 PA20/00430/B - Condition 2

No customers shall be served or remain in the building outside the following hours 0800hrs till 2200hrs Monday to Thursday, 0800hrs till 0000hrs Friday and Saturday and 1000 hrs till 1830hrs Sunday.

Reason: In the interests of the residential amenity of the area.

### PLANNING POLICY

4.1 The site lies within an area zoned as "Town Centre - Mixed Use" on the Ramsey Local Plan 1998, Map 2. The site is not within a Conservation Area nor a Flood Risk Zone.

4.2 Given the land designation of the site and the proposal the most relevant Strategic Policies are Environment Policy 23 which seeks that alterations to existing facilities do not have an adverse impact upon the existing neighbours and Environment Policy 22 which seeks

in relation to this assessment that development does not unacceptably harm the neighbouring amenity of nearby properties, followed by General Policy 2 which sets out general development standards.

4.3 Other Strategic Policies which are relevant to the assessment of this application is Business Policy 1 which seeks that employment opportunities are encouraged and Transport Policy 7 in relation to Appendix 7 which sets out the parking standards.

## REPRESENTATIONS

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

5.2 Highway Services have considered the application and have no objections (31.03.22 & 12.05.22).

5.3 Ramsey Town Commissioners have written in to state that they cannot support the application (22.04.22).

5.3 The Isle of Man Constabulary (Alcohol Unit) have considered the proposal and have no objection (13.05.22)

5.4 The owner/occupier of No.5 Towerside Court, have written in to object against the proposal on the basis on noise disturbance. (6.4.22)

5.5 The owner/occupier of "Cranstal," 2 Santon Terrace have written in to object against the application on the basis of noise disturbance. (6.4.22)

5.6 The owner/occupier of 1 Parsonage Road, Ramsey have written in to object to the proposal on the basis of noise disturbance. (8.4.22)

## ASSESSMENT

6.1 6.1 The main issues to consider in the assessment of this planning application are;  
- impact on wider environment (EP23, 22 and GP2)

6.2 The main consideration of this application is whether the proposed permanent extension of the opening hours would result in harm to the surrounding environment and specifically the residential dwellings. The site is situated to the end of land designated as within a Town Centre - Mixed Use area which is an area where one would expect a higher degree of noise and disturbance through greater activity and therefore there needs to be a understanding by persons living in such areas that there is likely a greater level of background noise and general disturbances throughout the day and night, than those in more residential areas designations.. Generally there are a mix of uses within a town centre to maintain and enhance the viability and vitality of the areas.

6.3 Having looked at the information provided within this application and the sites own viewable online website/Facebook page, it can be seen that they are tantamount to a "bar" which is defined as "an establishment for the sale of beer and other drinks, and sometimes also food, to be consumed on the premises." Whilst this is the case, the site only does sit down service and as such, the clientele would be different from a normal pub.

6.4 The impact of anti-social behaviour is always a difficult one to assess in Planning terms. There needs to be the right balance of allowing uses within a town centre which would add to the vibrancy of the area, versus the difficulties of anti-social behaviour at 'hot spots' where alcohol misuse can lend to poor behaviour in terms of littering, shouting, fighting and vandalism.

6.5 Due to this clarification was sought from the Central Alcohol Unit on whether they had any issues with regards to the proposal, of which they do not raise any objections.

6.6 It is important, as with the original application and the subsequent application, to consider the impacts of the proposed opening hours on the amenity of nearby residential aspects and the impact of a public nuisance preserve. It is understandable that there will be some additional noise generated from the longer opening times, which could impact the neighbouring properties, whilst this is the case the area is designated as a Town Centre and taking the above into account, noting the surrounding area, it should be noted that the Britannia Pub which has been closed in recent time (although could re-open as a pub), is 130m to the north east of the site and it is likely that use (given its size) would likely have a greater impact upon neighbouring amenities than the proposal would.

6.7 It is not considered that the extension of the opening hours would be any more detrimental to public and residential amenities given the town centre location of the proposal. The potential for large weekday crowds at the bar after midnight on a weekday and Sunday nights for example is not regarded as being as popular.

6.8 The increase in the opening times would not result in an unacceptable increase in noise pollution or have an impact on local amenity above and beyond what would be expected of the surrounding area as per General Policy 2 and Environmental Policy 22.

#### CONCLUSION

7.1 For the above reasons the proposal is considered to comply with General Policy 2 and Environmental Policy 22 & 23 of the Isle of Man Strategic Plan 2016 and therefore acceptable.

#### INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) (No 2) Order 2013 (Article 6(4)), the following persons are automatically interested persons:

- (a) The applicant, or if there is one, the applicant's agent;
- (b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;
- (c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
- (d) Highway Services Division of Department of Infrastructure and
- (e) The local authority in whose district the land the subject of the application is situated.

8.2 The decision maker must determine:

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

**Item 5.3**

**Proposal :** Approval in principle for the erection of a sports centre comprising 50m swimming pool, 60m running track, sports hall and gym with changing facilities with associated parking addressing siting, access, design and external appearance

**Site Address :** Field West Of Junior House  
King Williams College Grounds  
Castletown  
Isle Of Man  
IM9 1TP

**Applicant :** Southern Community Sport Facility

**Application No. :** 21/00228/A- [click to view](#)

**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To REFUSE the application

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**Reasons and Notes for Refusal**

**R : Reasons for refusal**

**O : Notes (if any) attached to the reasons**

R 1. Overall it is not considered that there is sufficient justification or evidence in terms of over-riding national need or that there is no other acceptable alternative site available as to warrant an exception to the principle of development in this location as to outweigh Spatial Policies 2 and 5, Environment Policy 1 and General Policy 3(g).

R 2. The overall siting, height, scale and massing has potential to impact on the setting and prominence of the Registered Buildings and its tower and could impede on the open setting and drawing views away from the Registered Building. The application fails to demonstrate how the proposal would protect or enhance the setting of the Registered Buildings in line with Strategic Policy 4, and there is no convincing case as to warrant an exception to any development which may affect any architectural, historic character or sense of place of the site contrary to principles of the PPS 1/01 and Environment Policy 42.

R 3. The overall siting, height, scale and massing has potential to impact on the immediate context and wider landscape surroundings of the site and its contribution to key landscape views in the south contrary to Landscape Proposal 6 and Character Appraisal site F7 of the Area Plan for the South 2013, as well as Strategic Policy 5 and General Policy 2 (b, c, g) of the IOM Strategic Plan 2016.

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**Interested Person Status – Additional Persons**

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

- o Department of Education, Sport and Culture
- o Manx Utilities
- o Department of Environment, Food and Agricultural - Ecosystems Policy

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

- o The Southern Local Authorities Swimming Pool Board - while they do not own or occupy property that is within 20m of the application site, the development on a technicality automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, and in accordance with paragraph 2B of the Policy and they have 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 Department's Operational Policy on Interested Person Status (July 2021).

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

- o Beachcroft Farm, Pooilvaish Road, Arbory
- o 4 Ashen Bank, Tromode Woods, Braddan.
- o Fir Tree Lodge, Bride
- o 11 The Promenade, Castletown
- o Ballacubbon, Main Road, Colby
- o 11 Tromode Heights, Douglas
- o Greeba, Park Avenue, Douglas
- o 49 Westbound Drive, Douglas
- o 22 Thorny Road, Douglas
- o 27 The Laurels, Douglas
- o 51 King Orry Road, Glen Vine
- o 18 Wentworth Close, Onchan
- o 13 Ballellis, Peel
- o 13 Raad Kirree Varey, Peel
- o 1 Maddrell Drive, Peel
- o 3 Fuchsia Road, Reayrt ny Keylley, Peel
- o Mellray, Beach Road, Port St Mary
- o 11a Carnane Lane, Port St Mary
- o 27 Royal Park, Ramsey
- o Glentraugh Farm, Port Grenaugh, Santon
- o Burnbrae, Main Road, Sulby
- o Angel Falls, Strang Road, Union Mills

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

It is recommended that the following organisation should 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 Representative/Chairman of Governors - King William's College and The Buchan School - they do own or occupy property that is within 20m of the application site, however 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 Department's Operational Policy on Interested Person Status (July 2021).

## **Planning Officer's Report**

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

### THE SITE

1.1 The site is an area of just over 2ha which is within the curtilage of King William's College, between the main college buildings and the A5 Douglas to Castletown Road. Immediately to the south west of the site are the rears of a number of two storey dwellings within the Janet's Corner public sector housing estate - notably 12A and 14, Reayrt ny Cashtal, 12A, 14, 15, and 16, Bromet Road, 12A, 14, 15, and 16, Tynwald Grove, 9, 10, 11, 12, 13, 14, 15 and 16, College View, 14, 15, 16 and 17, Derby View.

1.2 To the north and north east of the site are existing buildings associated with the College campus and the site is bounded to the north by the main College entrance drive.

1.3 The area for development is currently used for sports pitches.

1.4 This application follows an earlier application, 19/01137/A for approval in principle for a similar scheme for the erection of a sports centre but also including five retail units (Class 1). This was withdrawn prior to a decision being taken. This current application now aims to address the issues which were raised as part of that application and omit the shops, transport hub and cycle path.

1.5 King William's Collage is a Registered Building No. 185.

### THE PROPOSAL

2.1 Proposed is the approval in principle for the development of part of the existing sports pitch area for a series of buildings which will accommodate on the first floor a 50m four lane swimming pool, plunge pool and training pool, a class room and male and female changing rooms. Below on the ground floor will be a gym, and indoor 60m "running track", toilets, changing rooms and lockers with a small coffee bar with associated kitchen and servery. In a linked building will be a sports hall.

2.2 The application seeks only determination of:

- a) Siting
- b) Design
- c) Means of access, and
- d) External appearance

2.3 All other matters relating to drainage, internal layout and landscaping are to be reserved for future application detail.

2.4 The applicant, Southern Community Sport Facility is noted on the application form as the "potential tenant" of the development, the owners of the site being and remaining King William's College.

2.5 Siting

2.5.1 The longest edge of the building is to run parallel with the stone wall splitting the KWC sports fields from the Janet's Corner housing estate, this part of the building will contain the pool and running track. The building will sit around 82m back from the main A5 road, and stepped into the site around 18m from the wall between the school fields and the houses in Janet's Corner and about 29m away from their rear elevations.

2.5.2 Angled off the southern corner and sitting between the nearest end of Junior House and the ground keepers store is the proposed sports hall. The general siting and layout of the proposed pool and sports hall building creates an 'L' shaped arrangement with Junior House.

## 2.6 Design

2.6.1 The largest and longest section of the building measures around 100m long and 35m wide. The sports hall is proposed attached to the southern gable end has an internal floor approx. 22m by 36m (an average four court badminton hall). The overall length of the entire building reaches to about 140m at its longest point.

2.6.2 The submitted elevation drawings show that the longer section of the building is to be 6.2m to its tallest ridge and the longest elevation parallel Janet's corner is to be 5.2m tall. The design of this part of the building is with a pitched roof but with the longest slopes leading into the site towards the KWC driveway.

2.6.3 With a flat roof height of 10.5m tall the sports hall is the tallest part of the building.

2.6.4 Elevations drawings show that the pool element will be mainly glazed on the front elevation facing into the site, with the other elevations clad mainly in the same finish as that on the sports hall which appears to be a sectional cladding system which is shown in greys, greens and light blues on the coloured elevations and images of this system is shown further on drawing 15.

2.6.5 On the elevation facing Janet's Corner are a horizontal run of high level windows at first floor and 4 high level windows some serving the changing/shower facilities on ground floor.

2.6.6 The supporting statement for the proposal indicates that the building is to be above ground and will have a suspended floor and will not need extensive excavation or use a concrete floor slab. It will be designed to be recycled when replaced and will exceed current regulations for energy efficiency. The roof will be used to collect the electrical energy necessary to run the building through solar panels and water can be collected from the roof, filtered and treated and recycled with the rainwater for the pool, showers and toilets.

## 2.7 Means of Access

2.7.1 Car parking is shown to infill the corner of the 'L' shape between the proposed building and Junior House and providing 85 parking spaces, 8 of which are electric vehicle charging spaces and 5 disabled spaces. Bus and coach pull in areas are annotated as well as cycle parking and shelters. There are some turning circles shows on plan with Radii of 12200 and 7250.

2.7.2 Access for KWC and for the proposed pool is to be from the main A5 road via the existing KWC entrance gates which measure approx. 7m wide on the location plan. The access into the pool site is then from the KWC driveway just in front of Junior House and will involve breaking through the driveway stone wall to create a new 5.5m wide access.

2.7.3 Existing trees along the driveway are to be retained and a new shared footpath and cycle path is proposed to connect from the KWC driveway through to the pool and sports hall. Annotation on drawing 115 indicates that parts of the driveway wall nearest Junior house will be both cut back and blocked up to provide cycle way access, although surfacing appears to conflict with this wall arrangement.

## 2.8 External Appearance

2.8.1 As mentioned at 2.6.4 above the building comprises a large areas of glazing across its front facing elevations and the remaining elevation clad in horizontal Rockpanel cladding in a mix of greys, blues and greens. It is unknown what the roof finish is but images on a Section drawing no. 15 indicate an eaves detail of a standing seam roof in silvery aluminium or zinc finish although coloured elevations appear a darker.

## 2.9 Other Matters (Operation and Explanation of Proposed Facility by Applicant)

2.9.1 The applicant explains that the sports complex will not be part of King William's College (KWC), and will be run independently by a charity - a limited company, funded by charges for the swimming pool "running track", sports hall and gym and catering establishments. They explain that the sports facilities will be used by the College as a direct replacement for the existing facilities which are "not fit for purpose" and will in due course replace these existing facilities with a new examination hall.

2.9.2 The applicant, Southern Community Sports Facility, is a Manx registered charity whose objectives include seeking "outline planning permission" (this is a UK term: in the Isle of Man this is approval in principle) in order to attract charitable funding for this initiative to improve access to sport in the South of the Island. The pool and other sports facilities will be rented out to sports clubs and schools including KWC and the management company will ensure that the facilities are available to everyone on an equal basis without competing with other existing sporting facilities. It is intended to be a training facility and not in competition with the NSC. The land on which the buildings will be erected will be leased from KWC who can see the benefit of "having excellent sports facilities on their doorstep".

2.9.3 The supporting statement for the application refers to the Strategic Plan and the Area Plan where, in the latter case, the need for a new pool is identified at paragraph 8.6.2 which talks of the pool perhaps being provided as part of the replacement school although no firm plans are in place for the construction of that pool. They refer to paragraph 8.6.1 which discusses the need for a multi-activity community sports hall in the Castletown area. They also refer to Strategic Policy 4 which protects Registered Buildings, Environment Policy 34 which expresses a preference in the extension of pre-1920s buildings for the use of traditional materials, Environment Policy 42 which expects developments in existing settlements to take account of the particular character and identity in terms of buildings and landscape features of the immediate locality. They refer to the site being identified in the Area Plan for the South as being Buildings of Land for Civic, Cultural or other use and is not shown as playing fields.

2.9.4 They refer to the constraint of the Airport runway take-off and landing corridor which is shown on the site plan and where there are height restrictions but where Junior House impinges on this but was built prior to these restrictions being introduced.

2.9.5 They explain that the new building has been sited away from the Registered Buildings and "lower than the houses" and set parallel to that boundary and the contemporary design is not considered out of keeping for this area with a proposed backdrop of new trees with the sports hall angled to reduce the impact on the houses and the use of light coloured cladding against the sky will further reduce the impact of the building and they consider the buildings sufficiently far from the road so as not to have a great impact but whilst articulating its purpose as a sports facility.

2.9.6 They state that the use of the rugby pitches has reduced as a result of the new pitches at Ballakilley and the college does not use the pitches alongside the road on a regular basis as other pitches are available which are closer to the changing rooms and they consider that the open character of the space adjacent to the road has been retained.

Proposed pool



2.9.7 The pool will be capable of being subdivided by a floating boom system and at 50m length it can be configured as a FINA standard long course training pool and that since 2017 UK National event qualification times can only be achieved in a standard long course pool and what is proposed will be able to offer elite performance training sessions which cannot be accommodated on the Island at present and can be achieved in the application without compromising the pool's ability to be used for other things on a day to day basis. The pool will be capable of being used separately from the gym

#### Sports hall

2.9.8 They explain that the multi-use hall will be similar to others on the Island: the current sports hall at the College does not have sufficient height to be used as a basketball court and the College has to hire other halls for their home games. The existing sports hall is shown on the plans and is described as not being particularly attractive nor is it Registered and "could be replaced along with the existing pool with a new examination hall to the betterment of the school". They describe the new sports hall as being available for public hire and has its own changing facilities.

#### Proposed gym

2.9.9 The gym will incorporate a four lane 60m running track and runoff area which is a standard length for indoor tracks. When not in use this can be used for teaching space associated with the gym. The shared changing areas and lockers can also be used by cyclists wishing to come and go by bus. The space under the pool perimeter will be used for storage and as a weights area. They describe the majority of gyms on the Island as being in town centres and this gym will provide training facilities for elite athletes along with any other users who want the convenience of easy parking "for a quick turnaround". They do not intend to replace the local gym model currently popular on the Island although it is not explained what that is or how the proposed gym will not result in the replacement of the existing gym in Castletown town centre. They explain that the subscriptions for gym members will support the pool costs and provide staff for the whole facility.

#### Access and parking

2.9.10 Secure parking for bicycles and equipment and lockers for clothing may encourage people to continue with their journey by public transport and the car parking provision has been discussed with the Civil Aviation Authority (CAA) and Highway Services. It has been designed to accommodate the maximum numbers of cars anticipated in similar buildings in the UK and they note that there will be no competitive events with spectators. They state that there could be scope for more spaces to be provided should this be required (a previous scheme included an extensive area of parking in the adjoining playing field).

#### Registered Buildings

2.9.11 The application refers to Planning Policy Statement 1/01 RB/5 which refers to the desirability of preserving Registered Buildings' settings or features of special architectural or historic interest when determining a planning application which may affect it. The application gives the history of the site and its Registered Buildings which include the entrance gate as well as occupied and used buildings (the main KWC building, the chapel, war memorial and cricket pavilion). They suggest that as the proposed buildings are situated well away from the main building, against the boundary with Janet's Corner and adjacent to Junior House, the only Registered structure affected is a section of the wall along the driveway where an opening is proposed to be formed for the new access, between existing small trees but it would be possible to relocate this and use the existing Junior House access if the new opening is felt to be injurious.

2.9.12 They describe the original building as dating back to 1833 but "has been almost continuously adapted to new demands to develop the curriculum and attract new pupils and

staff and ensure the teaching is of the highest standard", all a product of the time in which they were commissioned taking reference from current best practice and not always looking to 'match' existing" and this approach is described as still apparent in the buildings added to the site both before and since the Registration. They describe the new buildings are not associated with the main building and separated from it by sports fields. It has not been intended to replicate any previous style but to create a new, contemporary style appropriate for a sports hall but not in a way as to make a statement or compete with the other buildings and will facilitate an opportunity to replace the existing sports hall and some of the less successful elements of the present buildings to the west of the main hall and even provide off-site parking to release the present pressure to drive vehicles around the site. They suggest that it would be nice to see more pedestrianised areas "allowing students to walk and talk in a scholarly fashion".

2.9.13 They describe the need for a new sports hall as a major preoccupation for the school governors and finding funding has proved difficult and what is proposed offers a solution to have the facilities provided, enhancing the sporting facilities offered by the school but allowing funds to be diverted elsewhere such as to provide a new examination hall. The proposed building is to be read in association with Junior Houser and is no higher and designed to blend in with the often grey skies toward South Barrule. If the College were to look to replace Junior House that new building would have to be built out with the flight path and would be adjacent to the proposed sports hall.

2.9.14 Their summary indicates that the proposed building will provide modern training facilities available to everyone from elite athletes to recent hospital patients. It takes advantage of land available at King Williams College which is no longer required as rugby pitches. The new facilities will help the college in attracting new students and will also ensure there is a greater opportunity for integration, as the site will also be used on equal terms by community groups and schools based on the South of the Island. It is hoped the nearby regular bus service to the airport will encourage cyclists as part of the Go Active scheme. It will be self-financing and will not require government funding. The large modern building will require minimal excavations, it will recycle rainwater and use solar power for heating and lights and it does not compromise the setting of the registered building and does not require major changes to the present infrastructure.

#### PLANNING HISTORY

3.1 KWC has been the subject of a number of applications for alterations and extensions, the most relevant of which are those which resulted in the creation of a new performing arts centre to the north of the main quadrangle (06/01421/GB, 06/01422/CON) and permissions which have been granted for the redevelopment of the existing swimming pool (not implemented) (11/01212/B, 17/00501/B, 17/00716/B). Aforementioned the current application follows from a previously withdrawn application for a similar scheme PA 19/01137/A which included a number of shops and a transport hub.

#### PLANNING POLICY

4.1 The is designated on the Area Plan for the South 2013 (APS) as 'Buildings for Civic, Cultural or Other Use - College' but also sits outside of the main settlement boundary of Castletown. The western triangle of the site is within the Runway Public Safety Zone and the green areas surrounding the runways themselves are identified as of ecological importance. Certain buildings within the college campus are Registered including the entrance gates on Douglas and Derbyhaven Roads, the main quadrangle building, the chapel and the pavilion. Junior House School building alongside the proposed development is not Registered.

4.2 As a general summary policies within both the Area Plan for the South 2013 (APS) and the Isle of Man Strategic Plan 2016 (IOMSP) seek to protect the fabric and setting of existing

Registered Buildings and to direct all new development to existing service centres and settlements with a promotion of good design and integrated infrastructure and to ensure that development does not result in the unacceptable loss of any existing community or recreational facilities. The following paragraphs are split into those relevant parts of the Area Plan and those of the Strategic Plan, other material considerations as also listed in 4.5 with reference to wider government plans for sport and recreation and for heritage protection, and reference to the Residential Design Guidance 2021 in how best to assess impacts of development in terms of neighbouring amenity.

#### 4.3 Area Plan for the South 2013:

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

4.3.2 Para 8.3 states that the Isle of Man Sport and Recreation Strategy 2002-2012 acknowledges that the funding for, and supply of, facilities and opportunities for sport and recreation is not the prerogative of a single provider. There are a number of partners responsible for different types of provision, including Government Departments, Local Authorities, IoM Sport, sports clubs, and private and commercial providers in its aim to "To provide and promote access and opportunities for the Island Community and visitors to participate in sport, leisure and recreation". In 2005, Tynwald approved the Children and Young Persons Strategy in which it is acknowledged that sport can make a significant contribution to enable vulnerable children to be socially included in the centre of the Island's community. In its Strategy Review 2006 the DTL set out its agenda for action, which included identifying the need for facilities throughout the Island. The provision of community sports and recreation facilities has been subject to further study and Para 8.4 indicates that an audit of sports, recreation and community facilities in the South has been undertaken and this full list is contained in 'Appendix 6'. The KWC astro and Sports hall are identified as regional sports facilities while the only pool facilities listed in the south are Southern Swimming Pool on Arbory Road and the Cherry Orchard Pool and Spa (the Cherry Orchard pool recently approved for change of use to shop under 21/01295/B). The APS2013 states that in general, the South has adequate provision of, and access to, sports facilities, although it is accepted that these facilities will continually need upgrading. A need for rugby, hockey and football pitches was identified and a site at Ballakilly was highlighted as a possible location for new pitches along with a site in Colby.

4.3.3 In terms of site specific policies the APS also includes Landscape Proposals 3 and 6 covering KWC and its surroundings to ensure no spread of development past the existing terrace of houses on the Promenade adjoining KWC and careful consideration of any tall vertical elements so as to not affect the setting of KWC or Castle Rushen which are both recognised as key views in Landscape Character F7.

4.3.4 Paragraph 8.6.2 outlines that Castletown is identified as being the Regional Facility for the South. "The Town currently has suitable provision of regional facilities, including the BMX track at Poulson Park. However, the swimming pool does not meet the standards required for a training pool. There may be opportunity within the life of the Plan for redevelopment of the swimming pool facility which could be carried out in conjunction with the redevelopment of Castle Rushen High School (CRHS) and its associated sports facilities. As regional sports facilities are intended for use by the wider community, and not just the school, the development will need to take into consideration 'out of hours' and weekend access, car parking, the need for segregated ancillary facilities (such as changing rooms and refreshment

facilities). This may impact on the overall footprint of the redeveloped school site which will need to be larger to accommodate wider usage. Suitable land will therefore need to be protected for the redevelopment of these facilities. Land for the redevelopment of CRHS is identified on the current playing fields, and the relocation of the playing fields accommodated within adjacent fields (see Site 10 and Community Facility Proposal 2)."

4.3.4 It should be noted that approval was granted for the relocation of the CRHS sports pitches under PA 19/01140/B in which the applicant indicated the long-term proposals for the redevelopment of the existing school.

