



Isle of Man
Government

Reiltys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

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

Agenda for a meeting of the Planning Committee, 4th July 2022, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Please note that participants are able to attend this meeting virtually via Microsoft Teams. Parties may contact DEFA Planning & Building Control on 685950 in order to register for the meeting invitation link. Further information on how to view the meeting virtually or speak via that medium please see 'Electronic Planning Committee – Supplementary Guidance' available at www.gov.im/planningcommittee

1. Introduction by the Chairman

2. Apologies for absence

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the 20th June 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 18th July 2022.

PLANNING COMMITTEE Meeting, 4th July 2022
Schedule of planning applications

<p>Item 5.1 Kattegat Jurby Road Sandygate Ramsey Isle Of Man IM7 3AG</p> <p>PA21/01308/B Recommendation : Permitted</p>	<p>Creation of Viking Settlement for education and entertainment purposes including erection of buildings and means of access</p>
<p>Item 5.2 Land To The East Of Co Op Albert Road Ramsey Isle Of Man</p> <p>PA22/00266/C Recommendation : Permitted</p>	<p>Proposed Temporary Change of Use of Land for 12 months to increase display area, including erection of enclosure fencing.</p>
<p>Item 5.3 Land At Corner Of Lhon Vane Close And Lhon Dhoo Close Onchan Isle Of Man IM3 3BD</p> <p>PA22/00034/B Recommendation : Permitted</p>	<p>Construction of nine new garages and two bike stores</p>
<p>Item 5.4 Conrods Boathouse Cafe Mooragh Park Ramsey Isle Of Man IM8 3AP</p> <p>PA22/00407/B Recommendation : Permitted</p>	<p>Erection of a marquee over existing outside seating area</p>
<p>Item 5.5 Gollane House Clenagh Road Sandygate Ramsey Isle Of Man IM7 3AF</p> <p>PA22/00419/B Recommendation : Permitted</p>	<p>Installation of 14 ground mounted solar PV panels</p>
<p>Item 5.6 Point Of Ayre Lighthouse Cranstal Bride Isle Of Man IM7 4BS</p> <p>PA22/00568/GB Recommendation : Permitted</p>	<p>Alterations to part of an existing outbuilding in connection with the change of use to a refreshments kiosk (in association with PA 22/00569/CON)</p>
<p>Item 5.7 Point Of Ayre Lighthouse Cranstal Bride Isle Of Man IM7 4BS</p> <p>PA22/00569/CON Recommendation : Permitted</p>	<p>Registered Building consent for the replacement of two windows and the installation of lighting on an existing outbuilding (in association with PA 22/00568/GB) Registered Building Nos. 147</p>

PLANNING AUTHORITY AGENDA FOR 4th July 2022

Item 5.1

Proposal : Creation of Viking Settlement for education and entertainment purposes including erection of buildings and means of access

Site Address : Kattegat
Jurby Road
Sandygate
Ramsey
Isle Of Man
IM7 3AG

Applicant : Mr Christian Graham Hall

Application No. : 21/01308/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. All buildings (i.e. Workshop, Office, Tool Shed, Log store, Toilet, Utility, Solar battery)/solar panels/wind turbine/car park/access/access lanes approved within phase 1 shall be removed completely from the site and the land seeded with grass:

- o within 2 years of the date of this decision becoming final, in the event that work on phase 2 has not been fully completed; or
- o within 18 months of the buildings in phase 2 last being used, in the event that the buildings in phase 2 are completed and subsequently unused for a period exceeding 12 months.

Reason: in the interest of local amenity, visual amenities of the countryside and as permission has been granted on exception circumstances.

C 2. In the event the works approved under phases 2 and /or 3 are completed and un-used for a period exceeding 12 months they shall be removed from site and the land seeded with grass within 18 months of the buildings last being used.

Reason: in the interest of local amenity, visual amenities of the countryside and as permission has been granted on exception circumstances.

C 3. The development shall be carried out in accordance with the approved details, including supporting statement, unless otherwise required by the conditions attached to this notice.

Reason: To ensure the development takes place with the approved details and for the avoidance of doubt.

C 4. For the avoidance of doubt no approval is hereby given for the use of any building approved under this application to be used as a residential dwelling and shall only be used in associated of the operation of the Viking settlement attraction (and such use shall exclude overnight accommodation for staff or visitors).

Reason: no approval is sought for any residential development and the application has been considered on this basis and there is a presumption against new residential development within the countryside.

C 5. No more than three events (i.e. wedding events or similar) shall take place in any one calendar year, and no more than 1 event shall take place in any 4 week period unless otherwise agreed in writing with the Department. This restriction does not include the uses of the site as a Viking attraction.

Reason: in the interest of local amenity.

C 6. Each evening event (i.e. wedding) shall cease by midnight and no guests shall be permitted to remain on the site for more than 30 minutes following the event ceasing.

Reason: in the interest of local amenity.

C 7. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 8. The visibility splay(s) identified on the visibility plan dated 19.10.2021; 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 9. No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of new planting (tree planting) showing, type, size and position of each and additional hedgerow and/or sod banks along the car parks eastern and southern boundaries. 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 site, 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 should include details of the surface finish of the roadways/access. The hard landscaping works shall be completed in full accordance with the approved details prior to the operation of the site.

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

C 10. No approval is hereby given for the development of any open water wetland within the site.

Reason; The submission does not included such details and therefore has not been considered.

C 11. The café and retail units as shown on drawings Site Plan 2 and Building Plan 2 shall only be operated in associated with the Viking Village attraction and shall not be operated independently from this approved use.

Reason: These aspects have only been considered acceptable in this location due to their association with the Viking Village attraction.

C 12. No kiln shall be installed or operated at the site unless in accordance with details which have first been approved in writing by the Department

Reason: To avoid any unacceptable environmental impact and to avoid the creation of any need for overnight staff accommodation

C 13. For the avoidance of doubt only the following works/buildings/structure are hereby approved by this planning application;

APPROVED

Within field Nr 211114 - Northern section of field

- o Creation of a new vehicular access within Field Nr 211114 directly onto Jurby Road;
- o Creation of a new car park (43 spaces and coach drop off) within Field Nr 211114;
- o Tool shed along western boundary (7.5m x 4m);
- o New trees planted around car park;
- o Ticket shed building (3m x 2m);
- o Toilet building (6m x 3m);
- o Open timber store;
- o Access roads; and
- o Solar panels (7.5m x 1.5m).

Within field Nr 214150

- o Long House (15m x 6m);
- o Café building (5m x 5m);
- o Shop building (3m x 5m);
- o Forge building (3m x 7m);
- o Foot bridge (3m x 2m);
- o Workshop (5m x 4m);
- o Office building (7.2m x 2.4) which is retrospective;
- o Toilet building (1.2m x 1m);
- o Log store building (2m x 1.2m) which is retrospective;
- o Utility building (2m x 3m) which is retrospective;
- o Solar battery building (2.1 x 1.1m) which is retrospective;
- o Wind Turbine (5m pole with 1.9m diameter turbine - total 6.2m);
- o Temple building (4m x 5m);
- o Footbridge (3m x 5m).

