



**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, 20th June 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 23<sup>rd</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 4<sup>th</sup> July 2022.

**PLANNING COMMITTEE Meeting, 20th June 2022**  
**Schedule of planning applications**

<p><b>Item 5.1</b>  Glen House Residential Home New Road  Laxey Isle Of Man IM4 7BE</p> <p><b>PA21/00064/B</b>  <b>Recommendation : Approve subject to Legal Agreement</b></p>	<p>Conversion of residential care home (class 3.2) to self-contained apartments &amp; a dwelling (class 3.3 and 3.4) with associated parking.</p>
<p><b>Item 5.2</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 5.3</b>  Netherby Douglas Road Castletown Isle Of Man IM9 1TN</p> <p><b>PA21/01567/B</b>  <b>Recommendation : Permitted</b></p>	<p>Replacement of existing dwelling with the erection of 7 detached dwellings with integral garages and associated access, drainage and landscaping</p>
<p><b>Item 5.4</b>  Field 321756 &amp; 321758 Braaid Road Braaid  IM4 2AW</p> <p><b>PA21/01444/B</b>  <b>Recommendation : Refused</b></p>	<p>Erection of 4-bedroomed bungalow, (agricultural worker's dwelling), and erection of agricultural barn and the construction of a private access road.</p>
<p><b>Item 5.5</b>  Balladoole House Balladoole Castletown Isle Of Man IM9 4PE</p> <p><b>PA22/00294/B</b>  <b>Recommendation : Permitted</b></p>	<p>Erection of single and two storey extensions and linked garage accommodation together with associated landscape (amendments to PA 21/00575/B)</p>
<p><b>Item 5.6</b>  24 Alderley Close Douglas Isle Of Man IM2 1NT</p> <p><b>PA22/00386/B</b>  <b>Recommendation : Permitted</b></p>	<p>Demolition of Existing Conservatory and erection of replacement single storey room and installation of decking to the rear</p>
<p><b>Item 5.7</b>  B1-B9 B12-B17 B25-B33 B36 B40-B59 B62-B75 B86-B90 B96 B100 B102 B106-B131 B133-B139 B142-B148 Phase 2 Reayrt Mie, Ballasalla</p> <p><b>PA22/00139/B</b>  <b>Recommendation : Permitted</b></p>	<p>Erection of 107 dwellings (amendment to dwelling types approved under PA 19/00137/B)</p>

<p><b>Item 5.8</b> Beach Lodge 5 Derby Terrace Central Promenade Douglas Isle Of Man IM2 4LN</p> <p><b>PA22/00220/C</b> <b>Recommendation : Permitted</b></p>	<p>Change of use from guest house to House in Multiple Occupation</p>
<p><b>Item 5.9</b> Ballasaig Cottage School House Road Dreemskerry Ramsey Isle Of Man IM7 1BJ</p> <p><b>PA22/00025/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of proposed replacement dwelling, together with extension to existing residential curtilage.</p>
<p><b>Item 5.10</b> Nurses Home Westmoreland Road Douglas Isle Of Man IM1 4AJ</p> <p><b>PA22/00254/B</b> <b>Recommendation : Approve subject to Legal Agreement</b></p>	<p>Conversion and extension of nurses' home to provide 37 apartments and cafe with takeaway with associated car, motorcycle and bicycle parking and landscaping</p>

## PLANNING AUTHORITY AGENDA FOR 20th June 2022

---

### Item 5.1

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

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

**Applicant :** Crystal Care Limited

**Application No. :** [21/00064/B](#) - click to view

**Principal Planner :** Mr Chris Balmer

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

---

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

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

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

C 2. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

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

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

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

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

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

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

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

Reason for approval:

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

---

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

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

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

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

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

---

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

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS A SECTION 13 LEGAL AGREEMENT IS REQUIRED TO BE UNDERTAKEN

0.0 PREAMBLE

0.1 Following the approval of the application subject to a S13 Legal Agreement further discussions have been had with the Department and Public Estates and Housing Division who have confirmed they are seeking a commuted sum payment in lieu of affordable housing, rather than affordable units on site. Accordingly, this report has been updated to reflect this,

but only paragraphs 6.16 to 6.18 have been altered. The remainder of the report is the same as previously considered by the Members.

0.2 The Planning Committee will need to re-consider the application due to this alteration.

#### 1.0 SITE

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

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

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

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

#### 2.0 THE PROPOSAL

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

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

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

#### 3.0 PLANNING HISTORY

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

#### 4.0 PLANNING POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

4.9 Housing Policy 4: New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions(1) of these towns and villages

where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:

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

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

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

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

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

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

4.14 Residential Design Guide July 2021

## 5.0 REPRESENTATIONS

5.1 Highways Services (DOI) do not oppose and commented on:  
17.01.2022

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

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

The applicant has provided six parking spaces within the new parking area. Using the Strategic Plan parking standards, the proposal requires two spaces for the separate dwelling and nineteen spaces for the apartments. The six spaces are to be allocated to the apartments with the largest number of bedrooms (three and four bed) as well as one to the single



dwelling. This results in a one parking space reduction to standards to all of those that have allocation, and leaves the remaining five apartments without a parking space. However, the applicant has provided justification for the deviation from the standards.

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

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

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

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

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

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

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

Recommendation: DNOC"

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

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

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

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

13.01.2022

"The Commission has considered the amended plans and notes that the number of parking spaces indicated are highly likely to be well below the number that will be generated by the number of apartments in the proposed development. Members note the comments of the applicants in regard to the six spaces indicated, but they remain certain that the development will attract many more vehicles to the site than is suggested: it is the view of the Board that the presence of a bus stop will not deter residents from owning either a vehicle or several vehicles.

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

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

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

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

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

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

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

Current data drawn from Housing Division records for the East of the Island excluding Douglas indicates that there are 23 persons on the general public sector waiting list for affordable housing to rent in the east.

There are 42 persons on the First-time Buyers Register seeking to purchase a first home in the east of the Island, excluding Douglas. Of this number, 23 are on the Active Purchaser List who are seeking to purchase a home within the next 12-18 months. This figure is not indicative of likely final purchases as the ability to progress to completion would depend upon personal circumstances and mortgage ability at point of allocation.

The department would request that consideration be given by the Planning Committee to include a requirement, in respect of any approval granted for this site, for the applicant to enter into a Section 13 Agreement with the Department to provide either affordable housing,

based upon the usual calculation of 25% of the number of units approved within the application, or an equivalent Commuted Sum."

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

## 6.0 ASSESSMENT

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

### Principle of development

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

### Potential visual impact upon the Conservation Area

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

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

### Potential impact upon neighbouring amenities

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

### Impact upon highway safety and parking

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

Following discussion with the applicants and Highway Services the current proposal was submitted which provide 6 off road parking spaces within the site.

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

6.9 The Parking Standards in the IOMSP indicate that these maybe relaxed where;  
"(a) would secure the re-use of a Registered Building or a building of architectural or historic interest; or  
(b) would result in the preservation of a sensitive streetscape; or  
(c) is otherwise of benefit to the character of a Conservation Area.  
(d) is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on street parking in the locality."

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

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

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

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

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

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

#### POTENTIAL AMENITIES FOR FUTURE OCCUPANTS

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

#### SECTION 13 LEGAL AGREEMENTS

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

6.17 In terms of the Affordable Housing 2.75 units are required (25% of 11). The applicants have been in discussion with Estate and Housing (DOI) and have confirmed that 3 of the units would be Affordable Housing. However, since the acceptance by the Planning Committee previously of this, during the S13 Legal Agreement process Public Estates and Housing Division have considered the application in detail and have stated the following; "The Department does not accept 1B apartments for FTBuyers as they do not provide any flexibility of accommodation if circumstances change, and also the local housing authority, Garff Commissioners, only provide sheltered accommodation, and therefore in this case we will have to accept a Commuted Sum instead of Affordable Housing. We will need to prepare a set of comparables for the applicant to agree."

6.18 It is considered on this basis that a commuted sum payment in lieu of Affordable Housing provision is acceptable on this site. A figure will be to the Planning Committee at the meeting.

#### 7.0 CONCLUSION

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

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

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

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

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

#### 8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 20th June 2022

---

### Item 5.2

**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

---

### 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 indeed 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 General Policy 3(g) and Environment Policies 1 and 13 of the Isle of Man Strategic Plan 2016.

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

---

### **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 has been presented to Planning Committee on two separate occasions since 2019. The most recent deferral was to allow the applicant to provide properly scaled drawings detailing the works. For the avoidance of doubt the proposal is now for an 80m long

culvert in the river and earthbank above to create a roadway across the river valley for private use by Ballagilbert Farm.

0.2 The application was originally proposed for a 40m long culvert in the river and a large earth bank above creating a level roadway crossing over the river valley to connect Ballagilbert Farm with some of its fields on the other side of the river. The earth bank was to similarly measure around 40m wide at its base and around 15m tall from the base of the valley up. This original application was presented to the Planning Committee on 04/01/2021 with a recommendation to refuse 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."

0.3 A representative of DOI flood risk management spoke during the meeting indicating that from their perspective there was still concerns and lack of detail as to the construction and potential stability failure, and that ideally the angles of the bank should be less steep, but the consequences of this however would require a longer culvert and thus more potential for blockage.

0.4 During the meeting the applicant stated 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 and that there were no trees up stream which would result in any blockages of the culvert, also minded of it being nearly 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.

0.5 The Committee agreed to defer 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 was to be constructed and how, and to allow time for this detail to be circulated to all parties for formal comment before coming back to the members.

0.6 Additional drawings and detail was received from the applicant on 29th April and circulated for comment. This included plans, elevations and sections, a method statement from an appointed structural engineer and specification sheets for excavations and earthworks. It was noted that the scale of the drawings was incorrect and so the information circulated was not accurate. The proposal in fact being for a new 80m culvert and earthbank. The application was presented to Planning Committee with a recommendation to refuse although it was agreed that there be another deferral to at least allow the applicant's time to correct the drawing scale issues.

0.7 The application has now been formally circulated for 21 days with the correct scaled drawings. Updated comments are contained in 5.0 of this report and sections 6/7 and reason refusal have been updated as relevant.

## APPLICATION SITE

1.1 The site forms part of a wider farm holding known as Ballagilbert Farm which is located south of Cringle Reservoir and part way between Ronague Road and Kerrowkeel Road. The farm holding comprises land which straddles either side of the Silverburn River.

## PROPOSAL



2.1 The application now proposes the installation of an 80m culvert in the river and the building up of an embankment to create a road over the river to help facilitate improved access over the river valley between farm land and to rid the need for travelling along surrounding roads in order to reach fields on the other side of the river. This proposal supersedes an original scheme for a 40m culvert and bank. Both are addressed in more detail below.

#### Original Submission

2.2 Original submitted drawings for the 40m culvert detailed a proposed embankment stretching 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 was 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 and in the river was a 40m culvert to carry the river, this culvert to be 2.8m high x 2.4m wide and set 1m into the river bed. The proposed bank was indicated 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 drawings were provided 29th April and circulated, however these were not scaled appropriately. As such new drawings were required and these were provided accurate and to scale dated 25th May 2022.

2.5 What is now proposed is an 80m culvert in the river and the building of an earthbank above similarly measuring 80m at its widest point and around 18m at its tallest point. The roadway will stretch around 270m from one side of the valley to the other. The culvert is still to sit 1m in the river and to have a 2.4m diameter.

2.6 Also included in the new information is a 'method statement' from the structural engineer and specification sheets for 'excavations and earthworks' and 'drainage'. 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 generic domestic 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 a prior to condition for a method statement and 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;

(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative;"

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

5.1 Copies of representations received can be viewed on the government's website. This report contains summaries only and have been categorised into comments received on the new 80m culvert first and the older comments for the 40m culvert second.

### 80m Culvert

5.2 Arbory Commissioners - no further comments to make (19/05/2022). Earlier comments indicated that they were in support but requested that full consideration is given to the EIA and to wildlife movements in the area.

5.3 DEFA Biodiversity and Ecology - There is much too little information submitted with the application to understand what the impacts of the new 80m culvert will be and what avoidance, mitigation and compensation measures are possible and required. A Preliminary Ecological Appraisal is required prior to determination of this application, because of the undoubted impact the proposal will have on large areas of semi-natural habitat, including rare marshy grassland.

5.4 DEFA Inland Fisheries - Objection (30/05/2022) - The proposed culvert may be prone to blockage and clearance within the 80 metre span may be impractical, causing a barrier to fish passage. The 80m long culvert also removes spawning riverbed for migratory fish to access. Disturbance, obstruction or injury to spawning fish, or to any spawn or fry may be an offence under section 32 of the Fisheries Act 2012. Options need to be explored to reduce

the scale of spawning bed removal. It is also suggested that an EIA is conducted to determine the scale of the impact to the environment. The applicant is also advised to contact Fisheries to discuss method statements and arrange an initial advisory site visit, should the proposal be granted planning approval. DEFA does not charge for an initial site visit or review of method statement but there is a charge for relocating fish prior to river works. This is likely to be deemed necessary due to the nature of the proposed works on this section of stream.

5.5 DOI Highways - no further comment to make beyond those made previously (27/05/2022). It was previously confirmed that as the proposal was for private works and did not connect to the main highway they 'do not oppose' dated 03/05/2022

5.6 No new comments have been received from DOI Flood Risk Management or from Manx Utilities as of 13/06/2022. Original MU comments indicated that the works could restrict water flows and result in accidental storage of water during flood events (see 5.11).

#### 40m Culvert (superseded)

5.7 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.

5.8 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.

5.8.1 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.

5.8.2 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.

5.8.3 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.

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

5.10 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) but that 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.

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

5.11.1 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:

5.11.2 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.

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

5.12.1 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.

5.12.2 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.

5.13 Manx National Heritage - 24/05/2019.

5.13.1 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.

5.14 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:

5.14.1 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.

5.14.2 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.

5.14.3 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.

5.14.4 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.

5.14.5 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.

5.14.6 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.

5.14.7 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.



5.14.9 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.

5.14.10 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 overall outcome of the findings remains 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 and ecology as a result of the potential installation of an 80m long culvert and associated earthworks, and there not being any studies by reason of Preliminary Ecological Appraisal or Environmental Impact Assessment to overcome these concerns. The application is therefore recommended for refusal on the original grounds referred to in 0.2 of this report in respect of flood risk, but now also adding a further reasons in respect of the potential harm of the works on the watercourse and habitats including fish and marshy land and other flora and fauna in the vicinity.

### 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 intended to be a dam or structure for the holding back or permanent storage of water (by the very reason of containing a culvert) 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 original size of the culvert being 40m long x (2.4m wide x 2.8m high) was 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 was no method statement in respect of ecological matters provided for the creation of the 40m 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 requested an 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 being 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 was considered necessary and the works carried out in accordance with the approved statement.

6.7.5 However, the proposal is now for a culvert which has a reduced size from 2.8m x 2.4m oval to a 2.4m diameter and is now double the length at 80m. There is significant concerns from both DEFA Inland Fisheries and Bio-diversity in respect of the schemes potential impacts on the river and its fish, as well as other habitats and loss of large areas of marshy grassland. As there is no PEA, EIA or any other supporting information to address the new changes to the scheme or to indicate whether any mitigation could be considered or implemented, it has not been demonstrated that the increase of the culvert to 80m can be

done without causing any significant adverse harm to the surrounding environment and habitats and thus the proposal would ultimately fail the tests of 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 information provided for the proposal being for a longer 80m culvert and with a diameter only 2.4m it cannot be determined whether the proposal would 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 While it is acknowledged that the works will of course bring benefit to the applicant and the operation of the farm, in the case of this application, it is not considered that there such a significant overriding national need or national highway safety benefits that would 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. Contrary to GP3(g), EP1 and EP13.

7.2 Similarly there is no overriding or essential need to outweigh the protection of the surrounding habitats and environment, and minded that there is a lack of information relating to the potential adverse and harmful impacts of the 80m culvert and associated earthworks on the habitats, ecology and biodiversity in the immediate area the scheme would be contrary to EP 4 and 5, and there is no mitigation indicated that would overcome these concerns at this stage.

## 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 20th June 2022

---

### Item 5.3

**Proposal :** Replacement of existing dwelling with the erection of 7 detached dwellings with integral garages and associated access, drainage and landscaping

**Site Address :** Netherby  
Douglas Road  
Castletown  
Isle Of Man  
IM9 1TN

**Applicant :** Hartford Homes Ltd  
**Application No. :** 21/01567/B- [click to view](#)  
**Planning Officer :** Mr Paul Visigah

**RECOMMENDATION:** To APPROVE the application

---

### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. The development hereby approved shall not be occupied/brought into use unless the bat boxes, bird boxes, and Bee Bricks have been installed/constructed in accordance with details submitted.

The mitigation bat, bird and bee boxes/bricks are to be erected on site as detailed in the Proposed Site plan (Drawing No. 3 Rev A) and the Plot 1 - Plot 7 Plans and Elevations Drawings all dated December 2021, (Drawings no. 8, 9, 10, 11, 12, 13 & 14)

The boxes/bricks shall be retained thereafter.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

C 3. Notwithstanding the details that have been submitted, the development hereby approved shall not commence until a detailed landscaping strategy which includes the creation of a long-term habitat management plan for the wildflower areas shown in the most up-to date landscape plans, has first been submitted to the Department in writing to be agreed. The strategy shall include a timescale for implementation.

The detailed landscape strategy shall include a detailed landscaping layout, details of planting (no none non-native species), hard surfacing materials, site levels, and details of the landscape features (hedges and trees) marked to be retained on site.

Soft landscaping works shall include: planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants,

noting species, plant sizes and proposed numbers / densities and a programme for the implementation, completion and subsequent management of the proposed landscaping.

No Wildlife Act 1990 Schedule 8 non-native invasive plant species are to be planted on site.

The development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter unless changes to the landscaping have been submitted to and approved in writing by the Department. Any additional removal must be compensated for by replacement planting in accordance with details which have first been approved in writing by the Department.

Reason: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive environment.

C 4. Prior to the removal of Tree no. 4618 a Preliminary roost assessment by a suitably qualified ecologist shall be submitted to and approved in writing by the Department, as this tree was found to have potential roost features for bats in its trunk and is due to be removed.

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

C 5. The development hereby approved shall not be occupied/brought into use unless the stacked Log pile creation or a hibernaculum suitable for Common Lizard as detailed in the Proposed Site Plan dated October 2021 (Drawing no. 3), and referred to (with details shown) in Appendix VII of the Manx Wildlife Trust Preliminary Ecological Appraisal Report dated June 2021 have been installed/constructed in accordance with details submitted. The stacked log piles shall be retained thereafter.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

C 6. Prior to the commencement of the development hereby approved, a detailed external low level lighting scheme shall be submitted to and approved in writing by the Department. The lighting of the site will be designed in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018).

The lighting details shall include detailed drawings of the proposed lighting columns and fittings, information about the levels of luminance and daily duration and any measures for mitigating the effects of light pollution.

The development shall not be carried out other than in accordance with the approved plan.

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

C 7. Prior to the commencement of the development hereby approved (including site clearance), a Working Method Statement and eradication plan for Schedule 8 non-native invasive plant species shall be submitted to and approved in writing by the Department. The development shall not be carried out other than in accordance with the submitted Method Statement.

Reason: In order to protect and enhance biodiversity in the environment.

C 8. Prior to any works (including site clearance) commencing on the site, a Precautionary Working Method Statement for common lizard, common frog and breeding birds, shall be



submitted to and approved in writing by the Department. The development shall not be carried out other than in accordance with the submitted Method Statement.

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

C 9. The Wildflower areas shown in the landscape plan (Drawing No. 06 Rev A) dated 18 February 2022, shall be created and managed via the methodology specified in the Habitat section in Table 1 of the Manx Wildlife Trust's Technical Note: Biodiversity Metric and Ecological Mitigation Plan - Netherby. The development shall not be carried out other than in accordance with the approved plan. The Wildflower areas shall be retained thereafter.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

C 10. The existing trees marked for retention on the Outline Tree Protection Plan (Drawing No. OTP-201221) shall be retained in accordance with the approved details. Any retained tree which within five years of the approved development being occupied or completed (whichever is the later) dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Department, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Department.

The Arboricultural monitoring indicated in the Arboricultural Method Statement, which forms part of the tree protection for the site shall be carried out in accordance with the details outlined in the Manx Root Tree Survey and Report.

Reason: To safeguard the appearance of the development and the surrounding area.

C 11. The replacement tree planting shall be carried out in accordance with the tree planting drawing (MP-11520) and the BS8545:2014 Mitigation Planting Plan (prepared by Manx Roots), submitted in support of the application. The planting shall be carried out in the first planting season following the removal of the existing trees. Any replacement trees which, within a period of 5 years from their planting, die, are removed, or, in the opinion of the Department, become seriously damaged or diseased, shall be replaced as is reasonably practicable or in the next planting season with others of similar size, species and number as originally approved, unless the Department gives written consent to any variation.

Reason: to ensure that replacement tree planting takes place to mitigate the tree removal required to facilitate the development.

C 12. No development shall commence on site until a programme of archaeological work, to include excavations where required, has been submitted to and approved in writing by the Department. The programme shall indicate the degree of supervision by a qualified archaeologist. The development shall not be carried out unless in accordance with the programme of archaeological work so approved.

Reason: To ensure that archaeological remains and features are adequately recorded.

C 13. The development hereby approved shall not be brought into use unless the access, visibility, vehicular and pedestrian access and all parking and turning areas, have been provided and surfaced in accordance with the details shown on the approved plans (Drawing Nos. ITB16403-GA-007, ITB16403-GA-007 and 03 Rev A). Once provided, all access, parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access, parking and turning space to an adequate standard in the interests of road safety.

C 14. No development in connection with the development hereby approved shall be occupied/brought into use unless the proposed foul sewage and surface water drainage system[s] have been provided in accordance with the approved plans (Drawing No. 16 Rev A received 28 February 2022, and 03 Rev A received 18 February 2022). The foul and surface water drainage system[s] shall be permanently retained thereafter in accordance with the approved scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

C 15. Except for excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Reason: to protect the local environment.

C 16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2012 or any order amending, revoking or re-enacting that Order no means of enclosure, structures or other free standing buildings, other than that shown on the approved plans and other documents listed on this decision notice, and any drawings approved subsequently in writing by the Department pursuant to any conditions on this decision notice, shall be erected on the site without an express grant of planning approval from the Department.

Reason: In the interests of the character and appearance of the development.

Reason for approval:

It is concluded the proposal complies with the relevant planning policies of the Isle of Man Strategic Plan 2016, Residential Design Guide 2021 and the Area Plan for the South and therefore it is recommended the application is approved subject to conditions as listed.

---

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

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

DOI Flood Risk Management,  
Manx National Heritage,  
Manx Utilities Drainage

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

2 Brookfield Avenue, Castletown,  
Tir Nan Og, Brookfield Avenue, Castletown,  
Braemer, Douglas Road, Castletown

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

---

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE DEVELOPMENT IS CONTRARY TO THE LAND USE DESIGNATION ON THE AREA PLAN BUT IS RECOMMENDED FOR APPROVAL

#### 1.0 THE SITE

1.1 The site is the residential curtilage of Netherby, an existing detached dwelling which sits to the north east of Brookfield Avenue and to the south of an open field all to the west of the A5 Castletown/Douglas Road opposite the southern part of the Isle of Man Airport. The house sits in the very far northern corner of the site with a long drive leading to the A5 which cuts through a lawned area with some conifers and planted beds scattered within the site. The site is around 1 hectare in area.

1.2 The boundary of the site to the A5 is provided by in the most part, a rendered wall painted cream with a white coping although the eastern 17.5m take the form of a slightly higher stone wall which ends just past the eastern edge of the application site, abutting the land to the east which has a low bank and hedging atop as its boundary to the A5.

1.3 The existing dwelling and the site are not particularly prominent as one approaches the site from the east (Ballasalla). Netherby can be seen through the roadside hedge but it and its grounds are largely screened by the conifers within the site. As one reaches the rendered boundary wall, there is less planting and a clear view into the garden is achievable.

1.4 The boundary with the Brookfield Avenue properties is formed by a low bank with trees and shrubs on top - quite an informal boundary but there are also trees within the grounds of the application site which provide separation between the more open lawned areas and this boundary.

#### 2.0 THE PROPOSAL

2.1 The application seeks approval for the replacement of existing dwelling with the erection of 7 detached dwellings with integral garages and associated access, drainage and landscaping. The proposal includes a total of four house types; the dwelling type closer to the highway are dormer bungalows, while the other dwelling types situated further into the site are all two storeys. The proposals are all five bedroom detached dwellings. All have at least two off road parking spaces and also have access to double garages, integral for the two storey dwellings and detached for the dormer bungalows.

2.2 Access to and from the site will be via a new access which would at a more centralised position when compared to the existing access. The driveway would be altered to accommodate the new dwellings on site.

2.3 The application drawings also illustrate zones where the height of buildings is restricted in association with air traffic safety regulations, effectively keeping the dwellings

closer to the highway and airport at a lower height, with the dwelling height increasing as you move further into the site and away from the airport flight zone.

2.4 Foul drainage from the dwellings on site would be discharged via a private pumping station designed to have 24 hour storage dual pumps and visual fault alarm. The system will be connected to the public sewer as indicated on the drawings and agreed with MUA. The applicants have indicated that the final pump station will be dual pumps with 24 hour storage to cover any failures. It will also to be provided with a visual alarm and telemetry to make the management company aware of any failures and instigate repairs. They further state that the pumped station is the preferred solution over the onsite sewage treatment option, and that this is as a result of discussions with MUA.

2.5 On management of sewage and other services on the site, they state that as the roads, open space and drainage will all remain private, they would propose that a management company is formed with each purchaser owning 1/7 share (same as Apartment Blocks). The Management Company would be set up with annual service fee to cover the following:

- i. Property Insurance
- ii. Maintenance of Pumping station
- iii. Cleaning of Road and Road Gullies
- iv. Maintenance of Open Space
- v. Sinking Fund (for future works i.e. replacement pumps or repairs)

2.6 A total of 17 trees are to be removed (14 Category C trees, 2 Category U trees, and 1 Category B tree), and 57 new native trees would be planted throughout the site as mitigation for the tree loss.