4.3.5 Landscape Proposal 3: "Built development should extend no further to the south west towards the Scarlett Peninsula than that already permitted at Knock Rushen, and no further east towards Derbyhaven than the existing terrace of houses on the Promenade adjoining the grounds of King William's College."

4.3.6 Landscape Proposal 6: "In determining applications for development consideration should be given to the siting of tall vertical elements so that they do not affect the setting of King William's College and Castle Rushen."

4.3.7 Castletown and Ballasalla (F7): "The overall strategy is to conserve the character, quality and distinctiveness of this open area that contributes to the setting of Castletown and Ballasalla, to enhance the river field pattern and to conserve the aquatic habitat corridor of the Silverburn. Key Views Open and panoramic views out to sea and over Langness' rocky shoreline beyond the Airport. Key views to the prominent landmarks of Castle Rushen and King William's College."

4.4 Isle of Man Strategic Plan 2016:

4.4.1 The IOMSP follows suit with the general principles highlighting that the quality of life on the Island is improved by attractive open space and by facilities for recreation and other community purposes and that planning policy should seek provision, protection and enhancement of such spaces and facilities, and, that the continued development and growth of sport on the Island and Area Plans should incorporate an assessment of sport and recreation need and provisions and make good any deficiency in provision, and should include, where appropriate water-based sport and recreation. Loss of community facilities is addressed in both Recreation Policy 2 and Community Policy 4 both of which are relevant in the case of this application. RP2 states that proposals which would result in the loss of recreational facilities without suitable alternative provision being made will not be permitted unless there is overall community gain or that the proposal would not have unacceptable effect on overall open space or recreational provision or on the character or amenity of the area. While CP4 relates more so to shops and public houses the principle of its wording indicates that loss would not be acceptable unless the premises was demonstrated to not be commercially viable or could not be made commercially viable. Also relevant are those parts of the Development Plan as referred in 4.2 that seek to direct development to existing centres, promote good design and integrated and safe highway networks and policies which seek to protect and enhance the fabric and setting of any Registered Buildings.

Policies listed in order as read in the IOMSP:

4.4.2 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."

4.4.3 Strategic Policy 4 (in part): "Proposals for development must:

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

4.4.4 Strategic Policy 5: "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."

4.4.5 Strategic Policy 9: "All new retail development (excepting neighbourhood shops and those instances identified in Business Policy 5) and all new office development (excepting corporate headquarters suitable for a business park(1) location) must be sited within the town and village centres on land zoned for these purposes in Area Plans, whilst taking into consideration Business Policies 7 and 8."

4.4.6 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".

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

4.4.8 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."

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

4.4.10 Recreation Policy 1: "Area Plans should incorporate an assessment of the indoor and outdoor sport and recreation needs of the plan area, and the wider context and include proposals to:

- o retain existing sporting facilities and open space provision unless alternative provision of equivalent community benefit and of equivalent or better accessibility is made available;
- o identify suitable sites to make good any deficiency in provision both for existing and future residents of the area; and
- o ensure appropriate provision is made as part of any proposed residential development, in accordance with the Open Space Standards set out in Appendix 6 to the Plan, related to the needs generated by the development, unless the specific housing provision within the development justifies a reduced provision in relation to specific types of open space requirement."

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

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

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

4.4.13 Community Policy 5: "Permission will generally be given for proposals to improve or extend existing schools and institutions of higher education and to build new schools, subject to their being sited and designed in accordance with the other policies of this plan, having particular regard to the potential for community use of the buildings and the associated Open Space."

4.4.14 Transport Policy 2: "The layout of development should, where appropriate, make provision for new bus, pedestrian and cycle routes, including linking into existing systems."

4.4.15 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."

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

4.4.17 Transport Policy 8: "The Department will require all applications for major development to be accompanied by a Transport Assessment."

Transport Assessment: "an evaluation of the likely traffic generated by a new development taking into account measures designed to improve road safety and promote more sustainable means of transport. It is also an assessment of availability and accessibility of all forms of transport in an area."

4.4.18 Transport Policy 10: "The location and nature of development in and around the Island's airports, airfields, and air traffic control sites will be controlled in a manner which ensures that the safe and efficient use of these facilities by aircraft is not compromised. Safeguarding measures such as the Public Safety Zone should be identified where appropriate."

4.4.19 Transport Policy 11: "Permission will not be granted for development which would result in a significant increase in the number of people residing, working, or congregating within the Public Safety Zone associated with Ronaldsway Airport."

4.4.20 Appendix 7 provides standards for parking to be provided for certain types of development:

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.

4.4.21 Appendix 5 and Environment Policy 24 sets out where an Environmental Impact Assessment would be required including "commercial development of more than 500sq metres outside identified settlements."

#### 4.5 Other Material Considerations

4.5.1 The Department has recently issued guidance on new residential development. Whilst this is aimed primarily at new residential development, there are guidelines as to how the impact of new development could affect the living conditions - privacy and outlook - on existing dwellings and this is considered relevant in this case and furthering on those matters outlines in General Policy 2.

4.5.2 The Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man provides advice on Registered Buildings but does not specifically refer to development outside of an RB curtilage which could affect the RB itself.

4.5.3 Department for Education, Culture and Sport has a Strategy for Sport 2014-2024 which promotes all levels of sport on the Island.

#### REPRESENTATIONS

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

5.1 Castletown Commissioners - in support (21/12/2021).

5.2 Department of Infrastructure Highway Services - Do not oppose subject to condition (21/12/2021)

5.2.1 Initially requested further information in comments dated 23/03/2021 seeking parking space numbers based on end user calculations, justification for the 300 overspill car park on the field, bicycle parking provision, modifications to the red line to link with the main road, indication of the hours of operation, inclusion of junction radii and swept path analysis and possibility of linking with the public right of way.

5.2.2 Following the receipt of additional drawings DOI Highway Services provided updated comments 21/12/2021 - Do Not Oppose Subject to Condition. These comments state that the additional information overcomes the highway related concerns. The existing access with the A5 is to be retained as is, and the proposed intersection access from the KWC driveway is to be provided with suitable visibility and to have separate connections for a cycleway and footway. There is some co-occurrence of the use of the facility with the start and end of

college hours, but these will be accommodated within existing street infrastructure minded that there is also alternative ways to travel to the site. The 300 overspill car park has been omitted and car parking is shown as 85 spaces, 5 of which for disabled users and 8 for electric vehicles. 85 spaces is considered acceptable based on the explained proposed use and so long as there are no significant spectator events. Cycle parking could cater for up to 40 bikes, minibuses and coach pick up and drop off remains included, surface water must be contained within the site.

5.2.3 To summarise: The external and internal routes would be used more regularly during times which would traditionally be quieter, but the proposal is unlikely to give rise to significant road safety or network functionality issues. Conditions should be added to ensure the access works accord with drawing 11D, and car parking layout, cycle parking, pedestrian and vehicle circulation including pick up and drop off is provided.

5.3 DEFA Registered Buildings Officer - concerns and request for further information (16/05/2022) - although a heritage assessment has been provided, given the potential impact of the proposals upon the setting of the registered building, a more detailed settings assessment is required to identify and address any potential harm that may be caused. A clear and convincing justification would also be required for that harm. Part of this assessment should include visualisations of the proposals from various agreed viewpoints so that potential visual impacts can be better understood, for example what are the potential impacts from Derbyhaven Road and Hango Hill. The setting can also be impacted by other ways in which the asset is experienced, such as use, noise and lighting requirements, and all these including visual impact have the potential to individually and cumulatively cause potential harm. But at present, there is sufficient information to fully understand the potential impact of the proposals upon the setting of King William College and therefore cannot come to a view that the setting will not be harmed.

5.4 Department of Education, Sport and Culture - two separate comments:

5.4.1 There have been two comments received from a representative of the Department for Education, Sport and Culture. One was received from Dr Alex Allinson MHK who was the Minister of DESC at the time the application was originally submitted, and another received at a later date from the Head of Sport, Recreation and Youth which followed from queries from the case officer in respect of population figures, sporting trends (including post C-19), visitor numbers and economy and impact on other Island facilities. These comments have been summarised below and it should be noted that there have been administration changes within DESC and a new Minister has since been appointed although no updated comments have been received.

5.4.2 Comments from the then Minister of DESC (as of 23/03/2021) - in support - "As Minister for Education, Sport and Culture I am keen to support all initiatives which seek to improve and expand the range of sporting facilities on our island. I believe these proposals would be a considerable asset to the local area and provide the opportunity for athletes across the island to train indoors in conditions similar to which they would compete in the UK."

5.4.3 Comments from Head of Sport, Recreation and Youth (21/10/2021) - comments - Reference and links are provided to Sport England documents which identify benchmark figures of 11m<sup>2</sup> of pool water per population of 1000 in urban locations based on a 'pay and play pool' and discounting open air and teaching pools. An audit of IOM Sport commissioned facilities identifies approx. 38m<sup>2</sup> of water per 1000 population on Island (including NSC, regional pools, Ballakermeen, Glencrutchery and hotel pools). If calculating only public 'lane swimming' pools then the IOM has 16m<sup>2</sup> of water per 1000 population. Sport England documents state that in order to be a 50m ASA or FINA approved competition pool that 8



lanes would be required. Therefore it would not appear possible to host any 50m competitions and so no visitor numbers as to make any economic impact. Comments also indicate that an additional swimming pool could have knock on impact to existing pools. Public pools do not generate profit and require significant subsidy to run, with revenue expenditure far outweighing income, and as such is seen as an investment into people's health and well-being and with swimming being a vital life skill for the Island's population given the surrounding water. Increasing number of pools may potentially reduce number of admissions and bookings at the existing 4 regional pools and thus requiring greater subsidy. A 50m pool would no doubt provide benefit in the development of swimming in an Olympic pool for long course competitions, in terms of numbers the IOM Swimming Association would be able to provide numbers of those who travel off Island to compete. IOM Sport currently support 5 swimmers on Sport Aid (over 18) and 6 swimmers on potential tier (under 18). Without seeing a detailed business plan for the operation it would be difficult to make an assessment on the viability of the scheme.

#### 5.5 DEFA Ecosystems Policy Officer - comments (07/04/2021)

5.5.1 There is room for considerable wildlife enhancing landscaping at the site (planting of Manx native hedging and trees, creation of area of wildflowers, native meadow or small ponds) which would provide habitat for all sorts of wildlife including birds, bats, insects, frogs and mammals. In addition to the biodiversity benefits, the inclusion of wildlife features would provide public health and wellbeing benefit and aesthetic value and educational benefit for King William's College students and others, which is entirely fitting in a community centre. Landscape features will also have the added advantage of sequestering carbon and thereby contribute towards the Islands climate change targets. It is strongly suggested that the applicant contact an ecological consultancy in preparing a wildlife enhancement plan which should be submitted with the detailed application, not to include such enhancements would be a huge missed opportunity.

#### 5.6 Manx Utilities - No objections (06/04/2021)

5.6.1 While there are no major concerns over the planning application at this current stage Manx Utilities advise the applicant to discuss drainage proposals prior to any reserved matters application being submitted.

#### 5.7 The Chairman of the Governors of King William's College and The Buchan School - no objections (06/04/2021)

5.7.1 Advises that their current sports facilities are both reaching functional and physical obsolescence and they have been unable to raise the finance to build a new sports complex in line with what would be expected to a school of that standing. They have spoken at length to the Southern Community Sport Facility in regard to a joint facility which would provide the College with the necessary sports hall and pool to replace what they currently have.

#### 5.8 Representations from Third Parties - both in support and objection

5.8.1 A number of comments have been received from the below addresses in support, and these comments have been summarised and bullet pointed below:

11 The Promenade, Castletown/ 51 King Orry Road, Glen Vine/ Beachcroft Farm, Poolvaish Road, Arbory/ 11 Tromode Heights, Douglas/ 27 Royal Park, Ramsey/ Fir Tree Lodge, Bride/ Ballacubbon, Main Road, Colby/ 49 Westbound Drive, Douglas/ Angel Falls, Strang Road, Union Mills/ 11a Carnane Lane/ 22 Thorny Road, Douglas/ Mellray, Beach Road, Port St Mary/ 18 Wentworth Close, Onchan/ 13 Ballellis, Peel/ Greeba, Park Avenue, Douglas/ 13 Raad Kirree Varey, Peel/ Burnbrae, Main Road, Sulby/ 27 The Laurels, Douglas/ 3 Fuchsia Road, Reayrt ny Keylley, Peel/ 1 Maddrell Drive, Peel/ Glentraugh Farm, Port Grenaugh, Santon/ 4 Ashen Bank, Tromode Woods, Braddan.

- o benefit to the elite and islands competitive swimmers providing a currently unavailable facility on Island
- o benefit to recreational swimmers
- o promote well being
- o provide jobs
- o provide better facilities for parents, babies and beginners (small training pool)
- o existing southern pool is poor and run down
- o contribute to growing sports such as triathlons
- o additional facilities will help to improve and increase capacity for all to access local sports facilities
- o asset to the island and huge attraction and resource in hosting big events
- o reduce numbers of younger athletes leaving the Island to continue training at 50m pools.

## 5.9 Southern Local Authorities Swimming Pool Board - Objection (07/04/2021 and 04/01/2022)

5.9.1 Feel that as a statutory body made up of representatives from all the southern local authorities that they fit the discretionary criteria for IPS. They outline that they have previously explained reasons why the proposal is not suitable as a community facility (letters submitted for previously withdrawn 19/01137/A). They acknowledge that the proposal indicates that the facility will be a training facility, self-financing and not requiring government funding. Their concerns can be best summarised as:

- o the proposal will have a detrimental impact on the residents of Janet's Corner by reasons of its height overshadowing homes and gardens, its glazing facing their elevations resulting in a loss of privacy and the smells of chlorine being uncontrolled.
- o The proposed building and its car parking will detract from views across to the listed buildings of the College, it is not designed to be in keeping with or sympathetic to KWC or historic Castletown
- o its siting here would impede on the principle of maintaining a green gap between Castletown and the Airport/Business Park.
- o The rebuilding of the road uncovered several early burial sites and so there could be archaeological matters to resolve at this site.
- o The scheme has inadequate landscaping provided and seeks to utilise materials in its development which could be hazardous presenting fire risk (cladding).
- o The proposal by providing 'easy parking' would contradict Strategic Policy 10 which seeks to reduce private car travel, the subsequent increased traffic would create a highway safety issue.
- o It hasn't been demonstrated whether the proposal would be suitable for disability users minded that the plans show a lack of such facilities which would automatically discriminate against elderly or less abled members of the community.
- o The proximity of the pool is likely to have a detrimental impact on the Southern Swimming Pool's financial situation. All public pools require a deficiency contribution from DESC and Local Authorities in order to break even and there are additional financial pressures caused by the pandemic and rising costs, and so any drop in income will severely impact the existing southern pool.
- o There is a lack of suitably qualified and available personnel which has impacts the operating schedule of the existing southern pool, and the opening of another pool will further harm human resources.
- o Whilst the board understand the wish to create a 50m pool, it's disappointed that a way forward could not have been found to incorporate the proposals into the new CRHS so that all levels of the community could benefit rather than just the elite.
- o Existing public pools have provided fantastic training facilities for high-performance swimmers to day and without those pools they would not have reached the heights of their achievements to date.

## ASSESSMENT

### Introduction

6.1 The current application is an Approval in Principle for a new sports centre comprising a 50m swimming pool, 60m running track, gym, sports hall with associated changing facilities, and reception and coffee shop. The only details to be considered now are the principle, siting, design, means of access and external appearance, although it would be prudent to understand the drainage, internal layout and landscaping of the site and whether there could be any future implications of such as part of any reserved matters application.

6.2 The assessment will have regard to the overarching aims and policies of the Development Plan as well as giving consideration to other Government strategies in determining;

(i) the principle of development;

(ii) whether the siting, design and external appearance of the building has a suitable visual and amenity impact in relation to the Registered Buildings ;

(iii) whether the siting, design and external appearance of the building has a suitable visual impact on the wider context and surroundings of the site;

(iv) whether the siting, design and external appearance is acceptable in relation to the amenity of the nearest neighbours particularly those in Janet's Corner

(v) whether access, parking and highway safety is suitably addressed in full detail.

(vi) consideration of drainage, internal layout and landscaping detail for subsequent reserved matters application.

### 6.3 Principle

6.3.1 The Development Plan along with other Government strategies make clear that recreation and sport forms a vital part of the Island's community and helps towards promoting a better quality of life through improving health and wellbeing. These recreation and sports facilities are integral to community life and can be provided in various forms such as formal and informal open spaces or purpose built developments, all which could either be publically or privately owned. While a purpose built facility may be targeted more so towards a specific sport person, a wider open space or public park is available to all persons or can simply offer a much needed visual break in development.

6.3.2 Both the Area Plan for the South 2013 and the Isle of Man Strategic Plan 2016 indicate that sport and recreation facilities should be protected, provided or enhanced and that Area Plans should determine the needs for regional facilities and that these should be provided based on population numbers and demand, with the minimum provision of facilities like community sports halls, all weather pitches and indoor swimming pools. The Area Plan for the South 2013 states that most sports provision is already centred in the Castletown area but that these facilities will continually need upgrading. It makes clear that the existing swimming pool does not meet the standards for a training pool and that there could be opportunity for its redevelopment as part of the wider redevelopment of Castle Rushen High School (CRHS) and its associated sports facilities and therefore suitable land was protected as part of the plan (Site 10). In 2019 approval was given for the relocation of the school's sports pitches under 19/01140/B) to help facilitate the redevelopment of the school although no application for any other works has yet been forthcoming.

6.3.3 In cross referencing the Area Plan and the Strategic Plan it is clear that there is policy supporting the provision of new sports facilities including appropriate water based activities as is the case here for a pool and multi sports facility. The Area Plan for the South also indicates the potential for the redevelopment of the existing southern swimming pool. On the face of it, the general principle of the proposal would seek to meet with the promotion and provision of a new pool and sports facilities in the south and to contribute to the overarching aims towards improving the Islands quality of life through health and wellbeing. However the

proposal does somewhat start on a back-foot minded that the land is outside of the Castletown settlement boundary, the site sits within the setting and grounds of a Registered Building and there is question raised as to whether its siting could undermine the actions of the Area Plan which specifically designated additional land for the redevelopment of sports facilities including a swimming pool as part of the CRHS scheme.

6.3.4 The countryside is considered to be land outside of settlements or which is not designated for development. Arguably the site is designated as 'Buildings for Civic, Cultural or Other Use - College' although it's uncertain whether the proposal truly fits within this use and so could be contrary to the land use designation. Aside from this Spatial Policies still seek to direct development to existing centres and only allowing development outside of these areas if it is demonstrated to be of overriding national need and that no other reasonable and acceptable alternatives can be provided (Environment Policy 1 and General Policy 3).

6.3.5 Therefore in determining the principle we must be fully persuaded that sufficient evidence and justification of need has been provided to overcome the sensitivities of the site and to warrant an exception to development contrary to the land use designation and being outside the settlement. While not normally a planning matter, the viability of the proposal should also be taken in to consideration minded that submitted representations from Government (DESC) indicates that the Island's existing regional pool facilities already operate at a loss and require Government funding and support, and it needs to be demonstrated that if accepting an exception to development that there is long term viability of the facility otherwise we could be left with a large scale development, outside of the settlement and in the grounds of a registered building which is unwarranted and underused, and which could become derelict or force future pressure on consideration for alternative use. The impact on the Registered Buildings and visual and neighbouring amenity also contributes in the assessment of principle as if this is deemed to be of such exceptional quality that it could weigh in favour of it acceptable principle, although these elements will be covered in more detail later in this report.

6.3.6 It is undisputed that the facility would be the first of its kind on the Island in providing a 50m swimming pool and would offer a contribution to sport and recreation facilities on the Island. It is also acknowledged that the proposal would result in the loss of some of the more underused sports pitches at the KWC site but there could be some potential recreational gain as a result of the proposal. However on the basis of the above and in assessing the planning application as submitted, there is no supporting evidence or justification to demonstrate what other reasonable and alternative sites have been considered and therefore it cannot be certain that this is the best or only site available as to warrant an exception to development here, and in terms of need, the statistics provided by DESC (para 5.3.3) indicate that the existing Island's pool facilities already provide excess of the pool water benchmark figures per 1000 population and so on paper, based on figures alone, there is no evidential over-riding national need demonstrated for a pool, nor any counter argument to outweigh against a new pool facility at this specific location. The proposal is not a competition pool and so there is no anticipated economy benefits through holding national or global competitions with anticipated visitor numbers increasing as to outweigh policies against development here. Furthermore, it is also quite possible that the provision of another swimming pool facility here and its other recreational facilities will dilute the number of customers visiting to other such facilities in the Castletown area and vice versa, while not usually a material consideration, a lack of viability study or business plan fails to safeguard the long term viability which weighs against the proposal. Overall it is not considered that there is sufficient justification or evidence to warrant the proposed development here as to outweigh Spatial Policies 2 and 5, Environment Policy 1 and General Policy 3(g).

6.3.7 On a technicality the proposal being in excess of 500sq m and outside of the settlement boundary would require an EIA as outlined in Appendix 5, however minded that the land is in fact already designated for development (albeit not for the proposed use) that the lack of EIA is not considered a reason for refusal in this specific case. It is also considered that the proposal whilst being in close proximity to the airport is considered to be of acceptable distances, siting, scale, mass and height as to not compromise the use of the airport, any outside of the Public Safety Zone as to not result in such significant increase in persons congregating in this area to warrant a concern, and would thus comply with Transport Policies 10 and 11.

#### 6.4 Visual and Amenity Impact on Registered Building

6.4.1 There are three specific policies and paragraphs that refer to KWC in the Area Plan for the South 2013 and this makes clear that development should not project any further east towards Derbyhaven than the existing terrace of houses on the Promenade nearest KWC, which this does not, and that careful consideration be given to the siting of tall vertical elements so that they do not affect the setting of either KWC or Castle Rushen minded that both of these structures form prominent landmarks (F7). There is no clarification on what a 'tall vertical element' is, and so we must consider the proposed development as a whole in terms of its overall siting, height, mass and external appearance. Also minded that Strategic Policy 4 of the Strategic Plan also states that development must protect or enhance the fabric and setting of Registered Buildings.

6.4.2 KWC is a very notable building in the south and forms part of the key views not only when entering and exiting Castletown on foot or by car, but from further afield when travelling south on the A3 Ballamodha, when flying into Ronaldsway Airport or when traversing coastal footpaths. The tower element of the building stands tall and is extremely identifiable with the surrounding open sports fields forming its curtilage helping to re-inforce this prominence.

6.4.3 The application is provided with some supporting statements and includes a 'Historic Area Assessment', this information identifies the key buildings within the college campus which was originally founded in 1833, and also makes reference to some of the later addition buildings which are not registered. While the proposal does not physically attach to or result in any physical changes to any of the Registered Buildings, the siting within the grounds and curtilage has potential to impact on the setting of the Registered Buildings. Setting can be affected not just through visual impacts (which is likely to be the key one here) but also through noise, activity and illumination impacts and all which should be considered here.

6.4.4 Noise and activity is expected to increase to some degree but this is perhaps not likely to be so far removed or distinguishable from the overall activity and noise already at the site as a result in any adverse impacts on the existing campus facilities of the setting of the Registered Buildings. In terms of illumination the key hours would be at night time, and internal illumination is to be expected although there is a lack of detailed lighting schemes both internally and externally as to fully determine this element. The airport already has considerable illumination to one side of KWC and so careful illumination could help ensure no further harm.

6.4.5 Aforementioned the site is visually recognisable from many vantage points and so there is potential that the siting, scale, massing and design of the proposal could interrupt this setting. Comments from the Registered Buildings officer state that the 'playing fields clearly contribute to the building's setting, and development on any part has the potential to cause harm. A clear and convincing justification would also be required for that harm. Part of this assessment should include visualisations of the proposals from various agreed viewpoints so that potential visual impacts can be better understood, for example what are the potential

impacts from the A5, Derbyhaven Road and Hango Hill?' The application fails to provide this detailed visual assessment and so the Registered Building's Officer has concluded that at present they cannot come to a view that the setting will not be harmed.

6.4.6 From an officer perspective it is concurred with the Registered Buildings officer that there is too little information to fully determine the true impact on the setting of the Registered Buildings, however there are doubts in the overall siting, height, scale and massing eating into the open sports fields and potentially detracting from the prominence of the tower and original buildings. Whilst tucked away from key views from the Promenade and Hango Hill acute views may still be achievable and the height, mass and external appearance could draw the eye away from the key building and views. Similarly from the main A5 road and when viewing from the Registered entrance gates, the positioning closer to the road than Junior House, coupled with the siting, size, scale, height, massing and external appearance may impede on the setting and whilst also drawing views away from the Registered Building, and in this respect it is not felt that the proposal protects or enhances the setting in line with Strategic Policy 4, nor that a convincing case has been forthcoming as to warrant an exception to any development which may affect any architectural, historic character or sense of place of the site contrary to principles of the PPS 1/01 and Environment Policy 42.