Within field Nr214149

- o Creation of a small farmstead including a Farm House (6m x 4m) with barn (3m x 3m) - not a residential property;

NOT APPROVED

No approval is hereby given the wooded cabin within field 214150 or any other building/vehicle/structure not included in the above list and no approval is hereby given for any residential element on this site.

Reason: The application has sought approval those items which are listed as approved and has been considered on this basis only in an area which is not designated for development.

C 14. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order (2012) or any order amending or replacing that order, no development

may take place at the site other than in accordance with an approval set out within a specific planning application.

Reason: given the nature and location of the proposal and the need to protect the countryside.

Reason for approval:

The proposal in terms of the principle of the use is a very unusual development on the IOM and arguably would result in buildings or works required for interpretation of the countryside, its wildlife or heritage i.e. the Norse history of the IOM. While the introduction of such visitor attraction will have impacts upon the visual amenities of the countryside given the development required to provide such facility. However, in this case, given existing mature wooded areas, existing landscaping and with additional landscaping in and around the site; it is considered the benefits of the proposal would bring, outweigh the potential visual impacts.

Further, the distance from neighbouring properties and with appropriately worded conditions to restrict the events on the site, namely late night events (i.e. weddings etc.), it is considered the impacts to neighbouring amenities can be protected.

Interested Person Status – Additional Persons

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

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

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

Ballamoar, Villa Ballamoar, Jurby
Shuttlehill, Ballamoar, Jurby

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

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site forms the curtilage of Field Nrs 214150, 214149 & 211114 and is located on the western side of the Jurby Road and north of Sandygate Crossroads.

1.2 The two fields have different characteristics - Field Nr 211114 is open in nature and is viewable from Jurby Road. It is un-development and appears as an agricultural field. Field 214150 does have an element of development within, having had approval to operate as a Nursery in the past and therefore paths/tracks and structures are present within the site. The site has a woodland character, with the majority made of up trees/bushes etc. This aspect of the site is more screened from public views given mature roadside landscaped boundary and all other boundaries. Field Nr 214149 is located to the west of Field 214150 and is open in nature, albeit with woodland to the east and west and with landscaped boundaries to the north and south.

1.3 Currently there is vehicle access into the Nr 211114 directly from the Jurby Road.

2.0 THE PROPOSAL

2.1 The application seeks approval for the creation of Viking Settlement for education and entertainment purposes including erection of buildings and means of access. Taken together this is considered to be a Sui Generis Use (not falling within any use class).

2.2 The proposed works are set out below. All buildings are proposed to be constructed in timber/timber frame in a traditional manner/Viking style. For information no approval is hereby given for any residential element on this site. Further, the proposed Viking farmhouse is for demonstration only and not for living purposes. An existing wooden cabin is with within Field 214150. The application does not seek approval of this. It was constructed by previous owners a number of years ago; albeit no planning approval exists.

Within field Nr 211114 - Northern section of field the following is proposed:

- * Creation of a new vehicular access within Field Nr 211114 directly onto Jurby Road;
- * Creation of a new car park (43 spaces and coach drop off) within Field Nr 211114;
- * Tool shed along western boundary (7.5m x 4m);
- * New trees planted around car park;
- * Ticket shed building (3m x 2m);
- * Toilet building (6m x 3m);
- * Open timber store;
- * Access roads; and
- * Solar panels (7.5m x 1.5m).

Within field Nr 214150 the following is proposed:

- * Long House (15m x 6m);
- * Café building (5m x 5m);
- * Shop building (3m x 5m);
- * Forge building (3m x 7m);
- * Foot bridge (3m x 2m);
- * Workshop (5m x 4m);
- * Office building (7.2m x 2.4) which is retrospective;
- * Toilet building (1.2m x 1m);
- * Log store building (2m x 1.2m) which is retrospective;
- * Utility building (2m x 3m) which is retrospective;
- * Solar battery building (2.1 x 1.1m) which is retrospective;
- * Wind Turbine (5m pole with 1.9m diameter turbine - total 6.2m); and
- * Temple building (4m x 5m);
- * Footbridge (3m x 5m).

Within field Nr214149 the following is proposed:

- * Creation of a small farmstead including a Farm House (6m x 4m) with barn (3m x 3m) - not a residential property.

Other information

2.3 The applicant within their submission ("Schedule of plans and details") indicates;

"The Island Norse heritage has always intrigued me and I have a keen interest in Norse/Viking history and mythology. There is little in the way of interactive historical attractions on the Isle of Man, and nor very much to celebrate our Norse history."

And

"As this is a private venture, I will be running it as a 'none-profit' project, with self-employed crafts people who will provide the specialist interactive workshops around the site. I will manage the overall site including the permaculture aspect. It is hoped that site will generate enough income to keep the site in good conditions and possibly expand the list of features in the future. My vision is to create a carbon positive ecosystem, intertwined with a permaculture philosophy that nothing is wasted; the composition toilets will feed the willow coppices which provide the wood for the charcoal that cooks the food that creates the compost."

2.4 The applicants indicates that the site will be split into two areas, a public area and a private area (i.e. operational uses/areas). The public area which is all disabled accessible includes the shop, cafe blacksmith/foundry, Long House (Chieftains Hall) which would be used as a classroom, indoor activities and for functions/events. The public areas will continue into the woods via the existing paths which passes several clearances in the woods which will be set up to allow other artisans/craftspeople to put on workshops and displays in keeping with the Viking theme. Further within the woods there will be a recreation of Viking/Norse temple/church. Lastly moving out of the woods to field Nr 214149 the applicants comment;

"Moving out of the woods and over the north-west bridge into 'FolkVangr' (old Norse for 'Field of the people'), an alternative heaven or those who did not wish to dine with the gods in Valhalla, (was ruled by the Goddess Freyr) where I hope to re-create an authentic Norse Farmstead with a stone barn, and small holding/animal pens. Also in this field I hope to run Viking activates and displays."

2.5 In relation to the private area the applicants advise that this is where all the groundwork for the buildings/activities, volunteers/staff space will be located along with any auxiliary requirements for the site which include;

- * a site workshop to build/maintain the structures and features in the site out of sight of the public;

- * A site office to plan and deal with the business side of the venture and also provide an area for staff and volunteers and house the first aid station;

- * Solar/wind farm, a 48v 5KW solar array will be sited to the southern boundary (adjacent to car park) along with a 2KW wind turbine, both will feed into the power generation building which will hold a battery bank to provide power for the office, workshop and other private buildings;

- * Compost farm, as toilets will be of the composition type, a central compost enclosure will be created to deal with the waste and once composted it will be used to fertilise the willow coppice;

- * Charcoal kilns, to provide renewable fuel for the blacksmith and for cooking from the birch and willow on site.