2.7 In support of the application the applicants have provided the following documents:

- i. Housing Need Statement dated December 2021;
- ii. Property Market Statement dated December 2021;
- iii. Arboricultural Impact Assessment prepared by Manx Roots Limited, dated 21 December 2021;
- iv. Root Report Assessment prepared by Manx Roots Limited, dated 2 March 2022;

v. Archaeological Statement prepared by RPS Group:

This concludes that that there are buried archaeological remains within the site, and the information recovered on the archaeological potential of the site is sufficient to inform a planning decision. It further states that the archaeological remains predominantly relate to a medieval settlement, perhaps related directly to the lintel burials recorded previously in the road and in the wider area. There is some limited evidence for prehistoric activity on the site, although at present this is ill-defined. The trial trenching has identified that the archaeological features and deposits are relatively well-preserved. These buried archaeological remains are considered to be of local to regional interest, and would require mitigation should planning permission be granted. It is anticipated that a scope of works for any mitigation would be agreed with MNH in the event of planning permission being granted, and that the mitigation required could be secured through an appropriately worded condition placed upon the planning consent;

vi. Transport Statement prepared by i-Transport LLP and dated 17 December 2021:

The main conclusions of the highways statement are that:

- o The proposed site access arrangements provide safe and suitable access to the site from Douglas Road appropriate for the prevailing conditions;
- o A Stage One Road Safety Audit report which concludes that the development raises no overriding safety issues with the proposed access;

- o Car and cycle parking will be provided in accordance with the parking standards set out in the Isle of Man Strategic Plan 2016;
- o The proposed layout will provide adequate refuse collection arrangements with a large refuse vehicle being able to access, turn within, and egress the site in forward gear; and
- o Future residents will be within a short walking distance of frequent local bus services to Castletown town centre and Douglas and will therefore have genuine and realistic opportunities to access a wider range of facilities and destinations by public transport, including travel to/from work and shopping trips.

vii. Preliminary Ecological Appraisal Report prepared by Manx Wildlife Trust Consultancy and dated June 2021:

The key constraints and mitigation are:

- o Presence of Schedule 8 invasive non-native plant species.
- o Presence of trees with Potential Roost Features (PRFs) for bats and birds.
- o Precautionary Working Method Statement (PWMS) for Common Lizard and Common Frog.
- o Timing of work to avoid offences under the IOM Wildlife Act 1990 (as amended).

2.8 The applicants have provided a Planning Statement which articulates the justifications for the scheme, as well as the sensitive design choice to ensure the scheme fits within the site context. They consider that the proposal represents an opportunity to make more efficient use of a parcel of land which is already used for residential use, for much needed housing. They state that the site has previously been deemed appropriate for an intensified residential use by the Planning Minister, and the proposals are in line with the layout previously considered as being acceptable. They further state that:

- i. This site is immediately surrounded by land zoned for residential use to the west, the airport to the south and employment use (as a zoned strategic reserve site) to the north and east. Thus, in planning terms, it is fully surrounded by developed or developable land and not open countryside.
- ii. The proposed layout, positioning the houses towards the rear of the site, will maintain the parkland appearance of the front of the site when viewed from Douglas Road, thereby having a minimal visual impact.
- iii. The new houses will also be screened from the adjacent land by retention of all the site perimeter trees and by additional tree planting and the creation of an additional ecology area that will result in an ecological net gain especially so as most of the site is currently mown residential lawn.
- iv. The site abuts six properties on the adjacent housing estate. Only one proposed property (plot 3) abuts, side on, to this boundary, and adjoins just two existing properties on Brookfield Avenue. Though given the separation distance (39m to single storey garage and 45.9m to main dwelling) and existing trees, and new planting mix of evergreen and native trees - the impact will be negligible.
- v. The homes will be built in traditional materials and will be highly energy efficient, incorporating air source heat pumps and solar panels with battery storage.
- vi. The principle of development of 7 houses on this site has already been accepted by the Minister. The previous planning approval was clear to specify all the elements that would be needed to be addressed in a subsequent detailed planning approval. This current planning application addresses all those requirements.
- vii. This development would make a valuable contribution to housing close to Castletown and would not compromise resident safety due to the proximity of the site to the airport.

### 3.0 PLANNING POLICY

3.1 The site is not designated for development on the Area Plan for the South 2013 (Map 4) and it is not within a Conservation Area. The site is, however, flanked by a Strategic Reserve on the northeast and northwest boundaries, while a Predominantly Residential Area

forms the southwest boundary. The site is not prone to flood risks, or within a registered tree area and there are no registered trees on site.

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

Landscape Character Area: 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."

3.3 The following proposals within the Area Plan are also considered relevant:

3.3.1 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.

3.3.2 Green Gap Proposal 3: Between Castletown and the Airport/Ronaldsway Business Park (inclusive of Site SR2), development which would erode the separation and detract from the openness between the two areas will not be permitted.

3.3.3 Development Brief SR2

1. This site is a Strategic Reserve Site for Business Park purposes only.
2. The site must only be used for Business Park uses in accordance with the definition set out in Appendix 1 of the Isle of Man Strategic Plan, 2007, or its replacement.
3. No part of the site will be released for development until such time as:
  - i. the Isle of Man Strategic Plan Review has commenced;
  - ii. a Monitoring Report for the South has been produced by the Department recommending its release; and
  - iii. the Department is satisfied that the site needs to be released for Business Park uses and has issued a decision to such effect.
4. Any detailed application for the site must be accompanied by and form part of a Master Plan for the whole site (unless the detailed application covers the whole site). The Master Plan must satisfactorily address the matters of the intended phasing, general layout and internal road position. Any detailed application which incorporates the first phase must:
  - i. demonstrate and provide details for the main access road into the site which must be in the form of a link to the existing Ronaldsway Industrial Estate access road (Estate renamed as the Ronaldsway Business Park as part of this Plan); and
  - ii. include a structural landscaping plan for the whole site.
5. Any application must include satisfactory arrangements for access, parking and traffic circulation within the site. The applicant is encouraged to discuss this with the Highways Division (DoI) prior to the submission of any application.
6. The structural landscaping plan must show appropriate planting and surface treatments to enable the creation of a high quality parkland setting with an adequate buffer between the activities and any buildings proposed on the site and the neighbouring residents.
7. Any scheme must consist of high quality building design, materials, landscaping and surface treatments and include appropriate lighting.
8. The overall design (including the landscaping and lighting arrangements) must not hinder the operations/functions of Ronaldsway Airport.
9. Any detailed application must include a Traffic Assessment. Due regard must be paid to the requirements of the proposed Planning Policy Statement on 'Development Contributions to the Ballasalla By-pass.'

10. Car parking must be in accordance with the Isle of Man Strategic Plan, 2007, or its replacement and must be appropriate to the scale and type of development proposed and designed in conjunction with the landscaping scheme for the site.

11. Any application must demonstrate arrangements for public transport provision in the form of the location of bus stops, cycleways and pedestrian links to the airport and steam railway halt.

12. No part of the site must be developed until there is in place an approved Drainage Master Plan which must be prepared following discussions with the Isle of Man Water & Sewerage Authority. This is to ensure adequate arrangements are made for the entire development site. The Drainage Master Plan shall take into account the presence of existing foul and surface water public sewers which cross the site".

#### 3.3.4 "Business Parks

A development encompassing land for light industrial purposes, warehousing, new technology companies involved in scientific, commercial, or industrial research or development and office accommodation as the corporate headquarters of companies having multiple and diverse interests (but excluding financial/professional services to visiting members of the public); buildings should be set in parkland which should dominate the landscape".

3.4 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3). However, since the site has an established residential use and the site is within a location with existing properties, it would also be relevant to consider the general standards of development as set out in General Policy 2 and Environment Policy 42.

#### 3.4.1 General Policy 2:

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

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

#### 3.4.2 Environment Policy 42:

New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which

contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans.

3.5 Other relevant Strategic Plan Policies include:

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

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

3.5.3 Strategic Policy 3: "Proposals for development must ensure that the individual character of our towns and villages is protected or enhanced by:  
(a) avoiding coalescence and maintaining adequate physical separation between settlements."

3.5.4 "Sustainable urban extensions" are defined in the Strategic Plan as involving "the planned expansion of a city or town and can contribute to creating more sustainable patterns of development when located in the right place, with well-planned infrastructure including access to a range of facilities, and when developed at appropriate densities".

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

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

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

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

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

Typical Residential - 2 spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling.

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

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

- i) pollution of sea, surface water or groundwater;
- ii) emissions of airborne pollutants; and



iii) vibration, odour, noise or light pollution.

#### 3.5.12 Strategic Policy 11:

"The housing needs of the Island will be met by making provision for sufficient development opportunities to enable 5,100 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2011 to 2026".

#### 3.5.13 Paragraph 4.3.4

In terms of how those dwellings should be distributed, Housing Policy 3 states:

"The overall housing provision will be distributed as follows:

- o North 1,200
- o South 1,300
- o East 2,500
- o West 1,000
- o All Island 6,000"

3.6 Other policies within the Strategic Plan which are to be considered are; Environment Policies 10 and 13, Infrastructure Policy 5, and Community Policies 7, 10 and 11.

## 4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Whilst not adopted planning policy, DEFA's Residential Design Guide (2021) is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions. It is envisaged that separate guidance will be provided for dwellings in the countryside, although some of the broad principles set out within this document may still be relevant to such proposals". Sections 2.0 on Sustainable Construction, 3.0 on New Homes, and 5.0 on Architectural Details are particularly relevant.

### 4.2 UNESCO Biosphere Isle of Man

4.2.1 The scope of the UNESCO Biosphere Isle of Man Pledge is deliberately broad and inclusive but the context of the Pledge principles are set out below (in part):

- o 'Protecting our natural resources - this could relate to anything you're trying to do better that will impact positively on our natural resources, from managing water use to planting trees.
- o Developing our economy in a sustainable way - doing business responsibly, balancing the need for growth with respect for our natural, social and cultural environment. Responsible businesses tend to be more resilient, contributing to a diverse economy which is more sustainable than a 'monoculture' economy.
- o Making our environmental impact positive wherever possible - closely related to the first principle of protecting our natural resources, this could include anything from energy saving and waste management measures to support of local environmental projects.
- o Engaging with the local community - through environmental, social or community groups, whichever fit best with business.

4.3 The Castletown Housing Land Review (2017-18) and Residential Land Availability Study (2020) are relevant. The Castletown Housing Land Review identified potential additional housing land for Castletown and applications were made. An Appeal decision (AP19/0047) on planning application 18/00987/B set out a clear assessment on the status of the Review. The Inspector in his Report on the application for 48 dwellings on land at Knock Rushen (Site G in the CHLR) stated: 'Whilst the Castletown Housing Land Review asserts the need for additional dwellings to support Castletown's position in the settlement hierarchy, its findings are open to question; and have not been examined at a public inquiry or subsequently approved by Tynwald. It cannot therefore carry as much weight as the Island Development Plan.'

4.4 It is noted that the 2020 RLA stated in paragraph 5.6, "The South having the most up to date Area Plan has few issues in delivering the targets of the Strategic Plan with the exception of Castletown that has seen less development than either Malew (Ballasalla) or Port Erin. As the Area Plan for the South draws closer to its 10th anniversary the need to review the plan and address this issue will become more pressing".

## 5.0 PLANNING HISTORY

5.1 Planning permission has been sought and granted for a range of alterations and extensions to the house, none of which is relevant to the consideration of this current proposal.

5.2 Permission was refused for the principle of the development of the site for offices and for a nursing home (PAs 97/02068 and 98/00266). These applications were refused for similar reasons, referring to fact that the site is not designated for development and that "the largely green site" was considered to contribute to the open space separating Castletown from Ronaldsway and where the erection of a larger building and associated car park could lead to the gradual coalescence of the built development of Ronaldsway and Castletown and would reduce the contribution of this currently open space. In addition, the increase in traffic and activity on the site were considered to increase the impact on the residents of the adjacent Brookfield Avenue properties and there were concerns about the drainage of the site.

5.3 The most relevant application on the site to the current scheme is the application for Approval in principle for the demolition of existing dwelling and outbuildings and redevelopment of plot to create a residential layout with associated services under PA 14/00291/A which was refused by the Planning Committee. The Appeal Inspector also upheld the Committee decision and recommended refusal for the scheme. The Minister on his part approved the application subject to conditions with the following arguments:

The Minister noted that there is generally no disagreement that the application site could accommodate more development than that which is currently served by one dwelling notwithstanding that the Minister notes that some parties to the appeal fundamentally objected to the principle of the development of the land per se.

The Minister notes in Paragraph 19 of the Inspectors report that, "...The Area Plan does not absolutely discount future development within the Green gap", to the extent that the application, in his opinion turns on whether it would, "...erode the separation and detract from the openness between Castletown and the existing Business Park.

The Minister was not persuaded that on evidence before him that, in the round, development of the application site would erode the separation and detract from the openness between Castletown and the existing Business Park. In support of his opinion, the Minister draws on the Inspector's comment at paragraph 21 that "...it should not be presupposed that the requirements of the SR2 Development Brief will all be met". To the extent that this creates uncertainty as to the development of the SR2 lands and also having regard to the fact that the lands comprise a 'Strategic Reserve' allocation, in the Minister's opinion and when assessed in the context of both the aforementioned test and the current situation, the Minister is not persuaded that the development of the subject lands will erode the 'separation' or 'detract from the openness' between Castletown and the existing Business Park. In that regard, the Minister is satisfied that the proposal is not contrary to the provisions of the Isle of Man Strategic Plan 2007 or the provisions of the Area Plan for the South 2013.

The Minister also reached the conclusion that a development of 7 dwellings on the application site is the appropriate density of the development.

## 6.0 REPRESENTATIONS

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

### 6.1 The Department of Infrastructure (DOI) Highways Division Consultation:

#### 6.1.1 Consultation dated 18 January 2021:

o They note that the proposal site is well connected and does not raise significant road safety or network functionality issues. The layout is satisfactory. Car and cycle parking are to be provided in accordance with the parking standards. Electric vehicle charging points for each unit should be considered. As the proposed street is intended to be private, a waste bin collection point may be necessary.

o They raise no objection subject to conditions for the proposal to meet drawings:

a) Access, i-Transport's: ITB16403-GA-007

b) Visibility Splays, i-Transport's: ITB16403-GA-007

c) Layout meeting: 03, including closure of the existing redundant vehicular access and reinstatement.

#### 6.1.2 Consultation dated 18 February 2022:

They notes the additions and amendments uploaded on 18 February 2022, and state that the proposed drainage channel should be set back from the line of the new footway. They state that the comments made in response dated 18 January 2021 remain valid for the most part. The condition for the proposed layout of the access, new footway and internal street should refer to the amended drawing no: 03 Rev A.

#### 6.1.3 Consultation dated 18 March 2022:

They note the amendments uploaded on 14 March 2022 and amend drawing number to that referenced in previous comments 18 February 2022 to 03 Rev B.

#### 6.1.4 Consultation dated 28 March 2022:

They note the re-consultation letter received on 21 March 2022 and makes no further comment on the proposal.

6.2 DOI Highways Drainage have stated that they are satisfied with elements of the scheme shown to prevent surface water runoff from private areas draining onto the public highway (19 February 2022).

### 6.3 DEFA Ecosystem Policy Team Consultation:

#### 6.3.1 Consultation dated 09 February 2022:

o They confirm that the Manx Wildlife Trust's Preliminary Ecological Appraisal Report (PEAR) for Netherby dated June 2021 is all in order and that a suitable level of assessment has been undertaken.

o They recommend a list of measures that should be secured via condition on approval to ensure that there is no net loss for biodiversity on site. The conditions would cover mitigation for bats, birds and bees; landscaping of the site; preliminary roost assessment of Tree no. 4618 prior to its removal, as this was found to have a potential roost features for bats; log pile creation as detailed in Proposed site Plan; tree planting plan; external lighting; Working Method Statement and eradication plan for Schedule 8 non-native invasive plant species; and Precautionary Working Method Statement for common lizard.

#### 6.3.2 Consultation dated 16 March 2022:

o They confirm that they are satisfied with the Manx Wildlife Trust's Technical Note: Biodiversity Metric and Ecological Mitigation Plan - Netherby, dated 9th February 2022.

o They state that in addition to the conditions requested in their previous response which covers most of the avoidance, compensation and enhancement measures detailed in

the MWTs Technical Note, they also request that the following measures are secured via conditions on approval: Creation of Wildflower areas and long-term habitat management plan for the wildflower areas.

- o They request that the landscape condition be updated to make reference to the most up-to-date landscape plans (Drawing No. 06 - Revision A) as submitted to Planning in February 2022.

6.4 DEFA's Arboricultural Team:

6.4.1 Consultation dated 17 February 2022:

- o They note that the proposed development requires the removal of 1 category B tree (T4633, ref BS5837:2012) which would normally result in an objection to the application. However, mitigation planting proposed will provide a net increase in canopy cover and a net improvement in amenity value, and as such they do not object to this application.

- o They note that several 'New Horizon' (disease resistant hybrid cultivar) elms will be planted adjacent to Castletown Road which should, if they are properly maintained until established, make a significant contribution to the amenities of the area for many years to come.

- o They note that the proposed development also requires the removal of 13 category C trees and 1 Category C group, but believe the mitigation proposed is sufficient.

- o They estimate that approximately 800m<sup>2</sup> of canopy will be removed as a direct result of the proposed development, but at least this amount (probably more) will be restored within 10 years if the replanting is successful.

- o They request that concerns regarding incursions for trees 4628, 4621, 4617 and 4610 be addressed prior to determination of the application (17 February 2022).

6.4.2 Consultation dated 28 March 2022:

- o Following receipt of test pit results which show that RPAs don't need to be offset, with the amended protection plan addressing that concern, they have indicated that they have no objection to the proposal.

- o They recommend that the amended Tree Protection Plan be secured with a condition, should the application be approved.

6.5 DEFA EPU have indicated that the preferred option for sewerage infrastructure for the site to use a pumping station and connection to MU infrastructure at the southern roundabout by Ronaldsway (24 May 2022). They state that with regard to the noise, odour and vibrations from a pumping station, they are not able to comment on the impacts of this on neighbouring residents (19 May 2022).

6.6 DOI Flood Risk Management initially requested that a Flood Risk Assessments be provided before planning consent is given (16 March 2022). Following receipt of additional information from the applicants, they note that the development would not be in a flood risk zone and as such indicate that they do not oppose (4 April 2022).

6.7 Manx Utilities Drainage have stated that they are happy with the proposals for the above mentioned planning application and can confirm that the drainage will remain private and will not be adopted by Manx Utilities (28 March 2022).

6.8 Manx National Heritage have provided an advisory regarding nesting birds on trees within the site during the summer months from the beginning of April to the end of August. They further state that any works on the trees would ideally take place outside the nesting season and must only commence once a check for nesting birds has been undertaken (1 February 2022).

6.9 Malew Parish Commissioners have no objections to the application (19 January 2022).

6.10 There are objections to the development from the residents of the following properties in Brookfield Avenue that lie on the south-western side of the site:

- i. 2 Brookfield Avenue, Castletown;
- ii. Tir Nan Og, Brookfield Avenue, Castletown; and
- iii. Braemer, Douglas Road, Castletown

6.10.1 They all object to the application on the following grounds:

- o The time span for development has lapsed,
- o Conflict with the landuse zoning as a Green gap,
- o The development would erode the separation and detract from the openness between the two areas,
- o The previous approval was in conflict with the Green Gap Policy,
- o Impacts on highway safety,
- o They question if there has been any impact assessment completed to determine potential impact of recent residential developments in Castletown and Ballasalla on local schools and GP Practices to meet increased demand.
- o They refer to contents of Housing Needs Assessment and Property Market Statement which refers to Castletown and now Malew where the application property is located.
- o They note that there has been a number of housing developments within few miles of Netherby since the original application was approved in 2014.
- o They state that the site is of ecological importance and that the Geophysical Survey mentioned in the Archaeological Statement only covers a small proportion of the site (2 percent).
- o They refer to impact on trees.
- o Potential impact of sewage treatment plant positioned close to their property (smells, noise and vibrations).

## 7.0 ASSESSMENT

7.1 The fundamental issues to be considered with this application are:

1. Principle of residential development;
2. Potential impact upon the character/appearance of the street scene;
3. Potential impact upon trees;
4. Impacts on Ecology;
5. Highway issues;
6. Drainage/Flood issues;
7. Potential impacts upon Neighbouring Residential Amenity; and
8. Archaeological Concerns

## 7.2 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

7.2.1 As indicated within the 'Planning Policy' section of this report, the site is not designated for development on the Area Plan, although the site has an established residential use. It has, however, already been established under the previous application for the site (PA 14/00291/A) that the principle of residential development for the site is acceptable. Under PA 14/00291/A, it was also established that there is generally no disagreement that the application site could accommodate more development than that which is currently served by one dwelling, with the Minister reaching the conclusion that a development of 7 dwellings on the application site is the appropriate density of the development.

7.2.2 Another factor that bodes well for the scheme is the fact that since the 2014 approval, there have not been material planning changes which have arisen in terms of policy as the Area Plan for the South has not been updated, and the Strategic Plan would only be due for review starting in 2022 but will not be brought before Tynwald until 2023. Based on the foregoing, the policy test provided in 2014 when approval in principle was granted for the development of seven dwellings on the site would still be valid.

7.2.3 Attention has been drawn to the level of housing provision to date, and whether there is a need for any additional housing. Whilst it is noted that there have been recent approvals for new housing in Castletown, it is also noted that the Castletown Housing Land Review was not successful in bringing forward additional sites, and the findings of the 2020 Residential Land Availability Study indicated a continued need for additional housing in Castletown. Furthermore, the housing figures in the Strategic Plan are targets rather than maximum limits. Therefore, it is not considered that questions of housing need are a barrier to this proposal.

7.2.4 Another positive sign for the proposed scheme is the requirement in Strategic Policy 1 that developments optimise the use of previously developed land and ensure efficient use of sites (taking into account the needs for access, landscaping, open space and amenity) and that development should be located to make best use of planned and existing infrastructure, facilities and services; conditions which the proposed development would achieve given the site's proximity to Castletown and related amenities which would make it sustainable from the point of view of residential development. Whilst there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed, the acceptability of the proposed density has already been considered appropriate.

7.2.5 In addition, the sites surroundings, in terms of built development (Brookfield Avenue to the south) and potential built development (SR2) - Strategic Reserve Site 2 (RS2) for potential future development as a business park subject to Development Brief SR2 (to the north-east and north-west), would ensure that the proposed scheme is a fitting addition to the area.

7.2.6 Accordingly, as previously considered the proposal would comply with the relevant planning policies and therefore it is judged that the principle of the proposed development would be acceptable. This is, however, not an automatic reason to allow development as further material planning matters as indicated previously need to be considered, to determine if the current scheme which is slightly varied comparative to that approved in 2014 would be appropriate for the site.

### 7.3 POTENTIAL IMPACT UPON THE CHARACTER/APPEARANCE OF THE STREET SCENE

7.3.1 In terms of the visual impacts of the new dwellings, the main public views would be from Douglas Road that abuts the site frontage as the trees on the southwest and northeast boundaries would serve to screen views to the proposed development. It is also considered that there would be limited views to the new dwellings via the site frontage which the main vantage gained through the access which would be guided by new hedge planting on both sides, although it is acknowledged that there would be views to the bungalows situated closer to the site frontage and parts of the dwellings to the rear whilst the plantings (trees and hedges) are still developing; a situation that would change considerably once the trees and hedges mature. However, even where there may be glimpses of the dwellings, these will be limited and be seen in connection with existing residential properties situated within Brookfield, with the retained thick tree cover within the site serving to retain the parkland appearance which is reflected in the existing site character.

7.3.2 As well, it is considered that the new fences proposed to be 2.4m high for the boundary of the new properties together with the new hedgerow planted in front would further serve to soften the visual impact of the scheme.

7.3.3 It is perhaps also worth considering that the design of dwellings in term of form is modern, albeit with the traditional steeply pitched roof finishes and gable ends, and would be finished in traditional construction materials, including painted render, stone wall cladding and

imitation slates on roofs. It is also considered that the proposed dwellings will be of similar scale to the 1940s houses in Brookfield Avenue, with the varied design types also fitting seamlessly into the area, considering the houses in Brookfield have varied individual designs, with no overriding design type. Accordingly, the overall design, siting, layout, size, landscaping and finishes of the dwelling would all be acceptable and would create a pleasant housing development, without having a significant adverse visual impact to the amenities of the street scene, site or area.

7.3.4 The comments made by objector to the scheme which indicates that the development would erode the separation and detract from the openness between Castletown and the existing Business Park are noted. However, it would be vital to note that the Minister whilst approving the previous scheme under 14/00291/A was not persuaded that on evidence before him that the development of the application site would erode the separation and detract from the openness between Castletown and the existing Business Park. Besides, the fact that the surrounding lands have been designated as a Strategic reserve presupposes that these lands would be developed in the future with business park developments known to create buildings that would have greater impacts in terms of building heights and the introduction of more parking and connecting roads; a situation that would considerably alter the character of the area. This also implies that these lands should not be viewed as open countryside where there is no intention to develop.

7.3.5 Overall, in terms of the impacts on the street scene, the design, layout, finishes and scale of the development would be appropriate. Accordingly, whilst there will be an impact to the visual amenities of the area over the current situation (i.e. a single dwelling with a large landscaped plot), the impact to public views would not be significant and it is considered the proposals would be acceptable and comply with the requirements of General Policy 2 and the principles advocated by Environment Policy 42 of the IOMSP.

#### 7.4 POTENTIAL IMPACT UPON TREES

7.4.1 Arguably one of the main concerns with the current scheme is the number of trees which would be required to be removed to enable the development to take place. As can be seen with the detailed comments from the Senior Arboricultural Officer, it is estimated that approximately 800m<sup>2</sup> of canopy will be removed as a direct result of the proposed development, but at least this amount (probably more) will be restored; a situation that would be achieved mainly by the replanting of about 57 trees to replace the 17 trees to be removed. The Senior Arboricultural Officer is, thus, content with the application and information provided but lists a number of conditions which should be attached to any approval to ensure the retained trees are protected and that the replanting scheme becomes integral to development of the site.

#### 7.5 IMPACTS ON ECOLOGY

7.5.1 In assessing the impacts of the development on site ecology, it is considered that a potential impact upon biodiversity of the site is directly related to tree loss, as some of the trees have potential roost features (PRFs) for bats and birds. This has been clearly indicated on the Manx Wildlife Trust's Preliminary Ecological Appraisal Report (PEAR) which has been considered to involve a suitable level of assessment by DEFA's Ecosystem Policy Team. They have, however, stated that they are satisfied with the Manx Wildlife Trust's Technical Note: Biodiversity Metric and Ecological Mitigation Plan, submitted by the applicants, which details the mitigation to deal with this issue. As such, it is considered that the requirements of Environment Policy 5 are met in this situation.