6.5 Visual Impact on the wider context and surroundings;

6.5.1 The introduction of the Strategic Plan paints a visual picture of the Island and reads "About a mile west of Castletown at Balladoole is a low, grassy knoll called Chapel Hill. From within the rampart on a clear day you can glimpse the Neolithic burial chambers on Mull Hill, the Iron Age fort at the summit of South Barrule and the mediaeval splendour of Castle Rushen, whilst beneath your feet is the burial ship of a Viking Chieftain. But that is not all. Also within this landscape are the villages of Port St Mary, Colby, and Ballabeg, the airport at Ronaldsway, Castletown, and, if you are particularly lucky, a steam railway train. Here, in the panorama from just one low hill in the south, is evidence of 8000 years of man living in Mann. Further north, the landscape becomes grander, the hills higher, the wooded glens deeper, and the shoreline even more beautiful. This magic Island is home to the Manx nation, and we should look after our home. In a modest way, land-use planning can help to do this, and, indeed, always has." Compared with elsewhere, the south features heavily in this portrait and perhaps some weight goes to its historic importance being the ancient capital of the Island. The site is also right next door to the Island's airport which is a key gateway and forms some of the first vista's visitors to the Island will see.

6.5.2 There are similar concerns for the siting, scale, mass and height of the building in terms of the general context of the site and surrounding area as those conclusions reached in the impact on the Registered Building stated above. While on one hand the proposal may read subsumed in to the built development of Janet's Corner behind, the positioning and scale of the development is still considered to encroach into the open sports field's which offer some degree of a green space buffer at the edge of the Castletown settlement boundary. Again from a wider perspective, the encroaching of large scale development including tall vertical element such as the sports hall may jeopardise the prominence of the main tower and buildings, but again with no visualisations being provided it is difficult to fully determine this visual impact, and so in erring on the side of caution it is not felt that there is sufficient argument that the proposal will not adversely harm the wider context or surrounding landscape as to be comfortable supporting the application.

6.5.3 There can be instances where exceptional building design and external appearance can warrant an exception to established policy, however it is not felt that the selected design, namely the external cladding system, is of such exceptional quality as to warrant setting these policies aside in this case. Whilst perhaps fit for purpose and somewhat typical of a swimming pool or sports facility, minded that this building is to be positioned in a prominent

location, outside of the settlement and within the grounds and setting of a registered building it perhaps puts greater weight on the need for design and external appearance to be outstanding and making a positive contribution to the environment, but it is not felt that the proposed building quite achieves such contribution in this sensitive location. The proposal in this respect would be considered to fail Landscape Proposal 6 and Character Appraisal site F7 of the Area Plan for the South 2013, along with Strategic Policy 5 and General Policy 2 (b, c, g) of the IOM Strategic Plan 2016.

## 6.6 Amenity impact on Janet's Corner

6.6.1 The proposal follows from a previously withdrawn scheme which had the building positioned closer to the houses in Janet's Corner than is the case now. The proposal still has the longest edge of the building (measuring 5.2m to eaves and 6.2m to ridge) running parallel to the boundary of the dwellings in Janet's Corner, but the building is now pulled further away measuring 18m to the boundary wall and almost 29m from their rear elevations. The development will undoubtedly alter the outlook from the rear of these dwellings but given the distances between them, the proposed building sitting on the northern side and outside of the general sun path, and that the nearest edge of the proposed building is 5.2m tall, it is not considered that the building will be so overbearing or dominating as to result in any significant adverse outlook or amenity impacts as to cause harm to the general living conditions or amenity standards to the dwellings in Janet's Corner as to warrant a refusal.

6.6.2 There is potential for chlorine smells and increased noise as a result of the operation of the facility and in closer proximity to the neighbours compared with the existing school facilities. Taking into account the nearby airport (fumes and noise), the coastal location of the site, the passing traffic on the arterial route and minded of the hours of operation and scale of the proposed pool and development as a whole, it is not felt that the potential level of smells or noise will be so adverse as to bring any significant increases to amenity impact or to present any unacceptable harm to the living conditions or enjoyment of the residential properties. A reserved matters application could have further addressed any mechanical plant or extraction fans within the building to further limit any impact on the neighbours by directing the installation away from the rear elevation.

## 6.7 Access, Parking and Highway Safety

6.7.1 The proposal requires no physical change to the main entrance from the A5 which ensures suitable protection of the Registered entrance gates and the existing entrance way is capable of accommodating any potential increase in traffic and traffic movements to ensure no harm to the existing highway network or its safety.

6.7.2 Access into the site will be through a break in the stone wall in front of Junior House, and parking provision has been assessed based on the anticipated demand and use of the proposed building with a total of 85 car parking spaces being provided with an inclusion of both electric vehicle charging and disabled spaces, as well as further provision of cycle parking to support sustainable objectives which has been accepted by DOI Highway Services. The proposal incorporates and makes provision for both pedestrian and cycle routes alongside vehicular movements, and there is space provided for coach and mini bus manoeuvring all of which have also been accepted by DOI Highway Services and considered capable of accommodating the expected journeys generated by the proposal in a safe manner. The proposal in this respect is considered to comply with Transport Policy 2, Transport Policy 4 and Transport Policy 7 and any reserved matters application would ensure full adherence to any approved highway detail.

## 6.8 Drainage, Internal layout and Landscaping (reserved matters)

6.8.1 This specific site is not recognised as being at any flood risk and so drainage detail is perhaps more so a detailed matter to be considered as part of any subsequent building

control application although minded of Infrastructure Policy 5 and the need to best preserve the Island's water supply, it would be helpful as part of any reserved matters application to understand how the proposal will seek to minimise its water consumption or perhaps include any rainwater harvesting. Similarly there is no detailed information or any clear inclusion of how energy will be dealt with for the building and so again as part of any reserved matters a detailed energy impact assessed to address Energy Policy 5 would be expected.

6.8.2 The submitted plans do include some indicative floor plan layouts which demonstrate how the proposal and the overall design has been developed. Although finer detail would need to be conditioned and covered in any subsequent reserved matters, specifically the size of the proposed pool not being above that shown in the floor plan, minded that other assessments as part of the application have been on the basis of a training facility only and not as a competition pool (parking for example).

6.8.3 The proposal includes some landscape planting particularly along the longest edge of the building nearest Janet's Corner, which will of course once established help to promote a softer edge to the proposal and create a visual buffer. The inclusion of well-considered landscaping is also highlighted within comments from DEFA Ecosystems Policy Officer and it is concurred that failure to include such landscaping within the wider scheme would be a missed opportunity, and so detail would need to be required and suitably satisfied as part of any Reserved Matters application.

## CONCLUSION

7.1 It is accepted that the proposal would be the first facility on the Island offering a 50m pool and associated facilities and would offer increased sport, recreational and leisure facilities contributing to the overall health and well-being of the Island's community which is generally to be supported. It is unquestionable that the facility would have significant benefit to the elite swimmers of the Island and with specialist training facilities, and would offer facilities on the doorstep of the Island's only public school and potentially freeing up existing school pool and sports hall facilities for alternative school uses.

7.2 However, it is not accepted that sufficient evidence of overriding national need has been provided, nor that there isn't any other site available which would offer an acceptable and alternative site elsewhere (whether in the south or wider Island) for the proposed facility without resulting in any undue or unwarranted harm to the setting of the Registered Buildings of KWC and its contribution as one of the key buildings in Castletown and the wider southern landscape.

7.3 Whilst amenity impact on the neighbours and means of access are considered to be acceptable parts of the application and complying with policy, there are no exceptional reasons to outweigh those negative findings as to the principle or visual impacts of the proposal, and there is insufficient need to warrant or justify the facilities in this specific location as to overcome these concerns.

7.4 For the above reasons the application is considered to fail Strategic Policy 4, Spatial Policies 2 and 5, General Policy 3 (g), General Policy 2 (b, c, g), Environment Policy 1 and 42 of the Isle of Man Strategic Plan 2016, Landscape Proposals 3 and 6, and Character Appraisal F7 of the Area Plan for the South 2013 and fails the principles of PPS 1/01.

## INTERESTED PERSON STATUS

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

(a) the applicant (including an agent acting on their behalf);



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

8.2 The decision maker must determine:

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

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

**Item 5.4**

**Proposal :** Creation of a road access and culvert  
**Site Address :** Ballagilbert Farm & Field 434818  
Ronague  
Castletown  
Isle Of Man  
IM9 4HH  
**Applicant :** Mr Geoffrey Sutcliffe  
**Application No. :** 19/00447/B- click to view  
**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To REFUSE the application

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**Reasons and Notes for Refusal**

**R : Reasons for refusal**

**O : Notes (if any) attached to the reasons**

R 1. Whilst accepted that there may be significant benefits to the applicant and in deed benefits to general highway safety, the proposed works will not remove the dangerous elements of the existing highway network and proportionately the level of traffic to be removed is not considered to be significant enough as to outweigh the potential risk of flooding on the public which could arise as a result of the proposed development in the likelihood of an extreme flooding event therefore fails Environment Policy 13 of the Isle of Man Strategic Plan 2016.

R 2. It is not considered that sufficient information has been provided as to sufficient demonstrate that a proposal for an 80m culvert would have no adverse harm to habitats and would fail Environment Policies 4 and 5.

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**Interested Person Status – Additional Persons**

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

- o Manx Utilities
  - o Manx National Heritage
  - o Arbory Commissioners
- 

**Planning Officer's Report**

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF A PRINCIPAL PLANNER WHO CONSIDERED THAT THE PROPOSAL OUGHT TO BE DETERMINED BY THE COMMITTEE.

PRE-AMBLE

0.1 The application was originally proposed for a 40m long culvert and a bank measuring approx. 15m tall at its highest. This application was presented to the Planning Committee during the meeting dated 04/01/2021 with a recommendation to refuse. The reason for

refusal stating "Whilst accepted that there may be significant benefits to the applicant and in deed benefits to general highway safety, the proposed works will not remove the dangerous elements of the existing highway network and proportionately the level of traffic to be removed is not considered to be significant enough as to outweigh the potential risk of flooding on the public which could arise as a result of the proposed development in the likelihood of an extreme flooding event therefore fails Environment Policy 13 of the Isle of Man Strategic Plan 2016."

0.2 A representative of DOI spoke on the application indicating that flood risk management was now a function handled by DOI. From their perspective there was still concerns that the construction of the development would fail. Dimensions that would have been required during any build had not been respected, and angles of the bank should ideally be less steep. Consequence of shallower banks requiring a longer culvert and with potential for blockage.

0.3 During the meeting the applicant spoke in support of the proposal stating that the Stillwater flooding report had been done without any site visit and was based on a hypothetical risk, there is no record of 1/400 year flood having occurred on the Island and that the topography up the river valley was as such that there are no trees which would result in any blockages of the culvert also minded of it being 8ft wide. They also indicated that the intended construction of the bank would be clay based and it wasn't intended to create a dam.

0.4 The Committee agreed to a deferral of the application to allow time for the drafter of the flood report to visit the site and provide their findings, and also to allow time for the applicant to provide detail setting out exactly what is to be built in the form of plans which must be submitted to the Department and circulated to all parties for comment before coming back to the members.

0.5 Additional drawings and detail for the application was received from the applicant on 29th April and was circulated for comment. The expiry for comment on this information is Friday 20th May. The only updated comments received at the time of writing the report were from DOI Highways received 03/05/2022 and which are summarised in 5.0 of this report. Any other comments received will be verbally updated to the Committee during the meeting Monday 23rd May 2022.

0.6 The circulated new information includes a method statement from an appointed structural engineer, a specification for excavations and earthwork, a proposed earthworks plan, three sheets of section drawings through the proposed earth bank and culvert. This information is covered in more detail in 2.0 below.

0.7 It has come to attention that the new drawings submitted by the applicant are not accurate or to scale. Correspondence between the Structural Engineer and Contractor indicate the proposed culvert now being 80m long, this is also confirmed in an email from the applicant dated 17.05.2022.

0.8 The applicant has requested that the application be presented to Committee even though the drawings are incorrect.

#### APPLICATION SITE

1.1 The site is located south of Cringle Reservoir and part way between Ronague Road and Kerrowkeil Road, it forms part of a wider farm holding known as Ballagilbert Farm whose land straddles over the Silverburn River.

## PROPOSAL

2.1 The current application proposes the installation of a culvert in the river and the building up of an embankment to create a road over the river to help facilitate improved access within the farm without the need for travelling along surrounding roads in order to reach fields on the other side of the river.

### Original Submission

2.2 Original submitted drawings for the application show the proposed embankment will stretch around 280m over the valley and across the river, connecting the highest point of the land on either side of the river and standing approx. 15.5m tall. The embankment is indicated to be 40m wide nearest river level and 5m wide across the top accommodating a 3m wide road with 1m grass edging either side. Running north to south through the base of the bank is a proposed a 40m culvert to carry the river, this culvert is to be 2.8m high x 2.4m wide and set 1m into the river bed. The proposed bank is to be constructed from imported inert waste fill.

2.3 The original submission was also supported with a feasibility study, some limited construction notes and background to an Environmental Impact Assessment all which including details of timings of works in stream limited as to best avoid disturbance of juvenile fish, inspection of fill, removal of the redundant bridge further downstream, temporary storing of materials in field 434818 and its return to agricultural use on completion. A method statement was also provided by Island Drainage and Groundworks in how they will gain access to the base of the valley with haul routes, how they will install the culvert, the monitoring and recording of exact quantities of imported inert fill brought to the site and once the culvert is suitably installed and the stream re-routes can the access road be constructed on either side. Compacted earth must be done in layers approx. 200mm thick and the timings of work will depend on the availability of fill.

### Additional Drawings and New Information

2.4 New sections and a plan drawing now provided for the application now shows a construction of an embankment which appears to be longer and wider than that originally proposed, although covering letters state that there are no fundamental changes to the proposal. The original scheme proposed only a 40m culvert whereas an email copy provided between the contractor and the appointed structural engineer indicates a culvert measuring 80m long and the width of the embankment matching this at its widest point.

2.5 New drawings provided by the applicant have not been provided to the correct printed scale and there is no scale or written dimensions on the drawings to determine what is actually proposed. Written communication between the structural engineer, contractor and from the applicant indicate that the proposal is now for an 80m culvert.

2.6 Also included in the new information is a 'method statement' from the structural engineer and 'excavations and earthworks' and 'drainage' specifications. Some of the detail contained within the 'method statement' duplicates elements of the various statements previously submitted and summarised in 2.3 above, although there are some alternative compacting figures at 225mm of earth. However the latter specification documents appear to be far more generic dealing with the construction of footings, roads, car parks and such and the installation of drainage and sewers and appear more akin to domestic development perhaps specific to this particular development.

## PLANNING HISTORY

3.1 There have been a number of previous applications at the site in seeking to create a road over the river; these are as follows with the most recent being 04/02628/B which was approved by the Planning Committee subject to a number of conditions including the need to

comply with Inland Fisheries requirements to ensure suitable culvert design in order to maintain sufficient water velocity and no impacts on the existing watercourse and habitat and restrictions to construction times and construction protection measures:

3.2 00/00743/B - Creation of vehicular access and farm track –\_ Approved

3.3 04/01251/B - Construction of a farm road \_ Withdrawn

3.4 04/02628/B - Construction of a farm road with culvert over Silver Burn River (Resubmission) \_ Permitted on Review

o C1. The development hereby permitted shall commence before the expiration of four years from the date of this notice.

o C2. This approval relates to the proposal as amended and clarified by the letter and enclosures of the 27th of June 2005 from John Gray Consulting Structural and Civil Engineers to the Planning Committee, such as to comply with the criteria set out in the letter of the 16th June 2005 from the Inland Fisheries Development Manager of the Department of Agriculture, Fisheries and Forestry to the Committee; copies of this correspondence are attached hereto.

o C3. Prior to the commencement of any works, there must be submitted to and approved by the Planning Committee a method statement for the proposed works; this should be prepared in consultation with the Drainage Division of the Department of Transport

#### PLANNING POLICY

4.1 The application site is located within the countryside where there is a general presumption against any kind of development as set out in established development plan policies. The site spans a watercourse and is within an area of Ecological Importance (draft) on the Area Plan for the South 2013 and within Landscape Character Area D14 (Incised Inlands Slopes). Given the nature of the application and the land use designation General Policy 3 and Environmental Policy 1 would be most relevant in establishing the principle of development, in this specific case regard shall also be given to planning history in understanding whether any of the previous approvals have been implemented. The subsequent test of the proposal will then turn to Environment Policies 4, 5, 7, 10, 13, 22 and 24 in seeking to protect local habitats, watercourses, prevent flooding and ensure no pollution of the surrounding environment, Appendix 5 sets out where an Environmental Impact Assessment is required, the proposal is not strictly a waste operation requiring an EIA however as the proposal includes the importation of fill to build the embankment Waste Policy 1 shall aid as a checklist to ensure best practise.

4.2 General Policy 3 (states in part):

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

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

4.3 Environment Policy 1:

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

4.4 Environment Policy 4:

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; (1) Wildlife Sites are defined in Appendix 1 41
- ii. proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or
- iii. Marine Nature Reserves; or
- iv. National Trust Land.

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

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

#### 4.5 Environment Policy 5:

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

- (a) minimise disturbance;
- (b) conserve and manage its ecological interest as far as possible; and
- (c) where damage is unavoidable, provide new or replacement habitats so that the loss to the total ecological resource is mitigated.

#### 4.6 Paragraph 7.9 Watercourses and Wetlands

7.9.1 A watercourse or wetland, including ponds and dubs, can be affected by building or engineering operations (either during or after completion of works) or new uses of land which are carried out anywhere within the catchment area. New development in the vicinity of such areas can result in pollution, sedimentation or direct deterioration. Land infill and tipping, mineral exploitation, large scale developments and activities which disturb contaminated material are of particular concern. In all but the most minor proposals, consideration will be given to the protection of watercourses and wetland areas which may be affected by a proposed activity. In addition to requiring planning permission, any work on a watercourse, stream or designated Main River (and normally including the banks for a distance of 9m (30ft) either side) requires the permission of the Department of Transport's Land Drainage Engineer, in accordance with the Land Drainage Act 1934.

#### 4.7 Environment Policy 7:

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

- (a) all watercourses in the vicinity of the site must be identified on plans accompanying a planning application and include an adequate risk assessment to demonstrate that works will not cause long term deterioration in water quality;
- (b) details of pollution and alleviation measures must be submitted;

- (c) all engineering works proposed must be phased in an appropriate manner in order to avoid a reduction in water quality in any adjacent watercourse; and
- (d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species.

#### 4.8 Environment Policy 10:

Where development is proposed on any site where in the opinion of the Department of Local Government and the Environment there is a potential risk of flooding, a flood risk assessment and details of proposed mitigation measures must accompany any application for planning permission. The requirements for a flood risk assessment are set out in Appendix 4.

#### 4.9 Environment Policy 13:

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

#### 4.10 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.

#### 4.11 Environment Policy 24:

Development which is likely to have a significant effect on the environment will be required:

- i) to be accompanied by an Environmental Impact Assessment in certain cases; and
- ii) to be accompanied by suitable supporting environmental information in all other cases.

#### 4.12 Appendix 5 - Environmental Impact Assessment (EIA) - The Need for EIA

"A.5.2 It is proposed that the following types of development would require EIA in every case:

- (a) Agricultural and aquaculture
  - o Installations for the intensive treatment or rearing of poultry or pigs
  - o Major water management projects for agriculture, including irrigation and land drainage projects (this excludes routine water management projects undertaken by farmers)
  - o Intensive fish farming installations"

#### 4.13 Waste Policy 1:

"Waste management installations, including landfill sites, civic amenity sites and facilities for the bulking up, separation, recycling, or recovery of materials from waste will be permitted provided that:

(a) there is an acknowledged need for the proposal in accordance with the approved Waste Management Strategy;

(b) there is no unacceptable adverse impact on local residents in terms of visual amenity, dust, noise, or vibration or as a result of the traffic generated thereby;

(c) there would be no unacceptable adverse effect on:

- i. landscapes, geology/geomorphology and features of special interest or attraction;
- ii. Ancient Monuments or their settings;
- iii. Registered Buildings or their settings, or features of architectural importance;
- iv. the character and appearance of Conservation Areas;
- v. sites of archaeological interest;
- vi. sites containing species or habitats of international, national or local importance;
- vii. land drainage and water resources;

viii. areas of woodland or the Island's timber resources; or ix. designated National Heritage Areas.

(d) the proposal is acceptable in terms of access arrangements and highway safety;

(e) in the case of landfill sites working shall be in accordance with a phased scheme of restoration and landscaping;

(f) the proposal does not sterilize other significant mineral deposits; and that

(g) the proposal will not have an unacceptable adverse impact on airport safety by, for example, increasing the risk of bird strike.

Landfill will only be permitted where it can be demonstrated that there is no alternative method for managing that waste. An application involving the installations or facilities referred to in this Policy will require the submission of an Environmental Impact Assessment."

4.14 "Ballamodha, Earystane and St Marks (D14) - The overall strategy is to conserve and enhance the character, quality and distinctiveness of the area, with its wooded valley bottoms, its strong geometric field pattern delineated by Manx hedges, its numerous traditional buildings and its network of small roads and lanes. The strategy should also include the restoration of landscapes disturbed by former mining activities.

Key Views Distant views prevented at times by dense woodland in river valleys and by the cumulative screening effect of hedgerow trees, which tend to create wooded horizons. Open and panoramic views out to sea from the higher areas on the upper western parts of the area where there are few trees to interrupt views."

4.15 "3.20 Implications of the Landscape Character Assessment Landscape Type: Uplands, Incised Slopes, Undulating Lowland Plain Landscape Area: ... D14 (Ballamodha, Earystane and St Mark's)...

i. To protect the tranquil, rural character of the area with its open views.

ii. Sensitive location of new buildings and the use of screen planting.

iii. Avoidance of physical or visual amalgamation of roadside housing.

iv. Protection and enhancement of the identity of Ballabeg and Colby by the conservation of the rural character of the adjacent landscape."

## REPRESENTATIONS

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

5.1 DEFA Fisheries requested deferral 17/05/2019 and comments received 03/07/2019 -  
o fisheries visited the site and advise that the existing bridge over the river be retained in situ as its removal may lead to an increase in the rate of the flow resulting in lower river water levels.

o Its felt that the 2.4m x 2.8m culvert would be large enough to facilitate the passage of fish, any gravels washed into the culvert should not pose to much of an obstacle but the applicant has indicated that the size of the culvert would facilitate access for maintenance.

o Fisheries advise that a resting pool only by placed on the down river side of the proposed culvert as to minimise disturbance of riverbed silt.

o It is also advised that the applicant contact MU regarding the capacity of the culvert in accommodating the river when in full flow.

o DEFA require a method statement being drawn up and submitted to fisheries prior to works commencing.

5.2 DEFA Biodiversity - initial comments (dated 17/05/2019 and 10/07/2020) indicated that the area of the application was previously mapped in the Phase 1 habitat survey as marshy grassland, scrub, bracken although aerial images show the eastern edge of the watercourse has soil/spread over it. It would be useful if the applicant could provide more close up photographs showing the area around the proposed culvert as to allow a more



detailed assessment of the potential ecological implications of the proposal, noting that there is potential for the creation of wetland habitats surrounding the proposed resting pools. Biodiversity would also like to see comments from Fisheries before providing their updated comments on the application. It was also requested that the applicant provide a Preliminary Ecological Appraisal (PEA) be prior to determination, and also noting from aerial images that a large area of habitat had also been destroyed in 2015 to the east of the tributary and that suitable conditions be added ensure suitable restoration of this area.

5.2.1 Following submission of further information and a site visit by DEFA Biodiversity updated comments were received. Priority should be given to the retention of marshy grassland which is ecologically important and a declining habitat in the IOM, although some is to be lost there are mitigation opportunities through the creation of larger areas of habitat and enhancement of existing habitat around settling ponds and along river corridor, the proposed grassed bank could also be improved through native planting. Montbretia which in an invasive species was spotted on the site and its responsible removal should form part of the works.

5.2.2 Noting that there is no method statement for the creation of the track, culvert and settling pond and that the applicant intends to provide these which provides the mitigation for the loss of the marshy grassland, DEFA Biodiversity are content that conditions prior to commencement rather than prior to determination can be requested in this respect. It was also noted during the site visit that the habitat destroyed in 2015 has already vegetated and the condition was no longer necessary.