2.6 The applicant has outlined a phasing of the development, with the first phase includes demolition of existing structures within field 214150 and construction of the workshop building. The office building is already in place, as is the tool shed which will all be needed for the proposal. The solar panels are already in place but the wind turbine is not and this would be installed in the first phase. Phase 2 includes the construction of the Chieftain's hall (Long house), blacksmith's forge and foundry, shop, café, activity areas through the woods

and composting toilets. Phase 3 includes the Viking temple and Viking farmstead. Further works include, the creation of a wetland habitat, willow coppice. Sand and Clay removal from excavating the wetland will be used in the building of the site.

2.7 It is proposed the site will be used in many different ways during the year and even during the week, but will not be open full time as it is a none profit venture, it will open on an as required basis for example; Open days/Weekends, Weekday workshop/talks/school trips or corporate team building events; functions (i.e. weddings). The applicants indicated that's as it is a new type of attraction on the IOM (and the UK) it is difficult to project visitor numbers. Also as volunteers will be needed they current have no way of knowing how many people will wish to offer their time to take part in this venture, although the applicant advises so far he has a lot of people who wish to be involved. The applicant is proposed to be the only full time member of staff and all the attractions/workshops and stalls will be run independently by other traders/artisans who will provide their own trader's insurance to operate (much the same as the Southern/Royal shows).

3.0 PLANNING POLICY

3.1 The site is not designated for under the Isle of Man Development Plan Order 1982. There is therefore a general presumption against development in this area. This presumption is further outlined and clarified in the Isle of Man Strategic Plan policies below. The site is not identified as being at risk of flooding on the DOI's maps or within a Conservation Area.

3.2 THE ISLE OF MAN STRATEGIC PLAN (2016)

3.2.1 The following policies that are considered relevant;

- o Strategic Policy 1 indicates development should make the best use of resources by ensuring efficient use of sites and being located so as to utilise existing and planned infrastructure, facilities and services.
- o Strategic Policy 2 - directs new development to existing towns and villages, or the countryside only in exceptional circumstances (see General Policy 3)
- o Strategic Policy 5 - design quality
- o Strategic Policy 10 - integrated transport network and related issues
- o Paragraph 4.3.11 states, "Merely arguing that a new building cannot be seen in public views is not a justification for the relaxation of other policies relating to the location of new development".
- o Spatial Policy 5 - development outside defined settlements only permitted in accordance with General Policy 3.
- o General Policy 2 - sets out normal 'Development Control' considerations
- o General Policy 3 - sets out the exceptional circumstances in which development will be approved in the countryside (see below)
- o Environment Policy 1 - protects the countryside and its ecology for its own sake (see below)
- o Environment Policy 7 - Protects watercourses, wetlands, ponds and dubs
- o Environment Policy 22 - Protects the environment from pollution
- o Transport Policy 1 - Directs new development to existing routes
- o Transport Policy 2 - Relates to the provision of links to existing routes/systems
- o Transport Policy 4 - Relates to the design of new highways
- o Transport Policy 7 and Appendix 7 relate to parking standards
- o Business Policy 1 promotes the creation of new job opportunities
- o Business Policy 11 sets out that tourism development must be in accordance with the other elements of the plan
- o Energy Policy 4 indicates proposals for alternative sources of energy will be assessed against the rest of the plan

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

3.2.5 Environment Policy 1 states in full: "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."

3.2.6 General Policy 3 sets out a presumption against development in the countryside but includes instances where there may be exemptions:

- (a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
- (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
- (c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
- (d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
- (e) location-dependent development in connection with the working of minerals or the provision of necessary services;
- (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; and
- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage.

3.2.7 "Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' The definition includes defence buildings, but excludes:

- o Land that is or has been occupied by agricultural or forestry buildings.
- o Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- o Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- o Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)."

4.0 PLANNING HISTORY

4.1 The previous planning applications are considered relevant:-

- o Construction of track around perimeter of woodland - 08/01006/B - APPROVED
- o Erection of polytunnel - 08/00752/B - APPROVED
- o Erection of entrance gates and timber shed to house office/shop within included operating a nursely from the site open to member so public - 08/00753/R - APPROVED

5.0 REPRESENTATIONS

5.1 Highway Services (DOI) have provided a number of comments which can be viewed online, essentially seeking additional information. This has now been provided and their final comments are (13.05.2022);

"Highways Development Control notes the additions, amendments and correspondence uploaded on 9 May 2022. In combination, these documents and drawings would overcome the remaining highway concerns. Bus services would be able to enter the site to drop off and pick up, and tree removal would ensure adequate visibility to the left on exit on DEFA Forestry's agreement. Should DEFA Forestry agree to the tree removal, HDC no longer oppose this proposal subject to conditions for the layout to conform to:

a) Entrance Plan revision 1.3 b) Visibility Splays Plan in conjunction with Tree Survey (Visibility Tree Removal Plan) c) Site Plan # 1-4.

The Applicant is advised of the need for a separate permission with Highway Services for the access junction works under a s109(A) Highway Agreement after the grant of any planning consent. The Applicant should consider installing bicycle parking for staff and visitors."

5.2 Inland Fisheries (DEFA) make the following final comments (17.01.2022);

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

5.3 Agriculture and Lands Directorate (DEFA) confirm they have no objection to the tree removal proposed as (19.05.2022);

"1. The trees proposed for removal are small trees that only provided a small amount of amenity value.

2. Due to the proposed type of construction, the development will have little impact on the retaining trees, however if this application is approved more detail on the construction methods and how they will protect the retained trees should be provided."

5.4 The owner/occupier of Ballamoar, Villa Ballamoar, Jurby have commented to the application which can be summarised as (26.11.2021); I would like to say that I believe the Viking Settlement is a very good idea for education and entertainment, but the site suggested could be better located, on the other side of the road and further North by a couple of hundred yards / metres; The site alludes to be eco-friendly, yet propose a large car park is built on the site, which would cater for coaches; A matter of a couple of hundred yards down the road, on the opposite side, is the end of the former Jurby Airport runway. This would take barely anything to convert to a car park by using the existing built on land, this will stop further use of the land as hard-standing for 21st Century cars / coaches with plenty of room to cater for a variety of vehicles. It would be closer to the primary school and Transport Museums, which are clearly signposted.

5.5 The owner/occupier of Shuttlehill, Ballamoar, Jurby have objected to the application which can be summarised as (24.11.2021); The proposed use of the site (Tourism/Retail) is not consistent with the existing use (Agriculture). This represents a fundamental change of use and would require re-zoning the area; It is stated that 'there is little in the way of interactive historical attractions ...and not very much to celebrate our Norse history', The House of Mannanin does indeed provide that function; It is unclear whether this project is financially viable/sustainable; "Will not be open full time" - this application appears to essentially be for private use by the landowner rather than for commercial purposes. The single toilet is indicative of this; Formal request for the DOI to install a 30mph speed limit -

that particular bend has restricted visibility and vehicles routinely pass through that point at significant speed (regardless as to speed limits); and In summary and as noted in point 6, I am particularly concerned that this application appears to be for private use only.