7.5.2 The submitted PEA also indicates that Schedule 8 invasive non-native plant species are present on site, with the scheme also having the potential to house protected species as the site provides suitable shelter and hibernation habitat for lizards and frogs. The Ecosystem

Policy Team (DEFA), however, confirm that both the PEAR and Technical Note are in order and that the level of assessment is appropriate, with the mitigation recommended appropriate. From reviewing their comments, it is considered that they are content with the application and information provided but list a number of conditions which should be attached to any approval in order to ensure that there is no net loss for biodiversity on site.

7.5.3 Based on the foregoing, it is felt that the application has satisfied the principles of Environment Policy 4. Conditions would, however, be imposed to ensure that the required mitigation measures are implemented as required by Environment Policy 5.

## 7.6 HIGHWAY ISSUES

7.6.1 In assessing the highway impacts of the current scheme, it is considered that the site entrance has been repositioned to be more central on the site frontage, to comply with visibility splay requirements and will be an improvement on the current arrangement. The new access position would also be further away from the position of the access to Brookfield which would be in the interest of highway safety. Moreover, the applicants have provided a Stage One Road Safety Audit report which concludes that the development raises no overriding safety issues with the proposed access. As well, Highway Services have considered the new access, as well as the internal road layout and have confirmed that the proposal does not raise highway safety or network efficiency concerns, subject to conditions for the proposal to meet submitted drawings.

7.6.2 In terms of off road parking, each dwelling would have 2 spaces provided within the site, in addition to two parking spaces provide within the garages which would be more than sufficient when compared with the requirements of Transport Policy 7 and stipulated within Appendix 7 of the IOMSP.

7.6.3 Another factor that serves as an advantage for the development is the provision of 2m wide footpaths to roads within site and the site entrance with tactile crossing points which would ensure proper segregation between pedestrians and vehicle users within the site in line with Transport Policy 6. As well, the site is within a public transport corridor with proximity to the train station (902m) and airport (575m), which increases the public transport options available to future occupants, whilst facilitating the ease of travel off the island when required without the need for use of private vehicles; conditions that align with the requirements of Transport Policy 1, 2, 4 and 6.

## 7.7 DRAINAGE/FLOOD ISSUES

7.7.1 With regard to drainage for the site, it is considered that the proposal includes a scheme where stormwater would be taken to soakaways as there are no local Surface Water Public Sewers (which is similar to that approved under PA 14/00291/A in 2014. Foul drainage for the development will be managed via a private pumped sewer connected to the Foul Public Sewer close to the exit at Isle of Man Airport.

7.7.2 The drainage element of the proposed scheme has been assessed by MUA Drainage who have stated that they are happy with the proposals and can confirm that the drainage will remain private and will not be adopted by Manx Utilities. The have also indicated preference for the pumped option which is the chosen option for foul drainage (as the pumped option would probably be the less contentious solution with foul flows), although they recommend that that an operation and maintenance plan is submitted for the chosen scheme. As such, a condition would be imposed to ensure that the requirement for an operation and maintenance plan is integral to approval for the development.



7.7.3 It is also important to note that DOI Highways Drainage have assessed the scheme and stated that they are satisfied with elements of the scheme shown to prevent surface water runoff from private areas draining onto the public highway.

7.7.4 The site is not within a Flood Risk zone (River or Tidal) but there were initial concerns by DOI Flood Risk Management in relation to the surface water flooding and the need to provide a flood risk Assessment for the site. The information provided by the applicants have addressed these concerns, with the scheme acceptable by all drainage/flood authorities and therefore it is considered from a drainage and flooding point of the view that the proposed application is acceptable. It is therefore considered that the scheme raises no flood risk to the new or existing properties in the area.

7.7.5 Based on the foregoing, it is considered that the proposed scheme would comply with GP 2 (I), Environment Policy 10 and Environment Policy 13.

## 7.8 POTENTIAL IMPACTS UPON NEIGHBOURING RESIDENTIAL AMENITIES

7.8.1 In terms of impacts on neighbouring amenity it is not considered that the proposed scheme would result in any impacts on the neighbouring amenity of the nearby dwellings. This is hinged on the fact that new dwellings would be positioned away from the existing dwellings on Brookfield, with the nearest dwelling to the properties on Brookfield (Plot 3) situated at a distance where there would be no impacts in terms of overlooking, overbearing impacts and loss of light (overshadowing). This property would be situated about 17.1m from the boundary with 'Tir-Nan-Og' and 'Benha', 38.7m from the rear elevation of 'Tir-Nan-Og', and 40.2m from the rear elevation of 'Benha'. Also, there are no windows on the southwest elevation of plot 3 which would create to create privacy concerns. More so, the existing trees and vegetation (mature landscaping), as well as the proposed planting on the southwest section of the site would serve to ameliorate any concerns as it would serve to provide an additional buffer between Brookfield and the proposed development.

7.8.2 The comments made by one of the objectors regarding the potential impact of foul drainage station positioned close to their property (smells, noise and vibrations) is noted. However, the separating distance between the pumping station and the boundary with the properties on Brookfield which is about 27.8m, and the distance with the nearest properties (53m to Braemar, 53.9m to Stowells, and 57.9m to No. 2 Brookfield Avenue) would serve to ameliorate any impacts. In addition, the existing trees, as well as the proposed tree planting and hedging would further serve to ameliorate any impacts. It is also important to note that the proposed foul drainage (pumping station) meets the guidance set by the statutory authorities to avoid causing noise, odour and vibration issues, and have been considered by MUA as acceptable. As such, it is considered that this element of the proposal meets the requirements of Environment Policy 22.

7.8.3 The comments related to potential impacts of recent residential developments in Castletown and Ballasalla on local schools and GP Practices in terms of increased demand are also noted. Albeit, the scale of the proposed development is not such that would significantly increase demand beyond existing and acceptable thresholds. As such, it is not considered that any demand for GP's and schools triggered by the development would be sufficient to warrant refusal of the scheme.

## 7.9 ARCHAEOLOGICAL CONCERNS

7.9.1 As has been established in section 2.7 of this report, there is evidence of some buried archaeological remains within the site, and as such it would be vital to consider the possible impacts of the scheme on these within the site. It is, however, important to note that these could be protected and preserved via suitable conditions which would ensure that appropriate

mitigation is integral to works commencing on site, as has been articulated in the Statement of potential and further work within the submitted Archaeological Statement.

7.9.2 The comments by Manx National Heritage which provide advice on such matters and who were consulted on the scheme on 1 February 2022 (and when additional or amended documents were provided by the applicant) have not raised any concerns with the archaeology of the site. Given that MNH are tasked with statutory responsibilities pertaining to the protection of the cultural and natural heritage of the Isle of Man, it is not considered that the scheme would have such detrimental impacts on archaeological the site sufficient to warrant refusal of the proposal. However, a condition regarding archaeological supervision to ensure that any archaeological features observed during the commencement of works can be recorded at the commencement of the development.

## 8.0 CONCLUSION

8.1 Overall, and for the for the reasons indicated within this report it is concluded the proposals for seven dwellings of a good design and layout within the site complies with the relevant planning policies of the Isle of Man Strategic Plan 2016, Residential Design Guide 2021 and the Area Plan for the South. Furthermore the proposal would not have significant adverse impacts upon public or private amenities and therefore comply with the relevant planning policies listed. Accordingly. The application is, therefore, recommended for an approval.

## 9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

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

## PLANNING AUTHORITY AGENDA FOR 20th June 2022

---

### Item 5.4

**Proposal :** **Erection of 4-bedroomed bungalow, (agricultural worker's dwelling), and erection of agricultural barn and the construction of a private access road.**

**Site Address :** **Field 321756 & 321758  
Braaid Road  
Braaid  
IM4 2AW**

**Applicant :** **Mr Ian Kelly**

**Application No. :** **21/01444/B- [click to view](#)**

**Planning Officer :** **Mr Paul Visigah**

**RECOMMENDATION: To REFUSE the application**

---

### Reasons and Notes for Refusal

#### **R : Reasons for refusal**

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

R 1. Housing Policy 7 part (a) of General Policy 3 of the Isle of Man Strategic Plan 2016 allow for the construction of new dwellings for agricultural workers where an essential need for such dwellings is established. It is concluded that such an essential need has not been demonstrated in this case such that the application is contrary to these two policies.

R 2. The isolated position of the dwelling within the countryside is not considered appropriate and would harm the character and quality of the landscape. As such, the proposal is concluded to represent an unwarranted development that is detrimental to the amenity of the countryside contrary to the provision of Environment Policies 1 and Housing Policy 9 of the Isle of Man Strategic Plan 2016.

R 3. Given the limited amount of acreage owned by the applicant, the fact that the occupant would be a tenant farmer with limited term security of tenure and where the tenant farmer would not appear to be in need of a dwelling, in addition to the fact that there have been farm dwellings previously associated with some of the farmland being farmed by the applicant, the proposal would fail to accord with General Policy 3, Paragraph 8.9.3, and Housing Policy 7. No justification has been made in the application to explain why an additional agricultural workers dwelling should be provided to service the farms currently operated by the applicants, given that significant proportions of the acreage available to the applicant are already associated with farm dwellings.

R 4. In the absence of agricultural need sufficient to justify the proposed development, the proposed dwelling and barn, and particularly the proposed access lane leading to them and hardstanding area of farm yard would introduce built development in an area not currently so characterised, in conflict with the Landscape Character Appraisal for Braaid (D10) contained within the Area Plan for the East - which refers to the need to conserve and enhance the character, quality and distinctiveness of the area, with its open large pastoral fields. In addition the development would be contrary to Environment Policies 1 which protect the countryside for its own sake and where the protection of the character of the landscape will be the most important consideration and Environment Policy 15 and Housing Policy 9 which require new development to be built within or next to existing development.

R 5. The design of the dwelling proposed does not reflect the wording of policies 1-7 of Planning Circular 3/91 ('Guide to the Design of Residential Development in the Countryside'), and also fails to comply with the wording of Housing Policy 10 of the Isle of Man Strategic Plan 2016, which requires agricultural dwellings to generally follow those seven policies of the Circular. Insufficient justification has been made in the application to explain why the policies of the Circular or Housing Policy 10 should be set aside.

---

### **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):

Bluebell House, Braaid Farm, Braaid Road,  
White House, The Braaid, Braaid Road, Braaid,

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

It is recommended that the following persons should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

Stu Peters MHK (Member for Middle), is not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy.

It is recommended that the 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):

Rose Cottage, Braaid Road, Braaid,  
Holmlea, Braaid Crossroads, Braaid,  
Deerae, Braaid Road, Braaid,  
Corvalley House, The Braaid, Braaid Road, Braaid,  
Hampton Croft, Clannagh Road, Santon,  
Upper Howe Farm, Old Castletown Road, Braddan

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

---

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

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

#### 1.0 THE SITE

1.1 The application site comprises Field 321756 & 321758 which is situated on the northwest side of Braaid Road (A26). The red line area measures about 2.29 acres and has its

longest boundary where the access would be located measuring about 193m, although a significant section of this stretch of boundary (about 80m) is only about 9m wide. There are no trees within the site area, although the site boundary is almost enclosed by sod bank. The wider area, edged in blue lies to the south west in the form of two fields (fields 321755 and 321758). There is currently a field access into the field to the southeast end of the site and onto the Braaid Road.

1.2 The site is situated within an open part of Braaid with the elevated nature of the site relative to the level of and the position of the nearest building group making it prominent from these positions. There are currently no dwellings or farm building within the site or within close proximity, with the closest building group located along Foxdale Road situated about 103m from the site boundary and about 130m from the proposed building location on the application site. The site is also within an existing group of farm buildings.

## 2.0 THE PROPOSAL

2.1 The application seeks approval for the erection of 4-bedroomed bungalow, (agricultural worker's dwelling), and erection of agricultural barn and the construction of a private access road.

2.2 The dwelling would be a two storey farmhouse design with an attached single storey pitch roofed section on the north-eastern elevation (which would serve dogs to be trained on site), finished in white painted render finish. The dwelling would also feature a pitch roofed open entrance porch, and two chimneys on both two storey gables. Windows on the property would be UPVC units, and the dwelling would feature a pitch roof covered in mock slate roof tiles with solar panels laid over the front roof plane. Three rooflights would be installed on the front roof plane, while four rooflights would be installed on the rear roof plane. There would be an integral garage on the front elevation. It has also been indicated that air source heat pump would be installed at the property, although no details in terms of specification and position has been provided.

2.3 The core section of the new dwelling would be 16m long, 9.9m wide, and 6.9m high to roof ridge (3.4m to the eaves), while the single storey section would be 3.7m wide, 6.7m long, and 4.9m high (2.5m to the eaves).

2.3 The scheme also proposes to erect an agricultural barn at the rear of the new dwelling which would measure about 18.2m (60ft) and 9.1m (30ft). No details have been provided on the height, roof finish, external wall finish and appearance of the barn.

2.4 The site would also feature four new parking spaces that would be positioned by the new private access that would connect the site to the A 26, while a new septic tank would be built outside the redline boundary but within the area marked in blue boundary. A new land drain would be installed to carry run-off water away from the roadside edge. The existing entrance would also be widened for better visibility.

2.5 It has also been indicated on the submitted plan and supporting information that the applicant intends to run a sheep dog training and grooming business from the site, although it is not clear how many dogs would be catered for and how this business would use the site. The agent, however, states that the dogs would be kept with the applicant for about two months.

2.6 The applicant has provided details of the standard labour unit requirements which suggests that the farm is a substantial farm that would benefit from a farm workers dwelling to cater for the applicants who are engaged in agriculture. The land available to the main applicant to farm amounts to 328 acres (5 acres owned). 20 acres of forage crop are sown

annually and 20 acres of reseeded takes place. The applicant owns 480 breeding ewes, 80 replacement ewes and 10 rams. The majority of the lambs are sold fat to Isle of Man Meats with some stock sold as breeding stock to other farmers. His labour requirement of 2.2 standard labour units.

2.7 The applicant's son who operates a separate business but shares resources with the main applicant operates a farm business that extends to 139 acres. He owns 250 breeding ewes, 30 replacement ewes, 8 rams and 6 cattle. He has a standard labour requirement of 1.09 (SLU's).

#### 2.7.1 Summary:

- o Combined, the farming operations have a labour requirement of 3.29 standard labour units.
- o Currently, for both parties, all ewes are lambed outdoors through a 6-week period commencing in April.
- o The son farms on leased land at Ballachrink, Hillberry and some at Ashley hill.
- o The main applicants operations are based at Ballacorris farm, St Marks along with other parcels of land at Ballagick, Knock Froy, Cordeman, Close Clarke and Hampton Croft along with other smaller land parcels.
- o Both parties are farming on long established rental agreements (5 years plus).
- o The applicants currently reside at Ballanicolas Farmhouse, St Marks, which is leased. There is no land or buildings available at Ballanicolas.
- o The provision of a dwelling will provide Both Mr Ian Kelly and Darren Kelly security of residence and also provide a permanent base from which to operate their agricultural businesses from.
- o Both parties are not in a position to purchase a dwelling, however combined they have the potential to build a property suitable for them all.
- o Agriculturally tied houses in the area that come to the market are very rare and Mr Ian Kelly has researched available tied houses with no success.
- o Both Businesses are Red Tractor Farm Assured, selling their produce to Isle of Man Meats.
- o The proposed agricultural building would provide 167m<sup>2</sup> to house ewes. Mr Ian Kelly currently has a leased building at Ballacorris available to him which is 418m<sup>2</sup>. Housing the ewes would require 1325m<sup>2</sup> leaving a shortfall of 727m<sup>2</sup> between both buildings.
- o The building at Ballacorris is too far away to consider housing and early lambing ewes due to the travel time involved and the increased level of observation and attention required during lambing.
- o The applicant also trains and sells sheepdogs. Travelling to various parcels of land, sometimes, twice daily, sometimes three times a day to see and train his animals is at least 7.2 mile round trip (to the nearest parcel) which is far from Ideal. Having the suitable facilities on site to would reduce the need to travel as frequently and improve the training.
- o The reduced traveling would not only save on fuel bills but also reduce the businesses carbon footprint.

2.8 The applicants have also provided a detailed Planning Statement which clearly articulates the following:

- o Attempts have been made to acquire a dwelling, but failed due to the costs of the properties.
- o The applicants currently live in a privately rented accommodation, but they have no security for the future, and it is some distance away from the land they farm.
- o The need for a new working farm to be returned to Braaid.
- o The house and barn are both essential for the 467 acres that the applicant and their son currently farm.

- o The house would ideally be situated in the centre of the land that they own, which would make management of the fields much easier particularly at lambing time.
- o Reinforces the details of the sheep dog business operated by the applicant and indicates that the sheep dog training would be done on the surrounding fields to the proposed new farmhouse.
- o The house has been designed, in the traditional vernacular and to be as 'in keeping' as possible with the surrounding area
- o The dwelling will be environmentally friendly, with the aid of solar panels and air source heat pump and it would be thermally insulated to a high degree.

2.9 Additional Correspondence has also been provided by the applicant's agent (dated 9 May 2022), which states the following:

"The Sheepdog Training referred to in the letter from the applicant supporting his planning application is a very small side-line to his main occupation of running a full-time sheep farm. Occasionally another farmer will drop off a young dog that he would like to use as a sheepdog. The applicant keeps the dog for up to 2 months usually and trains it to work with his own sheep, then when the dog is fully trained the owner will collect it and that will be the end of the training period. The sheepdog training will have no impact on any aspect of concern to Highways either in terms of traffic or parking issues, nor will it affect any neighbours in any way".

2.10 Following further comments from DOI Highways Drainage dated 13 May 2022, the applicants have provided a revised site plan following guidance provided by DOI Highways Drainage.

### 3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the East as land not zoned for a particular purpose. The site is not within a Conservation Area or prone to flood risks. There are no registered trees on the site, and the site is not within a registered tree area.

3.2 The Following parts of the Area Plan for the East Written Statement are considered relevant in the determination of this application:

#### 3.2.1 Landscape Character Assessment - Braaid (D10)

"Landscape Strategy - Conserve and enhance:

- a) the character, quality and distinctiveness of the area, with its open large pastoral fields;
- b) its Manx hedges;
- c) its scattered farm houses fringed by trees;
- d) its sunken and enclosed rural road network and its numerous archaeological features.

Key Views: Extensive uninterrupted panoramic views from higher points over large open fields and Greeba Valley and the northern Uplands and eastwards to the built-up edge of Douglas. Some glimpsed views over fields from most sections of roads, which are enclosed by high grassed Manx hedgerows for the most part."

3.3 Given the site location and nature of the proposed scheme, the following parts of the Strategic Plan area considered relevant:

3.4 Environment Policy 1: "The countryside and its ecology will be protected for its own sake. For the purposes of this policy, the countryside comprises all land which is outside the settlements defined in Appendix 3 at A.3.6 or which is not designated for future development on an Area Plan. Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which

outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative."

3.5 General Policy 3 sets out a presumption against development in the countryside but includes instances where provision of new housing may be acceptable, including "(f) building and engineering operations which are essential for the conduct of agriculture or forestry." Further advice on agricultural development is provided as follows:

#### 3.5.1 Paragraph 7.3.13

"In terms of new agricultural dwellings, permission will not be granted unless real agricultural need is demonstrated and will in every case be assessed in terms of need, sensitive siting, design, and size, and be subject to an agricultural occupancy condition."

#### 3.5.2 Paragraph 7.13.4

"It is recognised that there have been considerable changes in the economy in the last twenty years. The number of people in full time agricultural employment has reduced for a number of reasons including increased mechanisation, reductions in the number of farms; and increases in the size of farm holdings. In many cases smaller farms have been amalgamated into larger units to increase economic viability. This has often been accompanied by the sale of former farmhouses and cottages to those who do not earn their employment in agriculture. At the same time there has been an increase in part time involvement in farming either where the income from agriculture is supplemented by other employment or where the person's main employment is not in agriculture but they farm on a part time basis. In considering the applications for new houses in the countryside the Department will give careful consideration to agriculture justification based on full time employment in agriculture. See also Section 8.9 in Chapter 8 - Housing."

3.6 Environment Policy 15: "Where the Department is satisfied that there is agricultural or horticultural need for a new building (including a dwelling), sufficient to outweigh the general policy against development in the countryside, and that the impact of this development including buildings, accesses, servicing etc. is acceptable, such development must be sited as close as is practically possible to existing building groups and be appropriate in terms of scale, materials, colour, siting and form to ensure that all new developments are sympathetic to the landscape and built environment of which they will form a part.

Only in exceptional circumstances will buildings be permitted in exposed or isolated areas or close to public highways and in all such cases will be subject to appropriate landscaping. The nature and materials of construction must also be appropriate to the purposes for which it is intended.

Where new agricultural buildings are proposed next to or close to existing residential properties, care must be taken to ensure that there is no unacceptable adverse impact through any activity, although it must be borne in mind that many farming activities require buildings which are best sited, in landscape terms, close to existing building groups in the rural landscape."

#### 3.7 "8.9 New Agricultural Dwellings

8.9.1 As is indicated in Chapter 7 (at Section 7.14), permission will not be granted for new agricultural dwellings in the countryside unless there is real agricultural need demonstrated sufficient to off-set the general planning objections to new dwellings in the countryside.

8.9.2 Agricultural need should be established having regard to:

(a) what living accommodation has been built on, or in association with the farm holding in the past, and how it is now occupied; and



(b) who will occupy the proposed dwelling, and what role they will play in the operation of the farm; in some circumstances, there will be a legitimate need for a dwelling for a retiring farmer who proposes to vacate the farmhouse but to continue to assist on the farm."

3.8 Housing Policy 7: "New agricultural dwellings will only be permitted in exceptional circumstances where real agricultural need is demonstrated."

3.8.1 Paragraph 8.9.3: "In judging whether the need is sufficient to over-ride other policies, particular regard will be had to:-

- (a) the previous or proposed severance of land and buildings;
- (b) the agricultural justification for sub-division of a farm;
- (c) the long-term viability of new or unproven agricultural enterprises such as smallholdings, market gardens, or horticulture;
- (d) the extent to which the applicant's employment in agriculture is only part-time; and
- (e) in the case of a retiring farmer, whether the proposal would result in vacation of an existing farm dwelling for agricultural use, and whether the applicant would continue to assist in the operation of the farm."

3.9 Housing Policy 8: "Where permission is granted for an agricultural dwelling, a condition will be attached restricting the occupation to a person engaged or last engaged solely in agriculture; or a widow or widower of such a person, or any resident dependants."

3.9.1 "8.9.4 Such a condition will not usually be removed on subsequent applications unless it is shown that the long-term need for dwellings for agricultural workers, both on the particular farm and in the locality, no longer warrants reserving the dwelling for that purpose."

3.9.2 "8.9.5 If it is not possible for the farm worker to live in the nearest village, the siting of the proposed dwelling should be selected having regard to the various landscape policies in Chapter 7. In particular, the dwelling should self-evidently form part of the farm group."

3.10 Housing Policy 9: "Where permission is granted for an agricultural dwelling, the dwelling must be sited such that;

- (a) it is within or immediately adjoining the main group of farm buildings or a group of farm buildings associated with that farm,
- (b) it is well set back from any public highway, and
- (c) it is approached via the existing farm access."

3.10.1 "8.9.6 The design of the building should also have regard to the various landscape policies, such as to preserve the character of the local landscape."

3.11 Housing Policy 10: "Where permission is granted for an agricultural dwelling, the dwelling should normally be designed in accordance with policies 1- 7 of present Planning Circular 3/91 which will be revised and issued as a Planning Policy Statement."

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

3.13 Environment Policy 14: Development which would result in the permanent loss of important and versatile agricultural land (Classes 1-2) will not be permitted except where there is an overriding need for the development, and land of a lower quality is not available and other policies in this plan are complied with. This policy will be applied to

- (a) land annotated as Classes 1/2 on the Agricultural Land Use Capability Map; and

(b) Class 2 soils falling within areas annotated as Class 2/3 and Class 3/2 on the Agricultural Land Use Capability Map.

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

#### 4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Planning Circular 3/91 'Guide to the Design of Residential Development in the Countryside.

4.1.1 Policy 2: "New buildings are to be integrated with the landscape and where in groups, with each other. Single buildings in prominent locations can only be considered if they are satisfactory in all reports and include landscape proposals."

4.1.2 Policy 3: "The shape of small and medium sized new dwellings should follow the size and pattern of traditional farmhouses. They should be rectangular in plain and simple in form. "

4.1.3 Policy 4: "External finishes are expected to be selected from a limited range of traditional materials."

4.1.4 Policy 5: "Doors and windows together with their size and relationship with each other and the wall face should follow traditional rural forms."

4.2 Whilst not adopted planning policy, DEFA's Residential Design Guide (2021) is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions. It is envisaged that separate guidance will be provided for dwellings in the countryside, although some of the broad principles set out within this document may still be relevant to such proposals". Sections 2.0 on Sustainable Construction, 3.0 on New Homes, and 5.0 on Architectural Details are particularly relevant.

#### 5.0 PLANNING HISTORY

5.1 The application site has not been the subject of any previous planning applications.

#### 6.0 REPRESENTATIONS

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

6.1 The Department of Infrastructure (DOI) Highways Division that previously asked for additions and amendments on 21 January 2021, have indicated that the amended proposal is acceptable subject to no further intensification of use and for conditions to apply to any planning permission granted covering the following (13 April 2022):

a) Vehicle access, surface water drainage, land drain, and internal pedestrian and vehicle layout, excluding visibility splays to Proposed Block Plan.

b) Visibility splays - further details to be submitted for approval at 2.4 x 90m in each direction / to be provided at 2.4 x 90m in each direction, and to be kept clear at a height not exceeding 1.05m.

c) Gate(s) - to open inwards.

d) Surfacing - The application hereby approved shall surface the driveway connecting to the highway with a consolidated and bound surfacing material between the gate and the carriageway edge of the adjacent public highway.

e) Restriction on use - to limit further commercialisation.

6.2 The Department of Infrastructure (DOI) Highways Drainage consultation:

6.2.1 They initially asked for additional information with regard to the private drainage arrangements for the driveway in their consultation dated 18th February 2022.

6.2.2 Following submission of revised plan by the applicants to address their concerns on 9 April 2022, they have made further comments in an email dated 13 May 2022. Their comments state that they would be satisfied with a linear drainage channel located at the bottom of the proposed driveway to intercept surface water runoff from it before it drains onto the highway. They further suggested that the channel is connected to an existing culvert in the field to the north east via a minimum 100mm diameter pipe (with an attached sketch provided as guidance on how this could be done).