5.2.3 Therefore, in order to comply with the Environment Policies 4 & 5 of the Isle of Man Strategic Plan 2016, if this application is approved, the following conditions should be added:

- o No development shall commence until a mitigation plan for the areas of marshy grassland and other semi-natural habitats has been created by a suitably qualified ecologist and this has been submitted to and approved in writing by the Planning Department. The mitigation plan should be written in co-ordination with the method statements for the fisheries settling pond and the road embankment. The agreed measures shall be adhered to and implemented in full and maintained thereafter.
- o No development shall commence until a plan for the responsible eradication of Montbretia (a Schedule 8 Part II invasive plant) has been submitted to and approved in writing by the Planning Department. The agreed eradication measures shall be adhered to and implemented in full and maintained thereafter.

5.3 Malew Commissioners - No objection (dated 01/05/2019)

5.4 Arbory Commissioners - comments were initially received (dated 30/05/2019 and 29/08/2019) there are summarised below and following submission of additional plans updated comments were received confirming In Support (20/07/2020 and 25/08/2020);

5.4.1 Arbory Commissioners request full consideration is given to the EIA, and consideration also be given to the access for wildlife moving along this less maintained area of land.

5.4.2 Arbory Commissioners hadn't received hardcopies of the documents viewable online and were not aware of the amendments and therefore felt they were unable to offer any further comments on the application.

5.5 MU - deferral requested (17/05/2019 and 20/05/2019) and Objection (dated 21/06/2019)

5.5.1 Manx Utilities comments were submitted with a specialist 10 page report prepared by Stillwater Associates this report sets out at concerns for the proposal based on the limited

level of information submitted as part of the application. These comments have been summarised in the covering email from MU and outline the following:

5.5.2 The proposal for an embankment across the valley and the installation of a culvert might restrict flows. Due to the suspected flood implications, specialists Stillwater Associates were engaged to provide an independent review. This report summarised that the proposed embankment could result in accidental storing of water during flood events and could pose and unacceptable risk to people and property downstream, equivalent to a reservoir. Therefore Manx Utilities do not support the application and deem the proposal to be inappropriate from a flood risk perspective.

5.6 DOI Highway Division - Do Not Oppose (03/05/2022).

5.6.1 The further details provided indicate that the proposal is positioned without direct access to a public highway and which allows the highway opposition to be overcome. The proposed works would not require a s109(A) Highway Agreement; although other agreements may be needed with the appropriate authorities for the culverting of a watercourse and structural approval. Additionally, details have been provided that indicate that the proposed earthworks etc. are to reflect the UK's highway standards and specifications for new facilities which would be suitable on following and in combination with the adequacy of workmanship. Construction traffic is unlikely to be material, but there may be need for traffic management along the public roads to assist but this can be addressed with Highway Services outside of the planning process should the application be approved.

5.6.2 Original comments from highways indicated an objection on the grounds of the application having insufficient detail to identify the site compared with the public highway and thus it was not possible to determine the proposal in terms of highway impact.

5.7 Manx National Heritage - 24/05/2019.

5.7.1 The principle of the proposal is welcomed and would help to reduce farm vehicle movement via the single track back-roads that surround Cringle Reservoir. The inclusion of resting pools and the avoidance of perching in the design of the culvert is also welcomed to allow the ease of the passage of fish. Appropriate timing of works would also be welcomed as to minimise the impacts on fish populations.

5.8 The applicant sought to provide a response to the comments made on the application (received by email dated 07/06/2020) these can be summarised as follows:

5.8.1 The existing river crossing point requires steep hill climb either and has a sharp bend, it is not fit for purpose and dangerous to use. Any agricultural machinery (even the smallest vehicles) and a low number of animal foot fall would cause irreparable damage to the land and stream and the large existing MUA water main prohibits works in the area.

5.8.2 Two other options for the access road were discounted due to being steeper and at wider crossing points. The proposed route is the shortest and safest one with least impact.

5.8.3 During winter, the land becomes extremely wet and unstable with machinery getting stuck and sliding down fields, the proposed access road must be level for this reason.

5.8.4 Stillwater Associates have very limited local knowledge of the area, with the report completed remotely and including hypothetical figures. Concerns raised that the construction "might" "could" pose a flood risk and "if"/"in the event" with guidance and standards given relating to reservoirs, when the proposed scheme is not a reservoir holding water but a purposely design culvert to ensure the free flow of water. The average rainfall of the Island is

1139 mm per year, even if this was a reservoir it would take approximately 53 years of constant, non-stop rain to backfill from the proposed culvert.

5.8.5 UK Environment Agency policy (not Manx legislation) states that watercourse shouldn't be culverted unless there is an overriding need to do so, this need can be demonstrated here in terms of local highway safety. The provision of a screen at the entrance to the culvert can further minimise flood risk. We accept and recognised the increased maintenance obligations for any culvert and this would form part of our usual ongoing farm management and we would be more than happy to consider a screen if necessary although our own water safety engineer has advised against this.

5.8.6 Alternatives to culverting suggested by the UK Environment Agency include bridges, alternative infrastructure and diverting watercourse, we have discounted these options as a bridge would present greater visual impact compared with proposed grassed bank, other alternative infrastructure plans would require far greater works to cross the stream and diverting the watercourse not practicable.

5.8.7 The proposed culvert complies with the recommend design and rationale stated in the report it is single barrel, set below river level, readily accommodates the flow of water of the small water course and its length has been discussed with inland fisheries to ensure acceptable fish migration.

5.8.9 The only way the amount of water needed to cause flooding, even in a 1/10,000 event would be for the Cringle Reservoir to fail. In this wholly unlikely event, the proposed culvert could act as a secondary defence to slow the flow of water which would help to increase any time for evacuation. The report states quite clearly that under normal circumstances, the proposed culvert has sufficient capacity of accommodate the flow of the Silver Burn, but would reach capacity during a 1 in 400 year flood but even then, although the culvert may start to hold water, it would continue to release water through the 2.8m high and 2.4m wide pipe and would empty at a rate of 12.6m<sup>3</sup> per second.

5.8.10 The inert waste required to create the access road will be provided by a licensed contractor and the use of the finished track would be for cattle, calves, transfer of fodder by way of a quad and trailer and tractor, it does not form part of a public highway, there is no vehicular right of way or public footpath across it and will be used solely by ourselves as part of a safe and secure manner of looking after out livestock.

## ASSESSMENT

6.1 The original officer's report has been modified to reflect some of the new information received. The outcome of the findings remain unchanged from when the application was originally presented to the planning committee, except a further concern is now raised in respect of the potential harmful impact on the river fish habitats as a result of the potential installation of an 80m long culvert. However on the grounds that there is no scaled, accurate or detailed drawings on which to properly assess the application or reach a thorough judgement, there is no option but to refuse the application not only on the original grounds for refusal as referred in 0.1 of this report, but adding a further reasons in respect of the lack of accurate information provided for the application to fully determine the impact and the potential harm on river habitats.

## 6.2 Planning History and Situation

6.2.1 It is clear that a number of works have been undertaken on site that relate to previously approved application PA 04/02628/B for a similar scheme, this scheme was however approved subject to a prior to condition requiring the submission of a method statement. The applicant insists that such a document was provided by his father; however

there is no record of such method statement on file and there is no confirmation of the condition being discharged. It remains a material consideration that such works have been previously accepted on site but there is uncertainty as to whether the works have been lawfully implemented as part of the 2004 application. Mindful of the uncertainty of situation and the lack of evidence to prove otherwise that the 2004 application has not been lawfully implemented, it would be pertinent to consider this application afresh without reliance on the 2004 application as a fallback position.

### 6.3 Procedure

6.3.1 Appendix 5 of the Strategic Plan 2016 makes reference to the types of applications that require an Environmental Impact Assessment (EIA) the current proposal is for the installation of a culvert and the construction of a road over made from compacted inert waste, the proposal is not a major water management project, it is not a dam or structure for the holding back or permanent storage of water and it is not a landfill site, therefore the proposal does not require an EIA, although a document which purports to an EIA has been provided as part of the original submission in supporting the scheme.

### 6.4 Principle of development - GP3 and EP1

6.4.1 The proposal to create a new internal road to cross an existing small valley and watercourse would help to facilitate the continued conduct of agriculture at the site and in a more efficient, sustainable and animal-safe manner, and in this respect would be considered in principle to meet the exception of General Policy 3(f) of the Strategic Plan 2016. It would also be reasonable to state that its installation would also seek towards improving general highway safety by limiting the farm's demand for use of the surrounding road network by its farms vehicles.

6.4.2 Environment Policy 1 of the Isle of Man Strategic Plan 2016 indicates that the countryside and its ecology will be protected for its own sake and development which would adversely affect the countryside will not normally be permitted. There are a number of matters to consider in determining 'environmental impact' which could manifest into adverse harm on the countryside; these matters have been broken down into subcategories below.

### 6.5 Visual Impact

6.5.1 The overall strategy set out in the D14 landscape character appraisal is to conserve and enhance the character, quality and distinctiveness of the area, with its wooded valley bottoms, field patterns, traditional buildings and network of small roads and lanes with open panoramic views out to sea from higher areas.

6.5.2 Visually, the natural grassed design of the embankment will help it to merge with its surrounding rural landscape. Up close the proposed structure will undoubtedly appear man-made, however given that there are no public roads or footpaths passing the site nearby views will be limited, and only possibly achievable further afield and at considerable distance. From a distance particularly from higher ground existing tree and scrub sitting above and below the site helps to provide a visual backdrop to the area, there are no trees or wooded areas to be removed or affected as part of this proposal, and given that the bank is to be no taller than the land either side, the open panoramic views towards the coast will be unaffected. Upon maturity of the grass and planting on the sides of the banks it's likely that the proposal will appear no to dissimilar from the hills and gradients of adjacent fields and hills and will likely have an overall negligible visual impact on the general and wider character of the landscape and the distinctiveness will be preserved.

### 6.6 Quality of Water

6.6.1 Environment Policy 7 states that development which would cause demonstrable harm to a watercourse which could not be overcome by mitigation measures will not be permitted.

The current proposal seeks to culvert an existing river and build an access track over, the bank is to be constructed from inert waste provided by a licensed operator. Inert waste is waste that does not undergo any significant physical, chemical or biological transformations and which will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter that it comes into contact with in a way likely to cause environmental pollution or harm to human health. The use of such inert waste is therefore not expected to result in any long term deterioration or adverse harm to the quality of the water by way of pollution.

6.6.2 The timing of completion of the proposal remains unknown due to the unknown availability of inert waste (fill) to site. Delivery of fill could be infrequent with amounts unknown. The fill is to be accepted in an adjoining field and may be temporarily stored until such a time that sufficient fill is available to carry out works and that the weather permits it's manoeuvring and compacting into place, the process could be on-going over several years. A statement provided by 'Island Drainage and Groundworks' addresses how on-going construction of the bank will be undertaken, including the creation of hardcore access routes down into the valley that will facilitate the works and that all tracked vehicles used will be pressure washed and drip tested for fuel, oil and hydraulic fluid prior to use. In terms of water quality it is considered that the proposal demonstrates limited harm in respect of the fill imported and the construction and that additional mitigation measures as referenced in the supporting EIA and the Island Drainage and Groundworks statement such as vehicle washing will help to further minimise any adverse impacts and timing of works in the stream to best avoid juvenile fish. Further construction methods are covered in the more recent document from the newly appointed structural engineer. This includes a risk assessment table and the sequencing of works as to best manner to ensure stability of the proposal both during and after construction, and covers items such as how the ground will be compacted with new fill in layers no deeper than 225mm, rolled with deadweight or vibratory rollers and the minimum slopes will be as shown on the new drawings, and use of 'siltbusters' when re-grading the Silver Burn to accept the new culvert to best avoid any pollution. It is considered on the basis of the information provided throughout the application process that there is suitable information to demonstrate how the applicant and contractors will best protect the quality of the watercourse in line with EP7.

## 6.7 Impact on Habitats

6.7.1 The original proposal sought to divert a winding bend of the existing stream through a 40m long culvert within the proposed bank. Comments from DEFA Bio-diversity and Inland Fisheries on this scheme highlighted that although some marshy grassland is to be lost as a result of the proposal, there are mitigation opportunities through the creation of new larger areas of habitat and enhancement of existing habitats around the new settling pond and along the river corridor itself, and there is opportunity for the creation of more ecologically interesting native flowering through the planting of either side of the bank.

6.7.2 The size of the culvert 40m long x (2.4m wide x 2.8m high) is considered large enough to facilitate the passage of fish, with any gravel deposited within the culvert likely to find its own level and not likely to pose too much of an obstacle. The size of the culvert would facilitate access for purposes of clearing any blockage and the applicant has advised this will be done as part of on-going farm maintenance. Fisheries have suggested that a resting pool only be installed down river side of the proposed bank as to minimise disturbance of river bed silt.

6.7.3 There is no method statement in respect of ecological matters provided for the creation of the bank, culvert and settling pond, but because the mitigation for the loss of marshy grassland is linked with the creation of these features it has been accepted that such a method statement can be requested by condition rather than request mitigation details

prior to determination. Biodiversity also request a eradication plan for an invasive plant on the site, however such matters relating to invasive plants shall be dealt with via the Wildlife Act 1990 rather than through planning conditions, however a note will be added to any such decision so as to remind the applicant of their legal obligations under the Wildlife Act as to not cause spread of such plants.

6.7.4 In respect of habitats, it was considered that the original 40m culvert proposal had sufficient mitigation that could be provided as part of the completed scheme as to alleviate the loss of the marshy grassland and that the design of the culvert and resting pool is suitable to ensure the continued passage and migration of fish within the river. A condition requiring the provision of a method statement prior to the commencement of any works is considered necessary and the works must be carried out in accordance with this approved statement.

6.7.5 Due to the inaccurate drawings now provided, it is unknown whether a proposal for an 80m long culvert would be still be acceptable. It is also unknown whether the dimensions of the culvert pipe itself still remain as originally proposed. On this basis it is not considered that sufficient information has been provided as to sufficient demonstrate that a proposal for an 80m culvert would have no adverse harm to habitats and would fail EP 4 and EP 5.

#### 6.8 Impact on watercourse in respect of flooding

6.8.1 The report provided by Stillwater Associates for MU refers to The Reservoirs Act 1975 and the Isle of Man Water Act 1991 and states that the poor design of an embankment and culvert may not allow sufficient water to pass, and this bottlenecking could result in a temporary backing up and retention of water likened to a reservoir, the resulting impact of which could cause overtopping or collapse of the embankment causing flooding. Such structures and culverts should therefore be designed to withstand the water forces imposed upon it and ensured that they're kept clear of blockages at all times.

6.8.2 The original 40m culvert had been specifically selected to accommodate the existing watercourse and has been designed as such to allow a maximum water velocity of 1.26m<sup>3</sup>/s, and under normal circumstances Stillwater Associates have accepted that this is sufficient to accommodate the base flow of the river. However, this culvert will reach its capacity in during a 1 in 400year flood period during prolonged or intense rainfall, and the capacity exceeded in more extreme cases where water will begin to store upstream akin to a reservoir, with any blockages of the culvert making worse the situation. Based on the information available to MU this storage of water could create an area 138% bigger than Cringle Reservoir with the consequential storage of water bearing significant weight on the proposed embankment and which could result in erosion of the fill material or potential collapse and flooding implications downstream matching or exceeding that of the failure of Cringle Reservoir with risk to sites and residential properties between 0km - 8km away.

6.8.3 The 40m culvert was also dimensioned at 2.4m x 2.8m and to facilitate a full walking height for maintenance and inspection purposes. While acknowledged that the proposed structure would not in principle result in the creation of a reservoir as defined by legislation, it has potential for the accidental storage of water in the event of extreme flooding and blockage, so much so that it should be design to withstand such water forces imposed and as if it were a reservoir. To facilitate such water velocity the culvert should be 4.6m x 5m and the bank designed to a suitable structural stability to minimise collapse.

6.8.4 At paragraph 3.3 of the Strategic Plan 2016 there are a number of 'Strategic Objectives' for the environment listed, including "(a) To support the precautionary principle, which assumes that activity might be damaging unless it can be proved otherwise in respect of development where significant environmental implications are involved", while the applicants have sought to provide responding comments to the objection from Manx Utilities,

it is not felt that this is sufficient enough as to outweigh the information available in respect of the potential catastrophic flood risk as a result of a 1 in 400 year flooding event, and it is therefore considered that the proposal fails Environment Policy 13.

6.8.5 Minded of the lack of accurate information provided for the proposal, it cannot be determined whether the proposal would now overcome the original issues. Therefore the potential flood risk remains an outstanding concern and a reason for refusal.

## 6.9 Highway safety impact

6.9.1 Additional information was provided by the applicant in response to DOI objections confirming that the proposal related only to an internal access road and that there were to be no changes to existing accesses onto the main highway. Updated comments have now been received from DOI and they have confirmed that the new information sufficiently addresses their initial concerns as to overcome the objections in respect of scaled plans and visibility.

6.9.2 Aforementioned in earlier segments of this report, the proposal is to create an internal access road to facilitate an improved efficiency of a single farm and to limit their farm vehicle movements along the main local highways which in recent years has become increasingly unsafe for them due to the narrowness of the local roads particularly passing Cringle Reservoir coupled with the increased use of the surrounding area for recreational purposes and events (plantations and reservoir) and the increased popularity of road cycling and cyclists frequenting the area. The applicant has provided several pieces of evidence including dash cam footage from their farm vehicles showing near misses with oncoming cyclists and other road users and it is a matter of fact that the creation of an internal road would limit their demand for use of the local highway by their farm vehicles and would help towards improving highway safety, however this highway is still going to be utilised by other road users including large vehicles where there still remains some degree of risk in the safety of all road users. While the overall highway safety of the applicant is to be increased as a result of the proposed works, the proposal is likely to have an overall negligible impact and effect on the general highway safety of the public.

## CONCLUSION

7.1 In the case of this application, it is not considered that there are sufficient highway safety benefits to the general public as to outweigh the potential risk of flooding on the general public as a result of the construction of the proposed bank in the likelihood of an extreme flooding event.

7.2 On the basis of the lack of accurate information now provided for the application a further reason for refusal is to be added in respect of the potential harm of the proposed 80m culvert on river habitats.

## 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 23rd May 2022

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### Item 5.5

**Proposal :** Installation of 3 tanks for the storage of chemical, Yara Nutriox.  
**Site Address :** Meary Veg Sewage Treatment Works  
Balnahowe  
Santon  
Isle Of Man  
IM4 1HL  
**Applicant :** Mr Adam Young  
**Application No. :** 21/01551/B- click to view  
**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

Reason for approval:

The proposal complies with Environment Policy 22 and 24 of the Isle of Man Strategic Plan 2016 and is recommended for approval.

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

None

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

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

#### THE APPLICATION SITE

1.1 The application site is within the curtilage of Meary Veg Sewerage Treatment Works, which is situated in Santon. The site comprises the sewage treatment works which are a collection of agricultural-style clad large span buildings, silo-like structures and surface level tanks, associated offices within converted farm buildings and electricity substations, The site is around 430m in length at its longest point and 234m wide.

1.2 The specific site is situated to the South of the Meary Veg Sewerage Treatment Works between an old drier building and the Technicians workshop. The site used to house 3 diesel storage containers of similar sizing to what is proposed within this application. The previous storage were decommissioned and removed approximately 4 years ago.

## THE PROPOSAL

2.1 The current planning application seeks approval for the installation of 3 GRP tanks within an existing bund for the storage of Yara Nutriox, which is used in the sewer maintenance to prevent the formation of hydrogen sulphide.

2.2 The tanks are to measure 3.05m across with a height of 4.34m, which will have a capacity of 30 cubic metres each. The proposed existing bund can carry approximately 52 cubic meters.

2.3 For information Yara Nutriox is a chemical which is liquid and is composed of Calcium Nitrate Tetrahydrate and water, the MUA use this chemical within their pumping stations to maintain safe levels of Hydrogen Sulphite within the sewerage infrastructure.

## PLANNING HISTORY

3.1 The sewage treatment facilities were initially approved under PA 99/0845. Subsequent to this, applications have been submitted and approved for the installation of a mezzanine floor and staircase to an existing tractor store (PA 05/0510), installation of an additional cake silo (PA 01/0208), the construction of a concrete base as a foundation for the installation of an oil;/water separation unit (PA 07/0593) and the increase in the height of an existing storage silo (PA 07/1504), erection of a sludge treatment building facility (13/91000/B and 14/00578/B), erection of a detached substation (15/00200/B) and most recently the refurbishment of redundant sludge processing buildings to provide storage, archive and workshop space (18/01175/B).

## PLANNING POLICY

4.1 The site lies within an area zoned as "not designated for development" and also within an "Area of Ecological Importance - Draft" on the Area Plan for the East. The site is not within a Conservation Area and whilst parts of Meary Veg are within a Flood Risk Zone, the site itself is not.

## 4.2 AREA PLAN FOR THE EAST

4.2.1 When looking at the Area Plan for the East it can be seen within the written statement and attached documents that Meary Veg Sludge Treatment Facility is situated within an landscape character area of D13 and within a Key Asset area, of which the Area Plan for the East states, "7.3.5 The Strategy concludes that the Island's key assets are currently maintained to an appropriate standard and have been designed to withstand future change."

## 4.3 STRATEGIC PLAN

4.3.1 Given the nature of the proposal, the most relevant Strategic Policies are Environment Policy 22, which seeks that development will not be permitted where it would unacceptably harm the environment and Environment Policy 24 (EIA) in connection with Appendix 5 which seeks that Development that is likely to have a significant effect on the environment will be accompanied by either a EIA or by suitable supporting environmental information.

4.3.2 These policies are followed by;

4.3.3 Strategic Policy 1 which seeks that development make best use of resources,

4.3.4 Strategic Policy 4(c) which seeks that development must not cause or lead to unacceptable environmental pollution or disturbance,

4.3.5 General Policy 3 states that development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan other than a number of stated exceptions,

4.3.6 Environment Policy 1 seeks to prevent development which would adversely affect the side other than in exceptional circumstances,

4.3.7 Environment Policy 4 which seeks that development will not adversely affect wildlife and specially that the Department will seek site specific advice if proposals are brought forward,  
4.3.8 Environment Policy 5 which seeks that development which is accepted under Environment Policy 4, minimalizes disturbance, conserves and manages ecological interest and where damage is unavoidable, provides new or replacement habitats,

## 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 "No Highways Interest."  
(20.01.22 & 11.05.22)

5.3 Santon Commissioners have considered the proposal and whilst they have no objection to the proposal they are worried with the amount capacity that the proposal has and suggest that the height of the bunded wall be increased. (18.02.22)

5.4 Environmental Protection Officer had written in to state that, the proposal would not impact the current discharge license conditions and that a review of the bund is advisable to ensure it has sufficient capacity. (09.05.22).

5.5 After a request for clarification the Ecosystem Policy Officer has written in to state that they do not think that the proposal will have an impact upon the remaining habitat. (10.05.22)

## ASSESSMENT

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

- principle
- character and appearance
- EIA/ impact on ecology

### 6.2 PRINCIPLE

6.2.1 The site is not designated for development, nor does the proposal meet the expectation criteria in General Policy 3. However, it is necessary to note the past history of the site, in which there is a long standing history of the site being used as a Treatment Works and also in 1995 there was the Santon Head Amendment Order which put Meary Veg zoned as Sewerage Disposal Works and an Area of High Landscape or Coastal Value and Scenic Significance. Whilst it is unsure on why this was not transferred through in the Area Plan for the East, it is deemed that the principle of works in connection to the Treatment Works is acceptable upon this site.

### 6.3 CHARACTER AND APPEARANCE

6.3.1 When looking at the character and appearance of the proposed tanks, it should be noted that there were tanks within this site previously which as the applicant has started were decommissioned around 2018. The area in which the tanks are proposed is surrounded by mature trees and hedging, as such given the fact the area is surrounded by structures and the tanks are to be situated upon a site where there were already tanks in place, the impact upon the character and appearance of the area is minimal.

### 6.4 EIA/ IMPACT ON ECOLOGY

6.4.1 Firstly it is necessary to note that the proposed works would require an Environmental Impact Assessment (EIA) as per Environment Policy 24 in connection with Appendix 5 of the Isle of Man Strategic Plan 2016 due to the works being the storage of chemical products.

6.4.2 On the fact of it, therefore, it would appear that an EIA would be necessary. Whilst this is the case the information provided within Appendix 5 states that failing a Planning Policy Statement, which the Department has not done yet, the Department will adopt the current practice from England and Wales.

6.4.3 The proposed works are not on the list requiring an EIA within England and Wales, whilst this should not instantly mean that an EIA would not be required, representations have been requested from the Departments which would normally be asked for representations, of which none have raised any issues. Add in the fact that the proposed works are within a working sewerage treatment works, where it is understood that the workers would understand how to effectively store and use the chemical in this instance it is deemed that an EIA is not required.