5.6 The owner/occupier of Ballamoar, Sandygate, Jurby have objected to the application which can be summarised as (26.11.2021); the proposals have merit and this is an original idea which is worthy of consideration, and not doubt the applicants enthusiasm is clear; our concerns is that the entire application is for a commercial enterprise which would be located on agricultural fields which are not zoned for this; concerns of impact of noise, on-site energy generation, vehicle movements, smoke emissions from kilns, and the likely other undertakings described in proposal would undoubtedly create local environment disturbances to neighbours; proposal includes creation of a dwelling in field 214149 which is located away from the main "Viking Settlement" which does seem strange to us, as we would have expected this more centrally with the other activities; could this not be located in field 214150; this would permit us to protect the amenity of out property which is located in a rural environment and is the closest property to field 214149; Applicant indicates that the site has in part been used as a place of residence by a former owner and that the applicants resides in a van on the site which is not zoned for such use and therefore he appears to be making the claim that this effectively confirms the site as having residential use status which raises concerns; and noting the single toilet next to the "office" is indicative of the project being residential in concept rather than commercial, furthermore, we understand that some of the buildings have already been constructed and we would also like to reiterate our concerns with relation to the charcoal kilns, which the submissions indicates there would require 24 hour a day monitoring.

ADDITIONAL COMMENTS

5.7 The application have included as part of their submission comments from Isle of Man Public Transport (DOI). These comments state;

"Apologies for taking a while to get back to you regarding the bus patronage of the Viking Project. Having discussed your request with various colleagues, we feel the best solution would be for us to add your site as a pre-defined stop for the FLEX and Village Connect services. This would provide you with a mix of scheduled and demand responsive services throughout the day served by our minibus team. These vehicles could enter the coach/bus area of your car park to drop off and set down passengers and we would add the location as a stop on the user accessible digital map."

6.0 ASSESSMENT

6.1 The main considerations in the assessment of this application are;

- o the principle of the development;
- o potential visual impact on the character of the countryside;
- o impacts in terms of trees/watercourses;
- o highway safety matters/ parking provision;
- o potential impacts upon neighbouring amenities;

6.2 Principle of the development

6.2.1 There is a general presumption against new development in the countryside, as per the IOMSP policies outlined in section 3 and particularly Strategic Policy 2, Spatial Policy 5 and General Policy 3.

6.2.2 General Policy 3 also outlines exceptions where development may potentially be acceptable within the countryside. The site is not considered to be previously developed land, although it is noted that there was some development on part of the site (Nursery). General Policy 3 paragraph h states; "buildings or works required for interpretation of the countryside, its wildlife or heritage", which does weigh in the application's favour. However, given the extent of built development and the nature of the use, it is considered that this

goes beyond paragraph h and so on balance the principle of the application is considered to not be to be justified based on this alone.

6.2.3 It is noted that the unusual nature of the proposal is such that it is unlikely to be reasonably accommodated within existing settlements or land allocated for development (e.g. housing or industrial, as there is no land allocated for this form of development as it is an unusual proposal). This weighs in the application's favour, although this weight is reduced because the applicant has not given any information as to whether or not there are any other (potentially more suitable) sites. It is also noted that this would support the creation of a new business and also opportunities for other related business located on the site, which weighs in the application's interest.

6.2.4 On balance, and in particular noting the partial support from GP3, the unusual nature of the proposal and the potential cultural and economic benefits, it is considered that the development may be acceptable, dependent on the detailed assessment of other issues.

Potential visual impact on the character of the countryside

6.3 In these respects Environment Policy 1 should be considered. This seeks to prevent development which would adversely affect the countryside.

6.3.1 There are two clear elements to this aspect, the first are the buildings and structures within the wooded area and form part of the main attraction. This area already consists of a polytunnel and a number of sheds that were used in connection with the previous use as a nursery. These will be removed and replaced. The majority of the new buildings proposed in this area will be well screened from public views, especially given their timber construction/finish which will help mitigate any potential views from them. The building likely to be most likely to be seen would be the Viking Longhouse which is located to the front section of the site (replaces polytunnel). The building would be approximately 6m x 15m and a height of 6.8m (ridge height). The Café, Shop and Forge would also be located in this section, running parallel with the roadside boundary (eastern), albeit set behind existing mature landscaping. Partial views of parts of each building may be apparent from the Jurby Road when approaching the site from Sandygate and when passing the site; albeit existing landscaping would help blend the building, and drawing the eye to the buildings less. During summer months the visual appearance of the buildings may be totally screened. The application proposals additional landscaping, but a landscaping condition could be attached to reinforce the existing landscaping to this section of the site.

6.3.2 The element of the proposals which would be most public apparent and have the greatest visual impact, is the works within Field 211114 which is to the south of the Village settlement area (wooded area) and to the west of the Jurby Road. This field is very apparent from public views from the Jurby Road, there is a Manx sod bank along the roadside, albeit does not prevent views over and into the field. Within this field, it is proposed to create a car park for the proposal. This includes a hard-core base roadway topped with a layer of stone/gravel. This runs around the parking area which will be retained as grass. Around the parking area and along the roadside boundary it is proposed to be landscaped with native tree planting.

6.3.3 The majority of the works in this area i.e. the roadway are low level forms of development (i.e. flat) and therefore the visual impact of these works themselves are not significant. However; they clearly provide a function, to enable cars to park on the site. This is perhaps the greatest visual impact, parked cars/vehicles. As indicated, native tree planting is proposed; albeit it is considered additional landscaping will need to be undertaken, perhaps the creation of native hedgerows/Manx sod banks to reduce the impact further.

6.3.4 Other elements that will be apparent is the wind turbine, which is domestic sized wind turbine, rather than a commercial turbine. This has a height of approximately 6.2m (including blades); albeit the landscaping around the carpark/roadside boundary will also reduce the visual impact of this. The wind turbine would be set adjacent to the existing wooded area and therefore this helps reduce the impact further. The wind turbine would be installed on top of a timber pole (i.e. telegraph pole).

6.3.5 Clearly, the development of the application site as proposed will have a visual impact, compared if no development takes place. Therefore if the proposal as a whole is considered appropriate on this site, it is considered the visual harm can be mitigated to an appropriate level and ensure the proposal would not adversely affect the countryside as per the requirements of the Strategic Plan policies, and in particular Environment Policy 1.

6.4 Impacts in terms of trees/watercourses

6.4.1 The consultation comments are noted and relied upon, and conditions could be attached if approved.

6.5 Highway safety matters/ parking provision

6.5.1 The new scheme includes the upgrading of the existing field gate to a two way road access. This would access directly onto the Jurby Road. Highway Services have considered the application in terms of visibility splays and traffic generation and have raised no objection. This follows a Stage 1 Road Safety Audit of the proposed vehicular access which has been undertaken by independent auditors and amended plans in response to this, to provide appropriate visibility splays in each direction and enable buses/coaches to drop off/pick up pedestrians at the site, as well as other safety considerations sought by Highway Services.