6.3 DEFA Agriculture and Lands Directorate has made the following comments regarding the application in an email dated 21 April 2022:

- o The applicant who is a claimant under the Agriculture Development Scheme has lived at Ballanicholas Farm. The house is surrounded by the fields which were associated with the farm in the past but this land is now farmed by another farmer.
- o The applicant's son who is also an ADS claimant has a postal address in Douglas.
- o From the figures submitted, the land farmed, as they do, would appear to generate a requirement for 2.43 men.
- o If Sheep are lambed indoors they need to be turned out to grass virtually straight away (within 48hrs max). The proposed new shed is a long way from most of Mr Kelly's fields. Moving to lambing inside would on the face of it create a need for many long journeys returning ewes and lambs to fields after lambing. These sheep will need to be checked regularly post lambing to reduce predation.
- o The new house would be no better placed than Ballanicholas as far as checking stock is concerned.

6.4 Marown Parish Commissioners oppose the application on the following grounds (18 February 2022/22 April 2022):

- o The area is not zoned for residential use under the Area Plan for the East though it is noted that an agricultural workers dwelling is sought.
- o The details of the Rural Business Consultancy does not demonstrate that there is a requirement for an additional dwelling in the countryside.
- o The dwelling as proposed would be prominent in the landscape, as would the agricultural barn due to the slope of the land.
- o General Policy 3 states that 'essential housing' for Agricultural workers may be permitted under certain conditions. It is submitted that this proposed dwelling is not essential for the reasons stated above.
- o The Location does not pass the test of Housing Policy 9 (a).

6.5 The owners/occupiers of the following properties object to the application:

- 6.5.1 Rose Cottage, Braaid Road, Braaid, (1 February 2022);
- 6.5.2 Bluebell House, Braaid Farm, Braaid Road (7 February 2022/5 May 2022);
- 6.5.3 White House, The Braaid, Braaid Road, Braaid (5 February 2022/27 April 2022/5 May 2022);
- 6.5.3 Holmlea, Braaid Crossroads, Braaid (10 February 2022);
- 6.5.5 Deerae, Braaid Road, Braaid (10 February 2022);
- 6.5.6 Corvalley House, The Braaid, Braaid Road, Braaid (10 March 2022/6 May 2022);

6.5.7 Their comments border on the following issues:

- o The application includes dog training which will cause noise in the area, and generate further traffic.
- o The application states that no working farm is in the area which is incorrect as Chibbanagh farm borders the Cross Roads.

- o The proposed site is not zoned for development and the applicant's reason for the application, in our opinion is not justifiable.
- o The proposed site is not big enough to be run as a farm (5 Acres), the intention and danger in our opinion is that it will be used instead as a residential dwelling and a central hub/base for the applicant's wider farming activities.
- o The proposed siting of what is a new dwelling would be contrary to General Policy 3.
- o Whilst there is an exception regarding essential housing for agricultural workers but feel that it is not warranted in this case as it does not meet Housing Policy 7 because real agricultural need cannot be demonstrated.
- o In regards to Housing Policy 9 and environment policy, the development would be very apparent from public view that it is a separate entity unconnected to any existing farm holding.
- o The siting of the proposal would have a significant detrimental impact upon the visual amenities of the surrounding countryside, as the proposed development would sit higher than other properties in the hamlet and be apparent.
- o If approved, the development would be contrary to the stated aim of the Strategic Plan to protect the countryside for its own sake (Environment Policy 1).
- o The access to and from the proposed site for any farm vehicles would need to be large and would certainly be very dangerous given the current 40 mile speed limit and the close proximity of the proposed entrance to the roundabout.
- o The proposal is also contrary to Strategic Policy 2, 5 and Environment Policy 1 which seek to ensure new development is directed to sustainable locations and that the character of the countryside is protected for its own sake.
- o The scheme also fails Environment Policy 15 in terms of proximity as it is not sited close to an existing budding group.
- o They note that there is a property on the market with Dean Wood reference DCP01126 sited in a plot of one acre, which is in closer proximity to several of the applicant's rented fields and could perhaps be better placed for his needs.
- o The entrance will result in a significant loss of established Manx hedge.
- o The scheme would alter the character of the hamlet.
- o The development would adversely affect views to the Braaid Ancient monument due to its proximity. The scheme would be contrary to Environment Policy 40.

6.6 The following persons and owners/occupiers of the following properties support the application:

6.6.1 Hampton Croft, Clannagh Road, Santon (22 February 2022);

6.6.2 Upper Howe Farm, Old Castletown Road (12 May 2022);

6.6.3 Their comments border on the following issues:

- o They mention the fact that the dwelling would serve the needs of the family.
- o They state that some sheep would need care around the clock.
- o They state that as farm labour is in such short supply, there is an ever increasing workload placed on farmers and as many tasks as possible must be done efficiently - wasting time driving any distance in the middle of the night unnecessarily is neither efficient nor healthy.
- o They note that lambing sheds and sheep dog training are not noisy.
- o Other matters referred to relate to personal circumstances of the applicants family.

6.6.4 Stu Peters MHK (Member for Middle), 15 Murray's Lake Drive, Santon (28 February 2022);

He states that:

- o He has a number of farmers as constituents, and without exception all the working farmers (as opposed to pure landowners) who have been saddled with a crippling increase in raw materials costs.

o We must therefore do all we can to support them, and if that includes building a modest agricultural worker's house (with the expected limitations attached) and a small barn.

6.7 The applicant has provided a number of responses to the comments by neighbours and consultees (21 February 2022/9 May 2022)

There comments relate to:

- o History of the family's engagement in Agriculture at Braaid farm.
- o The scale of agricultural land currently farmed by the applicants which justifies the erection of a farmhouse.
- o They address reference to extra traffic from the proposed dwelling and site.
- o They address issues related to removal of sod hedge, indicating that they have discussed this with DOI and note that only 32m of sod hedge on the right of the exit would be lowered by about 18 inches.
- o They address matters related to the safety of the new entrance which would be connected to a 40m/hr road and state that the entrance would be about 100m from the Braaid roundabout.
- o Regarding the sheepdog training element of the application, they state the following:
  - The scheme would create no extra vehicle movements as other farmers would not be turning up on a daily basis.
  - The dogs would be trained whilst working on the applicants sheep at the main base throughout the day, but would receive a bit more training of an evening on their own.
- o Other matters referred to include drainage issues, character of the locality, controls offered by agricultural worker's conditions.
- o They address comments made by the DEFA head of Agriculture regarding current residence at Ballanicholas farm house, and applicant's son's residence.

## 7.0 ASSESSMENT

7.1 With regard to the current application, the key considerations in assessing the application are:

- i. The Principle of the Development - Agricultural Justification;
- ii. The siting and design of the development proposed;
- iii. Environmental Concerns;
- iv. Highway safety matters; and
- v. Impact on neighbouring amenity.

7.2 The Principle of the Development - Agricultural Justification (GP3, EP 15, HP7)

7.2.1 There is a general presumption against new development and housing in the countryside, as per the IOMSP policies outlined in section 3 of this report. This strict approach prevents the gradual loss of open countryside on the Island. One exception is where there is an established agricultural need for a farm workers dwelling, which is the basis on which this application is therefore assessed.

7.2.2 Housing Policy 7 states that new agricultural dwellings will only be permitted in the exceptional circumstances where real agricultural need is demonstrated. There is no dispute, on the basis of the evidence submitted, that the farm operation is substantial and sufficient to require a number of full-time agricultural workers to facilitate the daily running of the farm. This, however, is not the fundamental test, as there are many people (indeed, probably the majority) that are employed far from their place of residence: the main issue is whether or not it is essential that the applicants reside at the proposed location which is positionally detached from majority of the farm sites they operate.

7.2.3 The applicant's case is that it would be useful to have them reside at the proposed site on the basis that the new dwelling would offer them security of residence and also provide a permanent base from which to operate their agricultural businesses from. They also

argue that the building at Ballacorris is too far away to consider housing and early lambing ewes due to the travel time involved and the increased level of observation and attention required during lambing, whilst maintaining that the site would further serve their sheepdog training business which requires travel to various parcels of land, sometimes, twice daily, sometimes three times a day to see and train his animals. Granting this may well be the case, this does not sufficiently represent agricultural need for the new dwelling at the proposed site. In this case, as the farm business is spread over a number of areas, having the dwelling at the proposed site would not offer an advantage over the current situation and adherence to such a suggestion would result in a farm dwelling being on every parcel of land which is owned and managed for agricultural purposes.

7.2.4 The argument for the new dwelling is further blurred by the fact that it would appear that some of the sites which the applicant farms have had access to farm houses or agricultural worker's dwellings (Ballacorris Farm, Hillberry Farm, Ballagick and Knock Froy Farm). It would be vital to note here that Paragraph 8.9.2 (a) clearly states that agricultural need should be established having regard to "what living accommodation has been built on, or in association with the farm holding in the past, and how it is now occupied". Given the above, it would be difficult to argue that a new agricultural workers dwelling be provided to serve these farms, which have had the benefit of agricultural workers dwellings and for which no argument has been advanced to indicate why these dwellings which should be attached to these farms are not available to the applicant or why these farms should benefit from the provision of an additional agricultural workers dwelling as required by part (e) of Paragraph 8.9.3 of the Strategic Plan, considering the fields and farm buildings on these sites are available to the applicant for their farm business and form the core of their operations.

7.2.5 It must also be taken into account that leased land which accounts for most of the applicant's farmland may change hands and given that the tenancy agreement appears to be within the range of 5 years plus (which may run out before the dwelling is completed), and there is very little security that the current rental situation will continue into the future. This is particularly worrying in terms of establishing agricultural need. What may happen then is that the applicants may choose not to renew the agreement, or that the lands currently being farmed are no longer available to him, and the next tenant may not need a dwelling because they have a dwelling elsewhere, or manage the land in a way which does not require an on-site presence. It would then be difficult to argue that a holding of no more than 6 acres necessitates a dwelling on site sufficient to prevent any agricultural occupancy condition being removed in the future, particularly as much of the land (fields) within close proximity to the application site are being farmed as part of a larger agricultural holding and offering limited room for the applicants future farm expansion at the application site.

7.2.6 Another factor that weights against the proposed scheme is the fact that majority of the farm buildings which support the farm operations are elsewhere. It would appear that if approval was granted for an agricultural workers dwelling, the optimal location is not here where there are limited buildings and where it is unlikely that the majority of the calving or lambing would take place due to the lack of buildings and limited field capacity. Given the scale of the agricultural operations as articulated in the applicants supporting statement, it is clearly not essential to have a dwelling on the application site as a new dwelling here would require more associated agricultural buildings to enable the farm operations which would not be sustainable when the limited land size is factored in.

7.2.7 Also of relevance is the applicant's intention for the new agricultural dwelling to provide security for the family at the application site. There is no provision in the Strategic Plan to allow a farmer to construct a dwelling on the basis of securing a residence for the family. Such a stated intention does not enable the Department to conclude that the long-term prospects for the agricultural dwelling at the site are anything but speculative, and an

avenue to allow a residential development in the open countryside not zoned for development.

7.2.8 Additionally, the DEFA Head of Agriculture and Lands Directorate whose advise the Department gives significant weight when dealing with issues bordering on agricultural justification and need for proposed developments has evaluated the details of the scheme, and argues that there is no agricultural justification for the development, with reasons well-articulated in his email dated 21 April 2022 and summarised in section 6.3 of this report.

7.2.9 Given the issues highlighted above, it is considered that the application as submitted does not provide a satisfactory case, and nor does it indicate a longer-term need for a dwelling with an agricultural occupancy condition at this location. As such, the justification for the proposed dwelling is insufficient to represent agricultural need which would satisfy General Policy 3, Environment Policy 15 or Housing Policy 7.

### 7.3 Siting and Design (EP1, EP 15, HP 9 and 10)

7.3.1 In terms of siting and design, a number of the aforementioned policies are key in this assessment. In addition to Environment Policy 1 which broadly covers the protection of the countryside, Environment Policy 15 and Housing Policy 9 (a) make clear that any new agricultural dwelling must be sited within or immediately adjoining the main group of farm buildings or a group of farm buildings associated with that farm, or as close as is practically possible to existing building groups, as well as being well set back from any public highway, and it is approached via the existing farm access. Both policies seek to reduce the landscape impact of new agricultural development by ensuring that new development stays within existing building clusters. The proposed development only accords with the requirement to be well set back from any public highway but in landscape terms, the benefit of that is reduced by the proposed driveway which both creates a visual impact that isn't currently there as well as drawing more attention to the new buildings. Whilst a field access currently exists where the new driveway would be located, the benefits offered by using the existing field access would be minimal comparative to the impact the new driveway would have on the landscape as it appears the field access only offer occasional access to the field.

7.3.2 It is also noted that the new property would be one and half storey which will reduce its impact on the landscape. It will, nevertheless be a new development of two buildings covering a total footprint of 350.2sqm (183.2sqm for the dwelling and 167sqm for the agricultural barn), located where there are currently no buildings. Furthermore, the impact of the buildings will be exacerbated by the introduction of the associated parking/farm yard hardstanding areas, which would also serve to alter the character of the landscape. It is, therefore, considered that the siting and resulting impact of the buildings and driveway would not comply with the provisions of Environment Policies 1 and 15, and Housing Policy 9.

7.3.3 Design specifics are also covered by planning policy to an extent when it comes to the design of new dwellings in the countryside. Generally, traditional farmhouse or cottage design features are preferred (See Housing Policy 10), although this depends on the specific site context, and in some cases contemporary dwellings of outstanding design may be acceptable. In this case, the proposed dwelling is neither of traditional form or a modern dwelling as it would be difficult to fit the design stipulations for a traditional dwelling or contemporary dwelling. Whilst it seeks to offer a traditional appeal with chimneys on both gable ends, what is proposed exceeds the recommended dimension of 11.0m x 5.5m for traditional properties (Its main core is 16m x 9.9m) and its increased size does not follow the guide to achieving variations to floor area by lengthening or shortening building lengths (proportional increase or decrease in floor areas) stipulated within the supporting text to Policy 2 of the guide, and the property has an integral garage which is in no way a traditional feature. The property also does not have a central entrance, while the windows are also not

symmetrical or in comparatively small openings relative to the dominant area of solid wall surface as required by Planning Circular 3/91. In fact, there is no uniform window size on all the elevations. It is, therefore, considered that the design of the dwelling would be averse to the requirements of Housing Policy 10.

#### 7.4 Environmental Concerns (EP1, EP 4 and EP 14)

7.4.1 The site in question is grazing land, and therefore would not see the loss of any particularly ecological feature in terms of the ground itself, although the works to create the access holds the potential to impact on biota on the sod hedge given that it could serve as habitat for wildlife. As no objections have been received from the Ecosystem Policy team, it is, therefore, considered that environmental concerns relate mainly to the loss of agricultural land in terms of the curtilage of the proposed dwelling which is mainly Class 3 soils. Noting that Class 3 land characteristics can be summarised as land with moderate limitations which restrict the choice of crops and/or demand careful management; it is not considered that this loss would be sufficient to warrant refusal for a the proposed dwelling.

#### 7.5 Highway Safety (TP 1 & EP 15)

7.5.1 As already indicated, access to the dwelling would be achieved from creating a new access to the site via the existing field access by the highway. The new access is concluded to be acceptable by Highway Services subject to conditions and, though the Braaid Road is busy and visibility not particularly good to the north of the access due to the position of barn and trees by the highway, there does not seem to be sufficient reason to take a different view on this point. Given the above, it is considered that any highway safety concerns would not be sufficient to warrant refusal of the scheme.

#### 7.6 Impact on neighbouring amenity (EP 15)

7.6.1 In terms of impact on those in adjacent properties, there would be limited impact due to the position of the development some distance (minimum of 100m to the nearest dwelling). Whilst the proposed access will formalise a vehicular entry and exit to and from the field, close to Bluebell House Braaid Farm, this property is situated on the other side of the highway and as such it is not considered that the new access would impede or hinder access and entry to this neighbouring property. Based on the foregoing, it is not considered that the proposed development will have an adverse impact on the living conditions of those in adjacent properties.

### 8.0 CONCLUSION

8.1 It is not considered that there is sufficient agricultural need for the proposed dwelling to overcome the presumption against development as set out in General Policy 3, Environment Policy 1 and Housing Policy 7. In addition, the siting and the introduction of the new access would have an adverse impact on the character of this part of the countryside, contrary to Environment Policies 1 and 15, and Housing Policy 9.

### 9.0 INTERESTED PERSON STATUS

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

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



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

9.2 The decision maker must determine:

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

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

## PLANNING AUTHORITY AGENDA FOR 20th June 2022

---

### Item 5.5

**Proposal :** **Erection of single and two storey extensions and linked garage accommodation together with associated landscape (amendments to PA 21/00575/B)**

**Site Address :** **Balladoole House  
Balladoole  
Castletown  
Isle Of Man  
IM9 4PE**

**Applicant :** **Mr Duncan Cheadle**

**Application No. :** **22/00294/B- [click to view](#)**

**Registered Buildings Officer :** **Mr Ross Brazier**

**RECOMMENDATION: To APPROVE the application**

---

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

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

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

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

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

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken in accordance with Class 13-28 of schedule 1 of the Order at any time.

Reason: To control future development on the site.

C 3. No windows shall be installed until a schedule of windows has been submitted to and approved in writing by the Department and a sample of each proposed window type has been made available for inspection on site. The works shall not be carried out unless in accordance with the approved details.

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

C 4. Prior to the commencement of any landscaping, a hard and soft landscaping scheme must be submitted to and approved in writing by the Department. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; the location of grassed areas details of the hard surface treatment of the open parts of the site and a programme of implementation.

All hard and soft landscaping works shall be carried out in accordance with the approved details. Any trees or plants indicated on the approved scheme which, within a period of five

years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

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

C 5. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

#### C 6. Details of Works

Prior to the commencement of each phase of work, No works shall take place on those elements listed below until details of the following items, as agreed following consultation with the Registered Buildings Officer have been submitted to and approved in writing by, the Department:

- a) Proposed architectural detailing, material and finishes of new portico
- b) Proposed detailing and material of glass balustrade to rear terrace

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

C 7. No development shall commence until details of the colour, composition and texture of the render have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 8. Prior to the commencement of the development hereby approved an Arboricultural Method Statement (AMS), adhering to the recommendations of BS5837:2012 (Trees in relation to design, demolition and construction - recommendations), shall be submitted to and approved in writing by the Department. The AMS should confirm what protection measures are going to be implemented, how and when they are going to be implemented, and how arboricultural site monitoring will take place throughout the construction process, in sufficient detail to provide a high level of confidence in the outcome for retained trees. The agreed protection measures and construction methods shall be adhered to in full.

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

C 9. No site clearance, preparatory work or development shall take place until a tree planting plan is submitted to and agreed in writing by the Department. Where applicable the plan shall adhere to the recommendations of BS8545:2014 (Trees: from nursery to independence in the landscape - recommendations) and in all cases shall include the following details:

- (a) the exact location, species, nursery specification and planting specification of each tree (or group of trees) to be planted. Where groups or larger areas are to be planted please state the area and planting density.
- (b) the approximate date when they are to be planted
- (c) how they will be maintained until successfully established.

The tree planting shall take place as agreed and any trees which, within a period of 5 years from their first planting, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Department gives written consent to any variation.

Reason: to ensure an appropriate standard of visual amenity in the local area and that the development is appropriately landscaped to sit comfortably and acceptably in its location

Reason for approval:

The planning application respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them and is not considered to harm the visual character of the locality, or have any detrimental impact on the highway network, and would comply with the Isle of Man Strategic Plan 2016.

---

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

It is recommended that the following persons should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

The Isle of Man History and Antiquarian Society

as they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy.

---

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

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

#### 1.0 THE SITE

1.1 The application site is the residential curtilage of Balladoole House, Castletown. The overall estate is 12 Acres of private parkland setting which comprises a mixture of formal gardens, tree lined driveways, open grassed areas, woodlands and hard surfacing areas.

1.2 The property is a detached 18th Century mansion house with formal gardens surrounding and is accessed from the Highway A5 to the east via an 800m driveway that is tree lined with over hanging canopy and planted gardens to the verges.

1.3 The adjoining neighbours / nearest neighbour(s) are 'The Granary, Balladoole, Castletown that sits some 80m to the south west of the main dwellinghouse and used to form part of the historic curtilage of the property.

1.4 Surrounding the dwelling house are approx. 125 trees identified with some being registered. Those registered trees are positioned to the front of the property within the mature formal lawns and are not affected by the proposals. The application site and the location of the proposed works are within the existing footprint of the dwellinghouse extending southwards for the additions to the rear elevation and land adjacent to the north for the proposed garaging. None of those trees in this area (northern) are identified as being registered on the Governments map.

#### 2.0 THE PROPOSAL

2.1 The proposals are for the erection of single and two storey extensions and linked garage accommodation and seek to make amendments to the previously approved application 21/00575/B.

2.2 The proposals amend the following elements of 21/00575/B which include, Garden Bar building extended to create access with landscape, Formal Lounge minor amendments to fenestration. Garden Room & Kitchen to the rear wall relocated to increase building footprint. Relaxation Area within the Gym/Spa blind opening retained, window omitted. Gym/Swim Spa and Games Room floor print increased to allow space around the swim spa and gym equipment to function. Gated Vehicle Access -dimension within the courtyard increased to allow vehicle access and manoeuvrability. Depth of Car Port increased to enable the link to be without compromise on the structure. Depth of the garages to the North increased to accommodate larger vehicle and to allow roof spaces above the garage to be utilised as necessary storage and staff day accommodation. Front wall extended to create garden feature. Master Bedroom gable windows omitted. Master Bedroom rear wall window amended to provide access via a door onto a proposed terraced area. Area above the garden room at ground floor to be altered to create deck access terraced area accessed from the landing within the Staircase (tower) and the master bedroom. Bedroom to the North omit windows to the gable. Staff day accommodation above the garage increased to utilise full available space. Car Port roof added. Store to the roof space incorporated. Roof Plan amended on Courtyard to identify internal facing Velux roof lights. The wings to the North and South have been amended to incorporate additional width. Rear Turret has amendments to fenestration and terrace glazing above the garden room. East elevation identifies blind openings retained. West elevation identifies removal of window to the lounge. Replace existing non-historic entrance porch.

2.3 The Landscape proposals have been addressed and planning conditions discharged to the original approval (21/00575/B) and no changes to the approved landscaping is proposed the conditions in relation to 21/00575/B will also be included on to this application to ensure the landscaping scheme forms part of this approval.

2.4 Within the Agents covering letter they state "Further to receipt of the planning notice dated the 26th August 2021 and the discharge of associated planning conditions please be advised that works have progressed at a pace on the site. During these works it has been identified there are several areas requiring minor amendment to original approval"

### 3.0 PLANNING POLICY

3.1 In terms of local plan policy, the Area Plan for the South (2013) applies. The application site is within an area recognised as Low Density Housing in Parkland on Map 3 with the initial G. The landscape proposals map 2 identifies the wider area as 'Undulating Lowland Plain' (F8 - Poyll Vaaish and Scarlett Peninsula).

3.2 Within the written statement the F8 - Poyll Vaaish and Scarlett Peninsula notes; The overall strategy is to conserve the strong sense of openness throughout the area, with strong field pattern as well as the setting of the numerous archaeological sites and wartime structures within the area.

Key Views - Open and panoramic views out to sea, up to the Southern Upland peaks over open fields and towards the built-up areas of Castletown and Ballasalla are obtained from various slightly elevated positions within the area, where the cumulative effects of hedgerow trees does not intervene. Foreshortened views in some flatter areas where the accumulated effects of hedgerow trees create a wooded horizon.

3.3 The site is not within an area of flood risk, is identified as containing a number of registered trees and is not part of a Registered Building or within a Conservation Area. The Property identified as requiring further investigation for registration in the Area Plan for the South 2012.

3.4 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 contains a number of policies that are considered specifically material to the assessment of this current planning application.

3.5 Strategic Policy 4 b (in part)

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

3.6 General Policy 2 (GP2) (in part)

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

(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;

(c) does not affect adversely the character of the surrounding landscape or townscape;

(g) does not affect adversely the amenity of local residents or the character of the locality;

(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;

(n) is designed having due regard to best practice in reducing energy consumption.

3.7 Environment Policy 1

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

3.8 Environment Policy 3

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

3.9 Environment Policy 34:

In the maintenance, alteration or extension of pre-1920 buildings, the use of traditional materials will be preferred.

3.10 Housing Policy 15:

The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

3.11 Residential Design Guidance (July 2019) provides advice on the design of new houses and extensions to an existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential property.

#### 4.0 PLANNING HISTORY

4.1 The application site has been the subject of the following planning applications that are considered specifically material to the assessment of this current planning application and form part of the overall proposed development of the site;

Reference Number: 21/00479/B

Status: Permitted

Proposal: Erection of an implement store and maintenance barn

Reference Number: 21/00466/B

Status: Permitted

Proposal: Replacement gate pillars and creation of construction access from D45 Poolvaish Road into Balladoole House

Reference Number: 21/00575/B

Status: Permitted

Proposal: Erection of a single and two storey extensions and linked garage accommodation together with associated landscape

4.2 The neighbouring property; The Granary, Balladoole, received planning consent for major extension and renovation works under ; 17/01196/B - Alterations, erection of extensions to provide living accommodation and swimming pool and creation of driveway which was approved. The scope of their works was for the following:

- o alterations to the lawful approved track to create a new driveway;
- o erection of a rear extension to the main dwellinghouse;
- o alterations to the existing rear projecting extensions;
- o erection of a new swimming pool extension including a 25m pool, gym, pool lounge with jacuzzi, solarium and changing facilities;
- o creation of an external tennis court, and
- o the removal of a number of trees to facilitate the development.

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

5.1 Arbory and Rushen Parish Commissioners (The Commissioners) commented on (20/04/22) requesting the application not be determined until they had considered the matter at their meeting on 27/04/22.

5.1.1 The Commissioners sought to comment again on (29/04/22) Objecting to the proposals they welcomed the amended plans which at least make endeavour to save the tower from the originally planned works, and reduce the scale of the garage blocks, the amended plans retain the very large scale of the garages and accommodation blocks which will clearly detract from this important building. They requested that the building be added to the Protected Buildings Register.

5.2 Highways Services have commented (31/03/22) stating, after reviewing this Application, Highway Services find it to have no significant negative impact upon highway safety, network efficiency and /or parking. Electric vehicle charging points should be provided to aid climate change objectives.