6.4.4 Turning towards the land zoning of the site, in which it was zoned as an "Area of Ecological Importance - Draft," clarification was sought from the Ecosystem Policy Officer who states that whilst there might have been a habitat which was there approximately 8-10 years ago little remains now. As such they do not think the proposed tanks would impact of any remaining ecology. It is then deemed that there is nothing within the proposal which would deem refusal on the basis of ecology.

## CONCLUSION

7.1 The proposed tanks are to be situated within a site which is already being used as a Sewerage Treatment works and as such an EIA is not required for the reasoning's above and the proposed works are deemed to comply with Environment Policy 22 & 24.

## 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 5.6**

**Proposal :** Creation of pond  
**Site Address :** Ballachrink Beg Fields 214314 And 210194  
Jurby East  
Isle Of Man  
IM7 3HD  
**Applicant :** Mr & Mrs Cowsill  
**Application No. :** 22/00036/B- click to view  
**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

C 1. 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.

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.

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**Interested Person Status – Additional Persons**

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

(DOI) Flood Risk Management Division

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**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

THE APPLICATION SITE

1.1 The application site is situated to the South of Field No.214314 which is North to Ballachrink Beg, Jurby East which is situated down a dead end road to the North of Jurby East Road.

## THE PROPOSAL

2.1 The current planning application seeks retrospective approval for the creation of a pond within Field No.214314. The pond measures 9m by 18m with an approximate depth of 2m.

2.2 The applicants have provided the following information as justification;

- Most winters the area becomes very waterlogged and water collects in around the site. The best option was therefore to dig a farm pond which would then reduce the flooding in the rest of Field: 214314
- The idea was discussed with DEFA's Agri-Environment Scheme partners and an ecological assessment indicated a net biodiversity gain.
- The pond will naturally fill from rainwater and existing field drains.
- The outflow is into the existing ditch.
- Trees and shrubs will be planted on the site following approval from DEFA.
- DEFA have indicated that once Planning Approval is granted, they will help fund the farm pond under the Agri-Environment Scheme.

## PLANNING HISTORY

3.1 The previous applications are not relevant in the assessment of this application.

## PLANNING POLICY

### 4.1 STRATEGIC POLICIES

4.1.1 The site lies within an area zoned as "Not for Development" on the 1982 Development Plan, North Map, the site is not within a Conservation Area but is within a Surface Water High Likelihood Flood Risk Zone.

4.1.2 Given the nature of the application and the land designation, General Policy 3 (h), is the most relevant Strategic Policy followed by the following Strategic Policies;

- Strategic Policy 1 seeks that development should make the best use of resources.
- Strategic Policy 2 seeks that development in this case must protect or enhance the landscape quality and must not cause or lead to unacceptable environmental pollution or disturbance.
- Environment Policy 1 seeks to prevent development which would adversely affect the side other than in exceptional circumstances.
- Environment Policy 2 seeks to prevent development within Areas of High Landscape or Coastal Value and Scenic Significance from harming the character and quality of the landscape.
- Environment Policy 4 seeks protection of ecology and designated sites/protected species.
- Environment Policy 22 which seeks that development will only be permitted where it would not in this case unacceptably harm the environment
- Environment Policy 27 which seeks to enhance the natural environment

### 4.2 OTHER MATERIAL CONSIDERATIONS

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

4.2.2 Wildlife Act 1990

## REPRESENTATIONS

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

5.2 Highway Services have considered the proposal and state "No Highways Interest." (27.1.22)

5.3 No representation has been received from Ramsey Commissioners at the time of writing this report.

5.4 DOI Flood Risk Management Division have written in to state they "Do not Oppose" (24.01.22)

5.5 The Ecosystem Policy Officer has written in to state that they have no issues with regards to the application. (03.02.22)

5.6 DEFA Fisheries have written in to state they the works "are not likely to have caused an issue." (11.04.22)

## ASSESSMENT

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

- principle of the development
- impact upon visual amenities
- impact upon ecosystems
- impact upon neighbouring amenity
- any other matters.

## 6.2 PRINCIPLE

6.2.1 The land in question is zoned not for development, whilst this is the case the proposed works could be done under General Policy 3 (h), buildings or works required for interpretation of the countryside, its wildlife or heritage. This is due to the works having more of an ecological benefit than the underused agricultural land which will enhance the nature conservation value of the site, with minimal visual change in the appearance of the area.

6.2.2 Moreover the creation of a pond accords 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.

## 6.3 VISUAL IMPACT

6.3.1 When looking at the potential visual impact from the scheme, the proposed pond is situated within a site which will not be seen from the main Kiondroghad Road which is situated to the North of the site or Jurby East Road which is situated to the South of the site, as such the potential visual impact would be minimally.

6.3.2 It should also be noted that there have been several applications for ponds in recent years within site such as this, as such a wildlife pond/drainage pond would be an acceptable development within farmland, as such it is concluded that the proposal would have an acceptable visual impact and aligns with Environment Policy 2.

## 6.4 ECOLOGICAL IMPACT

6.4.1 Turning towards the potential ecological impact from the proposal. Generally speaking a new pond should introduce new wildlife habits within the surrounding area, specifically with this site being in an area of improved agricultural land. With the potential that over time there would be an ecological benefit once the vegetation in the surrounding area has been established. Both Inland Fisheries or DEFA Biodiversity have considered the application and do not raise any issues.

## 6.5 NEIGHBOURING AMENITY

6.5.1 Due to the ponds location, the nearest neighbour is situated to the South East, Ballachrink Farm is approximately 145m away as such there should be no impact on the neighbouring amenity.

## 6.6 OTHER MATTERS

6.6.1 No other matters have been identified.

#### CONCLUSION

7.1 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.

#### 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 23rd May 2022

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### Item 5.7

**Proposal :**                   **Erection of a replacement dwelling**  
**Site Address :**           **The Wonder House**  
                                  **Dhoon Loop Road**  
                                  **Dhoon**  
                                  **Ramsey**  
                                  **Isle Of Man**  
                                  **IM7 1HN**  
**Applicant :**               **Mr & Mrs Christopher And Daphne Caine**  
**Application No. :**       **22/00249/B- click to view**  
**Planning Officer :**      **Mrs Vanessa Porter**

**RECOMMENDATION: To APPROVE the application**

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

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

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

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

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

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

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

C 3. 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 4. No commencement of the dwelling hereby approved shall be undertaken until detailed plans have been submitted which demonstrate how surface water runoff from the front driveway will be prevented from running onto the highway. These approved details shall be completed prior to the occupation of the dwelling hereby approved.

Reason: In the interest of drainage/flooding protection.

C 5. Prior to the commencement of the development hereby approved, an Energy Statement shall be submitted and approved in writing by the Department which demonstrates the new dwellings has a Standard Assessment Procedure (SAP) rating of at

least 97 (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 97 (or similar rating system) has been achieved.

Reason: the 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.

C 6. Within 6 months of the development being completed, three bird boxes must be set up in a useable condition and retained thereafter.

Reason: for the protection of the House Martins

Reason for approval:

The proposal complies with Housing Policy 12 and although on the cusp of the 50% threshold the proposal is considered to be of suitable and acceptable design as have no adverse visual impact on the countryside in line with Housing Policy 14 and Environment Policies 1.

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### **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):

Kerrowdhoon, Dhoon Loop Road & The Manx Ornithological Society as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (January 2020).

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSAL IS CONSIDERED CONTRARY TO HOUSING POLICIES OF THE STRATEGIC PLAN AND IS RECOMMENDED FOR APPROVAL

#### THE APPLICATION SITE

1.1 The application site is within the residential curtilage of "The Wonder House," Dhoon Loop Road which is a large split level property situated to the North East of the Dhoon Loop Road.

1.2 Due to the substantial sloping of the land West to East the existing dwelling gives the appearance of a two storey property from the front elevation and three storeys from the rear elevation.

1.3 Within the information provided from the agent on behalf of the applicant they state that the property dates back to the 1912 and is a timber frame lined internally with plaster board and externally with render, the roof is finished with lightweight asbestos tiles.

#### THE PROPOSAL

2.1 Proposed is the replacement of the existing dwelling with a more modern split level dwelling, which will sit almost on the same site as the existing dwelling.

2.2 The existing house has a floor area of approximately 254 sq m with a height to the top of the chimney stacks of approximately 9.5m from ground floor situated at road level.

2.3 The proposed dwelling would have a floor area of approximately 376sq m and would sit almost upon the footprint of the existing albeit with a slightly larger ground floor area. The proposed dwelling would have an overall height of approximately 9.2m from ground floor at road level. The proposed dwelling will re-use the stone from the existing basement for the lower ground floor level with the rest of the property being finished in smooth white render. Windows, door frames, fascias, gutters and downpipes are to be black uPVC or power coated aluminium. The roof will be finished in natural grey slates with in line 'photovoltaic' panels on the South West Elevation.

2.4 The applicant has provided the following information to demonstrate that the property is not suitable for renovation, "After 25 years' occupancy, many of the PVC windows now require replacement together with the porches/upper bay windows and original timber framed windows in the basement.

There is some ingress of water through the roof with the asbestos composite roof tiles (chrysotile) becoming porous after extended periods of rain.

The asbestos slates therefore need replacing with a lightweight finish that the existing structure can support and, for longevity, further significant investment will be required to upgrade its energy performance, replace the heating system and generally update its internal layout to meet more current lifestyle standards.

It is hard to see how this can be achieved in an economically sustainable manner bearing in mind the limitations of the walls that have nothing but render as protection from the weather.

With climate change at the heart of things to come, and with financial sustainability firmly in mind, the option of replacing the current dwelling with a new eco-sustainable home is therefore being explored."

## PLANNING HISTORY

3.1 The previous applications on the site are not relevant to the assessment of this application.

## PLANNING POLICY

### 4.1 STRATEGIC PLAN

4.1.1 The site lies within an area zoned as "Area of Private Woodland or Parkland" and within an "Area of High Landscape or Coastal Value and Scenic Significance" on the 1982 Development Plan, North Map. The site is not within a Conservation Area nor a Flood Risk Zone.

4.1.2 Given the designation of the site and the nature of the development it is relevant to consider the following policies of the Isle of Man Strategic Plan 2016 in the assessment of this application, General Policy 3 (d), paragraph 8.11.1, Housing Policy 12 and 14 for the replacement of existing rural dwellings, Environment Policy 1 for the protection of the countryside, General Policy 2 for the general standards towards development and Transport Policy 7 with regards to parking standards.

4.1.3 It is also necessary to assess the proposal against Planning Circular 3/91 - Guide to the Design of Residential Development in the Countryside.

4.1.4 The recently released Residential Design Guidance 2021 is also a material consideration and whilst focused on dwellings within settlements, does offer advice in relation to the impacts on neighbours.

4.1.5 Furthermore consideration shall also be given to Community Policies 7 and 11 in respect of reducing outbreak of fire and preventing criminal activity and Infrastructure Policy 5 in respect of water conservation.

## 4.2 OTHER MATERIAL CONSIDERATIONS

4.2.1 Greater efficiency Cleaner energy Resilient economy - A climate challenge mitigation strategy for the Isle of Man 2016 - 2020 June 2016 - The below are some key points where are considered relevant in the assessment of this application and can be considered as "other material planning considerations";

- o "Based on figures received March 2015<sup>1</sup> estimated emissions from the Island in 1990 were 615,717 tonnes CO<sub>2</sub>e. This equates to approximately 9.55 tonnes per person. Tynwald's stated target for the year 2050 is an 80% reduction on 1990 levels which equates to 1.91 tonnes per person. Based on an estimated population of 101,922 in 2050 the net emissions target is therefore 194,599 tonnes CO<sub>2</sub>e."

- o The Strategy for this plan includes hierarchical principles, which are:

- 1) eliminating energy demand,
- 2) improving energy efficiency, and
- 3) substituting fossil fuels with sustainable alternatives.

- o "To deliver the agreed scale of emissions reduction it will be necessary to ensure that net emissions of greenhouse gasses from buildings will be close to zero by 2050".

Policy agreed by Tynwald May 2015

- o "In 2013 heating appliances alone accounted for approximately 30% of the Island's greenhouse gas emissions"

## REPRESENTATIONS

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

5.2 Highway Services have considered the application and state, "The proposal does not raise significant road safety or network functionality issues. Accordingly, HDC does not oppose this proposal subject to the layout to accord with Drawing No: 03 Rev A." (21.03.22)

5.3 Garff Commissioners have considered the application and have no objections (13.04.22)

5.4 DEFA Forestry has considered the application and has no objections (12.05.22)

5.5 DOI Flood Risk Management have considered the application and "Do not Oppose." (21.04.22)

5.6 Manx National Heritage have written in to give representation after the officer seeking clarification on the possible House Martins on the site. (13.05.22)

5.7 The Manx Ornithological Society (MOS) have written in to highlight that the property is a known nesting site for House Martin (*Delichon urbicum*), an Amber-listed Bird of Conservation Concern (BoCCIoM2021). (4.05.22)

5.8 The owner/occupiers of "Kerrowdhoon," Dhoon Loop Road write in support of the application. (02.04.22)

## ASSESSMENT

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

- principle of design / impact
- impact on highways
- impact on neighbours
- impact upon trees
- impact upon ecology
- other matters

## 6.2 PRINCIPLE OF DESIGN / IMPACT

6.2.1 Housing Policy 12 gives clear guidance on the replacement of existing dwellings within the countryside of which the proposal is to comply with, firstly when looking at the existing dwelling it is accepted that the existing dwelling has not lost its residential use by abandonment.

6.2.2 The next part of Housing Policy 12 is whether the property is of architectural or historic interest/ capable of renovation. Firstly from the information provided to the Department, the items in which are failing within the property are items which would need to be replaced over time no matter the dwelling (windows, roof, boiler), as such the proposed property could still be renovated and upgraded at a cost.

6.2.3 The main failing and unique part of this property is its construction, which is timber with render on the exterior and plasterboard internally, though you would not know this by looking at the property and whilst this is an interesting feature, it is understandable on why the applicants are proposing a more modern sustainable build. From a design point of view the overhanging eaves are a nice feature but within the whole context not enough to warrant keeping the property.

6.2.4 As the proposal complies with Housing Policy 12 the next logical step within the Strategic Policies is Housing Policy 14, as the proposal is just on double the existing floor area. The expectation of Housing Policy 14 is that dwellings 'generally' be designed in line with Planning Circular 3/91, in exceptional circumstances, "permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact". HP14 also states: "Consideration may be given to proposals which result in a larger dwelling where this involves the replacement of an existing dwelling of poor form with one of more traditional character, or where, by its design or siting, there would be less visual impact."

6.2.3 The existing dwelling measures approximately 254sq m, with the proposed replacement dwelling measuring approximately 376sq m, which is an increase of 50%. As such the proposed dwelling is on the cusp of the 50% threshold, whilst this is the case the proposed replacement dwelling is self-evidently not traditional Manx vernacular and therefore the assessment must consider the extent to which it is modern and innovative and that the proposal does not result in an adverse visual impact.

6.2.4 It can clearly be seen that the proposed dwelling appears to be of a modern and innovative appearance, the different roof pitches add interest to the whole build, with the whole property being built to a carbon neutral standard.

6.2.5 The property itself can be seen from not only Dhoon Loop Road but also from the main A2 road, which brought up a query on whether the proposed North West elevation would be acceptable due to its lack of window features. Whilst it is understood why a lack of windows have been put into this elevation, the lack of windows could potentially have more of an impact upon the whole streetscene.

6.2.6 When driving along the Dhoon Loop Road, from North to South, the main elevation you will see is the North East Elevation and part of the front elevation and when driving from the South to North Elevation, the main elevation you will see is the South West elevation and part of the front elevation. With the main front elevation only being seen fleetingly when driving the Dhoon Loop Road, as such the lack of windows to the front elevation will not have enough of impact upon the Dhoon Loop Road streetscene to warrant refusal.

6.2.7 There is the possibility due to the topography of the land surrounding the property that you will be able to see the first and second floor from the main, Ramsey Road. From this viewpoint the main roofline will be altered to be lowered to the North elevation, as such the impact of the property upon the overall countryside will be minimal. The new roof plan will also add interest from a distance.

6.2.8 The proposed dwelling has been designed to be more of a modern contemporary designed house which can take advantage of renewable energy sources and Passivhaus principles; hence trying to meet the "overall environment improvement" aim in Housing Policy 14. The siting of the dwelling and the proposed rooms within the property is to assist the property in making use of ground and air source heat pumps, solar thermal and photovoltaic systems, which would not be the case if the existing dwelling/curtilage is used due to its construction. The agent on behalf of the applicants explain that; "A key priority of the project is to provide an eco-friendly home of the highest possible environmental standards to provide healthy living conditions in a sustainable manner. The design ethos for achieving this is set out below. Sea facing elevation (South East) in true passive style and to optimise solar gain opportunities, its southerly facing outlook with superb views over the glen and out to sea encourages a design solution that incorporates large expanses of window to the primary living areas. A level access balcony with steps down the garden has been incorporated with re-used stone facing finish incorporated at the lower level in reference to the current dwelling. Roadside elevation (North West) to minimise heat loss the number of windows facing this direction is limited to the upper landing only. Whilst dramatically simple, this elevation contains the main entrance where, to meet current standards, level access links with the existing pedestrian entrance and newly created on-site parking area is readily achieved. A discreet roof terrace has been created between the mono-pitch roofs to provide readily accessible outside space serving laundry/plant room facilities and a small office located within the higher element of the mono-pitch roof."

6.2.9 Furthermore, they comment, "From an energy consumption point of view, a near carbon neutral strategy is being pursued to ensure a healthy and comfortable internal environment which will seek to achieve an energy performance rating of 97 or above is achieved.

To minimise energy consumption the main principles of "passivehaus" development to be adopted will be:

- o Timber frame envelope with air tight, thermal bridge free design and construction
- o Well insulated window frames and glazing utilising triple panes with double pane low e glazing
- o Primary windows located on the most southerly aspect with solar shading to prevent over heating in summer
- o Minimal number of windows on the northerly aspect to minimise heat loss during the winter period Page 5 of 6
- o Mechanical ventilation with high levels of heat recovery (MVHR) that utilises energy within the internal environment by cleaning and heating/cooling dirty and heating/cooling fresh air input to ensure a healthy environment is maintained
- o Kitchen Utilities and Bathrooms are generally aligned over each other with two independent heat recovery systems to maximise heat recovery with minimal ducting

- o Heat pumps which will also provide energy for hot water and which will be sited externally on the roof terrace where maintenance access is readily achieved
- o Photovoltaic panels mounted on the taller southerly facing mono-pitch roof"

6.2.10 For information the term Passivhaus is an entirely voluntary building performance standard that anyone setting out to build a low-energy home might be interested in. It's based around the principle of reducing heating demand to a very low level rather than relying on renewables. The standards far exceeds those of the current Building Regulations; and it is popular because there are many different ways to meet the criteria. Designers use a software package to predict the homes future energy demand. Also, a Passivhaus should require 75% less energy for space heating than a standard build house. The concept relies on a mechanical ventilation system that passes air through the building. These buildings are so well insulated that almost all the heat they need can be met by passive sources such as the sun, human occupants, household appliances and extracted air. If the remaining heat demand is less than 10MV per square metre of living space, it can be met by the supply of air and the house qualifies as a Passivhaus. This is a very small amount of heat, which could be supplied by (for example) a heated towel rail.

6.2.11 It should be noted that the Climate Challenge Mitigation Strategy was also agreed by Tynwald in 2016, This Strategy describes the sectors which greenhouse gas emissions can be most significantly reduced between now and 2050 in order to meet Tynwald's 2050 target of reducing greenhouse gas emissions per person by 80%, compared to 1990 levels. Also, The Climate Challenge Mitigation Strategy for the Isle of Man 2016 - 2020 June 2016 - stated that; "In 2013 heating appliances alone accounted for approximately 30% of the Island's greenhouse gas emissions". This is the Island greatest greenhouse gas emissions generator (power generation 28% and transport 18% etc).

6.2.12 Accordingly, to meet the aims of the Government on Climate Change issues, the Department in July Tynwald, received approval for amendments to the Building Regulations and an updated Approved Documents Order was also laid before the court. Those amendments require new residential buildings to meet statutory targets for energy efficiency. This is to be achieved through the introduction of a requirement for such properties to undergo an energy efficiency assessment known as the Standard Assessment Procedure (SAP), which is used to assess the energy efficiency of a newly constructed residential building to confirm that it complies with Part L1 of the Building Regulations. The SAP rating is a way of comparing dwellings, 1 being the lowest (like a tent), and 100+ being the best (Zero Carbon).

6.2.13 Currently, it is proposed that by 2027 a new build dwelling would meet a 97 (out of 100) SAP rating. Currently, this rating would be described as a carbon natural dwelling. For context most new builds today under current Building Regulation Standards have a SAP rating of 82. For the next few years up to 2027, the SAP ratings increase from 80 (2019), 88 (2021), 93 (2024) to 97 (2027). It should also be noted that to increase from a rating of 80 to 85 for example is easier than increasing a rating of 90 to 95. Essentially, it becomes more difficult to improve upon the higher the scale of the rating.

6.2.14 In terms of this application, the agent on behalf of the applicants have advised that they are seeking to meet a Passivhaus standard or equivalent i.e. 97 SAP rating. A condition could be attached to an approval which requires evidence of this prior to the commencement of any works and after the dwelling has been constructed. This information could be the same/similar to what is submitted to Building Regulations when the applicants submit their design for the SAP calculation at design stage and once the dwelling has been built. It is considered as the proposal indicates that it is to be Passivhaus build (or SAP rating of 97) and if it is considered that approval of the new dwelling is to meet the aims of HP 14 and it has an

"overall environmental improvement", then a condition should be attached to ensure this is undertaken. The agent on behalf of the applicants have stated in the information given they have no objection to such a condition.

6.2.15 In terms of the proposed contemporary design HP14 does indicate that; "exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact...". As outline above, the applicants have taken great care to design house which meets their needs, the needs/topography of the site and the energy efficiently credentials.

### 6.3 IMPACT ON HIGHWAYS

6.3.1 When looking at the proposal in terms of highway's it can be seen that firstly Highway Services have raised no issues, whilst they do note that the visibility splay is slightly shorter than what is recommended.

6.3.2 Turning towards Transport Policy 7, the proposal includes a two car garage and enough space to the front elevation to provide either parking spaces or manoeuvring space to reverse into the proposed garage, as such the proposal complies with Transport Policy 7.

6.3.3 It should be noted that there is no information provided within the application for EV charging points or bike storage, whilst this is the case the garage is large enough to accommodate bike storage. As the proposed property has been built to provide a modern eco-friendly home, EV charging points should be available and as such a condition should be attached to this affect.

### 6.4 IMPACT ON NEIGHBOURS

6.4.1 The closest neighbour to the property is "Follit-E-Vannin," which is situated at a higher elevation and to the West of the property, approximately 72m away. From this neighbouring amenity there will be a minimal impact with regards to a replacement dwelling.

6.4.2 The second closest neighbour to the property is "Kerrowdhoon," which is situated to the North East of the property, approximately 96m away. "Kerrowdhoon" is situated at a lower level to the proposed dwelling, which means there is the potential that the proposed dwelling could be introducing perceived and actual overlooking above and beyond what is currently in place. The existing dwelling has 4 windows which face onto "Kerrowdhoon" which were for a lounge, porch and two bedrooms and also a conservatory to the rear of the property to first floor level.

6.4.3 The proposed dwelling is proposed to have five windows and a balcony to the rear. The windows are for a kitchen, piano room, two bathrooms and a bedroom, as such it is deemed that these would not increase the existing situation. Whilst there is a potential that the proposed balcony could add additional impact upon the neighbouring property, they have written in to support the application, as such it is deemed that the proposal is acceptable in the impacts upon the neighbouring amenity.

### 6.5 IMPACT UPON TREES

6.5.1 Turning towards the trees upon the site, as several of them are proposed to be removed. Clarification was requested from the Assistant Tree Officer on whether they would be accepting of the removal of these trees, to which they have no objections.

### 6.6 IMPACT UPON ECOLOGY

6.6.1 Due to representation having been received from the Manx Ornithological Society, clarification was sought from the Environmental Planning & Ecologist at Manx National



Heritage who state that conditions should be attached to protect the possible nesting House Martins on the site.

6.6.2 It is relevant to note that the agent on behalf of the applicant has provided information on the ecology and have stated they will work with the Ecosystems team to ensure compliance with any aspects raised in this respect.

## 6.7 OTHER MATTERS

6.7.1 When looking at the other matters, the proposed replacement dwelling will not create any issues with regards to criminal activity or the spread of fire. Whilst the proposal will be increasing the overall surface area, all water run-off will be going into the existing soakaways. Whilst the proposal will add more water usage due to the increase in bedrooms, clarification was sought with regards to water consumption, to which the Agent on behalf of the applicant stated that the water usage will be in line with the "water efficiency of new dwellings" under Part G2 of Approved Document G, therefore there are expected to be no new issues in this respect

## CONCLUSION

7.1 The proposed replacement dwelling will be recognisably more visible than the dwelling it is to replace but by reason of its siting and design, whilst this is the case the visual impact is not considered to be negative impact or to be fundamentally objectionable and is to have an acceptable impact on the countryside as a whole.

## INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 23rd May 2022

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### Item 5.8

**Proposal :** Conversion and extension of existing mill building to form a single dwelling with associated landscaping, garaging and new vehicle entrance

**Site Address :** Ballakindry Mill  
Ballagawne Road  
Ballabeg  
Castletown  
Isle Of Man  
IM9 4PD

**Applicant :** Mr Carl & Mrs Tracy Underwood

**Application No. :** 21/01258/B- [click to view](#)

**Senior Planning Officer :** Mr Jason Singleton

**RECOMMENDATION:** To REFUSE the application

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### Reasons and Notes for Refusal

**R : Reasons for refusal**

**O : Notes (if any) attached to the reasons**

R 1. The site is not zoned for development and the building is not within a named settlement and in accordance with the settlement hierarchy, would encourage unsustainable development. Accordingly it is considered contrary to Strategic Policy 2 and 10 and also Spatial Policy 4, of the Strategic Plan.

R 2. 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 with the intervention to the fabric of the building to make the structure sound coupled with the unacceptable upwards extension, the overbearing rear extension, the inappropriate modifications to the existing 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 4b and Housing Policy 11.

R 3. The proposed extension is much larger than 50% which results in a built form that would not be subordinate to the existing building and would be viewed as inappropriate development which would see a loss of its individual character which does not respect the proportion, form and appearance of the existing Mill property and would be contrary to Housing Policy 15.

R 4. The application site is not zoned for development and is within an area of countryside. 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 5. The design, size and scale of the proposed extension, 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 6. The use of the proposed entrance in a safe and appropriate manner would create an adverse impact on the existing highway or upon those users entering and or exiting the site contrary to the principles of General Policy 2(h&I) and Transport Policy 4 of the Strategic Plan (2016).

R 7. The proposed loss of trees would adversely affect the character and would detrimentally affect the public amenity value of this collection of trees where the proposals do not enhance or protect the landscape quality and nature conservation value to this site and hence the proposal is contrary Environment Policy 3 and Strategic Policy 4(b) of the Strategic Plan (2016).

R 8. There is insufficient information available to understand the impact of the development on the adjacent watercourse contrary to Environment Policy 7 and General Policy 2l.

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

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

Manx National Heritage

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

Ballagawne Farm, Ballabeg;

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

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

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

#### 1.0 THE SITE

1.1 The application site is the parcel of land located to the east of (B43) Ballagawne Road. The property sits within a former wooded area (a number of trees now removed) with a pond to the north of the site.

1.2 Adjacent to the highway is a Manx stone building referred to as Ballakindry Mill which has been abandoned for a number of years. The building has a footprint of approx. when measured externally 18m long and 7m wide (126sqm) on the ground floor and at first floor 14m long x 7m (98sqm) wide (total 224sqm) with 600mm thick external walls.

1.3 The Mill is characterised by its Manx stone Construction where the stone is laid in horizontally format with prominent stone quoins and some bricks installed at later date. The building has a basic rectangle form a predominately two stories high with a lean to extension on the southern elevation. The building is clearly of historic and traditional character with only limited fenestration in the elevations to reflective the use as a former mill as opposed to a dwelling.

1.4 There has been a number of works undertaken on site that currently do not benefit from valid planning approval that has altered the appearance of the building (roof removed and fenestrations altered, engineering works to remove the earth to the East of the building, a number of trees have been felled and two entrances have been created into the site.

1.5 The previous case officer in describing the property under application ref; 17/00725/B (see planning history) before any works were undertaken as; "There is a prominent vehicular sized entrance situated centrally within the front elevation, which has a slightly curved head, also formed of vertically oriented brickwork. There are no other openings at the ground floor level besides a pedestrian access into the side elevation and a very small square aperture to the right of the vehicular entrance. On the first floor of the front elevation are five openings of differing sizes. One would appear to have formed some kind of delivery access as it is - at 1.6m in height - just large enough for a person to stand within. The other four openings are more clearly windows, fitted with robust timber lights albeit that the glazing is no longer present and boards behind those openings are apparent. To the rear, there are five, similarly high-level, openings, albeit that these are (or would have been) all windows: they are identical in size".

## 2.0 THE PROPOSAL

2.1 The application proposes the conversion of the existing mill building to form a single residential dwellinghouse with a three storey extension to the east elevation with integrated garaging and the creation of new vehicle entrances.

2.2 The built form would see a contemporary extension being constructed perpendicular off the east elevation to provide garaging and additional living accommodation. This extension would approx. measure a footprint of 9.7m wide x 11m long with a link extension measuring a footprint of 3.5m x 8.0m. The ground floor would be utilised for garaging with a utility room and entrance hall with staircases, the first floor an open plan lounge kitchen and dining room and the second floor a master bedroom, walk in wardrobe and separate en-suite bathroom with a 2.3m x 10m balcony off the north elevation with glazed screening. The extension would utilise contemporary materials and design features with a glazed entrance hall and stairwell providing a 'natural link and visual separation'. The extension would be finished with stone cladding to the ground floor and painted render and aluminium framed glazing throughout the extension and a zinc standing seam roof. It is noted the roof would be no higher than the existing (raised) ridge height.

2.3 The proposals also include as annotated on the drawings;

- o Retrospective pond retaining bank due to leakage
- o Construction exclusion zones
- o New hedgerow planting to block up opening to the north of the Mill Building
- o Erection of a new stone wall (900mm high) on the boundary for a length of approx. 40m adjacent to the highway (no details of its finish are shown)
- o Creation of an access to the south of the building with splayed entrance 5m x 5m (tarmac) with timber gates and pillars and indicated visibility splays of 25m and 2.4m back from the edge of the highway
- o Creation of a hardstanding parking (stone chippings) and turning area to the east of the building with Bio-disk / septic tank underground.

- o Convex mirror on post to the back of the verge opposite the proposed entrance
- o Ornamental Stone paving around the perimeter of the building
- o Roof mounted Solar photovoltaic panels on the south roofscape of the proposed extension
- o Retrospective overflow diversion works as agreed with DOI and DEFA on site.
- o Removal of four trees (2 with Ash die back)
- o Proposed planting of 29 trees (horse chestnut / beech / English oak / hornbeam / holm oak / Norway maple)
- o Planting of 8 additional new orchard fruit trees (apple / pear / cherry)

2.4 The agent notes the following measurements in relation to the increase in footprint; "The Ballakindry Mill design proposal, the ratio of new extension gross footprint to original mill gross footprint is as follows:  
 Existing mill gross footprint: 122.9 sq.m  
 Proposed Extension gross footprint: 135.6 sq.m  
 Ratio of new footprint to existing footprint: 110%  
 If the gross footprint of the living accommodation if implemented (117.2 sq.m) this ratio becomes 95%".

2.5 The agent further notes the rationale for the size increase for the extension is; "The total floor area of the new dwelling as proposed is 559.5 sq.m. Of this the lower ground floor which is primarily garage, storage and utility space, accounts for over 24% of the total area. This lower ground floor area is an integral part of the design as the Applicants own and run a popular outdoor activity centre nearby and may need the space to store and maintain equipment. It is also important to the way the two parts of the new accommodation fit together and sit comfortably into the existing slope of the site, as the garage is below ground on the northern side, allowing the living area on the first floor (entry level) to connect on the level with the garden space".

2.6 The application is accompanied with a Structural Survey dated 29 July 2020, that provides a comprehensive description of the built form and materials used, its general appearance through observations, with comments on the integrity of the walls, floor and roof and details how the renovation works can be sympathetically and safely undertaken. The report concludes; "The sequence of works noted in 3.1.1 (of their report) should be followed to ensure the structural integrity of the building is maintained and further ongoing inspections of the existing structure may require an alteration to the sequencing however, we feel confident solutions can be found to resolve any issues encountered".

2.7 The applicant also notes in their correspondence dated 14.12.21 - "Remedial and Emergency Works Following Purchase: Following our purchase the building was deemed unsafe due to the rotten and decayed first floor beams, the rotten remains of the roof trusses, rotten A-frames and the few remaining small patches of loose slates therefore, emergency works had to be carried out to save the building from total collapse. All rotten roof timbers were removed and the rotten beams spanning and supporting the width of the building were replaced with steel, the gable end peaks were leaning dangerously inward and therefore were removed and the inside of the building has since been cleaned, stonework treated and rendered and made good with fresh lime and mortar. This emergency work has since been inspected by building control who were content with the work carried out and it was agreed that the external stonework could also be made good".

2.8 There is no indication what would be the residential curtilage and what would be land associated with the newly formatted dwellinghouse.

### 3.0 PLANNING POLICY

3.1 The land as designated, is not zoned for development and sits within a rural part of the open countryside on Map 6 (Colby & Ballabeg) of the Area Plan for the South. The site is not within a Conservation Area.

3.2 The land is also linked to Map 2 Landscape Assessment Areas; that identifies site is within an area that is broadly classified as D14 or 'Incised Slopes'

3.3 Within the written statement under section 3.0 Landscape Character Area (LCA), page 16, para. D14 is broadly referred to;

Ballamodha, Earystane and St Marks (D14) notes that the;

"The overall strategy is to conserve and enhance the character, quality and distinctiveness of the area, with its wooded valley bottoms, its strong geometric field pattern delineated by Manx hedges, its numerous traditional buildings and its network of small roads and lanes. The strategy should also include the restoration of landscapes disturbed by former mining activities.... Distant views prevented at times by dense woodland in river valleys and by the cumulative screening effect of hedgerow trees, which tend to create wooded horizons... Open and panoramic views out to sea from the higher areas on the upper western parts of the area where there are few trees to interrupt views."

3.4 Part of the site (body of water to the north of the site) is identified as being at a High flood risk from Surface water and the adjacent highway is at a low risk of surface water flooding. It is noted the building and its footprint is not identified as being at flood risk.

3.5 The site sits within a Registered Tree area RA0270 (10,459 sq m) that encompasses the site and also that to the south of the site outside of the application site.

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

#### Strategic Policy

- 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

- 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
- 3 Protection of trees and woodland
- 4 Wildlife and Nature Conservation
- 7 Protection of existing watercourses

#### Housing Policy

- 4b New Housing in the Countryside
- 11 Conversion of rural buildings to dwellings
- 15 Extension or alteration to traditional styled properties in the countryside

Transport Policy

- 4 Highway safety
- 7 Parking provisions

3.7 Paragraph 8.10 - Conversion of Rural Buildings to Dwellings

3.8 Paragraph 8.11.1 - Replacement Dwellings in the Countryside

3.9 Planning Circular 3/91 - Guide to the residential development in the countryside.

3.10 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 17/00725/B - Conversion of existing redundant mill to single dwelling with associated parking. APPROVED - with Conditions;

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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

2. Prior the commencement of any other works, the works to the roadside hedge to the north of the site to improve visibility, as shown in drawing 1758-04C, must be undertaken and the hedge maintained as such thereafter. Reason: in the interests of highway safety.

3. Following the creation of the visibility splays in accordance with condition 2 above, no further work may commence until such times as the protective fencing has been erected as shown in drawing 1758-02A and agreed on site with the Department as being in accordance with the drawings, and such fencing must remain in situ for the duration of the construction and engineering works. No trees other than those shown for removal on this drawing may be removed under the terms of this approval. Reason: to protect the trees to be retained in the interests of the character of the area.

4. 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, including the installation or replacement of any windows or doors, 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.

5. 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 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.

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 solar panels shall be attached to any building or erected within the site, other than that expressly authorised by this approval, without the prior written approval of the Department. Reason: To safeguard the residential character and amenities of the area.

7. No windows or doors shall be installed until full details of them, including (1:20) scale elevations showing the sections of the elements and their position within the apertures, have been submitted to and approved in writing by the Department. The works shall not be carried out unless in accordance with the approved details. Reason: to ensure the satisfactory preservation of this building of interest.

8. Planting must be carried out in accordance with the details provided by Roots to Shoots Landscape Proposal and in the first planting season (November to March) following the completion of the development. Any trees which, within a period of 5 years from their planting die, are removed or in the opinion of the Department, become seriously damaged or diseased, shall be replaced as soon as is reasonably practicable or in the next planting season, with others of similar size and species and number as originally approved, unless otherwise approved by the Department. Reason; to provide an appropriate visual and environmental setting for the development.

4.2 16/01283/B - Conversion of existing mill building to single dwelling with associated parking. REFUSED for the following reasons;

1. The building the subject of the application is of architectural and historic interest. The manner of its proposed conversion would fail to re-establish the original appearance of the building where it is clearly desirable so to do. The application is therefore contrary to Housing Policy 11 of the Isle of Man Strategic Plan 2016.

2. The application fails to quantify the proposed development's impact on trees that form such an integral part of the natural character of the area. Accordingly, the application is contrary to Environment Policy 3 of the Isle of Man Strategic Plan 2016.

3. The application fails to provide sufficient information on which to conclude that it would be acceptable from a highway safety point of view, contrary to parts (h) and (i) of General Policy 2 of the Isle of Man Strategic Plan 2016.

4. The application fails to provide sufficient information on which to conclude that it would be acceptable in terms of its impacts on protected species, contrary to Environment Policy 4 of the Isle of Man Strategic Plan 2016.

4.3 05/01102/B - Conversion of mill to single dwelling. APPROVED.

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

5.1 Arbory and Rushen Commissioners commented at length to OBJECT to the application on account of;

(24.11.21); negative impact on the ecology of the area; works already undertaken are detrimental; impact upon bats; diversion of the ponds 'over flow' into the highway ditch leading to problems downstream and flooding; impact on the yellow flag iris bed on the opposite side of the road; road is de-restricted, narrow and rural and poor condition and safety impacts for vehicle users on blind corners; Commissioners disagree that there were two existing entrances to the site; the layby in front of the building is a passing place and would be obstructed by the proposed boundary wall; the building is much larger than 50%



and its size and massing is unacceptable for the area; the use of the site for commercial storage for their business is at odds with the proposed residential use. Breach of condition 5 by installing a caravan and container and insensitive approach to the proposals.

(29.04.22) "The Commissioners still OBJECT and remain concerned about this application and wish to reiterate their previous comments. The Commissioners were particularly concerned that the revised plans exacerbate their concern that a significant part of the original highway would be removed if this application succeeds. They share concerns expressed by the Department of Infrastructure, about access to the site."

## 5.2 DoI Highways Services

(11.11.21) commented to OBJECT on account of being unacceptable to Highways and comments on inadequate visibility splays, drainage, comparisons to the previous approval (2017) and creation of two accesses that is contrary to Departmental Policy.

(15.12.21) commented to OBJECT following correspondence with the applicant, on account of, "it should be noted that it appears an additional field access to the south of the site has been created without apparent planning permission or application. Additionally, a temporary site access has been created at the location of the southernmost access to this site without permission or application, surfaced with loose material and has the potential for surface water run-off onto the highway due to the clearance of vegetation." Again reiterates the issues over adequate visibility splays for the proposed 2 entrances, the contrary to policy, issues over road safety risk, "Highway Services retain the original opposition to the proposal on the grounds that access arrangements pose a road safety risk. The southernmost access achieves substandard visibility of the road. Additionally, the proposal would see the creation of two accesses to a single dwelling, contrary to Department policy, increasing the potential for conflicting vehicular movements".

(26.04.22) commented again, on amended plans (which now propose only one access), to OBJECT the proposed access as it is not existing and is the creation of a new access, and not alteration of an existing. "This view is supported by the applicants 'Site Plan As Existing' in which no access at the proposed location is shown"; One access point to the site is acceptable, however, the proposed access would not be able to achieve a safe visibility splay to the right of exit (north) an acceptable distance; Highway Services do not support the use of traffic mirrors in replacement of an acceptable level of visibility; the proposed boundary wall is to be constructed on Highways land which is not acceptable.

5.3 DoI Drainage commented (03.12.21 & 22.03.22) have concerns with regard to run-off water entering the highway and seek updated information.

5.4 Manx National Heritage (ecology) commented (10.11.21) regarding roosting Bats and records of pipistrelle bats are present in the area, comments on the Wildlife Act and recommend a bat survey. (19/11.21) to retract their comments as there is no roof, windows or opportunities for roosting bats to shelter.

5.5 Manx National Heritage (buildings) commented (22.11.21) comprehensively to OBJECT to the conversion proposals on the former Mill namely;

- o Do not support the intervention in the fabric of the building on the west (front) elevation to alter the existing openings for windows.

- o Concerned on the creation of new opening in the facades of the building and would be difficult to achieve without compromising the character of the masonry and not convinced this can be achieved in a sympathetic manner.

- o The removal of the roof and demolition of both gable peaks has allowed for an upper storey of windows which are different from the original amend fundamentally alters the

proportions and the character and historical merit of the former mill. The proposal now is taller at both eaves and ridge height with the west façade compromised by the first floor windows which are domestic rather than industrial form and dimensions.

- o The proposed stairwell openings will obliterate the aperture for the water wheel axle and any evidence of this.
- o Potential loss of the 'mill leat', the wheel pit and any trail-race and mill race.

OBJECTS to the new extension on account of;

- o The scale, mass over powers the existing building when it should be subservient and evidenced in their own dimensions.
- o The artificial raising of the ridgeline and eaves of the mill, equally allows for three full stories of accommodation.
- o Design details of the extension in its appearance with the use of barrages and fascias around the gable and eaves are substantial.
- o Pronounced visual impact from the design attributes
- o Disappointed with the loss of character and fabric in the scheme incurs on the mill building; over bearing impact of the extension;
- o Previously approved 2017 application was more sympathetic and fully supported.
- o If approved, request a condition for photo records of the mill structure, prior to, and or during construction.

5.6 DEFA Fisheries commented (7/12/21) do not object provided there is no adverse effect on the water course.

5.7 DEFA Inland Fisheries commented (13/04/22) to confirm they have visited the site and do not object to the retrospective development at the site.

5.8 DEFA Arboricultural Officer commented (30.11.21) at length to OBJECT on the significant loss of tree cover from the site in recent years, reflects on the previous comments on former applications and their significance on the landscape and character of the local area; raises issue with the lack of protective fencing on site; "through the combination of a planning approval and a licence under the TPA, 38 trees have been approved for removal at this site. To comply with the TPA licence 29 trees need to be replanted on the site", "There are now very few good quality trees left on this site, especially ones that have been unaffected by recent grade changes. I estimate that tree canopy cover within the site boundary (red line) has reduced from approximately 75% in 2015 to 25% in 2021. The understorey and ground vegetation has been stripped, so other than the trees that are due to be planted, there is unlikely to be a new generation of trees developing on this site. In this context the removal of additional trees is unacceptable and the directorate must therefore object to this application."

5.9 The applicants have provided commentary, photos and images, specifically to address those comments as noted above from the statutory consultees (available online) that has also copied in the planning department for their record; Information was received on 03.02.22; 15.12.21(1), 15.12.21(2); 15.12.21(3); 31.03.22; 06.04.22; 31.03.22.

5.10 Ballagawne Farm, Ballabeg (14/04/22) broadly supports the planning applicaiton, gives consent for the installtion of a pole mounted traffic mirror on the oppiste hedge from the site; comments on the low traffic volumes on the road and given their years of farming in the area and doesnt see any highway issues.

## 6.0 ASSESSMENT

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

- (i) Principle (STP2,10 and SP4)
- (ii) Exceptional circumstances (SP5, GP3b, HP4b, HP11,)
- (iii) Visual Impact (GP2 b,c; EP1, EP15)
- (iv) Neighbouring amenities (GP2g)
- (v) Highway Safety (GP2 h&i; TP 4&7)
- (vi) Trees and Ecology (STP4b, EP3, GP2d)
- (vii) Drainage / flooding (GP2l, Ep7)
- (viii) Other

(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 1-4 identify areas of development to be located, generally within existing towns and 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. The site sits outside of the 'main settlement boundary' for Ballabeg and Colby as noted in SP4 and is very much part of the open countryside as previously identified and development would be contrary to those policies in principle.

6.3 The site does sit on a service road where there are some residential dwellings along its length and is easily accessible from the highway given its immediate location abutting 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. As such occupants here would be very dependent on private vehicle usage and this aspect would be contrary to Strategic Policy 10 (a)-(d).

6.4 The existing structure has been abandoned for many years; its physical remains being a reflection of agricultural / industrial heritage and social change across the Island, often such features in the rural landscape are not unacceptable in their present and ruinous state and are attractive as is. In the case of this application, the building is of historic interest to warrant its retention and would require sensitive development in order to convert it to a habitable dwelling (which has been demonstrated in the 2017 approval) and in seeking to continue to visually positively contribute to the Islands built heritage. However, the building is not within a named settlement and in accordance with the settlement hierarchy, would encourage unsustainable development. Accordingly it is considered contrary to Strategic Policy 2 and 10 and also Spatial Policy 4, of the Strategic Plan.

(ii) Exceptional circumstances

6.5 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 4b both allow for exceptions for the conversion of redundant rural buildings and the sequential test through HP11 subject to various caveats, including that the building is redundant and of architectural, historic or social value. In this instance, it would be prevalent to focus on HP11 for the conversion of the building to residential and the proposed extension (visual impact) against HP15 given the traditional appearance.

6.6 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 (as noted in para 2.6) that a solution can be found for its conversion.

6.7 When cross referencing the proposal with HP11 and the sequential test the following is summarised, as noted below;

(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. - Pass.

(b) The building appears to be intact with 4 Manx stone walls standing (albeit no roof) and clear fenestration detailing around the building showing existing openings. The structural survey confirms the existing fabric of the building can be sympathetically restored and has clearly identified how this can be achieved. This is further shown on the architects' drawings how theoretically the building could be brought back into a habitable use and proposed extensions. - Pass.

(c) The former Mill building does feature a strong degree of architectural, historic and social interest and is heavily referenced by Manx National Heritage who seek a sympathetic approach to conversion. Its former use as a mill, its layout and design with the traditional proportions and limited fenestrations reflect its former use and the utilisation of local stone and quoins sourced locally are all aspects that are worthy of preserving. - Pass.

(d) For reference the 2017 permission did not proposed an extension but comfortably restored the building to provide a comfortable standard of living with 4 bedrooms on the ground floor level and open plan living on the first floor (upside down living arrangement). This proposal shows how the building would accommodate accommodation but also includes a three storey extension, which would not be subordinate and due to its design, size, form and scale would adversely affect the character and interest of the existing mill building. It is further noted the local authority and MNH both object on the proposed extension. - Fail.

(e) The proposal for residential use in this application could be read at odds and whilst permission was formerly granted for its conversion to residential - this was more sympathetic as previously discussed. However, the size and massing of the built form and the intervention into the existing fabric of the building would alter the existing character and further domesticate the appearance rather than retaining its industrial heritage as policy seeks. More so the lack of definitive residential curtilage would increase the level of visual impact and result in urban sprawl into the countryside if permitted as is. - Fail.

(f). Whilst there an engineering solution to enable the building to be connected to the necessary services (electric, water, telecom, drainage), at the expense of the applicant, (private drainage via a Klargester). This has not been demonstrated in the application and whilst the application form notes that only telecom needs connecting as detailed on the application form. It is then assumed the other services are present on site. However, the former 2017 application indicated that they required connections to Electricity, water and telecom. As it stands there is a degree of ambiguity and on balance the application fails to provide sufficient information on which to conclude that it could be connected with satisfactory services. - Fail.

6.8 Such conversion must;

(a) The proposed alterations to the existing property would not be seen to re-establish the original appearance of the building and with the proposed alterations and extension would lead to a loss of the original interest and character and the unsympathetic works surrounding the building would be seen as inappropriate altering its rural setting. - Fail

(b) The proposal does not seek to utilise the same materials as those on the existing building and proposes a contemporary palette of materials and finishes. - Fail

6.9 On the whole it is considered the proposed interference with the fabric of the building to convert to a dwelling and the proposed extension works with hard and soft landscaping would lead to a loss of the original character and does not satisfy the main test under HP11 (d,e,f (a-b)) for conversion of existing rural building into a dwelling.

6.10 For reference, in the 2017 application the case officer noted that proposal was acceptable because; "The design proposed here is judged appropriate and overcomes the previous reasons for refusal through a greater respect for existing window and door openings and the omission of more fussy and modern annexes and detailing. The building has a clear character and what is proposed will alter without affecting that character: the new window openings are subtle and reflect the scale and positioning/arrangement of the existing openings. The interventions are limited in number and form and would not affect the historic character of the mill. As such, it is concluded that the conversion would meet the requirements of Housing Policy 11 with regards a design approach for such conversions."