6.5.2 With appropriately worded conditions in place, and given the comments made by Highway Services, it is considered the proposal would provide sufficient parking within the site and ensure the vehicular access is safe and have no adverse impacts upon road safety to all users of the Jurby Road.

6.6 Potential impacts upon neighbouring amenities

6.6.1 The proposal is a visitor attraction and therefore the proposed use has the potential to create a noise and general disturbances to local residents. The site being within the countryside and therefore background noises are less, can increase the potential noise concerns, compared to a town centre location which generally has a higher level of background noise to begin with. With this in mind Environment Policy 22 requires consideration.

6.6.2 With the proposal, the most likely impact would be traffic coming to and from the site. The closest property "Brook House" is to the south of the site approximately 60m away (measured from new access to dwelling). Further there are dwellings at "Ballamenagh Beg Farm" (two dwellings) to the southwest which are approximately 170+m away from the new access. To the north of the site, the property closest to the proposal (main visitor area) is "Ballamenagh" which is approximately 115m away.

6.6.3 As outlined, there is the likelihood of greater impacts namely through people coming and going from the site. However, the distance from these properties, existing landscaping and with new landscaping (especially to southern boundary of new car park) will mitigate the potential significant adverse impacts. No objections have been received from these properties outlined above.

6.6.4 The proposal also indicated that some events may take place (i.e. weddings) namely within the Long House. The applicants at this stage does not know whether this will be a

regular occurrence or not at this stage, but would like the site to be able to accommodate such events if possible. The Department has suggested that conditions be attached to any approval which prevents no more than 3 events shall take place in any one calendar year, and no more than 1 event shall take place in any 4 week period and each wedding event shall cease by midnight and no guests shall be permitted to remain on the site for more than 30 minutes following the event ceasing. The applicant has no objection to these conditions.

6.6.5 Overall, with appropriately worded conditions in place it is considered the proposal can operate without having significant adverse impacts upon neighbouring amenities.

6.7 Other Matters

6.7.1 If approved, conditions should be approved to ensure works in phases 2 are undertaken within a certain time period and if not all works in phases one shall be removed within a certain timescale. This is to ensure the visitors attractions elements are in place (i.e. reasons why application is approved) in a reasonable timescale. Further, additional details of the wetland habitat should be provided. It is understood discussion with the applicants that the wetland area was initially considered to be to the south of the proposed car parking area. However, the applicant has indicated that his current re-considering, this. It is noted that no plans show such an area. Therefore at this stage it is not a matter that can be considered (should be conditioned not to include this element). It should be noted that planning permission may be required for such works, depending on size & scale of works (i.e. if considered to be "development").

6.7.2 No other matters are identified which would justify a refusal.

7.0 CONCLUSION

7.1 In summary, the proposal in terms of the principle of the use is an unusual form of development on the IOM and arguably would result in buildings or works required for interpretation of the countryside, its wildlife or heritage i.e. the Norse history of the IOM. While the introduction of such visitor attraction will have impacts upon the visual amenities of the countryside given the development required to provide such facility. However, in this case, given existing mature wooded areas, existing landscaping and with additional landscaping in and around the site; it is considered the benefits of the proposal would bring (including economic and cultural), outweigh the potential visual impacts.

7.2 Further, the distance from neighbouring properties and with appropriately worded conditions to restrict the events on the site, namely late night events (i.e. weddings etc), it is considered the impacts to neighbouring amenities can be protected.

7.3 Accordingly, the application is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 4th July 2022

Item 5.2

Proposal : Proposed Temporary Change of Use of Land for 12 months to increase display area, including erection of enclosure fencing.

Site Address : Land To The East Of Co Op
Albert Road
Ramsey
Isle Of Man

Applicant : Redbox Investments Ltd

Application No. : 22/00266/C- 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 use of the site as a temporary garden centre in association with Ramsey Garden Centre may continue until 12 months from the date of this decision notice being final whereupon the use must cease.

Reason: to reflect the intention of the application which has been judge on this basis only.

C 2. Prior to the commencement of any development details of the fencing to be used shall be submitted to and approved in writing by the Department and shall be removed from site within 12 months of this decision notice becoming final and the land restored to its former grassed state.

Reason: In the interest of visual amenities and as the application only seeks a temporary approval of the use of the site .

Reason for approval:

It is considered the proposal would comply with General Policy 2, Environment Policy 43, Business Policy 10 and Transport Policy 4 & 6 of the Isle of Man Strategic Plan 2016 and the Ramsey Local Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

The APPLICATION COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

1.0 THE SITE

1.1 The site is a vacant parcel of land to the East of Co Op, Albert Road, Ramsey and west of Ramsey Garden Centre. To the north of the site is a car park (within applicant's

ownership) which current has a parking disc zone. To the west of the site is Ramsey Garden Centre.

2.0 THE PROPOSAL

2.1 Planning approval is sought for the Temporary Change of Use of Land for 12 months to increase display area, including erection of enclosure fencing. The use would be for the adjacent Garden Centre who would sell plants/wood bark/plant pots etc.

2.2 The applicants have already cleared the site of vegetation and laid 140 Tonne of type 1 hard core .and rolled it, ready for the proposed use.

2.3 The fencing proposed is a green metal post with green mesh at a height of 1.8m

3.0 PLANNING POLICY

3.1 The site lies within an area of "Mixed Use - Town Centre" under the Ramsey Local Plan. The site is not within a Conservation Area. Under the recently published Draft Area Plan for the North and West the site is within an area designated as a "Transition Zone". In the Written Statement this is defined as;

"The Transition Zones

9.10.1 The transition zones incorporate a mix of uses generally on larger floorplates (or coarse grained) adjacent to the town centre that support the principle town centre uses. Transition zones help to provide a buffer between quieter residential areas and the livelier town centre uses that extend into the evening. They also present opportunities for business expansion adjacent to the existing town centre, where larger floor plates are needed.

9.10.2 Within Ramsey, transition zones are located within areas encompassing St. Pauls Square (including the Shoprite supermarket), the MER Station, a large area incorporating the Co-op supermarket, bus station and former Raymotor's Garage, and the Shoprite supermarket, Fire Station, former Ramsey Bakery and Ramsey Town Commissioners' Yard. Transition zones in Ramsey are characterised by anchor retail uses and bulky goods retail, transport facilities and car parking, petrol stations, civic and industrial uses and private dwellings."

3.2 The Isle of Man Strategic Plan (2016) contains a number of relevant policies.

3.2.1 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"

3.2.2 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."

3.2.3 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."

3.2.4 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."

3.2.5 Environment Policy 43 states: "The Department will generally support proposals which seek to regenerate run-down urban and rural areas. Such proposals will normally be set in the context of regeneration strategies identified in the associated Area Plans. The Department will encourage the re-use of sound built fabric, rather than its demolition."