5.2.1, Highway Services commented again on the amended plans (29.04.22) Stating they note the amendments uploaded on 26 April 2022 and continues to not oppose this proposal and for evcp's to be considered

5.3 DEFA Forestry commented (02/04/22) stating they have no concerns with the proposed amendments. They notice however that the siting of a new LPG storage tank is situated within a construction exclusion zone. By definition, this zone should be excluded from all activity throughout the process, thereby making the placement of tank in this area a breach of the CEZ. The CEZ is, however, extended beyond the root protection area of the adjacent trees, I would recommended therefore that the CEZ be amended as per the attached photo (red line) to allow placement of the tank without breaching the protected area.

5.4 Isle of Man Natural History & Antiquarian Society (IMNHAS) commented (16/06/21) stating they previously responded in respect of PA 21/00575/B noting that Balladoole house dates from 1714 and is one of the Island's oldest and most historic buildings. Built by the Stevenson family and in the family's ownership until 1973, it also has connections with Captain Quilliam of Trafalgar fame whose wife was a Stevenson. While the Society does not object to the omission of windows proposed or the alteration to a bay window, the Society does regret that the applicant sees fit to further extend this 1714 house and its ancillary accommodation to the detriment of both the pre-existing house, the design of the proposals approved under PA00575/B, [to which the Society objected], and to the landscape setting of Balladoole.

In particular the Society notes that the further extension westwards of the single storey kitchen and garden room extension will further subsume the older tower. The replacement of existing windows in the tower by representing two floors by single windows of greater height unbalances the elevation vertically. Indeed, it seems questionable, as implied by the use of the word "demolition" in the application form, as to whether any of this older feature is to remain or whether it is being rebuilt in its entirety. While other extensions on the front eastern elevation have sought to balance this elevation, the rear western elevation is to be unbalanced by the creation of a glazed balcony on one side. This roof terrace / balcony will be clearly open to view from the public highway to the north and appear as a discordant unbalanced feature.

Previously the Society did not comment on the addition of the garage blocks particularly as it was felt that the more northerly block appeared sufficiently detached from the main house so as not to affect its setting. However, the current proposal results in the breach of the alignment of the garden wall on this northern side and, because its northern elevation will be at a lower level will also result in a more substantial construction. On top of this the construction of a pitched roof above what was proposed as a flat roofed car port, in itself to be enlarged, now results in the said northern block instead appearing as part of a very large 2-storey enclosed courtyard. It will no longer appear as a subsidiary element to the house or detached from it. The creation of increased staff accommodation with isolated external staircase at the western end of the block above the western garage block appears tantamount to creating an additional separate apartment on the application site. Previously the upper level was proposed to be accessed internally. The Society therefore objects to the above extensions and alterations. The Society believes that the proposal is contrary to Isle of Man Strategic Plan 2016 Housing Policy 15. If as stated in the earlier application the applicant believes that the proposals are treating the building as being Registered although it is not, then the proposals are also contrary to the spirit of Environmental Policy 32.

## 6.0 ASSESSMENT



6.1 The main issues to consider in the assessment of this planning application are;  
(i) The impact of the proposals upon the appearance of the existing property, visual impact on the streetscene and character of the locality and the extent this differs from the previously approved scheme 21/00575/B (HP15, EP1,GP2)  
(ii) impact on the trees (Ep3) and biodiversity (SP4)

6.2 The property is an architecturally imposing and historic property set within its own grounds. Its historic curtilage, once having been part of a far larger estate has been gradually reduced including the separation of the property from its outbuildings that now form a separate dwelling. The property has been the subject of extensions and alterations; however the historic core of the original house is still clearly identifiable.

6.3 The key issues are the extent that the proposals impact upon the appearance of the property and visual impact on the street scene and character of the locality. It is noted that the Commissioners and IMNHAS consider that the building should be registered and it is also noted that the Area Plan for the South 2012 considered that research was required. However, the matter of whether the building should be registered is not material to the determination of this application.

6.4 Amended plans were received as a result of discussions with the Department that addressed concerns raised in relation to potential visual impact upon the property.

6.5 The property has been vacant and on the market for some time and it is evident that it is in need of repair and renovation. One of the key design features of the original property is its symmetry, which has been disrupted by later interventions particularly the flat roofed first floor side addition and annexed additions. It is considered that the proposals improve the symmetry of the building and that the new additions are more in keeping with the character of the house. It is considered the increase in massing of the rear single storey addition and garaging and still subservient to the principle dwelling and the proposed increase will not result in a greater impact upon the property or locality than the approved scheme 21/00575/B.

6.6 The proposals will use traditional materials that are appropriate for this historic property and will have a positive impact upon the appearance of the property, this includes new timber sash windows, and natural slate roofs, the render treatment will be conditions so that the materials and finishes can be agreed. The works will also see the introducing of energy efficiency measures including solar panels and insulation. These measure are proposed in a way that will not impact upon the historic character of the property and are supported.

6.6 Objections have been raised by the IMNHAS and The Commissioners regarding the impact of the proposals upon the property in particular the rear elevation and the tower and the scale of the garaging. It is noted that the proposals were amended to address visual impact concerns. The proposals will result in the visual loss of the rear ground floor of the original building. It is considered however firstly those views of the rear ground floor are partly obstructed from the public highway. Secondly the tower has been altered at ground floor and was once an open covered entrance thirdly is it a later, albeit now a historic addition probably form the late 19th Century. It is considered that the proposals will still enable appreciation of the tower as a feature of the building particularly as the above ground floor levels that are more visual will appear as they do now with some alteration to the fenestration. Although the property is grand, the core of the original house is not particularly large it is considered that the proposed ground floor additions to the rear elevation provide the necessary space and required facilities for a house of this status to function as a viable

home and it is considered that the scale, form and massing respect the proportion, form and appearance of the existing property and would comply with HP15.

6.7 The creation of linked garage accommodation has increased in massing to that approved under 21/00575/B, however, the general form and layout remains very similar and its relationship the proposed single storey elements to the side of the house and original core is still considered

acceptable. The garaging will link to the new access as approved. The approved landscape masterplan and details of hard and soft landscaping.

(ii) Impact on Trees and Biodiversity

6.8 The proposal have not sought to alter the approved proposals in relation to landscaping, tree protection and biodiversity as granted under 21/00575/B and discharged conditions. All conditions relating to these matters will be imposed upon this application to safeguard and ensure compliance with the scheme as previously approved. It is therefore considered the proposed impact on the trees would be aligned with EP3 and given a proposed landscaping plan (conditional) would seek to enhance the landscape quality and nature conservation value in this area.

## 7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the planning application would not harm the use and enjoyment of neighbouring properties or the safety of the highway network and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016, and is recommended for approval with conditions (including for landscaping proposals and an arboricultural method statement and removal of PD rights).

## 8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 20th June 2022

---

### Item 5.6

**Proposal :** Demolition of Existing Conservatory and erection of replacement single storey room and installation of decking to the rear

**Site Address :** 24 Alderley Close  
Douglas  
Isle Of Man  
IM2 1NT

**Applicant :** Mr & Mrs Christopher & Claire Barber

**Application No. :** 22/00386/B- click to view

**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

---

### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

Reason for approval:

The proposal complies with General Policy 2 of the Isle of Man Strategic Plan 2016 and in turn the Residential Design Guidance 2021.

---

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

None

---

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

THIS APPLICATION IS BROUGHT BEFORE THE COMMITTEE AS THE APPLICANT IS THE DEFAMINISTER

#### THE APPLICATION SITE

1.1 The application site is within the curtilage of 24 Alderley Close, Douglas which is a two storey detached dwelling situated to the south end of the Alderley Close cul-de-sac.

1.2 The properties within the cul-de-sac to the South have a range of rear extensions which are mostly conservatories or pitched sun rooms.

#### THE PROPOSAL

2.1 The current planning application seeks approval for the erection of a ground floor single storey extension with a pitched roof situated upon the footprint of the existing conservatory

which is to measure 4.080m by 3.590m with an approximate height of 3.69m. The proposed extension is to have two rooflights.

2.2 The materials of the extension are to match the existing dwelling in terms of the roof tiles, windows and render.

2.3 Also proposed within this extension is decking situated to the rear garden

#### PLANNING HISTORY

3.1 There is one previous application on the site, PA04/02399/B - Erection of conservatory on rear elevation, Permitted.

#### PLANNING POLICY

4.1 The site lies within an area zoned as Predominantly Residential on the Area Plan for the East -Map 4, Douglas. The property is not within a Conservation Area or a Flood Risk Zone.

4.2 Given the nature of the residential property and the land designation paragraph 8.12.1 and General Policy 2 from the Isle of Man Strategic Plan 2016 are most relevant to its assessment which set out the general standards towards acceptable development.

4.3 The recently released Residential Design Guidance 2021 is also a material consideration particularly those parts in respect of good neighbourliness and overlooking.

4.4 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.

#### 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." (14.04.22)

5.3 Douglas Corporation have considered the proposal and state they have no objection. (13.04.22)

#### ASSESSMENT

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

- character and appearance - extension (GP2, b,c)
- impact on neighbouring amenity - extension (GP2, g)
- other matters - extension (RDG, CP7, 11 & IP5)
- decking

#### 6.2 CHARACTER AND APPEARANCE

6.2.1 There is a general presumption in favour of extensions or alterations to existing properties as per Paragraph 8.12.1 of the Isle of Man Strategic Plan, where such works would not have an adverse impact on either adjacent properties or the surrounding area in general.

6.2.3 In the case of this application, the removal of the conservatory and the erection of a sunroom upon the same footprint will give a minimal impact upon the overall streetscene, this is due to the proposal matching the main dwelling more than a conservatory and by being an extension which is not uncommon within a residential environment.

#### 6.3 NEIGHBOURING AMENITY

6.3.1 With regards to neighbouring amenity, the proposed extension is not increasing any impact upon the neighbours above and beyond what is already existing.

#### 6.4 OTHER MATTERS

6.4.1 The proposed works are an extension to an already existing dwelling, as such the proposal is not expected to create any changes or new issues in respect of criminal activity or spread of fire. Any water run-off will be dealt with as per the existing arrangement of the main dwelling and the proposed extension will not increase water usage of the dwelling and therefore there are no new issues in this respect.

#### 6.5 DECKING

6.5.1 It is necessary to note that the proposal within this application includes the installation of decking. Having measured the height of the decking it is approximately 0.18m, as such normally the decking could be constructed under Permitted Development as it is below the 0.3m which would require Planning Permission. The proposal within this application is adjacent to a through lane between Alderley Close and Pinehurst Avenue.

6.5.2 The decking itself is relatively low and is not expected to cause any impacts upon the neighbouring properties.

#### CONCLUSION

7.1 The proposed extension and decking are acceptable in terms of their form, mass and design by providing a suitable extension and decking to an existing residential property and as such complies with General Policy 2 and in turn the Residential Design Guidance 2021.

#### 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 20th June 2022

---

### Item 5.7

**Proposal :** **Erection of 107 dwellings (amendment to dwelling types approved under PA 19/00137/B)**

**Site Address :** **B1-B9 B12-B17 B25-B33 B36 B40-B59  
B62-B75 B86-B90 B96 B100 B102  
B106-B131 B133-B139 B142-B148  
Phase 2  
Reayrt Mie,  
Ballasalla  
Isle Of Man**

**Applicant :** **Dandara Homes Limited**

**Application No. :** **22/00139/B- [click to view](#)**

**Senior Planning Officer :** **Mr Jason Singleton**

**RECOMMENDATION: To APPROVE the application**

---

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

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

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

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

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

C 2. No works to the watercourse bank and channel shall take place outside the period July to September (inclusive).

Reason: To avoid disturbance or injury to spawning fish, or to the spawn and fry of fish, during the season in which they are most at risk.

C 3. Any works to the existing water course shall be undertaken in accordance with the written method statements and agreed in advance with the Inland Fisheries Section of the Fisheries Directorate, DEFA.

Reason: to allow DEFA Fisheries to provide advice on a suitable approach to construction, in order to reduce the possibility of injury or disturbance of fish within the river.

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

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

C 5. Within 3 months from the date of this decision, a plan showing ecological mitigation measures that can include bat and/or bird box being installed to properties or to landscaped areas to ensure long term nesting space and shall be implemented, retained, maintained and kept available for those specific uses.

Reason: In the interest of ecology and biodiversity.

C 6. Protective fencing shall be erected and maintained throughout the works, any fencing that becomes damaged must be replaced. All of the existing trees and hedges marked as being retained in the landscaping plan (Drawing No. 02.04 Rev G), must be retained and protected from damage and disturbance throughout the works. Any changes must be submitted to Planning for written approval prior to any removal taking place. Any additional removal must be suitable compensated for by replacement native planting.

Reason: Protection of the biodiversity and ecology on site

C 7. The phasing of the development must be carried out in accordance with the approved plans under 19/00137/B which show the construction of the phase 1 part of the new by-pass road including the new roundabout on the A5 to be commenced no later than the completion of the 75th dwelling within Phase 1 of the development hereby approved. No dwellings shall be constructed within Phase 2 of the development prior to the completion of the 90th dwelling in Phase 1 and until the by-pass road has been completed with a surface course up to the entrance of phase 2 as shown in the approved plans. No dwelling within Phase 2 shall be occupied until the by-pass road has been completed with a surface course up to the site boundary at the rear of Railway Terrace.

Reason: To ensure the delivery of the by-pass road.

C 8. The planting proposals as detail on the Landscaping Plan drawing (phase 2) referenced 02.04-G shall be carried out in accordance with those details provided. Any planted trees that are removed, die or become, in the opinion of the Department, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required, unless the Department gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs as the landscaping of the site is an integral part of the scheme and must be implemented as approved.

C 9. All works on site shall be carried out in accordance with the previously approved construction method statement as approved under PA 19/00137/B Condition 4. This approved statement shall be adhered to throughout the construction period. The statement demonstrates the parking of vehicles of site operatives and visitors, routes for construction traffic, hours of operation, method of prevention of mud being carried onto highway, pedestrian and cyclist protection, proposed temporary traffic restrictions and arrangements for the turning of vehicles.

Reason: In the interests of safe operation of the highway.

C 10. No part of the Phase 2 development hereby approved shall be occupied until the first 12 metres of the access on to the by-pass road, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety.

C 11. No dwelling hereby approved shall be occupied unless the estate roads, including footpaths, cycle paths and turning spaces, have first been constructed so as to ensure that each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

C 12. No dwelling hereby approved shall be occupied until the access, turning area and parking spaces for the relevant occupied dwelling have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

Reason: In the interests of highway safety.

C 13. No part of the development hereby approved shall be occupied unless the following measures for improving pedestrian use (approved under PA 19/00137/B) have first been constructed in accordance with the approved details:

the existing footway on the southeast side of the A5 between the new access and the junction of Ballabridson Park and  
the section of Ballahick Lane between the A5 and the site

are constructed in accordance with those approved details.

Reason: In pursuit of sustainable transport objectives.

C 14. No part of the development hereby approved shall be occupied unless the flood attenuation area as approved under PA 19/00137/B has first been constructed in accordance with those submitted details as previously approved.

Reason: to ensure that the facility is maintained to accommodate water from the proposed development.

C 15. Any work including site clearance or soil stripping, shall be undertaken in accordance with the approved Precautionary Working Method Statement (PWMS) with Reasonable Avoidance Measures (RAMS) for lizards, frogs and breeding birds, as previously approved under Condition 15 of PA19/00137/B and undertaken in accordance with those details.

Reason: to ensure that the development complies with Environment Policy 4.

C 16. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012, no walling or fencing other than is shown on the approved plans may be erected on the following plots where the proposed walling or fencing would abut the railway line:

B12-13, B25-B33, B36, B43 - B44

Reason: to ensure that the development has an acceptable visual impact on the surrounding area.

N 1. The applicant is advised to contact Fisheries (tel. 685857, or email fisheries@gov.im) to discuss method statements and arrange further advisory site visits as development continues especially before the water course is altered, should the proposal be granted planning approval. As detailed on the attached information sheet, DEFA does not charge for an initial



site visit or review of method statement but there is a charge for relocating fish prior to river works. This is likely to be deemed necessary due to the nature of the proposed works on a section of stream, which Fisheries assessment confirm may contain fish, including eels.

Reason for approval:

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

---

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

It is recommended that the following government departments should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 6(4):

DoI Flood Risk Management  
Manx National Heritage  
DoI Estates and Housing

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

---

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

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT IS FOR OVER 8 HOUSES AND A SECTION 13 LEGAL AGREEMENT (DEED OF VARIATION) IS REQUIRED

#### 1.0 THE SITE

1.1 The application relates to the second phase of a three part development for the provision of residential accommodation and a link (Ballasalla) Bypass from Balthane Corner to Glashen Hill in Ballasalla.

1.2 This application was previously considered under 19/00137/B (see 4.0 planning history) and approved with a number of conditions and subject to a legal agreement for 282 dwellings (phase 1 and 2)

1.3 Part of the 2019 approval has been implemented (phase 1) to the north of the railway line has been built with many of the dwelling houses sold and now occupied. Also built is the road network and part of the bypass is already under construction and the bridge over the Steam railway underway and functioning. The housing for Phase 2 has not started but the infrastructure for the bypass and engineering works has begun on site.

#### 2.0 THE PROPOSAL

2.1 This application is to simply alter the house types on certain plots within the area defined as phase 2, "Reayrt Mie", essentially to provide an updated house design to reflect current demand and availability of building materials. The proposed house types are all on previously approved 'plots' (2019 approval) and there is no alterations to the infrastructure or landscaping over what was previously approved.

2.2 This proposal would see a net increase of one dwelling house plot (B17) that is located to the rear of an existing dwelling house, called; Ballahick Cottages and adjacent to Crosh Yvor. This would be a 'maple' house type and would sit adjacent to another 'maple'.

2.3 This phase is for 132 dwelling houses, but of that, only 107 are to be considered in this application as indicated by the red line on the plan which is around those affected plots, which would see alterations specifically to plots referenced; B1-B9 B12-B17 B25-B33 B36 B40-B59 B62-B75 B86-B90 B96 B100 B102 B106-B131 B133-B139 B142-B148.

### 3.0 PLANNING POLICY

The land is designated as Proposed Residential, Industrial, Public Open Space, Community facility on Map 4 (Ballasalla) of the Area Plan for the South. The land is also linked to the Written Statement with Notation No.3. The application site is not within a Conservation area, or within an identified area as being at flood risk.

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

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

#### Strategic Policy

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

#### Spatial Policy

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

#### General Policy

- 2 General Development Considerations

#### Environment Policy

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

#### Housing Policy

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

#### Business Policy

- 10 Retails in designated areas

## Recreational Policy

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

## Community Policy

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

## Transport Policy

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

## Infrastructure Policy

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

## Energy Policy

- 5 Energy Efficiency

### 3.4 Residential Design Guide (2021)

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

## 4.0 PLANNING HISTORY

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

4.2 21/01262/B - Third phase of development consisting of 128 dwellings, a neighbourhood centre with children's nursery and local shop units, and public open space including a children's playground - Field 434091 & Parts Of Fields 435106 (formerly 432719), 434974 (formerly 434089) And 434090 Adjacent To Railway Terrace, Ballasalla. APPROVED subject to a legal agreement with 14 conditions. Approved

4.3 20/00124/MCH - Minor changes application for PA 19/00137/B involving alterations, traffic calming features, new footpath link and pedestrian link. Field 434764, Douglas Road Ballasalla. Approved.

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

- 5.1 Malew Commissioners has not commented at the time of writing.

5.2 DoI - Highways (18/02/22 & 21/04/22) do not object but the proposal will require a S4 highways agreement for the adoption as public highway to be re-submitted.

5.3 DoI - Flood Risk (21/04/22) No Objection.

5.4 DoI - Public Estates & Housing were contacted and agree the provision of a commuted sum (13/06/22).

5.5 DEFA - Inland fisheries policy manager commented (on 07/03/22 & 06/05/22) with no objection subject to limitations on works to the river banks limited to July to September to avoid disturbing spawning fish and a written method statement to be submitted to Fisheries.

5.5 DEFA - Ecosystems policy officer (commented 09/03/22) seeking a bird box plan showing where the 3 starling and 1 house sparrow terraces are to be located. External nest boxes switched to integral boxes / nesting spaces as a conditions. They also seek that Griselinia is not used on site and the landscaping within the red line on the landscaping plan (Drawing No. 02.04 Rev F), should be undertaken as shown. Requests hedge protection plan to be submitted to protect existing trees and hedges with fencing.

5.7 Manx National Heritage (27/04/22) Commented on potential for nesting birds, bats, and quotes the IoM wildlife Act; seeks a condition for Manx Native species for planting and avoid Griselinia. Seeks for protective measures to avoid river contamination and lighting of the site.

5.8 There has been no other comments received from interested parties or stakeholders.

## 6.0 ASSESSMENT

6.1 The proposal is relatively straight forward and has come about to reflect market demand for housing types, that would see a slightly different style of property on the same plots as previously approved. The overall design, appearance and character would be reflective of what is already approved and used in the phase 1 and 3 or the proposal and the choice of materials would be reflective of this also.

6.2 On balance the principle of the proposal would be acceptable, with a neutral impact upon the visual amenity within the streetscene and would not be considered to have any detrimental impact upon any of the neighbour's amenity. Likewise, there are no outstanding issues raised with any drainage, flooding or highway safety. This proposal would not alter the affordable housing provision or open space requirement already approved.

6.3 The concerns raised from Ecology can be addressed through appropriately worded conditions to safe guard the existing trees, hedges and their inherent biodiversity and ecology.

### Affordable Housing

6.4 The overall increase in one house (B17) above what was previously approved, would alter the overall provision of houses and the requirement for affordable housing under HP5. The previously accepted S.13 will be slightly updated and will ensure the previous acceptable affordable housing of 20 dwellings on site with a commuted sum of £23,500 per unit to be paid in lieu of the remaining 50.5 units and £11,750.00 for half a unit, of affordable housing.

6.5 Given the above and the application is only proposing a change of house types, the fact remains this applications is giving a fresh approval for this parts of the site. Therefore a Deed of variation of the original Section 13 Legal Agreement needs to be undertaken.

6.6 With regard to the affordable housing and the increase of one additional dwelling on site, this can be addressed through a Deed of Variation / an amendment to the S.13 legal agreement from the 2019 application. Essentially based on that signed agreement, a commuted sum could be payable and would be compliant to Housing Policy 5 which required 25% of affordable housing.

6.7 The previously accepted S.13 provided affordable housing of 20 dwellings on site with a commuted sum of £23,500 per unit to be paid in lieu of the remaining 50.5 units and £11,750.00 for half a unit, of affordable housing. In this instance a commuted sum of £5,875.00 (25% of £23,500.00) can be payable and would be acceptable to the Public Estates & Housing Division in this instance.

6.8 With regard to conditions and transfer of those from the former application, the previous 2019 application discharged those onerous conditions that required further information, namely; 3,4,12,13,14,15,16,17,18. The remaining conditions;

1 - four year rule

2 - Implementation of the bypass

5,6,7,8,9,10,11 - All relate to highway safety

19 - Suspends PDO for fencing to certain plots.

As this proposal is only for the housing types and is reflected by the red line around those specific plots and does not include any of the highways or infrastructure, this application is somewhat dependent on the 2019 permission and those previous conditions can be linked through this application.

## 8.0 CONCLUSION

8.1 The application site is identified for development and the proposal is judged to comply with the site allocation and site brief referenced; No.3. As such, it is recommended that the planning application be approved for the reasons given above and subject to a Deed of Variation to the Section 13 Legal Agreement and the conditions listed.

## 8.0 INTERESTED PERSON STATUS

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

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

(b) any Government Department that has made written representations that the Department considers material;

(c) the Highways Division of the Department of Infrastructure;

(d) Manx National Heritage where it has made written representations that the Department considers material;

(e) Manx Utilities where it has made written representations that the Department considers material;

(f) the local authority in whose district the land the subject of the application is situated; and

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

8.2 The decision maker must determine:

o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and

o whether there are other persons to those listed above who should be given Interested Person Status.

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

## PLANNING AUTHORITY AGENDA FOR 20th June 2022

---

### Item 5.8

**Proposal :** Change of use from guest house to House in Multiple Occupation  
**Site Address :** Beach Lodge  
5 Derby Terrace  
Central Promenade  
Douglas  
Isle Of Man  
IM2 4LN  
**Applicant :** Donlow Ltd  
**Application No. :** 22/00220/C- click to view  
**Planning Officer :** Mr Peiran Shen

**RECOMMENDATION:** To APPROVE the application

---

### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. Within 3 month of the approval, details of the bike storage shall be submitted to and approved in writing by the Department and the bike stores shall be installed prior to the occupancy of any unit and retained thereafter in accordance with the approved details.

Reason: In the interests of highway efficiency.

Reason for approval:

The proposal reuses a redundant building close to the town centre and will provide more housing options. Although there is a lack of outlook from the bedrooms, the communal lounge would make up for the outlook due to its appealing location inside the house. The intensified usage is similar to the other uses along the Promenade and would not create an unacceptable impact to its neighbouring properties.

---

### **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):

Owners/Occupiers of 33 Ballaquark, Douglas is not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy and as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy.

## **Planning Officer's Report**

### 1.0 THE SITE

1.1 The site is the curtilage of Beach Lodge, 5 Derby Terrace, Central Promenade Douglas, a five-storey mid-terrace building located on the northwest of Central Promenade. The building is vacant at the moment. The internal layout has been altered to fit the proposal.

### 2.0 THE PROPOSAL

2.1 The planning application seeks approval for the change of use of the building to a House in Multiple Occupation (HMO) (Class 3.5) with sixteen bedrooms.

2.2 The proposal include sixteen bedrooms. The internal configuration is:

Basement/Lower Ground Floor: Toilets, stores, a dining area and a kitchen;

Ground floor: lobby, two sitting rooms, a kitchen, boiler room and utility, and indoor bike storage;

First floor: five bedrooms with en-suite, one has windows on the front elevation and the others have windows facing the backyard;

Second floor: eight bedrooms with en-suite, two has a window on the front elevation and the others have a window facing the backyard;

Third floor: three bedrooms with en-suite, two has windows on the front elevation and the other one have window.

2.3 The proposal includes indoor bike stands at the back of the ground floor. The bin storage will be located in the rear alleyway.

2.4 There is a self-contained unit at the rear of the ground floor next to the bin storage. It is two-storey and is not part of the application.

### 3.0 PLANNING HISTORY

3.1 Change of use of part of ground floor of hotel to an ice cream parlour and coffee shop, Beach Hotel was APPROVED under PA 04/00943/C.