### (iii) Visual Impact

6.11 In terms of the proposed extension to the Mill building we turn to HP15 where extensions to traditional rural properties is generally only permissible whether these respect the proportion and form of the existing property and only exceptionally will an increase over 50% being acceptable. However this is not absolute and more of a guide figure but the key is that it should appear subordinate to the original building (in terms of floor space of no more than 50% of the original) with minimal visual impact to the wider countryside.

6.12 The proposal has been designed to be larger than the existing mill as demonstrated in the architects own numerical analysis of internal floor area calculations even though in planning the reference is to "external floor area", (Definition of Floor area in the Strategic Plan) for the assessment. As such this results in a design that rather than being subordinate would be superior in appearance and this concern is echoed in the detailed comments from MNH and that of the Local Authority.

6.13 In terms of the visual impact, the main part of the proposed three storey extension is made up of one built form which effectively increases the massing of the building and finished in a contrasting materials of large areas of glazing, painted render and zinc profiled roof, which would further exacerbate the visual impact. The matching ridge height and its overall massing and scale will give the appearance of larger built form that would be prominent when read in contrast to the smaller Manx stone building that it is attached too and contrary to what HP15 seeks. In this case the proposed extension would appear to be the dominant feature leading to inappropriate development on the existing property. The design should take account of the particular character and identity to strike a balance to what the planning policies try to achieve.

6.14 Whilst the application would strive to re-establish the character of the building, there are a number of changes proposed which would irretrievably remove the building's mill character, as noted by MNH, and would alter historic fabric for no demonstrable good reason, which would result in a building that would have the appearance of a new-build residential dwelling, in the countryside. The proposed conversion would wholly fail to respect what is an attractive and characterful building that should be protected.

6.15 Those comments raised from MNH regarding the intervention into the fabric of the building would have limited success in creating additional openings, or, enlarging the existing fenestration. They consider those works will lose the character and its appearance of the elevation, also the increase in eaves and ridge height make this disproportionate to the existing character. Where traditionally (PC.3/91) the tops of the windows would have met with the eaves height, as the existing would have been before the intervention to raise the

eaves to provide a full two storey but equally the proposal is not seen to preserve the historic character and its appearance within the rural landscape.

6.16 There is no avoiding the fact that the proposed extension in terms of its siting, scale, massing, height and finishes would be clearly visible from the public views from the highway and given the general topography of the area, would be visible when travelling in either direction on the adjacent highway, more so given the openness of the site following the significant loss of trees and vegetation.

6.17 Nevertheless, whilst most of the massing is contained to the rear (East), and through boundary treatment and planting may screen some of the built form in years to come, just because it is not in full view of a public vantage point does not automatically give a reason for the proposal to be mitigated. The application site is in a highly visible location, (being adjacent to a main road) and the proposed extension and the proposed boundary wall abutting the highway (900mm high) would add to the massing of this existing buildings in the countryside and detract from the general openness of the rural 'streetscene'.

6.18 When considering extending or building to 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 building while have a detrimental visual impact through its design.

6.19 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. It indicates that in such areas, the protection of the countryside and its ecology will normally be the most important consideration which are clear and consistent. As such the proposal would be considered to have an adverse visual impact upon the openness of the countryside for which EP1 seeks to protect.

6.20 It is considered that the extension is contrary to policy GP2 (b) and HP 15 in that the design does not respect the site and its surroundings in terms of siting, layout, scale, form, design and the landscaping of buildings and the spaces around them. The design would be seen as an inappropriate development for this building seeing a loss of individual character to the property. The proposal will further have a harmful impact upon the character of the surrounding landscape contrary to GP2(c) and would be considered inappropriate development for the reasons described above.

#### (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 The application site already features an existing access that already serves the site, opposite the entrance to the mill building. It is noted highways do not accept the proposed access is 'as existing' (as too do the Commissioners) and do not consider the visibility splays appropriate for highways safety. It is noted in their comments they conclude; "Highway Services Development Control opposes the proposal as it is contrary to Isle of Man Strategic Plan General Policy 2 (i). The achievable visibility from the proposed access is not sufficient

enough for the expected vehicle speeds at this location, creating an unacceptable risk to road users. The encroachment of the retaining feature into/on the public highway creates further road safety risk and is unacceptable to Highways". As the transport professionals their comments are noted and as they object specifically on highway safety, this aspect of the proposal would be contrary to GP2h&i, and Transport Policy 4.

(vi) Trees and ecology

6.23 The comments from the Arboricultural officer are damning on the level of trees that have been removed on site, with or without consent, especially as the site sits within a designated registered tree area; RA0270. Nevertheless, they are gone and irreparable damage has been done and what remains is a cleared site of any trees and vegetation. It is noted on the drawings most of the land that is not to be built on or used as hard landscaping (paths and driveway) is to be grass or lawn areas. There are proposed replacement trees on site but this is more akin to what was sought from the felling license. There is no additional landscaping plan submitted or a management plan. On balance the nature of the works on site and the proposals would be seen to be contrary to what EP3,SP4b and are seeking to achieve in protecting the natural environment.

(vii) Drainage / Flooding

6.24 In relation to the issue of the comments of the Flood Risk Management Team who have considered the application in detail and run off after entering the highway, the presence of the ditch adjacent to the highway could accommodate any run off water and the application form notes that any rainwater will be discharged into an existing water course and referenced a license No.WPA/08/2005.

6.25 However there lies the concerns as the amount of hard surfaces being created through roofs and hard landscaping, ie non permeable surfaces, and the lack of any surface water drainage mitigation measures, means this could put additional pressure on the existing ditch and as the Commissioners have already identified by the over flow from the pond being diverted and would exacerbate any flood risk to those lower down the stream which has not been taken into consideration at this stage. As such it has not been demonstrated there would be no unreasonable risk of flooding or flood risk resulting from the proposed development and could be considered contrary with GP2I, Ep7.

(viii) Other

2.26 Part of the proposals note a degree of engineering works (retrospective) to the east of the building, essentially removing a quantity of soil / earth that has been deposited and spread to the north of the building around the south of the pond. This aspect is retrospective and no such details have been provided on quantities, how the embankment has been created and whether this was an engineered design was followed to address a "leak" to the pond. The pond on site is more akin to a hobby or private pond that has no real formalisation in its use or any planning permission for a commercial use.

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 eight reasons 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 23rd May 2022

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### Item 5.9

**Proposal :** **Erection of a stable block with storage**  
**Site Address :** **The Nappin**  
**Glen Duff**  
**Ramsey**  
**Isle Of Man**  
**IM7 2AT**  
**Applicant :** **Mr Andy Chambers And Miss Beverly Ford**  
**Application No. :** **22/00064/B- [click to view](#)**  
**Planning Officer :** **Mr Peiran Shen**

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

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

**C : Conditions for approval**

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

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

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

C 2. No development other than earthworks for the development hereby approved shall take place until details of a soft landscaping scheme has been submitted to and approved in writing by the Department. Such a scheme shall include details of all trees, hedgerows and other planting which are to be retained; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs and a programme of implementation.

Reason: to protect the character and appearance of the countryside and the AHLV.

C 3. 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 dwellings, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: to ensure that the landscape can be provided in a timely manner to protect the character and appearance of the countryside and the AHLV.

C 4. Within six month of the approval become final, the original hardstanding should be removed and ground restored to its formal conditions.

Reason: The hardstanding was for the erection of the proposed stable, since its been relocated due to powerline safety concern, the hardstanding no longer has a reason to remain since its application.

C 5. The stable hereby approved must be used only for private equestrian purposes in association with the residential dwelling "The Nappin", Lezayre Road and not for any commercial or private livery use.

Reason: The countryside is protected from development and an exception is being made on the basis of equestrian/agricultural need. As such the building must be used for the purposes for which it is approved.

C 6. In the event that it is no longer used or required for the, the building shall be removed and the ground restored to its former condition, within 6 months of the date the use ceased.

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

C 7. This approval relates to the use of the proposed buildings for the keeping of horses and related feed and equipment only. The adjacent farmland may only be used for the general exercise and grazing of horses or for agricultural purposes.

Reason: For the avoidance of doubt.

N 1. The applicant is advised that there are Overhead Lines present in the area indicated in the planning application. Please contact Anthony Kinrade or Ian Horsey, Operations and Maintenance Department, Network Services, Manx Electricity Authority, (Tel. 687687) to discuss working practices around Cables and Overhead Lines which may need to be diverted before any work can be carried out on site.

The applicant is also advised to contact the Manx Electricity Authority for Electrical Site Safety 5 documents, (Tel. 687766), before any work is carried out on site. All work to be carried out with reference to Health and Safety Executive Guidance Notes HS(G)47 and GS6.

Reason for approval:

This application is considered to comply with General Policy 2, General Policy 3, Environment Policy 1, Environment Policy 2 and Environment Policy 19, 20 and 21 of the Strategic Plan. Therefore, it is recommended for an approval.

The proposed vegetation planting would arguably improve the character of the AHLV while screening the proposed stable and reduce its impact on the character of the area to a minimum.

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

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

Manx Utilities

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

#### 1.0 THE SITE

1.1 The application site is the land to the East of the dwellinghouse Nappin, Glen Duff, Ramsey. The site is elevated by approx. 2m from the highway to the north and continues

rising to the south in level, further away from the Highway. There are hedges along the boundary, some areas are bushier than others. To the east of the site is the Glen Duff Highways depot and Salt store. The site has no access onto the Highway and is accessible through the same entrance to the dwellinghouse.

1.2 There is an overhead high tension power line runs north-south through the middle of the site.

## 2.0 THE PROPOSAL

2.1 The proposed is the erection of a stable. The stable would be located on the northeast corner of the site adjacent to the highway.

2.2 The stable would be constructed with a timber frame and cladded with timber shiplap cladding (19mm x 150mm boards). The roof would be pitched with a projecting overhang of 0.95m above the entrance to the south elevation with a 'Onduline' Roof sheeting material. The building would measure a footprint of approx. 15m long, 3.6m wide and 2.85m tall to the ridge tile with addition concrete surface (150mm thick) measuring 9.2m x 3.0m around the south and west of the stable.

2.3 The stables would be bisected into four equally sized rooms; a feed/stable, stable, stable, machinery/hay room, each with its own access. The applicants have submitted a planning statement that notes; "We are wishing to erect a wooden building consisting of two stables, a dual-purpose feed and tack room and a room for the dry storage of hay and for housing all the necessary machinery we have for general land maintenance - harrows/tractor/mower".

## 3.0 PLANNING HISTORY

3.1 The application site has not been the subject of any previous planning applications that are considered specifically material to the assessment of this current planning application.

## 4.0 PLANNING POLICY

### Site Specific

4.1 The site is not within an area with specific land use designation in the 1982 Development Plan, meaning it is considered to be part of the countryside.

4.2 The site is within an Areas of High Landscape or Coastal Value and Scenic Significance (AHLV). The site is also within a Registered Tree Area (LZ 54, Ref: RA1728). The site is not within a flood risk area.

### Strategic Policy

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

### Principles of Development

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

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (g) does not affect adversely the amenity of local residents or the character of the locality;

- (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."

4.5 General Policy 3, which provides an overall requirement for all development proposed outside areas zoned for development, states:

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

- (f) Building and engineering operations which are essential for the conduct of agriculture or forestry;

4.6 Energy Policy 2 states:

"Land within 9m either side of an overhead High Tension power cable will be safeguarded from development."

#### Design

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

4.8 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."

#### Environment and Agriculture

4.9 Environment Policy 1 states:

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

4.10 Environment Policy 2 states that within Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's), "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."

4.11 Paragraph 7.15.1 states:

"... the keeping of horses and the operation of equestrian activities generally do involve development and may have an adverse impact on the appearance and character of the countryside. Sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such adverse impacts. ... Where new buildings are necessary, they should be sited close to existing building groups, and designed not only to blend with their surroundings but also to suit their specific purpose."

4.12 Environment Policy 19 states:

"Development of equestrian activities and buildings will only be accepted in the countryside where there will be as a result of such development no loss in local amenity, no loss of high quality agricultural land (Classes 1 and 2) and where the local highway network can satisfactorily accommodate any increase in traffic (see Environment Policy 14 for interpretation of Class 1 and 2)."

4.13 Environment Policy 20 states:

"There will be a presumption against large scale equestrian developments, which includes new buildings and external arenas, in areas with High Landscape or Coastal Value and Scenic Significance unless there are exceptional circumstances to override such a policy."

4.14 Environment Policy 21 states:

"Buildings for the stabling, shelter or care of horses or other animals will not be permitted in the countryside if they would be detrimental to the character and appearance of the countryside in terms of siting, design, size or finish. Any new buildings must be designed in form and materials to reflect their specific purpose; in particular, cavity-wall construction should not be used."

Other

4.15 Community Policy 7 and 10 state that the design of new development must, as far as is reasonable and practicable, pay due regards to existing best practise such as to prevent criminal and anti-social behaviour and outbreak and spread of fire.

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

PPS and NPD

4.17 No Planning Policy Statement or National Policy Directive is applicable to this application.

## 5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 There is no strategy or guidance relevant to this application.

## 6.0 REPRESENTATIONS

6.1 Lezayre Parish Commissioners has no objection on this application (07.03.2022). The comment also raised question about whether it can be screened from the road, about manure disposal method and about whether flood would affect the proposed stable and where the soakaways will be placed.

6.2 Highway Services does not object this application (18.02.2022). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking.

6.3 Manx Utilities has no objection on this application (14.04.2022) after the location of the stable was move 9m away from the onsite overhead high tension cables.

## 7.0 ASSESSMENT

7.1 The fundamental issues to consider in the assessment of this planning application are whether the proposal would adversely affect the countryside and the visual impact of the proposed development on the character and appearance of the countryside in terms of siting, design, size or finish.

7.2 There aforementioned policies would indicate there is a general presumption against new development in the countryside, as indicated in General Policy 3 and then reiterated in Environment Policy 1 and 2 of the Strategic Plan, There are exceptions to this presumption (GP3 (f)) with respect to the shelter and care of horses and other animals for buildings which are set out in EP21.

7.3 As previously identified EP 21 is the most relevant planning policy in the determination of this application. This essentially indicates that no building will be allowed if it would be detrimental to the character and appearance of the countryside in terms of siting, design, size or finish. For this application, the site is within an AHLV so EP 20 is equally relevant.

7.4 The proposed building has been designed to reflect its purpose. It has a pitched corrugated roof and is clad with timber boarding. The layout has been designed for predominately the shelter and stabling of horses and associated storage. The building leads onto the remaining land at the rear (south) to be used for grazing and exercising of horses.

7.5 The location of the stables combining with the topography of the land helps mitigate any glimpsing views when passing. The applicant are proposing to bolster the existing boundary hedging to ensure any views are further mitigated. This can be secured through an appropriate worded condition.

7.6 The size and finish of the stable will keep any visual impact from distant views to a minimum as it would be seen against a back drop of agriculture land and within a collection of built forms of varied massing (Glen Duff Depot) adjacent to the road.

7.7 In summary, given the chosen setting and adjacent buildings, the proposal is not considered to have a detrimental impact on the countryside which would adversely affect the character or quality of the landscape to such an extent to warrant a refusal.

7.8 As such, it is considered that the proposal manages to satisfy the key tests of Environment Policy 21. However, it would be appropriate to attach a condition requires the building's removal and the land returned to its current condition will be attached should the building cease to be used for the approved use.

7.9 In terms of run offs, the applicant has stated that rain water will be harvested and there are soakaways. A condition can be attached that seeks that no run off water from the building can run onto the highway.

## 8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2, General Policy 3, Environment Policy 1, Environment Policy 2 and Environment Policy 19, 20 and 21 of the Strategic Plan. Therefore, it is recommended for an approval.

8.2 The proposed vegetation planting would arguable improve the character of the AHLV while screening the proposed stable and reduce its impact on the character of the area to a minimum.

## 9.0 INTEREST PERSON STATUS

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

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

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

9.2 The decision-maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 23rd May 2022

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### Item 5.10

**Proposal :** Installation of 3 electric vehicle charging points  
**Site Address :** EV Charging Point  
Station Road  
Kirk Michael  
Isle Of Man  
IM6 1AD  
**Applicant :** Manx Utilities Authority  
**Application No. :** 22/00197/B- click to view  
**Enforcement/Planning Assistant :** Ms Charlotte Gatt

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

Reason for approval:

The proposal is considered to be appropriate in this location and complies with the relevant policies of the IOM Strategic Plan 2016 and is therefore approved.

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

None

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

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE OFFICER IS RECOMMENDING APPROVAL BUT THE LOCAL AUTHORITY HAS MADE WRITTEN REPRESENTATIONS OBJECTING TO THE APPLICATION.

#### THE SITE

1.1 The application site is a car parking area to the rear of the former Isle of Man Banking building. The site is located on a corner plot, with Station road to the south of the site just off the Main Road, and Kerrowcruin Road running from the west to the north of the site.

1.2 Surrounding the site is a low boundary "Armco" crash barrier.

1.3 The site is situated within the Kirk Michael Conservation Area.

#### THE PROPOSAL



2.1 This application seeks approval for the installation of three twin pod-point Electric Vehicle (EV) charging points to the south east of the existing car park to the rear of the former Isle of Man Bank.

2.2 The charging pod points are 1330mm in height, have a depth of 295mm and a width of 241mm and are finished in an Anti-Graffiti White.

#### PLANNING HISTORY

3.1 There are no previous applications in relation the application site that would be considered materially relevant to the determination of this application.

#### PLANNING POLICY

4.1 The application site is zoned as Public Open Space on the Kirk Michael Plan 1994. As previously mentioned, the application site also lies within the Kirk Michael Conservation Area.

#### TOWN AND COUNTRY PLANNING ACT 1999.

##### S18 Designation of conservation areas

(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act.

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

##### 4.2.1 General Policy 2 states (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;
- h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- m) takes account of community and personal safety and security in the design of buildings and the spaces around them."

##### 4.2.2 Environmental Policy 35 states:

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

##### 4.3.3 Spatial Policy 3 states: "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".

4.3.3 Strategic Policy 4 states:  
Proposals for development must:

(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2), buildings and structures within National Heritage Areas and sites of archaeological interest;

#### REPRESENTATIONS

5.1 Department of Infrastructure (DOI) Highways Division have stated the following:

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The installation of electric vehicle charging points is welcomed - No Highway interest" (11.03.2022)

5.2 Michael District Commissioners have provided the following comments:

"Michael District Commissioners wish to object to Planning No 22/00197/B, dated 22 February 22, for the Installation of three EV charging points on the following grounds:

- 1 The Kirk Michael Road Scheme only included 2 EV points. This was met with resistance from users of the car park as this removed 4 spaces for non EV cars from an already busy car park. 3 EV points will remove at least 6 spaces
- 2 The work has been nearly completed before planning has been granted (see attached photo dated 5 March 2022)" (07.03.2022)

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

#### ASSESSMENT

6.1 The main considerations for this application are the impact on traffic, parking and on the character and appearance of the Conservation Area.

6.1.2 The Department of Infrastructure Highways Services does not consider there to be a negative impact on the traffic or parking so the proposal is considered acceptable on that front.

6.2 The installation of the electric vehicle charging station is classified as permitted development outside of a Conservation Area. As the site is within a Conservation Area, assessment is needed to determine its impact on the character of the area. The charging pods could stand out from their surroundings but not to a point which would harm the character of the area. In addition, the benefit of encouraging the use of alternative energy

vehicles outweighs any impact on the character of the car parking area therefore, and in this sense is considered to be acceptable.

6.2.1 Whilst within the town's Conservation Area, the car park of which the electric vehicle charging points are to be situated and the adjacent houses on Kerrookruin Road are not historic. The bungalow buildings, fronting onto Station Road, do have an impact on the character of the area. The car park and the electrical charging points that are to be installed are to the rear of the old Isle of Man Bank building and are not prominent within the built up street scene, and therefore the impact on the character of the Conservation Area is limited. With this in mind, the proposed installation of the EV charging points neither enhances or detracts from the character of the Conservation Area and is therefore considered to be acceptable.

## CONCLUSION

7.1 For the above reasons the proposal is considered to be appropriate in this location and complies with the relevant policies of the IOM Strategic Plan. The application is recommended for 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 which the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

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 23rd May 2022

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### Item 5.11

**Proposal :** Conversion of existing agricultural buildings into 2 tourist accommodation units with associated landscaping and drainage works

**Site Address :** Ballaoates Farm  
Ballavagher Road  
St Johns  
Isle Of Man  
IM4 3JE

**Applicant :** Mr & Mrs J&S Kneen

**Application No. :** 21/01463/B- [click to view](#)

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

**RECOMMENDATION:** To REFUSE the application

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### Reasons and Notes for Refusal

**R : Reasons for refusal**

**O : Notes (if any) attached to the reasons**

R 1. The proposals do not sufficiently preserve the appearance or character of the barn. The raising of the roof and the introduction of timber cladding and enlarged window openings and dormers will fundamentally change the appearance of the barn which will appear overly domestic lacking a rural or agricultural appearance. The proposed replacement structures of the existing cattle sheds will overly the existing barn. The proposal is therefore contrary to Environment Policy 16(b, c) and Housing Policy 11(c, d and second paragraph) of the Strategic Plan (2016).

R 2. Insufficient information has been provided to demonstrate that the building is substantially intact and structurally capable of renovation and as such the proposal is contrary to Environment Policy 16(a) and Housing Policy 11(b) of the Strategic Plan (2016).

R 3. Insufficient information has been provided in relation to site levels to properly assess this aspect of the application (Schedule 1 of the Town and Country Planning (Development Procedure) Order 2019 requires site plans for full applications to show, "where changes are proposed to site levels, existing and proposed levels".

R 4. Insufficient information to assess the impact in terms of protected species (bats and birds) and as such is contrary to Environment Policy 4 of the Strategic Plan (2016).

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### **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):

Isle of Man Natural History & 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.

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

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS THE APPLICANT IS A CLOSE RELATIVE OF A MEMBER OF P&BC STAFF

#### 1.0 THE SITE

1.1 The site defined in red is part of a larger site, defined in blue which is the current holding of Ballaoates Farm which stretches north west from the Archallagan Road which links the A24 with the A3 at the Hope. The whole site accommodates a range of buildings with a traditional Manx farmhouse at the entrance with the other side of the entrance formed by outbuildings which run parallel with and right alongside the road. Further into the site are larger, more modern buildings of an agricultural style and appearance. The application site concerns only the outbuildings to the north west of the entrance. All are brick built and have been painted in the past and have corrugated sheeted roofs. These buildings sit between 1m and 1.2m above the road with a sloping bank between the buildings and the road.

#### 2.0 THE PROPOSAL

2.1 Proposed is the conversion of existing agricultural buildings into 2 tourist accommodation units with associated landscaping and drainage works. The works include raising the height/reroofing the buildings and enlarging the overall footprint. Use is made of timber cladding.

2.2 The application form confirms full approval. Existing use is given as farm and proposed use is as farm with tourist units. The proposal would create 119m of additional floor space. The proposal involves alteration to the access, creation of 5 parking spaces, changes to site levels, new electricity, water and telecommunications services. Rainwater to soakaway and new foul created to new septic tank. Trees within 15m of site but no watercourse within 9m.

2.3 The Design & Access statement highlights the contribution the proposal would make to the Visit Isle of Man Strategic Plan 2020-2023. It states,

"5.1.1 The Ballaoates site has been in use for many decades and has come to the end of its life with many of the buildings falling into depolation and needing refurbishment.

5.1.2 Permission is sought for Phase 2 with intention of material change of use of the existing outbuildings. It is anticipated upon completion for the units to be used as holiday accommodation during the high visitors season and short period rental during the low holiday season if and when required.

5.1.3 One of the existing annexes is to be demolished adjacent to improve vehicular access - Planning Application Ref: 20/01485/B".

2.4 It also states,

"6.2 The appearance of the proposed structures is influenced by agricultural buildings and therefore is consistent with the architectural area.

6.3 Due to the low-density nature of the proposed development, there will be very little impact and no detrimental effect to the quality of life of any nearby residents".

2.5 The applicant was contacted on 04.03.22 to highlight concerns with the application and that it may be helpful to provide additional information in relation to levels, landscape, bat survey, confirmation of why redundant, information to demonstrate structurally capable of renovation (structural report by a qualified person), information as to why of architectural, historic or social interest. The applicant confirmed on 25.04.22 that they wished for it to be determined as submitted.

### 3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Town and Country Planning (Development Plan) Order 1982 as not for a particular purpose and within an area of High Landscape or Coastal Value and Scenic Significance. The site is not identified as being at high risk of tidal or river flooding, although some of the site has low-medium surface water flooding risk.

3.2 As such, there is a presumption against development here and where the protection of the character of the landscape is the most important consideration as set out in General Policy 3 and Environment Policies 1 and 2 of the Strategic Plan.