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

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 The Council of Ministers have approved an Action Plan to Reform the Planning System (hereafter "The Action Plan"). The document "Reform of the Planning System - Programme for Government 2016 - 2021" GD2018/0031 was laid before Tynwald on 15th May 2018. One of the actions set out within this is that, "Council of Ministers have agreed the following Policy with immediate effect: In order to continue to incentivise and support site redevelopment and the associated economic development, Planning Approval should not normally be given for brownfield sites to be used as temporary car parks" and that this is important, "To ensure faster brownfield site redevelopment and encourage socio-economic development".

4.2 Report of the Select Committee of Tynwald on the Development of Unoccupied urban sites (2017-2018) (hereafter "The Select Committee Report" recommended that,

"Tynwald calls upon the Council of Ministers and all Departments to use every means at their disposal to encourage and prioritise the development of unoccupied or previously developed urban sites ahead of building on greenfield sites in the Manx countryside; and in particular that Tynwald is of the opinion that urgent action should be taken ... (iv) to use the planning system, taxation and other potential incentives to discourage greenfield development; (v) to use the planning system, taxation and other potential incentives to encourage brownfield development in Development Zones in Douglas and in other urban areas".

4.3 The Manual for Manx Roads (published by the Department of Infrastructure) sets out detailed guidance on highways matters.

5.0 PLANNING HISTORY

5.1 The following planning application is considered relevant in the consideration of this application:

5.2 21/00621/C Change of use of vacant site to a temporary car park - REFUSED on the following grounds;

"R 1. The proposed temporary use would reduce the likelihood of a prominent brownfield/undeveloped site being brought forward and this would be contrary to Strategic Policy 1 of the Strategic Plan (2016), the policy on car parks as set out in "Reform of the Planning System - Programme for Government 2016 - 2021" and the recommendations of the Report of the Select Committee of Tynwald on the Development of Unoccupied Urban Sites (2017-2018).

R 2. The proposed use is not in accordance with the land use zoning as set out within the Ramsey Local Plan.

R 3. The proposal would be contrary to General Policy 2 as the proposal would detrimentally affect the visual appearance of the street scene and the site itself."

5.3 Erection of two storey unit retail area / 178 seat cinema / lecture theatre, 80 seat restaurant with associated services and erection of 2 & 3 storey unit for retail / office area and 3 no. 2 bed apartments with improvements to car park - 04/01679/B- APPROVED at Appeal (same applicants/owner).

6.0 REPRESENTATIONS

6.1 Highway Services make the following comments (08.04.2022):

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The Applicant is advised that highway licences may be necessary for the use of the highway during works."

6.2 Ramsey Commissioners have no objection (22.04.2022).

7.0 ASSESSMENT

7.1 The principle issues with the application are the land use zoning and whether the use of the site on a temporary basis for retailing associated with Ramsey Garden Centre, the potential visual impact and Highway Safety issues.

The land use zoning / use of site

7.2 The proposed use does fit with the uses outlined within the Ramsey Local Plan i.e. mixed use being a retail operation. It is therefore in accordance with the land use designation of the Ramsey Local Plan.

7.3 The use of brownfield/un-development sites for temporary uses raises various questions - the extent that the use of the site on a temporary nature can discourage investment in its more permanent development, which generally can be better thought out/ designed and use and overall visual appearance would be expected to be of a higher standard than any temporary use. As indicated in the history section of this report the previously scheme for a temporary car park raised a number of concerns.

7.4 The applicants have had permission for a development in 2004; however, this was not undertaken and has since expired. There are no other approvals on this site. The applicants have not given any clear reasons for why the site has not been developed or the plans/timescale for its development.

7.5 While it is noted that the "Reform of the Planning System - Programme for Government 2016 - 2021" included a policy direction from the Council of Ministers to prevent temporary car park applications being approved on brownfield sites and this scheme is not a temporary car park, there does still require consideration of whether a temporary use is appropriate. In this case given the use would be for the adjacent Ramsey Garden Centre, which is restricted for space given the confines of its site and which is an existing retail well established business in Ramsey Town Centre, it is considered in this case the principle of the temporary use is acceptable.

7.6 It is therefore considered that the proposal would comply with Business Policy 10 which indicates that retail development will be permitted only in established town and village centres.

The potential visual impact

7.7 It is proposed to remove the rough turf grass and a few inches of sub soil of the site and replaced with type one aggregate. This has recently been undertaken. Further a 1.8m high metal fence (green in colour) would be erected around the edges of the site (red line) to secure the site. Given the site would be temporary in nature as mentioned previous the visual appearance would not be especially attractive. The Department did ask whether some sort of landscaping could be undertaken but the applicants had concerns that given the temporary nature there would be little point as it would have to be removed. Further concerns of plants pots (i.e. more temporary) may lead to them being stolen. Of course if this use is only for a 12 month period then this lack of landscaping could be considered acceptable. However, if a further application was to be received then the Department would likely see a more permanent arrangement, if such application was approved. However, the Planning Committee may consider landscaping being provided now is required if it is felt the visual impact of the development is unacceptable and as such a condition could be attached. The applicants have also indicated that around 70% of the land will be used to display plants.

8.0 CONCLUSION

8.1 Overall; for the reasons indicated within this report it is considered the proposal would comply with General Policy 2, Environment Policy 43, Business Policy 10 and Transport Policy 4 & 6 of the Isle of Man Strategic Plan 2016 and the Ramsey Local Plan. Accordingly, the application is 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.

PLANNING AUTHORITY AGENDA FOR 4th July 2022

Item 5.3

Proposal : Construction of nine new garages and two bike stores
Site Address : Land At Corner Of Lhon Vane Close And
Lhon Dhoo Close
Onchan
Isle Of Man
IM3 3BD
Applicant : Mr Michael Weldon
Application No. : 22/00034/B- click to view
Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The garages hereby approved shall only be used for parking of vehicles and storage, and shall not be used for the operation of a business or any commercial use

Reason: For the avoidance of doubt and in the interests of local amenity.

Reason for approval:

The proposed application is recommended for approval as it is not considered to harm the use and enjoyment of neighbouring properties and would comply with General Policy 2(b) & (c) (g) (h) & (i), Environmental Policy 22 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

It is recommended that Manx Utilities should be afforded Interested Person Status as they have commented on material planning issues.

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

Article 6(4):

49, Bemahague Avenue,

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

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE IN ACCORDANCE WITH SECTION 2 B AS THE LOCAL AUTHORITY HAS OBJECTED AND THE PROPOSAL IS NOT A HOUSEHOLDER APPLICATION

1.0 THE SITE

1.1 The application site is the curtilage of an area of single storey garages located on the corner of Lhonvane Close and Lhondhoo Close. Access to the garages is currently only accessible through Bemahague Avenue to the south of the site. The current garages are in three blocks, one to the eastern boundary, one towards the southern boundary, and the third block, centrally located on a back to back layout of garage attached to the southern block to form a "T" shape. The garages are all flat roof, with single car width up/over doors in white and finished in a spar dash. General car parking is available towards the northern boundary and to the western boundary. The existing garages sit at a lower level than the pavement, (approx. 1m) to the north and west boundary and falls away to the southern boundary by a further 1m. This is reflected in the stepped roofs of the existing garages.