### 4.0 Planning Policy

#### Site Specific

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

4.2 The Written Statement states: "Development types within areas of mixed use generally comprise a variety of different but compatible uses. Appropriate new uses may include a mix of shops and some services (financial and professional), food and drink, office and light industry, research and development, tourist and residential uses, and other uses such as clinics or health centres, childcare or education, community facilities, and places of assembly and leisure. Uses which are not compatible with residential development will generally not be supported within the areas of mixed use."

4.3 The site is within the Douglas Promenade Conservation 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:

#### Principle of Developments

4.4 Strategic Policy 1 states that development should make the best use of resources by optimising the use of redundant buildings and under-used land and buildings.

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

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

#### Environment

4.6 Environment Policy 35 states:

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

4.7 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."

#### Housing

4.8 Para. 8.1.1 states: "The principal objective of the Government's housing policy is to ensure that sufficient housing, to appropriate standards, is made available to meet demands created by the growth in population and changing household sizes."

4.9 Para. 8.1.5 states: "The Department has determined that it is necessary to plan for 5100 additional dwellings over the Plan period 2011 to 2026."

4.10 Although no special policy mentions the conversion into HMO, there are policies regarding the conversion of buildings to flats, and it is considered that the principles in these policies, especially on safeguarding living amenities, should be applied to this application.

4.11 Para. 8.13.1 states: "There are in the Island, and particularly in Douglas, many substantial buildings which, because of their size or form, are no longer suitable for the originally intended use as either single dwellings or holiday accommodation, but which are still structurally sound. The Department has for many years encouraged the conversion of such buildings where appropriate, into flats."

4.12 Housing Policy 17 states:

"The conversion of buildings into flats will generally be permitted in residential areas provided that:

- (a) adequate space can be provided for clothes-drying, refuse storage, general amenity, and, if practical, car-parking;
- (b) the flats created will have a pleasant clear outlook, particularly from the principal rooms and



(c) if possible, this involves the creation of parking on-site or as part of an overall traffic management strategy for the area."

#### Parking

4.13 Transport Policy 7 states:

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

4.14 Appendix 7 sets out Parking Standard. Para. A.7.1 states: "in general, the need to find a use for redundant buildings which are in sound condition will outweigh the drawback of any shortfall in parking provision."

4.15 Appendix 7.6 states that for typical residential development, there should be two spaces for dwellings with two or more bedrooms. These standards can be relaxed under certain circumstances, such as

(c) the proposal is of benefit to the character of a Conservation Area,

(d) the proposal is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on-street parking in the locality.

#### Other

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

4.17 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

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

## 5.0 OTHER MATERIAL CONSIDERATIONS

### Legislation

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

## 6.0 REPRESENTATION

6.1 Douglas Borough Council has no objection on this application (13.04.2022) after confirming space of bike and bin storage with the applicant.

6.2 Highway Services do not oppose this application (17.03.2022). The comment states that there is no significant negative impact upon highway safety, network functionality and /or parking.

6.3 33 Ballaquark wrote in question the legitimacy of HMO on the island.

## 7.0 ASSESSMENT

### Point of Clarification

7.1 House in Multiple Occupation has been legalised under the Housing (Standards) Regulations 2017.

### Conservation Areas Statutory Test

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

7.3 There is no change to the appearance of the building. Therefore, it is considered that the proposal preserve the character of the Conservation Area and passes the test.

### Elements of Assessment

7.4 The key considerations in the determination of the application are the principle of development (land use and impact on housing provision), the occupants' living amenities, its impact on parking provision and amenities of the neighbouring properties.

### Land Use

7.5 The proposed use is residential and the site is within a Mixed Use area. Therefore, the proposed land use is considered principally acceptable.

### Housing Provision

7.6 The Island is experiencing an ongoing reduction in household sizes, meaning more people are looking for smaller accommodation. There are also seasonal/temporary/migrant workers looking for reasonable temporary accommodation and young adults who want to reduce the cost of living. Therefore, as an alternative to flats, the provision of HMO can supplement the existing housing supply.

7.7 The number of bedrooms proposed is significantly higher than the typical household size at the moment. It has also been vacant for years, partially proving there is no need for house of such a size.

### Character and Appearance of the Conservation Area

7.8 As mentioned in 7.2, it is considered that the renovation work would enhance the character and appearance of the Conservation Area.

### Character and Streetscene of the Area

7.9 The proposed HMO can allow at least sixteen residents at one time. This being said, Promenade is one of the densest populated area on the island. Sitting next to major hotels and apartment complex on the Island, the increase of sixteen residents would not change the character of the area.

7.10 The location is close to town centre. In addition, there is limited parking for the whole street and the bin storage is at the rear of the site. Therefore, it is considered that the intensive occupation will not have a negative impact on the character and streetscene of the Area.

### Residential Amenities - Outlook

7.11 There are two communal lounges. As primary rooms, the outlook of the ground floor living room on the front elevation can look out to the Promenade and there is a terrace

outside, arguable some of the best views on the Island. Most of the bedrooms, however, have only one window looking out toward the side elevation of the Empress Hotel.

7.12 The bedrooms, although ordinarily are considered as secondary rooms, are likely to be used as the main living accommodation in a HMO than they would in a typical dwellinghouse.

7.13 Eleven out of the sixteen bedroom only have windows facing the rear yard. Site visit has confirmed that in a sunny day, each one would have sufficient natural lighting. However, the outlook is not desirable as mostly it will be a blank wall in close distance.

7.14 The impact of a poor outlook will be more intense for residents in an HMO and this should be avoided. The provision of the nice outlook of the communal lounge is considered to provide sufficient motive for the room to be used and supplementing the lack of outlook in the bedrooms.

7.15 Given its intensive use nature and the previous use as a boarding house, combined with the outlook of the communal lounges, it is considered that the outlook for the HMO is acceptable.

#### Residential Amenities - Other

7.16 The site is close to many public gardens as well as the Promenade, it is considered that the provision of external amenity space is not necessary.

7.17 As there is no objection from Douglas Borough Council, the proposed bin storage and occupants' access to the bin storage is acceptable.

#### Parking

7.18 There is undoubtedly pressure on parking in the vicinity. This being said, as the proposal is reusing a redundant building, the parking standard can be forgiven according to A.7.1 of the Strategic Plan.

7.19 The site is close to existing public transport link and within walking distance to town centre and a variety of amenities, meaning further relaxation of parking standard is acceptable. Combining with the provision of cycling storage, it is considered that the impact on on-street parking is acceptable.

#### Neighbouring Amenities

7.20 The proposal could result in a minimum number of sixteen people occupying the property at one time. Even if all occupants are considerate residents, the sound generated through everyday activities could still be amplified in intensity and/or duration, due to the number of people conducting similar activities at a similar time (such as multiple media player devices playing at the same time) or in a concentrating period (such as cooking dinner in dinner hours), and cause disturbance to the neighbouring properties. However, as mentioned in 7.9, it is within one of the densest populated areas on the Island. Therefore, the potential negative impact on the amenities of neighbouring properties is considered acceptable.

#### Affordable Housing

7.21 Because of the nature of HMO, it is considered that affordable housing provision is not applicable for this application.

## 8.0 CONCLUSION

8.1 The proposal reuses a redundant building close to town centre and provides more housing options. Although lack of outlook from the bedrooms, the communal lounge would make up for the outlook due to its appealing location inside the house. The intensified usage

is similar to the other use along the promenade and would not create unacceptable impact to its neighbouring properties.

#### 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 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 20th June 2022

---

### Item 5.9

**Proposal :**                    **Erection of proposed replacement dwelling, together with extension to existing residential curtilage.**

**Site Address :**                **Ballasaig Cottage  
School House Road  
Dreemskerry  
Ramsey  
Isle Of Man  
IM7 1BJ**

**Applicant :**                    **Mr & Mrs David Craine**

**Application No. :**            **22/00025/B- [click to view](#)**

**Principal Planner :**        **Mr Chris Balmer**

**RECOMMENDATION: To APPROVE the application**

---

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

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

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

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

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

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

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

C 3. Prior to the occupation of the dwelling hereby approved, the visibility splay(s) identified on drawing 15 1138 12; shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1050; mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 4. Within one month of the new access being completed the existing vehicular access shall be blocked up as shown on drawing 15 1138 01 REV A and retained as such thereafter.

Reason: In the interest of highway safety.

C 5. 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 6. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces including roofs and the patio balustrading, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 7. No development shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of new planting (tree planting) showing, type, size and position of each. They shall also include landscaping details of the re profiled bank. 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 shed, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

C 8. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a highway, without the prior written approval of the Department.

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

C 9. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no garden sheds or summerhouses shall be erected or placed within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 10. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no greenhouses or polytunnels shall be erected or placed within the curtilage of the dwelling(s) hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

Reason for approval:

For the reason indicated within this report, it is considered the proposal would be acceptable, having no adverse impacts upon private or public amenities and complying with Environment Policy 1, HP12 & HP14 of the Isle of Man Strategic Plan 2016.

---

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

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

Caardee, Dreemskerry Hill, Maughold as they do not refer to the relevant issues (construction impacts is not a material planning consideration) in accordance with paragraph 2C of the Policy and/or as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Dreemskerry Lodge, Dreemskerry, Maughold is not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy, as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and/or as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

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

---

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

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE LOCAL AUTHORITY OBJECTS BUT IT IS RECOMMENDED FOR APPROVAL

#### 1.0 SITE

1.1 The application site, the curtilage of Ballasaig Cottage, School House Road, Dreemskerry, Ramsey which is located to the western side of School House Road and south west of Dreemskerry Road. The site is north east of the former Dreemskerry Quarry.

1.2 The site is located on a hillside and therefore the site sits above that of Dreemskerry Road, by between 13metres. The site sits within a small grouping of 15 dwellings which run along this section of Dreemskerry Road. Around this grouping of housing the area is characterised as agricultural fields/countryside setting.

1.3 The site consists of a two storey traditional Manx farmhouse with three upper windows over a central ground floor door which is flanked either side by a single window. The proposal has a dash finish and slate roof. The dwelling is construction into the hillside and accordingly the ground level immediately to the rear of the dwelling is at first floor level.

1.4 The site currently has a pedestrian gate and a separate vehicular access both of which access onto School House Road which is a single wide lane serving a number of dwellings/farms and runs to the A2 road.

1.5 Fronting the dwelling (northeast) and between the site and Dreemskerry road is an agricultural field (Nr 624123), triangular in shape which does not form part of the existing residential curtilage.

## 2.0 PROPOSAL

2.1 This application seeks approval for the erection of proposed replacement dwelling, together with extension to existing residential curtilage.

2.2 The new dwelling would be set over three floors albeit the basement level would be constructed into the hillside and by re-profiling the land fronting the property to screen the majority of the basement level. The dwelling would be a pitched roof property, rectangular in plan with a contemporary style. A new vehicular access is proposed which access directly at basement level where underground parking and turning can be found.

## 3.0 DEPARTMENT POLICIES

3.1 The application site is within an area of High Landscape Value or Coastal Value and Scenic Significance under the Isle of Man Development Plan Order 1982. The site is not within a Conservation Area.

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

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

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

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

3.5 Housing Policy 12 states: "The replacement of an existing dwelling in the countryside will generally be permitted unless:

- (a) the existing building has lost its residential use by abandonment; or
- (b) the existing dwelling is of architectural or historic interest and is capable of renovation.

In assessing whether a property has lost its habitable status(1) by abandonment, regard will be had to the following criteria:

- (i) the structural condition of the building;
- (ii) the period of non-residential use(2) or non-use in excess of ten years;
- (iii) evidence of intervening use; and
- (iv) evidence of intention, or otherwise, to abandon."

3.6 Housing Policy 14 states: "Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or



size would result in an overall environmental improvement; the new building should therefore generally be sited on the "footprint" of the existing, and should have a floor area, which is not more than 50% greater than that of the original building (floor areas should be measured externally and should not include attic space or outbuildings). Generally, the design of the new building should be in accordance with Policies 2-7 of the present Planning Circular 3/91, (which will be revised and issued as a Planning Policy Statement). 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; designs should incorporate the re-use of such stone and slate as are still in place on the site, and in general, new fabric should be finished to match the materials of the original building.

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."

### 3.7 Planning Circular 3/91 - Guide to the Design of Residential Development in the Countryside

#### 4.0 PLANNING HISTORY

4.1 There are a number of previous planning applications in association with the site; however, only the following is considered relevant in the assessment and determination of this application:

4.2 Approval in principle to extension to form additional living accommodation - 87/00427/A -APPROVED

4.3 Formation of rear access to highway - 87/00746/B - APPROVED

4.4 Installation of septic tank - 87/00317/B - APPROVED

#### 5.0 REPRESENTATIONS

Full detailed comments can be viewed on the planning website.

5.1 Garff Commissioners make the following comments (04.02.2022);

"The Commissioners note that these proposals are contrary to several key Housing Policies (HP 12, 13, 14, etc) outlined in the Isle of Man Strategic Plan. The Commissioners resolved to object to this application until justification is provided by the Planning Officer and Committee that these policies can be reasonably set aside."

5.2 Highway Services make the following comments (09.02.2022):

"Highways Development Control notes the amendments on 3 February 2022 and finds the proposed access arrangements to be acceptable with the existing access reduced in width on reinstatement of the boundary to form a pedestrian facility. A separate permission is necessary under a s109(A) Highway Agreement for the works in the highway. Accordingly, HDC raises no opposition subject to conditions for accesses to conform to drawing no: 15 1138 01 Rev A, and subject to clarification over the car port/ garage arrangement."

5.3 The Ecosystem Policy Officer (DEFA) comments (07.02.2022);

"...the potential for a bat roost in the existing dwelling, especially because of the condition of the property, the surrounding semi-natural habitats and the presence of 2 other bat roosts within 1km of the site. Demolition of Ballasaig Cottage could result in the destruction of bats and a bat roost, which would be an offence under the Wildlife Act 1990. We strongly advise

that the applicants obtain a bat survey from a suitably qualified ecological consultancy prior to demolition. Demolition without adequate checks would be considered reckless.

And

"The presence of bats will not stop the demolition from taking place but, should bats be found, mitigation will be required and measures will need to be put in place for their protection.

Regardless of whether a bat roost is present in the existing dwelling or not, there is an opportunity to incorporate integrated bat boxes into the new property, under the eaves on the south-east or north-west elevations.

The application makes reference to the planting of additional hedge and tree planting to the main roadside boundary and along the basement driveway. However, no planting plans have been provided. Due to the location of the dwelling in the open countryside, we recommend that all planting is undertaken with native or other well established species and we also request that a condition is secured to ensure that no Wildlife Act 1990 Schedule 8 non-native invasive plant species, or cherry laurel, are planted on site"

5.4 The owner/occupier of Caardee, Dreemskerry Hill, Maughold and Dreemskerry Lodge, Dreemskerry, Maughold do not object to the new dwelling but raise concerns which are summarised as (07.02.2022 & 09.02.2022);

- o we are concerned about the state of the access, particularly for the heavy plant needed for demolition and construction;
- o Dreemskerry Road is in a poor state already;
- o There is also 7T weight limit further down the road but not in this area;
- o Heavy commercial traffic will only cause more damage and further wear and tear. As a resident in the area we have already had damage to our vehicles due to the uneven road surface and the ever expanding pot holes;
- o Both Schoolhouse Lane and Road of Scarffe's Ridge are in a poor state of repair; and to prevent further damage to the infrastructure, and to minimise disturbance to local residents, we would suggest that a weight restriction be imposed on vehicles accessing the building site;
- o In conclusion we ask that careful thought is given to the road and surrounding properties in regard to the prevention of further damage and also consideration given to the safety of residents / pedestrians as there is shared use

5.5 The Isle of Man Natural History & Antiquarian Society objects to the application which can be summarised as (24.02.2022);

- o existing dwelling is of a traditional style albeit finished in a render which may not enhance its appearance;
- o Its existing off centre frontage is completely traditional due to the presence of a large chiollagh built into one of the gable walls;
- o It is part of the street scene and back drop of this part of Maughold. As such the Society believe it should firstly be considered for renovation;
- o unclear to the Society how much of the site is being claimed as existing residential curtilage and what this consists of;
- o The overall increase in floor space Total Floor Area: 435 square metres, equivalent to a 325% increase with even only 160% increase claimed as representing Total Visible Floor Area (269 square metres) grossly exceeds the Strategic Plan limits of 50%. There is no justification given for this;
- o The proposal does not comply with Planning Circular 3/91 required by Strategic Plan Housing Policy;

- o the proposal by virtue of introducing a long straight ridge, a large amount of glazing and a glazed balcony will make the property particularly conspicuous in the landscape;
- o This will be Redacted augmented by the necessary extension to the residential curtilage and the creation of a retaining wall and infilling to obscure it as well as the grading down the field in front of the driveway; and
- o Contrary to paragraph 8.11.2 of the IOMSP.

## 6.0 ASSESSMENT

6.1 The main issues are; the principle of the demolition of the existing dwelling and the potential visual impact of the development upon the landscape and individual dwelling.

The principle of the demolition of the existing dwelling

6.1.1 As outline within Housing Policy 12 and for this site, the starting point is to access whether the existing dwelling is of architectural or historic interest and is capable of renovation. It is noted the existing building when initially viewed appears as a traditional and more common Manx Farmhouse (three upper windows version). However, on closer inspection the windows are off set, with the gap between the left side gable end wall and the windows greater than the gap of the windows to the right hand side and right hand gable wall. The IOM Antiquarian Society comment this is due to a large chiollagh built into one of the gable walls (cooking hearth). This feature is less commonly seen, especially internal alteration to remove it do not necessary require planning approval. In this case the applicants have confirmed the original chiollagh is no longer in place been removed 40+ years ago.

6.1.2 The offset window position to the left hand gable, does alter the appearance of the dwelling, which more generally have an equal distance between windows and gables. Accordingly, as it stands it could be consider from an architectural standpoint rather odd and not uniform in appearance. However, the reverse could be argued that whilst from a uniformity point of view it isn't perhaps ideal, it could be seen as a historical feature which is not commonly found, especially in more two storey Manx farmhouse properties. Accordingly, this aspect could fall in favour of the demolition of the dwelling as from an architectural point of view it could be considered unfavourable aspect; or against it demolition as this feature could be considered as a historic interest. The fact the chiollagh is no longer in place is perhaps unfortunate and therefore to refuse the application on this ground is perhaps unwarranted.

6.1.3 In support of the demolition of the existing dwelling the applicants have commented:

- o "...The building is not in the best state and the economical viability of renovation/extension is questionable.

- o A new build would allow for a slight re-siting that makes it appear less visible from the main School House Road than the original with a 50% + extension.

As mentioned the use of good quality site specific design, taking into account the existing site topography, and appropriate use of external finishes will bed the new dwelling into the countryside over time, think "Cronk Ashin", when viewed from the immediate highways and further afield.

- o A new dwelling allows it to be highly insulated and air tight and very energy efficient. The current Building regulation SAP rating is 88 and 93 after January 2024 and we will be aiming within these perimeters. To make an existing Manx stone cottage air tight and highly insulated and energy efficient to the same level is not cost effective and can have a negative effect as traditional Manx stone walls should breath, and if not this can create future damp and condensation issues."

6.1.4 While the dwelling has not been occupied for a number of years, it is not considered it is in a state of abandonment.

6.1.5 An issue with the site is the dwelling main windows are northeast facing and more importantly with the topography of the land to the rear and side and mature landscaping to the southern boundaries; results in a dark property, especially given the size of the small windows to rear/side elevations. Accordingly, even if the existing property was renovated and extended, it is likely the property would still be very dark and not have a good level of amenity in terms of light.

6.1.6 Overall, in terms of Housing Policy 12 it is considered it is difficult to argue that the existing property does not have any "architectural" interest and is not capable of renovation. However, as outlined by the applicants to make the property more energy efficient to meet current standards is likely to be difficult to achieve the levels of a new build. Therefore there are pros and cons with the replacement dwelling in relation to Housing Policy 12. Perhaps at this stage it is worth considering other matters.

Potential visual impact of the development upon the landscape and individual dwelling

6.2 Currently, the dwelling is apparent when travelling along Dreemskerry Road; albeit given significant mature vegetation along the Dreemskerry Road (i.e. roadside boundaries of the site and area), the dwelling is well screened from distance public views and only apparent when immediately passing the site and looking upwards. Views are perhaps more apparent when traveling upwards and along the School House Road as the road runs directed towards the front elevation of the dwelling. Distant views can also be achieved from Maughold Road (west of Maughold Village).

6.2.1 The existing property is traditional in form and appearance and it is considered HP 14 requires consideration.

6.2.2 In terms of the size increase the proposed replacement dwelling would have a total floor area of approximately 435sqm; albeit when discounting the basement level and areas built into the hillside (i.e. not visible) the floor area equates to 269sqm. The existing dwelling has a total floor area of approximately 102sqm. Accordingly, when considering the visible area of the dwelling this equates to a percentage increase of approximately 160% or the total floor area (including basement) of 325% increase. The proposal is clearly well above the generally permitted 50% threshold as stated within HP 14.

6.2.3 In terms of the proportion, form and appearance of the proposal, the proposals are contemporary in design, with a low profiled pitched roof and a use of large sections of glazing and use of traditional laid Manx stone, nature slate roof, timber Oak frames and burnt timber cladding or cedar/larch cladding left untreated.

6.2.4 While more horizontal in overall form, the dwelling has been clearly designed to sit into the hill side taking account of the existing topography of the land. The large sections of glazing, will take advantage of the spectacular views toward Maughold Head, Maughold Village (panorama of Maughold) and sea views. The applicants also indicate that the design takes into account of orientation and tracking of the sun, immediate neighbouring properties and existing trees and natural landscaping features on this site.

6.2.5 Housing Policy 14 indicates that the new building should generally be sited on the "footprint" of the existing. In this case the majority of the new dwelling does not site on the existing footprint, being sited approximate on a third of the existing footprint, with the remainder of the new dwelling to the northwest, being located within the existing garden/curtilage (exception the underground driveway). The dwelling is located away from

Old School Road, which the current dwelling sites close to, on the bend. Moving the dwelling away from the bend, is considered appropriate and also allows for a better access in and out in road safety terms, having much improved visibility compared to the existing access which is to be blocked up. Overall, the principle of the new footprint is acceptable.

6.2.6 Perhaps the key aspect of Housing Policy 14 is the last paragraph where it indicates that proposals which result in a larger dwelling may be considered acceptable; 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. The proposal cannot meet the first exception, given it is not traditional in design, being more contemporary in style. Therefore the question is whether the proposal would have less visual impact.

6.2.7 It is generally difficult to comply with this policy when the proposed dwelling in floor area is significant larger than the existing; which is the case, in this situation.

6.2.8 In this case the applicants have made the following points in support of the scheme in this respect:

"The proposed replacement dwelling is three storey in height, but uses the sloping topography of the existing site to create a lower basement level that is fully underground and hidden from the public view giving the proposed dwelling a two storey visual appearance.

The rear section of the middle ground floor level, which accommodates the Bathroom/Shower Room accommodation, also uses the sloping site topography to its advantage, which again results in this section of the proposed dwelling being hidden from public view and providing a dwelling that has a smaller visual impact than that of its the overall proposed floor area size."

And

"Whilst we understand that the overall increase in the floor area exceeds the general recognised 50% guide line stated in Housing Policy 14, extract copy attached above, the considered design of the proposed replacement dwelling, in terms of site topography and setting and the use of appropriate external finishes provides a replacement dwelling that, whilst larger in foot print, has less of a visual impact than that of the existing dwelling extended with a traditional two storey 50% side extension. We demonstrate this with the following photographs/3D renders."

6.2.9 There is considered a reasonable argument that if the existing dwelling were retained and extended by 50% in a traditional manner (following Planning Circular 3/91), that the visual impact arguably could be the same or greater. It is considered the submitted visual comparisons show this. The new proposal with the use of Manx stone, timber cladding (burnt or cedar/larch) and glazing would arguably have less visual impact than a painted rendered property. It is also noted that the backdrop of the site is larger amounts of mature landscaping and mature trees. The design of the dwelling set into the hillside and with the finished proposed, will help the dwelling blend into the landscape far better than if the existing dwelling, arguable whether extended or not.

6.2.10 Careful consideration has to be made that the two storey extension does not exist and is only suggested in the submitted visual representations submitted. However, given the dwelling position in the site, with the hillside immediately to the rear of the dwelling, and Old School Road immediate to the south/east, it is likely the extension of the existing house would only be realistically achievable with extensions to the northern gable elevation, as

shown. Therefore, while it is not recommending approving this application solely on this ground is sound, it is a material consideration that should be taken into account.

6.2.11 The applicants draw attention that the site is within a hamlet of 15 dwellings, rather than in a isolated position in the open countryside. Further, there is a variety of housing styles/sizes of properties in this immediate area along Dreemskerry Road, which have been constructed/extended over a number of decades. In these respects Environment Policy 1 and 2 should be considered. These seek to prevent development which would adversely affect the countryside and/or harm the character and quality of the landscape. The applicants comments that the properties most apparent are those with painted rendered walls. This is accepted and from distant views from Maughold Village Road, the size of the dwelling is not the fact which necessary makes the dwelling more visible; rather the material used, albeit there are some large painted rendered dwellings in the area, these are generally more modern (1970/80s) in appearance and the most prominent buildings in the area. Again this proposed dwelling has this advantage over the existing dwelling which is painted render (albeit has faded in recent years, it would likely be re-painted if renovated). The new dwelling's siting/orientation away from Old School Road also helps reduce the fully extent of the front elevation. Currently, the existing dwelling faces almost directly towards and down Old School Road and therefore the proposal has the potential to reduce this.

6.2.12 With the exception of the front elevation and southern gable elevation, the remainder of the dwelling would be screened from public views. The works to the rear of the property would not be apparent from public views.

6.2.13 The proposal does involve the slight increase of the residential curtilage to accommodate a safety new vehicular access and consequent underground driveway (and patio above). However, the driveway will be mainly screened from public views (exception from standing directly adjacent to the new access) as the ground fronting the dwelling will be re profiled to tie into the topography of the neighbouring field (northeast of dwelling). New landscaping will be planted to the bank of the re profiled land and in a fairly short period of time the works/landscaping proposed within the proposed extension of the curtilage, would not be significant or noticeable. A condition should be attached which restricts any formal planting or any shed/green house, fencing/walling etc to this new bank. Overall, the extension of this curtilage which essentially enables a safety vehicular access (existing to be blocked up), and does not result in a significant, useable areas of the adjacent field and therefore is considered acceptable, complying with EP 1 & 2.

6.2.14 Overall, while the proposal is substantially larger than the existing dwelling, given the high quality design, appropriately pallet of finishes, low profile form, dwellings orientation/siting on the site and the woodland backdrop of the site (would be retained) it is considered that the proposal would not adversely affect the countryside or harm the character and quality of the landscape as per the requirements of Environment Policies 1 & 2.