3.3 The policies are also noted:

- Strategic Policy 4 protects landscape and ecology
- Strategic Policy 10 (Development Located/Designed to support an integrated transport network)
- Spatial Policies 1-7 (Settlement Hierarchy)
- General Policy 2 sets out Development Control considerations
- Environment Policies 4 and 5 protect ecology
- Environment Policy 16 - see below
- Environment Policy 34 states, "t Policy 34: In the maintenance, alteration or extension of pre-1920 buildings, the use of traditional materials will be preferred".
- Housing Policy 11 - see below
- Business Policy 1 promotes job creation
- Business Policy 11 states tourist development must be in accordance with the rest of the plan and cross references Environment Policy 16
- Business Policy 12 indicates, "Permission will generally be given for the conversion of redundant buildings in the countryside to tourist use providing that the development complies with the policies set out in paragraph 8.10. - Housing Policy 11"
- Business Policy 14 states, "Tourism development may be permitted in rural areas provided that it complies with the policies in the Plan. Farmhouse accommodation or quality self catering units in barn conversions and making use of rural activities will be encouraged but must comply with General Policy 3 and Business Policies 11 and 12. Other forms of quality accommodation in rural areas will be considered, including the provision of hostels and similar accommodation suitable for walkers but must comply with General Policy 3 and Business Policies 11 and 12".
- Community Policy 7 (Designing Out Crime)
- Transport Policy 7 (Parking Provision)

3.4 Environment 16 states,

"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; a) 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.

Proposals to convert rural buildings to residential accommodation will be considered along with the advice given at Section 8.10 of this document"

### 3.5 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 plan; 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 buildings of similar, or even identical, form. Further extension of converted rural buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character".

## 4.0 PLANNING HISTORY

### 4.1 The following applications are noted:

- 20/01485/B - Demolition of existing outbuildings and alterations to vehicle access. Approved 02.03.2021.
- 21/00694/B - Erection of a dwelling with associated features. Withdrawn.
- 22/00007/B - Erection of Polytunnel structure with associated works. Approved 29.03.2022

## 5.0 REPRESENTATIONS

5.1 DOI (Highways) (16.12.2021) - Do Not Oppose. DOI (Drainage) (26.01.22) state that they, "Do not oppose subject to condition that if the buildings are converted, then surface water runoff from them is retained within the site and is not discharged onto the highway".

5.2 DEFA (Ecosystems Policy) (22.12.22) highlights potential for bats and nesting birds and request that prior to determination of the application a preliminary assessment for roosting bats be undertaken on the property by a suitable qualified ecological consultancy. Goes on that, "If evidence of roosting bats is found then further surveys will be required and

a report detailing the findings with appropriate mitigation measures to ensure their protection during and after development, should be submitted to Planning for written approval".

5.3 DEFA (Forestry) (02.03.22) indicate that that, "didn't have any concerns to raise. There are some trees in close proximity to existing building, on the bank to the north-west, but we would probably issue a licence for these to be removed if they applied due to risk of damage and their poor relationship to the buildings...".

5.4 DEFA (Registered Buildings Officer (09.03.22) commented that,

"The proposals are for the conversion of existing outbuildings for use as tourist accommodation. I agree with the issues raised by Isle of Man Natural History and Antiquarian Society (IOMNHAS) made in their comments of 29th January 2022 and raise the following points; whilst I support the principle of reusing historic farm buildings I have concerns regarding the proposals in their current form.

I have concerns that the current proposals do not sufficiently preserve the appearance or character of the barn. The raising of the roof and the introduction of timber cladding and enlarged window openings and dormers will fundamentally change the appearance of the barn which will appear overly domestic lacking a rural or agricultural appearance.

I also have concerns that the proposed replacement structures of the existing cattle sheds will overly dominate the stone barn which is the building of interest. There are numerous best practice guidance documents about the conversion of farm buildings including Historic England's guidance

<https://historicengland.org.uk/images-books/publications/adapting-traditionalfarm-buildings/>

This scheme should also be considered in its context with proposals for the farm house and other agricultural buildings, whilst I understand that a recent scheme for a replacement dwelling has been withdrawn, it is important the development of the site is considered as a whole. Given the concerns I have for the proposals in their current form, I would advise that proposals are revised which demonstrate a more sensitive adaption of the barn and that also relates to other proposals for this site".

5.5 Isle of Man Natural History & Antiquarian Society (29.01.22) state that the society,

"fully supports the principle of converting the barns to tourist accommodation. However, particularly as the proposal is only for tourist accommodation, the Society would have preferred to see a solution that did not involve so much raising of the roof of the barns and the introduction of a third different material in the walls in order to do so. Given the approved demolition of some of the barns fronting the roadside, together with the change of materials of window and doors from the traditional timber, the Society considers this would make the site much more upstanding in its surroundings than is desirable.

The Society also notes that there are trees very close to the buildings' walls and is concerned that no detailed tree survey has been submitted with the application to ensure that these trees can be retained. There is also no structural survey to evidence that the buildings are capable of sustaining the conversion and heightening work proposed. The Society considers that submission of such surveys together with detailed proposals on how the trees will be protected during conversion works is essential before any decision can be made on this application. In the absence of such surveys Isle of Man Natural History & Antiquarian Society has to object to the proposals.



5.6 DfE were consulted on 02.03.22 and asked the questions below. No response has been received at the time of writing.

"1. Are there any adopted and published strategies that set out the requirements for self-catering accommodation?

2. Do these strategies give any indication of type/location/quality and would this proposal align with those?

3. Any other comments you may wish to make, in particular about the standard of proposed accommodation".

## 6.0 ASSESSMENT

6.1 It is considered that the main issues are:

- The economic benefit of the proposal;
- Landscape Impacts
- Environmental Constraints;
- Compliance with Environment Policy 16 and Housing Policy 11; and
- Highways Matters.

6.2 The economic benefit of the proposal

6.2.1 The proposal would create tourist accommodation and so have some level of economic benefit, which weighs in favour of the application.

6.3 Landscape Impacts

6.3.1 The site is well landscaped and so the development is unlikely to have a significant impact on the wider landscape. However, the site is adjacent to the road from The Hope to Archallagan and as such is clearly visible from public view, which is relevant for the consideration of design (below).

6.4 Environmental Constraints

6.4.1 No concerns are identified in relation to trees or flooding are identified that would justify a refusal.

6.4.2 It is considered that insufficient information has been provided in relation to site levels (no details provided although states existing levels will be graded within the site and spoil used elsewhere on the site) to properly assess this aspect of the application (Schedule 1 of the Town and Country Planning (Development Procedure) Order 2019 requires site plans for full applications to show, "where changes are proposed to site levels, existing and proposed levels".

6.4.3 The comments from DEFA (Ecology) are noted and on that basis it is considered that the application contains insufficient information to assess the impact in terms of protected species (bats and birds) and as such is contrary to Environment Policy 4.

6.5 Compliance with Environment Policy 16 and Housing Policy 11

6.5.1 The first issue is whether the building is no longer required for its original purpose (EP16a and HP11a). Although limited information is provided in relation to this, it has been accepted on a number of sites that older buildings are often of a size (and with smaller doorways) that make them un-suitable for modern agriculture.

6.5.2 The second issue is whether the building is substantially intact and structurally capable of renovation (EP16a and HP11b). No structural information has been provided to allow this to be assessed.

6.5.3 The third issue is whether 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 (EP16b

and HP11c). The comments from the IOMNHAS and the RBO are noted. Insufficient information has been provided to demonstrate that the building is of sufficient value/interest to warrant preservation.

6.5.4 The next issue is, if it is demonstrated that the building could accommodate the new use without requiring extension or adverse change to appearance or character (EP16c) and whether 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 (HP11d). A related issue is whether the conversion where practicable and desirable, would re-establish the original appearance of the building; and use the same materials as those in the existing building (HP11). Given the scale of changes proposed, it is not considered the proposal passes these aspects of the policies.

6.5.5 No concerns are identified in relation to;

- whether there would be unacceptable implications in terms of traffic generation (EP16d)
- whether the conversion would lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing town and village services (EP16e)
- Whether the residential use would be incompatible with established uses/plan zoning (HP11e)
- Whether the building is or can be provided with satisfactory services without unreasonable public expenditure (HP11f)

6.5.8 Finally, in terms of whether 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 (EP16f), it is not considered that the economic benefits outweigh the concerns identified.

## 6.6 Highway/Parking Matters

6.6.1 The comments from DOI (Highways) are noted and relied upon. No concerns are identified which would justify a refusal.

## 7.0 CONCLUSION

7.1 Generally, traditional Manx stone barns are the type of buildings which are considered to be of "architectural, historic, or social interest". In this case the existing barns have only a small amount of original stonework and consist mainly of more modern day brick. In terms of their design, appearance, form and finish it is difficult to see how these would meet test of being "architectural, historic, or social interest". The proposal also result in sections of the existing being demolished and completely re built which is considered to be against policies HP11 and EP16.

7.2 In design terms, if it is held that the barns are worth/capable of renovation then the design approach must be to retain as much of the fabric of interest and also the character. The design appears to lose much of that fabric and also to require a large infill extension which not only increases the size (as does the increase in height) but also loses the character of the buildings as being an L shape.

7.3 Overall, it is not clear either what aspects of the original are important to preserve (which would be the justification for retaining/concerting) or how those aspects are preserved by the proposed design. What appears to result is a loss of much of the existing fabric and substantial extension both of which suggest that the barn may not actually be worthy or capable of conversion.

## 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 23rd May 2022

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### Item 5.12

**Proposal :** Extension to existing graveyard  
**Site Address :** Parish Church  
St Sanctains  
Church Road  
Santon  
Isle Of Man  
IM4 1EZ  
**Applicant :** The Vicar & Wardens Of Malew & Santon  
**Application No. :** 22/00248/B- click to view  
**Head of Development Management :** Mr S Butler

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. No approval is hereby given for the construction of a new wall to the Eastern boundary of the application site.

Reason: To ensure the development takes place in accordance with the site plan, for the avoidance of doubt and to avoid impact on existing trees.

Reason for approval:

The proposal is not considered to adversely impact on the Registered Building or its setting. Although not specifically provided for by policy, the provision of grave yards is considered to be important and the proposed location is acceptable. No concerns in relation to highways or environmental constraints have been identified that would justify refusal, and the design of the proposed wall is considered to be appropriate.

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

None

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

THE APPLICATION IS REFERRED TO 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 located to the West of St Sanctain (and to the South of the Church the original graveyard) and is surrounded by land within the same ownership. To the south of the site is the existing graveyard (and beyond that the road), to the East is a well landscaped boundary from the main church. The land to the North and East is open.

1.2 Registered Building number 015 is Santon Parish Church (St Sanctain's), Church Road, Santon.

## 2.0 THE PROPOSAL

2.1 Rectangular shaped extension to the North of the existing graveyard, with a 1200mm stone wall with concrete coping.

2.2 The application form confirms full approval sought. Existing use is given as "Church Use" and proposed use is "Graveyard". No alteration to access, site levels, parking (no provision), services proposed. Site not within flood risk area or within 9m of watercourse. There are trees within 15m of the site.

2.3 The Planning Statement indicates the original graveyard and later extension to East are full and so an extension is required. The proposed wall would match the existing. Access is generally through small gates near the War Memorial (to the South) but there is separate access for grave diggers.

2.4 It is noted that the supporting statement indicates the existing wall will be extended to the East and the North of the site however the site plan shows the wall being on the North and the West side. It is understood that the latter is correct and there is an existing wall to the East of the site.

## 3.0 PLANNING POLICY

3.1 The site is shown in the Area Plan for the East (2020) as not allocated for development. There are no specific policies within the Area Plan in relation to the site or graveyards. The site is shown within Landscape Strategy Area D13 and Landscape Proposal 7 (Santon) requires developments to be suitably integrated into the surrounding landscape. It is not within a High Flood Risk or Conservation Area.

3.2 The Strategic Plan (2016) does not contain any specific reference to graveyards, but does set out:

- Strategic Policy 10 (Development Located/Designed to support an integrated transport network)
- Spatial Policies 1-7 (Settlement Hierarchy)
- General Policy 2 (Development Control considerations)
- General Policy 3 (Circumstances in which the presumption against development in the countryside may be set-aside, none of which relate to this proposal)
- Environment Policy 1 (Protection of Countryside and Landscape)
- Environment Policy 3 (Protection of Woodland)
- Strategic Policy 4, Environment Policies 4-5 (Protection of Biodiversity)
- Strategic Policy 4, Environment Policies 30-33 (Protection of Registered Buildings)
- Strategic Policy 4, Environment Policies 40-41 (Archaeology)
- Recreation Policy 2 (Protection/Provision of Open Space)
- Community Policy 2 (Location of Facilities)
- Community Policy 7 (Designing Out Crime)
- Transport Policy 7 (Parking Provision)

## 4.0 LEGISLATION

4.1 Section 16(3) of the Town and Country Planning Act (1999) states,

"In considering — (a) whether to grant planning approval for development which affects a registered building or its setting, or (b) whether to grant registered building consent for any works, the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

#### 5.0 PLANNING HISTORY

5.1 No relevant applications identified.

#### 6.0 REPRESENTATIONS

6.1 DOI (11.03.22) - Do Not Oppose.

6.2 DEFA (Ecology) (13.05.22) - confirmed no comments.

6.3 A discussion with the DEFA Arboricultural officer (13.05.22) confirmed that subject to a condition on the wall there is no objection.

#### 7.0 ASSESSMENT

7.1 The proposal is not considered to adversely impact on the Registered Building or its setting, and so the normal planning balance can be applied.

7.2 The proposal is for development within the countryside and does not fall within the exceptions set out within General Policy 3. However, there is no specific provision for graveyards within the Strategic Plan or Areas Plan and they could reasonably be considered essential and to some extent location dependent development.

7.3 No concerns in relation to highways or environmental constraints have been identified that would justify refusal, and the design of the proposed wall is considered to be appropriate.

#### 8.0 CONCLUSION

8.1 The proposal is supported.

#### 9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 23rd May 2022

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### Item 5.13

**Proposal :** Continuation of restoration works rebuilding of gravel bund, re-profiling of the lake edge, new ponds, erection of birdwatching hide.

**Site Address :** Manx Birdlife Point Of Ayre Reserve  
Cranstal  
Bride  
Isle Of Man  
IM7 4BS

**Applicant :** Mr David Andrews

**Application No. :** 22/00377/B- [click to view](#)

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

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

Reason: To comply with article 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. No excavated material shall be removed from the site and no fill materials may be brought onto the site other than as set out in the method statement.

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 (e.g. highways/traffic) have not been assessed.

C 3. The works hereby approved shall not be undertaken other than in accordance with the method statement, which forms part of the approved plans.

Reason: In the interests of clarity and to ensure the development takes place in accordance with the approved details.

C 4. Prior to the commencement of the works hereby approved, 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 site designation it is important that any that does take place is appropriate.

C 5. There shall be no provision on the site of moveable structures, works, plant or machinery required temporarily in connection with the development hereby approved unless details (including timescale for removal) have been submitted to and approved in writing by the Department and they are provided in accordance with those approved details.

Reason: For the avoidance of doubt, and because the application does not include any details of these and the relevant permitted development order does not apply to this site.

Reason for approval:

The development is not in a designated site nor is it an exception allowed for by General Policy 3. However, the proposed works would enhance an existing nature conservation site in accordance with Environment Policies 1, 4 and 27 and no material considerations have been identified which would justify refusal.

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

None

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

THIS APPLICATION IS REFERRED TO 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 site is part of an area of a former sand and gravel quarry at the Point of Ayre, approximately 500m to the south west of the lighthouse. Access is available for motor vehicles from the public highway via a rough, wide lane which stops at a secured gate. No public access is currently available and the site is privately owned and managed as a bird sanctuary.

#### 2.0 THE PROPOSAL

2.1 The applicant has described the proposals as follows:

"This proposal is supplementary and complementary to previously approved application 21/00929/B. Application 21/00929/B was originally submitted with the expectation of works being undertaken during the non-breeding season August 2021 to March 2022. Unfortunately, due to Covid and other delays beyond our control, this work has not commenced. This new proposal covers work that is planned for August 2022 to March 2023. The two proposals together address biodiversity restoration as well as protection of wildlife from, and safety of, visitors. With these works completed, it is Manx BirdLife's aim to open the reserve to 'controlled' public visiting from circa April 2024.

This proposal includes: the rebuilding of a gravel bund to screen people from the lake and prevent disturbance of the wildlife; re-profiling the lake edge and adding aquatic vegetation to prevent future erosion of the repaired bund whilst providing valuable sheltered habitat for wildlife; a chain of new ponds, a new birdwatching hide.

i) Bund repair - The gravel bund alongside a 130m stretch of the track shown on Drawing 02 NE, which was part of the early restoration works, has eroded away to a lower height or is non-existent. This is to be built back up to a continuous bund of around 2m in height using the sand and gravel from surrounding spoil piles, placed there for this purpose.



ii) Re-profiling the lake edge - To reduce the risk of future erosion and provide an area of emergent aquatic vegetation, valuable to both breeding and sheltering wildfowl, we intend to reduce the slope profile of the lake edge. This will be done using material won by creating a new channel in the lake, cutting off the adjacent existing spit. Additional material will come from the creation of a chain of new ponds.

This shallower edge is then to be covered in imported topsoil to a depth of 0.3m to provide a bed for the introduction of locally sourced, native aquatic vegetation.

iii) Chain of new ponds - A chain of new ponds are to be created extending out from an extant pond. To create these ponds the area will need to be lowered, sloping down to the groundwater level before the ponds are excavated. The majority of spoil to be used in ii) above.

iv) Bird hide - A bird watching hide will be built to provide sheltered viewing facilities for visitors.

The 'off the shelf' standard 10.8m hide will be of a 'traditional' tried and tested design by long established company Gilleard Bros. It will be a wooden, weather board clad, building with the capacity for 24 visitors, stood and seated, including space for wheelchair access".

2.2 The application form confirms full approval sought, existing and proposed use is Nature Reserve, no floor space created, no changes to access, no parking spaces existing/proposed, change to site levels (Around 250t of topsoil will be imported onto site. Truck

access is via the existing access track), no new/amended services or drainage/sewage, development not within 15m of trees/hedges, within 9 m of water course and not in flood risk area.

2.3 The application is accompanied by a method statement and planning statement.

### 3.0 PLANNING POLICY

#### 3.1 Site Specific

- o 1982 Development Plan: Area of an area of High Landscape or Coastal Value and Scenic Significance; Nature conservation zone, nature reserves and sites of ecological importance for conservation; and small, oval area identified as an area for surface mineral working (gravel).

- o Area Plan for North (call for sites) noted.

- o Not within Conservation Area, no registered trees. Parts of site identified as being at risk of flooding.

- o Landscape Character Assessment (2008) noted.

#### 3.2 Strategic Plan (2016)

- o Strategic Policy 4 - development proposals must protect and enhance the nature conservation of designated sites

- o General Policy 2 - 'Development Control' considerations

- o General Policy 3 - presumption against development outside allocated sites, other than specific exceptions which include, "location-dependent development in connection with the working of minerals" and "buildings or works required for interpretation of the countryside, its wildlife or heritage"

- o Environment Policy 1 - protection of countryside and its ecology

- o Environment Policy 2 - protection of landscape

- o Environment Policy 4 - protection of ecology and designated sites/protected species

- o Environment Policy 13 - floodrisk

- o Environment Policy 22 - pollution

- o Environment Policy 24 - Environmental Impact Assessment
- o Environment Policy 27 - environmental enhancement
- o Paragraph 7.21.1 states, "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 ... Such opportunities may include former mining areas which have been or are in the process of being reclaimed...".

#### 4.0 OTHER MATERIAL CONSIDERATIONS

4.1 The site designation as an Area of Special Protection for Birds is noted.

4.2 The Department's Biodiversity Strategy is capable of being a material consideration.

4.3 The emerging Area Plan for the North and West is noted.

4.4 The Town and Country Planning (Permitted Development) (Temporary Use or Development) Order 2015 allows for inter alia, "Class A - Permitted Development for operations in connection with another development that has been granted approval following an application to the Department or the Department of Environment, Food and Agriculture A. Permitted development The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land where planning approval has previously been granted following an application, subject to the following conditions". Various conditions are attached for this class, and there are also general conditions that apply to the whole order. The latter include, ""No part of the development may be undertaken — (a) in, on, under or within an Area of Special Scientific Interest (ASSI), an Area of Special Protection or any other sites as designated under the Wildlife Act 1990".

#### 5.0 PLANNING HISTORY

5.1 21/00929/B, Creation of three ponds, repair 40m of gravel bund and creation of two gravel islands in existing lake, Manx Birdlife Point Of Ayre Reserve was approved on 15.12.2021 for the following reason, "The development is not in a designated site nor is it an exception allowed for by General Policy 3. However, the proposed works would enhance an existing nature conservation site in accordance with Environment Policies 1, 4 and 27 and no material considerations have been identified which would justify refusal".

5.2 It was approved subject to conditions:

C1 - 4 years

C2 - No approval for the erection of a "future viewing facility")

C3 - No excavated material shall be removed from the site and no fill materials may be brought onto the site.

C 4 - The works hereby approved shall not be undertaken other than in accordance with the method statement, which forms part of the approved plans.

C 5 - planting/seeding details to be approved Prior to the commencement of the works hereby approved, 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.

C 6 - There shall be no provision on the site of moveable structures, works, plant or machinery required temporarily in connection with the development hereby approved unless details (including timescale for removal) have been submitted to and approved in writing by the Department and they are provided in accordance with those approved details.

N.B. No details have been submitted in accordance with conditions 5 and 6.

5.3 21/01208/B, Installation of a shipping container for storage of tools and equipment during the development of the nature reserve (retrospective), Manx Birdlife Point Of Ayre Reserve, Cranstal, Bride was approved, "The development is not in a designated site nor is it an exception allowed for by General Policy 3. However, the proposed works would facilitate wider enhancement of an existing nature conservation site in accordance with Environment Policies 1, 4 and 27, and no material considerations have been identified which would justify refusal". It was approved subject to 3 conditions (4 years, colour and no hardstandings/foundations).

## 6.0 REPRESENTATIONS

6.1 DOI (Highways) (14.04.22) comment, "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking".

6.2 DEFA (Fisheries) (06.05.22) comment, "Care will need to be taken to reduce the possibility of harmful materials such as concrete or washings entering the water course however, I can confirm that DEFA Fisheries Directorate have no objections to this development from a fisheries perspective, provided that there is no adverse effect on the adjacent watercourse. This is due to the nature of both the watercourse and the proposed works".

6.3 DEFA (Ecosystems Policy) (06.05.22) comment,

"The proposed work is to take place within the designated Ayres Gravel Pits Area of Special Protection for Birds (ASP). The site was designated an ASP in 2001. Therefore, Environment Policies 4 and 5 of the Isle of Man Strategic plan are relevant.

The site is extremely important for bird life and is host to a wide diversity of bird species, some of which are listed on Schedule 1 of the Wildlife Act 1990, and are red or amber listed on the Isle of Man or UK Birds of Conservation Concern. Wildlife Act 1990 Schedule 7 protected orchids are present in various areas throughout the reserve.

It is an offence to intentionally or recklessly pick, uproot or destroy any wild plant included in Schedule 7. It is also highly likely, because of records from the surrounding area and suitable habitat on site, that viviparous lizards are present. Viviparous (common) lizards are listed on Schedule 5 of the Wildlife Act 1990 and are protected from being intentionally or recklessly killed, injured or removed from the wild; in addition they are protected from disturbance and it is an offence to damage or destroy their places of shelter.

Though the site is undoubtedly of high ecological importance, the Ecosystem Policy Team can confirm that we are happy with the proposed works as they are to be undertaken for the conservation and enhancement of, or to give people responsible admission to view and appreciate, wild birds and their habitats. The works will also be overseen by suitably experienced ecologists. We are confident that the work will be done lawfully and conscientiously and that disturbance of this designated site will be minimal, in line with Environment Policies 4 & 5".

## 7.0 ASSESSMENT

7.1 The key issues are:

- o Principle of development;
- o Ecological Impact;
- o Other Environmental Impact; and
- o Other Considerations.

7.2 Principle of development - The works are intended to enhance the nature conservation value of the site which is currently managed as a nature conservation site. Whilst such works are not specifically allowed for by General Policy 3, they accord with the environmental aspirations of the plan, the Biodiversity Strategy and are specifically allowed for in Environment Policy 27/paragraph 7.21.1.

7.3 Ecological Impact - The comments from DEFA(Ecology) and DEFA (Fisheries) are noted and relied upon.

7.4 Other Environmental Impact - No other concerns are identified which would justify refusal.

7.5 Other Considerations - There are some matters where, given the limited detail provided within the application, conditions should be attached for the avoidance of doubt.

## 8.0 CONCLUSION

8.1 The development is not in a designated site nor is it an exception allowed for by General Policy 3. However, the proposed works would enhance an existing nature conservation 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.