1.2 The character of the surrounding residential area are a variety of styles from detached dwellings to the north of the site and semi-detached to the east, south and bungalows to the west, all with a degree of off road parking on the driveway to the front. The properties that boarder the site to the east and south are generally the two stories high.

1.3 There are 22 garages on site and 12 car parking spaces that are all owner by the applicant and rented out accordingly on a long term basis. Two small grassed area of land belongs to the commissioners with the option to purchase by the applicant.

2.0 THE PROPOSAL

2.1 This proposal seeks to amend a former approval on site PA20/01307/B due to unavailability of two patches of grass land (owned by Onchan District Commissioners) and now proposes a reduction in the size of two of the garages (units 2 and 3) and the omission of two bike sheds to the south west corner, where at present the site area features 12 car parking spaces.

2.2 Proposed is the construction of nine new garages and four bike stores to the north and north west elevation of the site adjacent to the boundary. The garages would be flat roof and single car width (3.0m wide to 3.5m wide) and 6.0m long. The two bike stores would measure on average 2.2m wide and 3.2m long to east end of the 'car' garages. The garages would be constructed with spar dash render to match the existing garages; fibreglass roof; white powder coated aluminium doors; fascia's and barge boards in white Upvc.

2.3 Essentially those areas that would have been built on the grassed areas have now been omitted.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area of predominately residential on the Proposal Map 6 (Onchan) of the Area Plan for the East. Came into operation on 1st December 2020.

3.2 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

3.3 General Policy 2 (GP2) (in part)

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

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

3.4 Environmental Policy 22 (in part)

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

- iii) vibration, odour, noise or light pollution

3.6 Other Material Considerations

The Department has published the Residential Design Guidance (2021) which provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential property.

4.0 PLANNING HISTORY

4.1 20/01307/B - Construction of nine new garages and four bike stores. Approved at Planning Committee 17/02/21 and further Approved at Appeal 03/09/21.

4.2 Within the inspectors report dated 9th August 2021, they considered the principle of development; visual impact; residential amenity; access, traffic and parking; drainage, and in their concluding paragraph (44) they say; "I recommend that the appeal be dismissed, and that the initial decision to grant planning approval for the construction of nine new garages and four bike stores, on land at the corner of Lhondhoo Close and Lhonvane Close, Onchan, be upheld, subject to the planning condition originally imposed as follows:

The development 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".

5.0 REPRESENTATIONS (in part, full reps available on line)

5.1 Onchan District Commissioners commented (08/02/22) to Object as they consider the proposal would; "have a negative impact upon the visual appearance, residential amenity, increased traffic and additional strain to the existing drainage infrastructure".

5.2 Highways Services do not object (03.02.22)

5.3 MUA (drainage) commented (11/02/22) with no objection

5.3 49 Bemahague Avenue, is located on the access road to the site approx.20m to the south of the site. Objects for four reasons, 1; as this would compromise access to emergency vehicles seeking to park in the area / on site, 2; Conflict of issues with intensity of vehicle users in the area and the increase in school children frequenting / being dropped off and

walking through as a short cut, 3; parking in the turning bay would become a premium if built, many of the garages are not rented to people living in the neighbouring properties, 4; confirms their address and any parking outside would block the highway and emergency vehicles.

6.0 ASSESSMENT

6.1 The fundamental issues to consider in the assessment of this planning application are almost identical to what was formerly considered by the case officers, planning committee and the planning appeals inspector and Minister. In that the thematic issues are noted as below;

- (i) visual impact of the proposed development; (GP2(b) & (c))
- (ii) the impact upon the amenities (overlooking, loss of light; over bearing impact, privacy and visual amenity) of the neighbouring properties. (GP2(g))
- (iii) Environmental impact (EP22)
- (iv) Highway Safety (GP2h,i)

6.2 Given the planning history and the similarity to this application in the provision of garages within an area where there are already garages, noting the above matters have previously been considered and accepted, the overall difference is negligible and arguably a smaller scheme now being proposed could likely achieve a similar outcome as the previous application and decision making.

6.3 Given the response from the neighbouring property and in line with what the application is proposing, in this case a condition has been added to clarify the use and safeguard local amenity for these garages. The condition would not preclude the parking of works vehicles on the site, or the maintenance of a vehicle which was already stored at the site (which would be ancillary).

6.4 The proposed application is recommended for approval as it is not considered to harm the use and enjoyment of neighbouring properties and would comply with General Policy 2(b) & (c) (g) (h) & (i), Environmental Policy 22 of the Isle of Man Strategic Plan 2016.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the proposed garages would be an appropriate form of development that does not harm the use and enjoyment of neighbouring properties and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016, and is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (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 4th July 2022

Item 5.4

Proposal : **Erection of a marquee over existing outside seating area**
Site Address : **Conrods Boathouse Cafe**
Mooragh Park
Ramsey
Isle Of Man
IM8 3AP
Applicant : **Conrod Limited**
Application No. : **22/00407/B**- click to view
Planning Officer : **Mrs Vanessa Porter**

RECOMMENDATION: **To APPROVE the application**

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The marquee must be installed according to the plans and supporting information and must be maintained as such thereafter.

Reason: To ensure the development is implemented according to the plan/details submitted, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 3. The marquee hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used or required for a period exceeding 12 months.

Reason: The structures have been exceptionally approved solely to meet a specific need and its subsequent retention would result in an unwarranted intrusion within a site zoned as open space.

Reason for approval:

While the installation of a marquee over part of the outdoor seating area could be considered contrary to the principles of the open space designation of the site, the proposal is expected to facilitate the recreational facilities and outdoor pursuits in the area and is considered to comply with Paragraph 10.3.5, Recreation Policy 2 and Community Policy 7 of the Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

THE APPLICATION SITE

1.1 The application site is situated within the existing overall café site situated to the Southern side of Mooragh Park Lake, Ramsey. The external seating area is situated to the nearest edge of the lake opposite the existing café building, which provides a mix of picnic type tables which are used by patrons of the café and the general public.

1.2 Between the café and the picnic seating is an access route which forms part of the path running around the entire lake and also wide enough for service vehicle access.

THE PROPOSAL

2.1 The current planning application seeks approval for the erection of a 3m by 9m, with an overall height of 2.85m marquee which is to sit over part of the external seating area site.

2.2 The marquee is to have clear plastic panels to the North West elevation, North East elevation and South West elevation, with there being two clear panels and one solid zipped panel to the South East panel.

2.3 The proposal is to have the marquee up all year round.

PLANNING HISTORY

3.1 There is one previous application which is relevant to the assessment of this application, PA20/00410/B which was for "Alterations, creation of external seating area, erection of ticket kiosk, and installation of flue (part retrospective)" and Permitted.