## 7.0 CONCLUSION

7.1 In conclusion, it is considered there are arguments for and against, whether the principle of the replacement of the existing dwelling complies with Housing Policy 12 or not. The existing has some architectural interest and perhaps an argument that the property should be retained could be accepted. Alternatively, in this case the appearance of the existing property with the "off set" windows maybe not considered to represent a traditional styled Manx traditional farmhouse design; albeit could be considered to be more unusual and a reason to retain the dwelling. It is a fact the living conditions, namely light and outlook (rooms to rear) is not of a high standard, being north easterly facing windows (sun orientation east to west), only single small windows to the rear and side elevations, mature landscaping to the southern boundary which are above the dwelling, all results in a property

with dark rooms and a feeling of enclosure. Even with the renovation of the existing property and extension, it is potential this aspect of the dwelling would likely not be overcome. The new proposal with large amounts of glazing to all elevations will provide a much higher level of living standards and take more advantage of the wonderful views from the site. While this is not a sole reason to allow the application, again it is a matter which needs to be considered when balancing all the material planning matters.

7.1.1 In relation to Housing Policy 14 and the visual impact, due to the size increase of the proposed dwelling, it cannot be ignored that the proposal is an increase in size over that of the existing. However, for the reasons outlined in this report it is considered the proposal could be considered to comply the elements of HP14 which identify innovative, modern design where this is of high quality and would not result in adverse visual impact would be supported. The proposals which result in a larger dwelling than the existing does make the argument that the proposal would have less visual impact is difficult; albeit the design, finishes, lower profile roof/form, siting and the backdrop of woodland landscape features; all do help to reduce the visual impact of the proposed larger dwelling.

7.1.2 Further, for the reasons indicated within paragraphs 6.2.3 to 6.2.13 of this report, it is considered the proposal would not harm the character or appearance of the site or landscape of the area. This is important as the requirements of Environment Policy 1 & 2 indicate that the countryside should be protect for its own sake and that development that would adversely affect the countryside and harm the character and quality of the landscape should not be allowed. From these policies Housing Policy 14 was introduced to help control the re-development of existing sites in the countryside. The pre-amble of HP14 indicates that; "It is important that replacement dwellings should relate closely to the buildings they replace in terms of siting and size, that the resulting visual impact is appropriate for the countryside...". Again it is considered the resulting development would not harm the character and quality of the landscape which is arguable the most important consideration. It is considered the resulting development would result in a well-designed and high quality development which should be supported and encouraged, especially as the visual impacts are not considered significant or adverse.

7.1.3 For the reason indicated within this report, it is considered the proposal would be acceptable, having no adverse impacts upon private or public amenities and complying with Environment Policy 1, HP12 & HP14 of the Isle of Man Strategic Plan. It is recommended that the application be approved.

## OTHER MATTERS

7.2 Comments have been received in relation to impacts upon the existing public highways in the area during the construction process. While understandable concerns, these are no material planning matters (i.e. construction impacts) which the Department can take into account.

## 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 20th June 2022

---

### Item 5.10

**Proposal :** Conversion and extension of nurses' home to provide 37 apartments and cafe with takeaway with associated car, motorcycle and bicycle parking and landscaping

**Site Address :** Nurses Home  
Westmoreland Road  
Douglas  
Isle Of Man  
IM1 4AJ

**Applicant :** Department For Health And Social Care

**Application No. :** 22/00254/B- [click to view](#)

**Principal Planner :** Mr Chris Balmer

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

---

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

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

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

C 2. The development hereby approved shall not be occupied or operated until the parking areas have been provided in accordance with the approved plans IOM- EWA- ZZ- ZZ- GA- A- 17701 REV P1. 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 parking provision is made for off-street parking

C 3. The development shall not be occupied or operated until the secure and/or covered bicycle stores and motorcycling parking bays have been provided in accordance with the approved plans IOM- EWA- ZZ- ZZ- GA- A- 17701 REV P1 . The secure and covered bicycle store and/or motorcycling parking bays shall be retained at all times thereafter.

Reason: To promote sustainable travel in the interests of reducing pollution, congestion and given the lack of parking provision within the site.

C 4. The development shall not be occupied or operated until the secure and covered bin stores have been provided in accordance with the approved plans IOM- EWA- ZZ- ZZ- GA- A- 17701 REV P1 and 2781\_LG(9-)01 REV P0. The secure and covered bin stores shall be retained at all times thereafter for this purpose.

Reason: To ensure adequate and appropriate bin storage.

C 5. Prior to the occupation of the apartments hereby approved details of the rear boundary (northeast) treatment shall be submitted and approved by the Department and these shall

be completed prior to the occupation of any apartment and retained thereafter unless otherwise agreed in writing with the Department.

Reason: To improve the residential amenities of the occupants of the ground floor apartments.

C 6. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, windows, new brickwork and movement joints have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details unless otherwise agreed with the Department.

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

C 7. No development shall commence until an alternative means of fall arrest system to the roof have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details unless otherwise agreed with the Department.

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

C 8. All planting, seeding or turfing comprised in the approved details of landscaping on drawing IOM-EWA-ZZ-ZZ-DR-L-79001 REV P0 must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the development, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. The hard landscaping works (i.e. footpaths etc) shall be completed in full accordance with the approved details prior to the first operation/occupation of the development thereby permitted.

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

C 9. The area identified as "café" at ground floor level and as shown on drawing IOM- EWA-ZZ- ZZ- GA- A- 17701 P1 is permitted to operate under Use Classes 1.3 & 1.4 only.

Reason: Approval has been sought for these uses only and has been considered as such.

C 10. All recommendations listed within the approved "Protected Species Report" prepared by Manx Wildlife Trust dated January 2022 (Section 6.1) are to be fully adhered to.

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

C 11. The development shall not be occupied or operated until the bat, bird and bee boxes as shown on approved drawing IOM-EWA-ZA-ZZ-GA-A-70501 REV P1 (additional as per Ecosystem Policy Office comments are also approved) and shall be retained at all times thereafter.

Reason: In the interest of bio-diversity of the site.

Reason for approval:

The proposed application requires a balanced decision, against the scheme is the "clear and pleasant" outlooks for some of the apartments to the rear of the building, the lack of affordable housing provision on the site at this time (albeit off set for a future development

or a commuted sum payment) and lack of on-site parking. These factors go against the application.

However, a balance needs to be taken and whether the positives of developing the site sufficient outweigh these concerns or not. In favour the site is designated for mixed use and this proposal for residential and for a café would comply with this designation and fit well within this area of Douglas, which is the main settlement for housing, services, education, shops, employment & public transport and the most sustainable town on the IOM. The aims of the IOM Strategic Plan and the Area Plan for the East both promote sustainable developments which can utilise existing services and have good transport links. Clearly, therefore the principle of developing the site for residential development/cafe weight in favour of the application. Further, the proposal to redevelopment an existing building of architect, historical and social interest, while extending in a sensitive and appropriate way all weighs significantly in favour of the development.

On balance, and in light of the above, it is concluded the proposals complies with the relevant planning policies of the Isle of Man Strategic Plan 2016, Residential Design Guide 2021 and the Area Plan for the East 2020 and therefore it is recommended the application is approved.

---

### **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:

Public Estates & Housing Division (DOI)  
The IOM Fire and Rescue Service

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

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

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

---

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

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPSOAL WOULD RESULT IN A DEVLEOPMENT OF 8 OR MORE RESIDENTIAL UNITS

## 1.0 THE SITE

1.1 The application site is the curtilage of the Former Nurses Home which is a substantial five storey detached building which is located to the northern side of Westmoreland Road and north of the recently constructed Henry Bloom Noble Primary School within Douglas. The building is "Art Deco" in appearance/style albeit was constructed in the 1950's. The building accommodated 101 bedsit rooms (originally 126 rooms) with communal facilities and an Entertainment Space / Hydrotherapy Pool for the then occupants.

1.2 The site includes land to the front and rear of the building, together with the route through the adjacent car park (west of building) to access the site, albeit does not include the adjacent car park which has been used for the purposes of Manx Care given the health facilities opposite the site.

## 2.0 THE PROPOSAL

2.1 The application seeks full approval for the conversion and extension of nurses' home to provide 37 apartments (seventeen 2 bed units & twenty 1 bed units) and cafe with takeaway with associated car, motorcycle and bicycle parking and landscaping.

2.1.1 The main alterations to the external of the building are the construction of an additional floor to the building above the existing roof and the rebuilding of the existing fourth floor. The extension to either side of the clock tower and would run the full extent of the building, albeit is set back slightly from the elevations of the building. The extension would be finish mainly in glazing to give a lightweight appearance. The fourth floor re-build would match the existing in terms of finish, design and window layout. Movement joints are proposed to be installed throughout the building.

2.1.2 The new café would be located at ground floor within the original Entertainment Space.

2.1.3 Other main external works include;

- o Cleaning of existing brickwork and repointing;
- o Replacement of existing uPVC windows/doors with aluminium windows/doors of the original Art Deco design;
- o A total of 6 on site parking spaces (4 accessible spaces and 2 electric vehicle spaces);
- o The existing feature curved Critall Windows to the east and west gable elevations will be repaired and restored and damaged glazing replaced, however should this not be possible then new windows shall be manufactured in a similar style;
- o The rear external fire escape will be removed (no longer suitable or required for fire escape);
- o reinstatement of the clock within the clock tower;
- o repair/replace door/window lintels and/or cills;
- o landscaping to Westmoreland Road;
- o Covered bin storage to rear (commercial and residential bins); and
- o Cycle rack provision.

2.1.4 For information the applicants are the Manx Development Corporation which is a new arm's length company with sole shareholder, the Isle of Man Treasury. The vision is to make a long-term contribution to urban and brownfield regeneration and be a catalyst for the positive transformation of the Island's urban landscape for the benefit of all Manx citizens. The regeneration of the Former Manx Care Nurses home on Westmoreland Road will be the first project for the Corporation. This project will seek to reinforce the mission statement standards of the organisation to focus on high quality regeneration of key sites and disused buildings with a strong focus on sustainability.

### 2.1.5 The applicants comment;

"The aim of this application is to take a well-loved, derelict, landmark building and repurpose it to create contemporary homes of the highest standard for rental. It is hoped that this opportunity will attract keyworker, graduates and young professionals and offer a steppingstone for retention and attraction of talent to the island."

## 3.0 KEY DOCUMENTS / POLICY

### 3.1 Material Considerations

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

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

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

### 3.2 Area Plan for the East 2020

3.2.1 The application site is within an area recognised as being an area of "Mixed Use" under the Area Plan for the East 2020. The site is not within a Conservation Area.

3.2.2 Development in areas of 'mixed use' There are a number of areas of 'mixed use' outside of Douglas town centre. Some are identified by a site number on the Maps and others are not, for instance Village Walk in Onchan does not have a site number. Development types within areas of mixed use generally comprise a variety of different but compatible uses. Appropriate new uses may include a mix of shops and some services (financial and professional), food and drink, office and light industry, research and development, tourist and residential uses, and other uses such as clinics or health centres, childcare or education, community facilities, and places of assembly and leisure. Uses which are not compatible with residential development will generally not be supported within the areas of mixed use.

### 3.3 Isle of Man Strategic Plan 2016

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

3.3.2 The Strategic Aim is: "To plan for the efficient and effective provision of services and infrastructure and to direct and control development and the use of land to meet the community's needs, having particular regard to the principles of sustainability whilst at the same time preserving, protecting, and improving the quality of the environment, having particular regard to our uniquely Manx natural, wildlife, cultural and built heritage."

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

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

- (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;
- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and

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

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

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

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

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

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

- (a) species and habitats of international importance:
  - (i) protected species of international importance or their habitats; or
  - (ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites.
- (b) species and habitats of national importance:
  - (i) protected species of national importance or their habitats;
  - (ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest;or
- (iii) Marine Nature Reserves; or
- (iv) National Trust Land.
- (c) species and habitats of local importance such as Wildlife Sites, local nature reserves, priority habitats or species identified in any Manx Biodiversity Action Plan which do not already benefit from statutory protection, Areas of Special Protection and Bird Sanctuaries

and landscape features of importance to wild flora and fauna by reason of their continuous nature or function as a corridor between habitats.

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

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

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

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

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

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

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

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

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

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

The current standards are set out in Appendix 7."

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

3.2.17 Strategic Policy 10 states: "New development should be located and designed such as to promote a more integrated transport network with the aim to: (a) minimise journeys, especially by private car; (b) make best use of public transport; (c) not adversely affect highway safety for all users, and (d) encourage pedestrian movement."

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

3.2.19 Community Policy 10 states: "Proposals for the layout and development of land will be permitted only where there is provided proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes."

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

3.3 Residential Design Guide - July 2021 - specifically relating to "Sustainable Construction" which includes a section of Climate Change

#### 3.4 Climate Change Bill 2020

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

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

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

(2) This paragraph does not apply to —

(a) an application for change of use only;

(b) an application for approval of reserved matters;

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

(d) a minor changes application.

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

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

(i) the maximisation of carbon sequestration;

(ii) the minimising of greenhouse gas emissions;

(iii) the maintenance and restoration of ecosystems;

(iv) biodiversity net gain;

(v) the need for sustainable drainage systems; and

(vi) the provision of active travel infrastructure; or

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

3.4.1 The Climate Change Bill has received Royal Assent; however, has not yet become an Act (Appointed Day Order has not yet been agreed for it to come into force) and therefore has only limited material planning weight. However, it does give a clear direction of travel. All these matter will be considered in the relevant sections later in this report.

## 4.0 PLANNING HISTORY

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



4.2 Construction of a car park, Garden Area, Nurses Home, Noble's Hospital, Westmoreland Road, Douglas - 87/01322/B - APPROVED. It appears this parking area was approved for use by the then Nobles Hospital on Westmoreland Road, rather than the Nurses Home; which since it was originally constructed in 1953 has never had any dedicated parking associated with it.

## 5.0 CONSULTATIONS

5.1 DOI Highway Services have made the following comments;

23.03.2022

"The refurbishment scheme will reduce the overall number of units of accommodation within the building from 101 singles to 37 units of which 20 are to be single bed and 17 two bed units.

The site is accessible, being within a mile of Douglas town centre. There is a bus stop directly in front of the site with stops on the other side of the road and these serve the 4B and 13 routes to Peel and the west weekdays and Saturdays, mid morning to early evening under the current winter timetable with access to the rest of the Island's bus services within a ten minute walk at the Lord Street interchange. Accessible and cycle parking spaces are to be provided.

The existing shared vehicular access and service route will be retained with vehicular traffic entering the site from Westmoreland Road through the car park and passing behind the existing building and out onto Demesne Road. It is considered it would remain fit for purpose.

Within the site, six car parking spaces are to be retained on repositioning and repurposing. There are to be four accessible spaces provided. Two for the café on what is now a grassed area at the north west of the building, and two for the apartments at the other end of the site, towards the exit onto Demesne Road. Another two are to be allocated for electric vehicle use.

The IOM Strategic Plan requires one space per one bedroomed apartment and two for two beds and above and for town centre shops space must be available for service vehicle use and neighbourhood shops should have spaces for staff customers and service vehicles. In combination, this would equate to a total of 54 parking spaces. Notwithstanding, these car parking standards may be relaxed, in the case of town centre and previously developed sites. Consideration can be given to reducing requirements, including:

- o the location of the housing relative to public transport, employment, and public amenities
- o any occupancy restrictions
- o the impact on the character and appearance of the surrounding area
- o the need to find a use for redundant buildings which are in sound condition and this requirement outweighing the drawback of any shortfall in parking provision.

In this instance, a reduction is accepted with a reasoned justification presented. The IOM Strategic Plan car parking standard cannot be realised. It is impossible to provide the required amount of car parking within the site. The adjoining the car park was and is not for the specific use by occupants of the proposal building with it being used by other adjacent land users.

The building is of historic and architectural interest and proposed for reuse with limited parking associated with it and these spaces are not lost. Further context can be given in comparison with a multi-occupation facility should the building have remained habitable. There would be still a theoretical shortfall similar in amount to the IOMSP car parking standard for flats. A typical UK parking standard for HMO's in absence of one from the IOM is

one space per two units, equivalent to 51 spaces. It is recognised that there are pressures associated with on-street parking on the adjoining public roads and this development could exacerbate it. Yet, this space is finite, and predominately, controlled with a limit of two hours during the daytime. It is used on a first come first served basis and unlikely to be always available to users of this proposed development who may choose to own or use a car. Occupants could be made aware of the on-site and nearby facilities on letting which would dampen parking demand.

Furthermore, the scheme is intended for shorter-term occupancy whose residents may not need or want a car. The Applicant could consider providing two pool vehicles for hire to residents and to widen mode choice. These could be electric and take up the two evcp parking spaces.

Residents may take up bicycle ownership. There is to be secure bicycle storage in the basement. Originally, there was such provision. In this case, there is to be 54 cycle spaces allocated for residents, including facilities for electric bicycle charging. Four places are to be for the staff in the commercial unit, long with six Sheffield type cycle hoops at ground level outside the building for the commercial facility. There are to be five motorcycle bays. These amounts are in accordance with Manual for Manx Roads requirements.

All motorised vehicle parking bays are suitably dimensioned. For the basement bicycle parking, further details are necessary on the steps as well as access and passage through the first doorway to those for the residential block to show how the cycle parking areas are easily reached, such as by a profile and swept path.

Waste bins are to be accessed from the service road and can be reached by a large waste collection vehicle as demonstrated by the swept path analysis with commercial waste separated from the residential. Douglas Borough Council may comment further.

The Applicant / Developer will be required to install surface water drainage where necessary to ensure its containment within the site.

The submission references a Transport Assessment as being unnecessary for this application. HDC confirm this is the case. The number of proposed units is below the threshold and there are fewer proposed than existing.

Overall, given the context and policy tests on car parking, the proposal is acceptable in the main. Further details are necessary on the bicycle parking access.

Recommendation: Additional details"

08.04.2022

"Highways Development Control notes the additions uploaded on 6 April 2022 and for the most part address the issues raised by HDC. The dimensions and layout of the accessible, electric vehicle and motorcycle spaces are acceptable. For the bicycle parking, those within the basement tunnel along the steps to serve the bicycle store within the basement is acceptable and there should be space to access through the doors and to reach and use the racking. There is a concern as to whether there is adequate height within the basement for two-tier racks and this should be confirmed to ensure the quantity for the residential provision can be met. All other bicycle parking is acceptable."

5.2 Douglas Borough Council makes the following comments;

25.03.2022

"I am in the process of compiling a report for the Council's Environmental Services Committee who will be reviewing the application in due course.

Having now had the opportunity to look through the application I have noted within the applicant's planning statement that they believe that the project would be unviable if they were to contribute towards affordable housing or provide affordable housing as part of the development (if suitable). The planning statement also refers to public open space and infers that because these units will "unlikely be occupied by persons with children" and because there are recreational facilities already within the town, (the applicant refers to the NSC, bowling green ect being close to the proposed development) the applicant states that if a commuted sum were required that it would add additional costs to the project and undermine the financial viability of the scheme.

Given these statements are being made at such an early stage of the project I would kindly ask if the applicant will be required to provide a financial viability assessment prior to any recommendations being made as to whether the application should be approved.

It would be extremely beneficial to also have a view on the applicant's planning statement from the Department of Infrastructure's Public Estates and Housing Division who I believe is responsible for Section 13 Agreements relating to the provision of affordable housing and contributions in lieu of providing affordable housing within a development.

As the applicant has not provided a financial viability assessment to demonstrate whether there are grounds to reduce the requirements for affordable housing contributions or to provide affordable housing as part of the project, it is unlikely that the application could be recommended for support at this stage based upon the lack of information provided to date although any final decision as to whether the Council will support or object would be made by the Council's Environmental Services Committee.

I also note that concerns have been raised in relation to the lack of on-site parking provision within the development. This particular part of the town has some major issues with parking and although it is accepted that this is a separate issue, it would be extremely helpful to have comments from the Highways Services Division of the DOI in relation to the adequacies of the parking proposals as well as the applicants proposals for bicycle parking as to whether these comply with the design guidance for bicycle storage from the Manual for Manx Roads.

I very much appreciate that the application has only just been advertised (18/03/22) so this information may be forthcoming, however until such time that this information has been made available we will not be able to provide you with our comments on the application."

06.04.2022 - Head of Parks, Douglas Borough Council

"This development would be subject to a section 13 agreement between the Council and developer for off-site open space provision. The charge for the development indicated below would be £23,040. The sum would be spent within the Borough to improve or enhance open spaces or features."

16.05.2022

"Following consideration of the planning application listed above by the Council's Environmental Services Committee at a meeting held on the 16/05/22, I can advise that after careful consideration the Committee resolved to support the application conditional upon the developer entering into a Section 13 Agreement with Douglas Borough Council as a contribution towards the provision of community recreational open space for which a figure has already been provided to the applicant."

5.3 Public Estates & Housing Division (DOI) make the following comments;

28.03.2022

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

Current data drawn from Housing Division records for Douglas indicates that there are 203 persons on the general public sector waiting list for affordable housing to rent in the area.

There are 151 persons without children on the First-time Buyers Register seeking to purchase a first home in the east of the Island, including Douglas. Of this total number of applicants, 49 are on the Active Purchaser List who are seeking to purchase a home within the next 12-18 months. This figure is not indicative of likely final purchases as the ability to progress to completion would depend upon personal circumstances and mortgage ability at point of allocation.

The department would request that consideration be given by the Planning Committee to include a requirement, in respect of any approval granted for this site, for the applicant to enter into a Section 13 Agreement with the Department to provide either affordable housing, based upon the usual calculation of 25% of the number of units approved within the application, or an equivalent Commuted Sum.

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

5.4 Ecosystem Policy (DEFA) make the following comments;

30.03.2022

"The Ecosystem Policy Team are very glad to see that ecological consideration was undertaken at an early stage and that a Protected Species Report written by the Manx Wildlife Trust dated January 2022 has been submitted with this application. We can confirm that a suitable level of assessment has been undertaken and the MWTs report is all in order.

We request that the mitigation measures detailed in section 6.1 of the MWTs Protected Species Report, are secured as a condition on approval. This includes either an inspection of the basement or a summer emergence survey for bats between May - August. A report detailing the findings of these investigations, with any additional mitigation measures, should be submitted to Planning for written approval prior to works impacting on the basement from taking place.

We are also pleased to see that a number of enhancements for wildlife have been included on the new building, this includes, bee, bat and bird boxes, and they are to be located on suitable elevations and heights. We therefore request these measures are secured via a condition on approval.

Our one observation in regards to these features would be to ask, if possible, if a couple more swift nest boxes could be installed on the northeast or northwest elevations, close to where the swift box is proposed on the northeast elevation. We request this because swift numbers have declined dramatically across the UK because of nest site losses, swifts like to nest communally where possible and because the location and height of the building is very suitable for swifts and therefore presents a very good opportunity to support more than 1 breeding pair.

In regards to the planting schedule, we note that 2 non-native invasive plant species listed on Schedule 8 of the Wildlife Act 1990 are included: *Griselinia littoralis* and *Cotoneaster Gnom*.

It is an offence to plant or otherwise cause to grow in the wild, any plant listed on Schedule 8.

We would therefore request that these species are removed and replaced with non-invasive shrubs."

5.5 The IOM Fire and Rescue Service comments;

15.05.2022

"The developer has been in contact with us in relation to the development. We need to go through the strategy in more detail as a quick scan still references the Fire safety Order which is not in force on the island and it refers to the HMO & Flats Regulations as guidance, it isn't it's the legislation they have to comply with. Also the last meeting we had it was confirmed that this building would be flats and not a HMO as mentioned in the complainant's letter.

I will ask Mark Walker to see if we have an officer free to go through the strategy, if not I will go through it later on in the week when I am back in.

So basically to answer your question we are working with the developer to ensure compliance with the relevant legislation. If we come up against any major issues we will let you know."

18.05.2022

"Further to the below, we are continuing to work with the developer to ensure compliance with the relevant legislation and several points that I have picked up from the strategy this department will clarify with the developer directly.

The building design as shown, along with a finalised fire strategy would meet with this departments requirements to comply with the relevant legislation."

5.6 The owner/occupier of 16 Brighton Terrace, Douglas objects to the application which can be summarised as (15.03.2022); As a local resident (Brighton Terrace), this proposal has limited to no parking identified for the proposed 37 flats and café/commercial properties being considered and will cause an increase in cars trying to park on the roads, increased traffic around the school entrance, problems for residents and visitors to the medical centres around the site which cannot be overcome by providing a "cycle park" within the building; The area is currently heavily residential with commercial businesses taking up the majority if not all the available on street car parking, especially the multiple garages and businesses in Demense Road with little or no parking on their premises; It is already difficult to park during despite it being a disc zone area, causing problems for both residents and businesses; Providing 2 disabled bays for a café and 2 for the residents is not sufficient and will put more traffic onto the surrounding roads, especially as the amount of apartments far exceed the parking availability despite the claim for providing sufficient bicycle parks within the building (surely that will only work if a caveat is put on any potential tenants that no vehicles will be permitted and no parking permits can be issued to any tenants); and it is totally unrealistic to expect any tenants (even temporary/short term/contract workers) not to have a vehicle whilst on Island and as such any planning consent should include the sufficient parking needs as determined within the strategic plan requirements.

5.7 The owner/occupier of 7 Belmont Hill, Douglas objects to the application which can be summarised as (13.04.2022); Having been inside the building while it was in use I can confirm that it was in effect several HMO's with shared facilities rather than individual self-contained apartments; housing policy 5, requires 25% must be affordable; the existing fire escape at the rear of the building and additional stairwells and that these have been removed

from the proposed scheme; I would turn your attention to the Fire Precautions (Houses in Multiple Occupation and Flats) Regulation 2016, 2016/0218, a statutory document that must be given the same if not greater material weight as the strategic plan itself; Section 26 of the act specifies that there is a need for a secondary means of escape from the 5th story or higher (4th Floor); Smoke extraction is not a replacement and is not suitably addressed in the fire safety report provided by the developer; The response from the developer to DBC does not provide details of their feasibility study but merely states that it will be a 2 million loss of value to the tax payer if sold on the open market and therefore the value of the development itself is -2M; I do not consent to this waste of tax payers money; Knock it down and let the community create some much needed allotment provision in Douglas instead; parking provision is illogical; Even if any future tenants know they don't have a car space they will still be entitled to a permit within the district outside of the planning application process.

## 6.0 ASSESSMENT

6.1 Given the land-use designation and the type of development the following elements are relevant to consideration in the determination of this application:

- (a) principle of development;
- (b) potential impact upon highway safety/parking provision
- (c) potential impact of the works to the street scene
- (d) potential private amenity for future occupants
- (e) potential impact upon neighbouring amenities;
- (f); potential drainage/flooding issues;
- (g) affordable housing provision;
- (h) open space provision;
- (i) ecology;
- (j) fire provision; and
- (k) Energy/sustainable construction/biodiversity

## PRINCIPLE OF DEVELOPING THE SITE FOR RESIDENTIAL PURPOSES

6.2 As stated earlier in this report, the application site is located within a wider area of land that is designated as "Mixed Use" under the Area Plan for the East. Accordingly, the principle of using this site for residential and a cafe is considered acceptable given its land use designation. However, this is not an automatic reason to approve the application as there are other issues outlined that need to be considered also.

## POTENTIAL IMPACT UPON HIGHWAY SAFETY/PARKING PROVISION

6.3 The impact upon existing on-street parking is arguably one of the main concerns with the proposal. The site when originally constructed in 1953 was purpose built to be nurse's staff accommodation for the immediately adjacent Nobles Hospital. Accordingly, given this location there was no parking associated to the nurse's home. Further, levels of car ownership were significantly less than today. Also, its location and proximity to Douglas Town Centre would have meant the nurses would have been able to walk into the town for shops/services. It is also presumed bus services would have been nearby to the nurse's home/Nobles Hospital.

6.3.1 The nurse's home accommodates 101 single units and the proposal would result in 37 units of which 20 are to be single bed and 17 two bed units. This equates to a parking requirement of 54 parking spaces, just for the apartments. In terms of the café which is also proposed to offer a takeaway service (Use Classes 1.3 & 1.4) the IOMSP doesn't specifically comment on the parking requirements for café/takeaway. It does indicate that for "Neighbourhood shops" that "Spaces for staff, customers, and service vehicles will be required" but does not indicate a number. It is noted Highway Services refer to "Town Centre Shops"; however, this site is not designated within Douglas Town Centre under the Area Plan for the East and therefore this designation does not apply. For reference the

"Town Centre Boundaries" run along Bucks Road and Circular Road, which are approximately 300+m away from the site. Highway Services have calculated that overall there is a parking requirement for the development of 54 parking spaces.

6.3.2 The proposal would provide a total of six spaces for the whole development, this being 4 accessible spaces and 2 electric vehicle chargers. There are also 5 motorcycle bays and the provision of bicycle parking in the basement in accordance with the BREEAM standards (one per bedroom) plus bicycle parking for staff and some for customers of the cafe. Accordingly, the development is clearly well below the required parking standards as outlined by the IOMSP and could be considered contrary to Transport Policy 7. Also General Policy 2 (h) requires development to provide satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space.

6.3.3 However, it should be noted that the IOM Strategic Plan does indicate that;

"Town centre and brownfield residential development - Typical residential standard may be relaxed in accordance with paragraph A.7.1 above."

6.3.4 Paragraph A.7.1 states these maybe relaxed where;

"(a) would secure the re-use of a Registered Building or a building of architectural or historic interest; or

(b) would result in the preservation of a sensitive streetscape; or

(c) is otherwise of benefit to the character of a Conservation Area.

(d) is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on street parking in the locality."

6.3.5 The General Policy 2 (h) also requires development to provide satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space.

6.3.6 In terms of the application it is considered the proposal could be considered to meet the majority of the potential relaxations.

6.3.6 Firstly, the building is of architectural interest and is in a prominent location within Douglas. While not in a Conservation Area nor a Registered Buildings; given the architectural interest of the building the Registered Building Officer has made the following comments (12.05.2022);

"The applicants have engaged with me through the entire process, although the Nurses home is not a registered building nor located within a Conservation area, it has a social interest and a level of architectural interest.

I fully support the reuse of the building the scheme is considered and works with the positive elements of the building enhancing its character. Could we please condition materials and finishes including windows and new brickwork; Conditions should include method statement and details of the proposed movement joints, I would also question the proposed fall arrest system due to potential visual impact, could other systems be considered that are less visually intrusive?"

Accordingly, it is clear from these comments that the view that the building has architectural interest is supported by the Registered Building Officer.

6.3.7 Second the proposal would preserve the sensitive streetscape. While the visual impact of the works will be considered later in this report, the proposal would be retaining the existing building and making no significant alterations to it. Further, the proposal to reuse the building and to convert in a sensitive manner as proposed would be beneficial to the street scape/area.

6.3.8 The third exception does not apply as the site is not within a Conservation Area, and from public views it is not especially visible (if at all) from adjacent Conservation Areas.

6.3.9 In terms of the fourth exception reason, there are bus stops immediately next to the site (fronting the building on Westmoreland Road). These bus stops (4B & 13) all run from the site to Lord Street Bus Station and in the other direction the bus services 13/14 runs up to Cooil Road (IOM Business Park) and then return to Douglas, while the 4B Services travels to Peel and then back to Douglas. These services are limited and not especially regular hours and limited on Saturdays and no Sunday/Public Holiday services. However, it should be noted that main bus routes are located on Circular Road and Bucks road which are all within less than 5mins walk away and provided access throughout the IOM. The site is within less than a minutes' walk of a GP's surgery (Kensington Health Centre) and the Spar convenience store. Further, the site is approximately 700m from Stand Street/Victoria Road (Starbucks) which is approximately an 8 mins walk. It is considered the site is a prime example where the standards could be relaxed. However, the question is perhaps how much they should be relaxed.

6.3.10 In terms of relaxation as indicated above, the proposal could comply; albeit the requirement does still require the applicants to demonstrate a reduced level of parking will not result in unacceptable on street parking in the locality. This is difficult to demonstrate. On street parking (Westmoreland Road, Demesne Road, Allan Street, Hillside Avenue and Upper Church Street) in the locality is in high demand during the day (health services/residents/local businesses and school drop off & pickups) and during the evening (residents). All the local roads have Parking Permit systems in place, for this very reason, parking is in high demand. Generally, the Department would seek a parking survey been undertaken for a suitable period; however, in this case there would appear to be little point, given it is accepted by the Department and the applicants that on-street parking is in high demand throughout the day and night, so it is considered this is unlikely to be demonstrated in this location.

6.3.11 It is perhaps important to note the applicant's intention for the building which is reflected by the costs of developing the site and the accommodation the applicants are trying to provide. The applicants have indicated that;

"...It is the applicant's intention that the accommodation be provided for people who don't currently live on the Island and who would use the accommodation on varying lengths of short stay either whilst they are here on business or for contracted working or whilst they find more permanent accommodation. It is notable that in the local press it has been reported that the Island's younger population are moving off Island or not returning after having left in pursuit of further education elsewhere, due to unaffordable housing here on the Island. This scheme could provide accommodation to help with this.

As such, it is not envisaged that the potential occupants would necessarily have, want or need their own vehicle."

6.3.12 The applicants accept that; "the planning process cannot generally control the occupants of a building or whether they have their own vehicles but the Strategic Plan makes it clear that exceptions may be made in certain circumstances."



6.3.13 Overall, the proposed uses (residential/café) of the site will result in additional parking requirements to the site and on-street parking in the area. How much by is very difficult to determine. If the applicants proposal that the units would be used on varying lengths of short stay either whilst they are here on business or for contracted working or whilst they find more permanent accommodation, there is the potential that people may not bring their cars, until such time they have either settled elsewhere and found other places to stay on the IOM or have completed their contract and returned back to their home for example. The applicants have also suggested that some of the units maybe to accommodate younger population who are currently moving off Island or not returning after having left in pursuit of further education elsewhere, due to unaffordable housing here on the Island. Again, car ownership levels for this type of use is difficult to predicted. This can be said for any users of the apartments.

6.3.14 However, the fact remains that the existing building with 101 units will of created a parking requirement to the area in the same way, and again the level of car ownership would have varied during its former usage. Arguably, similarly to what is current proposed. Any use of this substantial building is going to create a parking requirement in the local area. The only possible way to provide the level of parking on the site would be to demolish the building and construct a new building with levels of underground parking. But given the buildings history and architectural interest may not be the preferred option, but potential the easiest way to have all parking on the site.

6.3.15 Perhaps, the underlining point is the sites sustainable location being closer to services, shops, employment, facilities, public transport links and walkable distance into Douglas Town Centre, with all of the above being under 10mins walk from the site or less. Douglas is the main settlement and most sustainable location on the IOM. Further, Strategic Policy 10 indicates that new development should be located and designed such as to promote a more integrated transport network with the aim to: (a) minimise journeys, especially by private car; (b) make best use of public transport; (c) not adversely affect highway safety for all users, and (d) encourage pedestrian movement. This would comply with all of these requirements. Accordingly, for these reasons it is considered while there will be an impact upon parking in the locality (any use of building would) it is considered in this case the benefits of the proposal to develop this brownfield site with the conversion of the building all outweigh the concern of lack of car parking provision on the site.

6.3.16 It should be noted that when converting any historical building on the IOM, especially in Douglas, it is high likely that adequate parking provision will not be meant onsite.

#### POTENTIAL IMPACT OF THE WORKS TO THE STREET SCENE

6.4 As outlined within sections 2.2 to 2.4 the majority of the works would repair/restore the original brickwork and repair/replace the existing windows and doors (if needing replacing they would be replaced with similar art deco style). These works would be beneficial to the visual appearance of the building and street scene. The entire fourth floor would be replaced on a "like for like" basis due to structural defects. This would raise no concerns.

6.4.1 As outlined the main works relate to the top floor extension. This would be partially apparent from several places along Westmoreland Road, the closer to the building viewed the less obvious the top floor extension would be. The clearest Westbourne Drive and St Catherine's Drive to the northwest of the site, which given these roads relevant position would have clear views of the top roof extension, albeit at a distance. Views from Demesne Road would also see the roof extension; albeit given existing buildings along Demesne Road these are limited. More distant views are also achieved from the New Castletown Road (junction with Annacur Lane).

6.4.2 While the top floor extension will be apparent from certain public locations; it is considered given its design, mass, scale, form and finish of the extension, it would appear as a light weight additional to the original building and give a clear delineations between old and new. This when done correctly works well and the Department have seen similar works, mainly to converted Manx barns where a clear different design approach and use of different finishes works well. It is considered this proposal would also work well and fit well with the existing building and street scene.

6.4.3 There is some concern with the roof level safety railings, which is shared by the Registered Building Officer. A condition should be attached for an alternative arrangement for safety (i.e. harness type system instead).

6.4.4 Overall, the proposed scheme would be beneficial to the existing building and would respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them and further does not affect adversely the character of the surrounding landscape or townscape. Accordingly, the proposal would comply with General Policy 2 in these respects.

#### POTENTIAL PRIVATE AMENITY FOR FUTURE OCCUPANTS

6.5 As outlined within Housing Policy 17 each dwelling needs to have a "pleasant clear outlook, particularly from the principal rooms". Further, General Policy 2 (h) indicates that development; "Provides satisfactory amenity standards in itself...". In this case from the open plan living room/kitchen/dinner rooms all of the proposed apartments are served by at least two windows (some more). The apartments to the south west elevation (front) of the building all have clear and pleasant outlooks and no concerns is raised from this respect.

6.5.1 The apartments located to the northeast elevation (rear) there is some concern, especially those at ground and first floors. Their views are of the adjacent gable elevation of the adjacent carpet shop and industrial units (garage workshops/car park of garages). It is considered a condition should be attached which requires a well design rear boundary which would help mitigate the potential poor outlooks. At 2nd floor and above the outlook improves, albeit it needs to be understood the outlook would not be "clear and pleasant" until the fourth and fifth floors apartments. These apartment to the north east elevation especially at lower levels would also be quiet dark, given the suns orientation (east to west) and height of the building. This aspect of the proposal goes against the application, as it is considered difficult to argue that some of the apartments to the rear would have a "clear and pleasant" outlook.

6.5.2 Of course this concerns needs to be balanced against the fact the proposal is to convert the building rather than a new build. The existing building while large, its existing corridors/stairwells etc have dictated the layout of the apartments. The building is also narrow in depth and therefore there is no easy way to provide all the apartments with "clear and pleasant" outlooks with the required circulation space (i.e. corridors/stairwells), unless significantly reducing the amount of apartments, which perhaps be at odds with Strategic Policy 1 which requires "optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and reusing scarce indigenous building materials". It would likely also make the proposal even less economical viable.

6.5.3 In terms of the amenities for the occupants, the bin storage and bike storage is all secure and would appear to be fit for purposes. Landscaping is proposed to the front of the building and existing landscaping retained. Its location as mentioned previously is also in a sustainable location which again would be beneficial to future occupants.

6.5.4 Overall, the amenity standards for future occupants for a number of the apartments would have a "clear and pleasant" outlooks and with the new/existing landscaping and the general design and finish of the building will create a pleasant place to live. However, as mention some of the apartments to the rear will not be affordable the same level of amenity and their outlooks are not ideal and weight against the proposal.

6.5.5 However, on balance and as the proposal is converting the existing building of interest, which given its current layout has constraints, it is the application would sufficiently comply with Housing Policy 17 and General Policy 2 (h).

#### POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES

6.6 General Policy 2 (g) seeks development not to adversely affect the amenity of local residents, which generally relate to loss of light/overlooking and/or overbearing impacts upon outlooks.

6.6.1 The closest neighbouring property to the site would be Nr 40 Westmoreland Road which is approximately 23+m (measured from north corner of nurses building to southern corner of Nr 40) to the north of the nurse home building. In terms of the physical works, the main potential impact is the increase in the height of the building due to the roof extension. However, given its design/finish (glazing), the distance and the orientation/siting of the building to Nr 40; it is not considered the proposal would have a significant impacts upon neighbouring amenities, namely light and overbearing impacts upon outlooks, to warrant a refusal.

6.6.1 The proposal will give raise to a greater level of comings and goings by residents of the new apartments and visitors to the café. However, given there is no car parking associated with the site, the level of disturbance is likely to be from pedestrian traffic which has less potential to cause concern, compared to vehicles which are generally nosier. It is noted the existing car park which is adjacent to Nr 40 is current used in association with the nearby health services will continue as is and so would any potential disturbances to the occupants of Nr 40. However, the proposal is not considered to cause any significantly greater impacts to warrant a refusal on this ground.

#### POTENTIAL DRAINAGE/FLOODING ISSUES

6.7 The applicants have submitted a Flood Risk Assessment as part of their submission, given a small section of the site is at risk from "Flood Risk - Surface Water" albeit at a lower risk. The area is along the northern boundary of the site along the existing roadway which runs to the rear of the building. No part of the building is within this flood risk designation. The Flood Risk Assessment concludes;  
"...no flood risk to the building within the parameters outlined by the Department of Infrastructure."

And

"The re-development does not result in any adverse flood risk impact to the surrounding areas and downstream catchment. The existing, flood flow characteristics are maintained."

6.7.1 No objection/comments have been received from any drainage authority.

#### AFFORDABLE HOUSING PROVISION

6.8 Housing Policy 5 of the Strategic Plan indicates that the Department will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more. Given submission proposed 37 apartments this equates to 9.25 affordable dwellings. A Section 13 Legal Agreement would need to be

entered into by the applicant and the Department to ensure the affordable housing is provided. This has also been agreed by Public Estates & Housing Division (DOI).

6.8.1 However, the application is seeking no Affordable Housing (AFH) being provided on the site nor a commuted sum payment. The applicants in support of this approach comment;

"...37 units in total are proposed and these are not being provided for sale: the financial model for these scheme only works if the units are retained and rented out giving a projected income over a more prolonged period than for an initial financial gain from sale of the units. Financially the inclusion of affordable housing on this scheme would not result in sufficient funds for the scheme to be financially viable. The scheme involves the retention of a building of significant Island value - historically, architecturally and socially and the scheme aims to restore its original architectural interest, some of which has been lost through historic intervention. The result of this care and attention to detail, together with addressing the structural and condition deficiencies results in a much higher development cost than would be the case if the existing building were proposed to be demolished and rebuilt."

6.8.2 The applicants have proposed that the AFH could be provided on future development sites;

"...where the provision of affordable housing may be more economically viable and is fully prepared to mitigate the lack of affordable housing in this case by provision of it in future developments in the immediate vicinity although we are fully aware that this cannot be required by condition as the details of that provision is not known and cannot be assured at this time."

6.8.3 The Department has accepted that no AFH being provided in the past, this being a Registered Building Bucks House (PA 16/00043/GB) which gained planning approval for ten apartments. This application included a "Indicative Construction Costs for the refurbishment and conversion of Bucks House" undertaken by Bell Burton Associated - Chartered Quantity Surveyors and a "Valuation Report" undertaken by Black Grace Cowley. The "Indicative Construction Costs" report (ICC) essentially uses the "Valuation Report" to determine the likely value of each apartment either to sell or rent. These reports completed that if AFH was included that the development would be unviable. Interesting the applicant for this application took the same approach as the current applicants, i.e. the reports indicated that if the applicant were to sell the apartments immediately upon completion, then it is likely the development would have an overall financial loss. Accordingly, the applicant was proposing to retain the units and renting them out with a possible resale in the future.

6.8.4 The applicants provide further information which indicated;

"The brownfield nature of the site means that, even excluding affordable housing, the level of financial return (as evidenced by our detailed modelling) is significantly below that which a private developer would consider."

6.8.5 They also explain that given the site has remained undeveloped for so long is prima-facie evidence of the financial constraints that a developer will be operating under on this project. They comment that a detailed cost exercise has been undertaken and if they were to build and sell the apartments and commercial unit, at current market value (informed by 3 estate agents), they would lose over £2m which is excluding any Affordable Housing which would increase the loss. They indicate that the only financial/business model which works for this development is to refurbish the building and then retain the building for rent over 15 years, but even this will only provide a percentage yield in single figures.

6.8.6 The applicants have also expanded on possible users of the apartments. They comment that they have been in discussion with various Government Departments (DECS, DHSC and DHA) so they can potentially rent space within the building to use to house new teachers, new nurses and new police cadets, for example, that may come to the island.

6.8.7 The Department had further comments with the applicants in terms of the viability of the development and whether such information (i.e. viability report) could be provided. The applicant's had concern with this approach given commercial sensitivity and the fact the Department would be required to publicise such information, especially as the applicants are seeking tenders for the development currently. In response to this the applicants have commented;

"As part of the Nurses Home planning application we are aware of our obligation with regards to the provision of affordable housing. As outlined in previous correspondence the viability around this development means that we need to retain the properties for rental to allow a return. MDC are happy to enter into a section 13 agreement which outlines that we will provide the affordable housing provision attributable to this scheme on a future scheme within Douglas in the next 5 years. If we don't provide this provision on another scheme within the timescales outlined, we will commit to providing a commuted sum of £374,385 as calculated by the Department of Infrastructures Public Estates and Housing Division."

6.8.8 As a viability report has not been provided it is difficult for the Department to be able to give significant weight to this aspect. It is noted the building has been empty for a number of years; and the building is of architectural, historical and has historical interest, which is being proposed to be retained and sensitively restored, rather than being proposed to be demolished. Further, the applicants are accepting a requirement for AFH and as indicated above are happy to provide AFH in a future scheme and if not provided within a 5 year period, then they will be required to pay a commuted sum payment in lieu of AFH of £374,385. Estates and Housing (DOI) have accepted this approach also.

6.8.9 Accordingly, in this instance it is considered on this occasion, on this site and given the works involve a conversion of the existing building of interest; rather than a new build, the principle of offsetting AFH (9.25 affordable housing units) or a commuted sum payment at a later date is acceptable.

#### OPEN SPACE PROVISION

6.9 Recreation Policy 3 indicates that new residential development of ten or more dwellings must make provision for recreational and amenity space in accordance with the standards specified in Appendix 6 of the IOMSP.

6.9.1 This proposal would equate to a total of 2048sqm (0.2 hectares) of Public Open Space (1,152sqm of formal open space, 512sqm of amenity space & 384sqm of children's play space). The applicants indicate that the site is not larger enough to accommodate this space, which the Department agrees with. For context the application site (red line) in total equates to 0.24 hectares i.e. the total area of POS space required.

6.9.2 The applicants have proposed to increase the amount of amenity space with new landscaping along the frontage of the site where currently hard surfacing, which equates to approximately 158sqm. However, this is amenity space is reduced given some existing grassed area is being lost to create two accessible parking spaces (northwest of main building). However, overall a nett increase of 100sqm of amenity space would be created. This would leave a total of 1948sqm of POS still being required.

6.9.3 Douglas Borough Council have indicated that they would acceptable a commuted sum payment in lieu of POS shortfall of £23,040. The applicants have accepted this commuted sum payment.

#### FIRE PROVISION

6.10.1 In terms of the details of fire provision, Building Regulations would consider this in detail. Further, no objection/comment has been received from the IOM Fire and Rescue Service who would normally raise issues if they had concerns.

6.10.1 The IOMSP outlines that Community Policy 10 needs to consider proposals for the layout and development of land and such proposals will be permitted only where there is provided proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes. Community Policy 11 indicates that the design and use of all new buildings and of extensions to existing buildings must, as far as is reasonable and practicable, pay due regard to best practice such as to prevent the outbreak and spread of fire.

6.10.2 As part of the submission the applicant have provided a Fire Strategy report for the site. In relation to Community Policy 11 the report indicates that the apartments are designed with a 60 min fire resisting separation and a 30min fire resisting doors, incorporating a positive action self-closing device with intumescent strips and cold smoke seals which will reduce the likelihood of large quantities of smoke and products of combustion affecting the common areas during the early stages of the fire growth. It also comments travel distance from any apartment door to a staircase is within agreed guidance levels. If the fire develops, the installed fire suppression system will actuate within the affected apartment, suppressing the fire and alerting others to the incident. A sprinkler system is proposed in each apartment, as well as communal corridors and the basement area. Heat and smoke detectors are also proposed within each apartment.

6.10.3 In terms of fire-fighting hydrants have been identified within 90m of the building. The report also identifies that there is 100% access around the perimeter of the premises for water ladder tenders and high reach appliances, this is more than the requirements of Building Regulations guidance.

6.10.4 The Department sought advice from the Fire and Rescue Service and their comments are outlined within the representation section of this report.

6.10.5 Given no objection being received by the Fire and Rescue Service the Department is content that the proposal provides proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes and as far as is reasonable and practicable, pay due regard to best practice such as to prevent the outbreak and spread of fire.

6.10.6 It should be noted however the Department (planning) is not the experts in this field and that a Building Regulations will consider this in detail. Part of the Building Regulations is that the relevant Building Control Authority (in this case Douglas Borough Council) will seek comments from the IOM Fire and Rescue Service who will provide recommendations and Building Control will make the final decision.

#### ENERGY/ SUSTAINABLE CONSTRUCTION/BIODIVERSITY

6.11 As outlined earlier in this report since the previous application being approved the Climate Change Bill has received Royal assent, albeit it is not yet in force and therefore has little planning weight; although it does give a clear direction of travel. The submission does appear to cover the other points raised by the Bill. Further, the recently approved Residential Design Guide 2021 does include "Sustainable Construction" section which does include a number of aspects including, construction materials, building design and climate change

resilience. Further Energy Policy 5 of the IOMSP indicated that proposals for more than 5 dwellings or 100 square metres of other development should include Energy Impact Assessment. The applicants have provided this.

6.11.1 This assessment indicates that the scheme has given a priority given to energy reduction and efficiency. Further, renewable and low carbon technologies have also been considered in the context of their technical feasibility and financial viability.

The scheme includes the following;

- o High performance building fabric and energy efficient lighting, services and equipment;
- o Passive design measures to reduce energy demand for heating, cooling, ventilation and lighting;
- o ASHPs for hot water production in the new flats to achieve SAP 88;
- o Roof mounted PV; and
- o No fossil fuels utilised.

6.11.2 This would comply with the aims of Energy Policy 5 and the Residential Design Guide.

6.11.3 In terms of biodiversity on the site the application includes a Protected Species Report prepared by Manx Wildlife Trust and includes required mitigation as well as recommendations for enhancement to achieve 'no net loss' of biodiversity and aim for 'net gain'. The report indicated that no bats or birds were found within the building. The Ecosystem Policy officer has considered the application and has no objection and recommended the recommendation of the assessment (section 6.1) be undertaken. This can be conditioned as can the proposals for bee, bat and bird boxes. The Ecosystem Policy Officer has sought a couple more swift nest boxes could be installed on the northeast or northwest elevations, close to where the swift box is proposed on the northeast elevation to increase the number of swifts in the area, which has declined in recent time. With appropriate conditions in place it is considered the proposal would comply with Environment Policy 4 and General Policy 2 of the IOMSP and the Residential Design Guide.

## 7.0 SECTION 13 LEGAL AGREEMENTS

7.1 The applicant has agreed that a commuted sum payment in lieu of POS shortfall of £23,040 and the provision of 100sqm of Public Open Space (as shown on drawing IOM-EWA-ZZ-ZZ-DR-L-79001) be provided on site and retained. Further, in relation to affordable housing provision the applicant has accepted that a requirement of 9.25 affordable housing units is generated by this development (25% of 37 units). The S13 agreement will be required which requires the applicants to either provide 9.25 affordable housing units on an alternative site within Douglas within a 5 year period or pay a commuted sum payment in lieu of this AFH of £374,385. This has been agreed by the applicant and Public Estates and Housing Division (DOI).

## 8.0 CONCLUSIONS

8.1 The proposed application requires a balanced decision, against the scheme is the "clear and pleasant" outlooks for some of the apartments to the rear of the building, the lack of affordable housing provision on the site at this time (albeit off set for a future development or a commuted sum payment) and lack of on-site parking. These factors go against the application.

8.1.1 However, a balance needs to be taken and whether the positives of developing the site sufficient outweigh these concerns or not. In favour the site is designated for mixed use and this proposal for residential and for a café would comply with this designation and fit well within this area of Douglas, which is the main settlement for housing, services, education, shops, employment & public transport and the most sustainable town on the IOM. The aims

of the IOM Strategic Plan and the Area Plan for the East both promote sustainable developments which can utilise existing services and have good transport links. Clearly, therefore the principle of developing the site for residential development/caf  weight in favour of the application. Further, the proposal to redevelopment an existing building of architect, historical and social interest, while extending in a sensitive and appropriate way all weighs significantly in favour of the development.

8.1.2 In conclusion; on balance, for the reasons indicated with this report it is concluded the proposals complies with the relevant planning policies of the Isle of Man Strategic Plan 2016, Residential Design Guide 2021 and the Area Plan for the East 2020 and therefore it is recommended the application is approved.

## 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.