PLANNING POLICY

4.1 The site lies within an area zoned as Public Open Space on the Ramsey Local Plan 1998. The property is not within a Conservation Area but is within a High Risk Tidal Flood Risk Zone.

4.2 LOCAL PLAN

4.2.1 Within the written statement which accompanies the Ramsey Local Plan 1998, Mooragh Park is stated as a major asset for outdoor pursuits and the importance of protecting such significant areas of existing open space for amenity purposes.

4.3 STRATEGIC PLAN

4.3.1 Given the nature of the residential property and the land designation paragraph 10.3.5 in connection with Recreation Policy 2 which seeks that development which would adversely affect, or result in the loss of Open Space or a recreation facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted unless in certain circumstances, followed by Environment Policy 10 which seeks development within a Flood Risk Zone must have a Flood Risk Assessment.

4.3.2 Furthermore consideration should be given to Community Policies 7 and 11 in respect of reducing outbreak of fire and preventing criminal activity.

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 "- After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The Applicant is advised that highway licences may be necessary for the use of the highway during works." (14.04.22)

5.3 Ramsey Town Commissioners have considered the proposal and state they have no objection. (22.04.22)

5.4 DEFA Inland Fisheries have written in to state that care will need to be taken with regards to the reduction of possible harmful material such as concrete or washings entering the watercourse and they have no objection to the proposal. (06.05.22)

5.5 No representation has been received by DOI Flood Risk Management at the time of writing this report.

ASSESSMENT

6.1 With looking at the land zoning of the site, the quality of life on the Island and the quality of the wider environment is improved by having attractive open spaces and facilities available for recreation and other community purposes, these can be both formal and informal, including amenity space which can be privately or publically owned.

6.2 With this in mind, when looking at the proposed marquee and the enclosure of part of the seating area, this could be argued that it is making part of the open space not readily accessible to the general public and that the space is to be only used for patrons of the café.

6.3 Mooragh Park is a large site, which has several uses from the boating lake, directly adjacent to the proposed site, to further afield at the other end of the lake, a playground all of which are open space areas and other places which are not open space, such as Costa which is within the middle of the park and Parklands Day Nursery which is also situated within the middle of Mooragh Park. As such the surrounding area of the proposal is a mix of open spaces accessible all year around to the general public and spaces which are only used for the general public during opening hours.

6.4 The proposed marquee would support the existing use of the café. The continued use of the café will benefit the users of the Mooragh Park and the inclusion of outdoor covered seating will help to provide improved facilities for all year round dining or dining later in the evening which may help to encourage visitors to stay longer, providing a new attracting and offering an overall community gain for the area.

6.5 Physically the marquee is of a suitable quality, has a reasonable height and is generally designed to best suit the surrounding open space, whilst still leaving seating accessible outside of the marquee for the general public all year round. Its installation would not be out of keeping with the area and would not result in any visual or amenity harm to cause concern.

6.6 The marquee would not be the first of its kind within the park, with there being sheltered seating area, bandstand and cafes with covered areas on the adjacent site of the lake.

6.7 The proposed marquee is to be in place all year round during the opening and closing hours of Conrods, which due to the land zoning of open space, has the possibility to be against this land zoning, whilst this is the case the closing of the marquee would comply with Community Policies 7 and 11 by reducing any anti-social behaviour and also adding in the fact that the area is already frequented by police and there is CCTV in operation. The site is nearest the main road and far more readily accessible for emergency services and public

view, it would also be in the business operators' best interest to ensure suitable surveillance is in place encase there is any anti-social behaviour to the marquee.

6.8 Turning towards Environment Policy 10 and the requirement for a Flood Risk Assessment, the overall Flood Risk Assessment of the proposal was done within the previous application PA20/00410/B and as such, as the proposed works is not a structure and is easily removed, a Flood Risk Assessment is not required in this instance.

CONCLUSION

7.1 The proposed marquee is considered acceptable and would not result in any visual or amenity harm to the area, and whilst the proposal could be considered contrary to the open space designation, its installation here is considered acceptable, to provide continued benefit to the users of the recreation facilities and general community gain. Physically the structure is judged to be in keeping with the surrounding area and would therefore not result in a harmful impact on the character or amenity of Mooragh Park subject to conditions regarding its maintenance and removal if no longer required.

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 4th July 2022

Item 5.5

Proposal : Installation of 14 ground mounted solar PV panels
Site Address : Gollane House
Clenagh Road
Sandygate
Ramsey
Isle Of Man
IM7 3AF
Applicant : Mrs Catherine Groom
Application No. : 22/00419/B- [click to view](#)
Planning Officer : Mrs Vanessa Porter

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The Solar panels and the support units hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used or required for renewable and alternative energy generation for a period exceeding 12 months.

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

C 3. The solar panels and base must be installed according to the plans and supporting information and must be maintained as such thereafter.

Reason: To ensure the development is implemented according to the plan/details submitted, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

C 4. The only model of solar panels that can be installed are the JAM60s21 355-375/MR solar panels

Reason: To ensure the development is implemented according to the plan/details submitted, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted.

Reason for approval:

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

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

THE APPLICATION SITE

1.1 The application site is within the curtilage of a field No. 211198 which is situated next to Gollane House, Clenagh Road, which is situated to the West of Clenagh Road, South of the Ballamenagh Road, Sandygate Road, Jurby Road, Clenagh Road crossroads.

1.2 The field is accessed via the side garden of Gollane House and currently has fruit trees within it.

1.3 The field is surrounded by mature trees and hedges with there being a sod bank with hedging above.

THE PROPOSAL

2.1 The current planning application seeks approval for the erection of a 5.25kw ground mounted solar PV system, comprising of 14 x 375watt panels, each sized at 1776mm by 1052mm. The proposed panels will be mounted on A frames which will be situated on a concrete base measuring 1.2m by 14.85m.

PLANNING HISTORY

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

PLANNING POLICY

4.1 The site lies within an area zoned as "not zoned for development," on the 1982 Development Plan, North Map. The site is not within a Conservation Area or a Flood Risk Zone.

4.2 STRATEGIC PLAN

4.2.1 Given the nature of the land zoning and the proposal the post relevant Strategic Policy would be Paragraph 12.2.8 in connection with Energy Policy 4 which seeks that alternative sources of energy will be subject to the policies as set out in the Strategic Plan, this is then followed by Environment Policy 22 which sets out that development will not be permitted if it unacceptably harms the environment or amenity of neighbouring properties.

4.2.2 The following Strategic Policies are also relevant in the assessment of this application, Strategic Policy 1 which seeks that development should make the best use of resources, General Policy 2 which sets out general Development Control considerations, General Policy 3 which sets out exceptions for development within land not zoned for development, Environment Policy 1 which seeks that the countryside and it's ecology will be protected for its own sake and Environment Policy 14 which seeks that the loss of agricultural land will not be permitted unless there is an overriding need or the land is lower quality.

4.3 OTHER MATERIAL CONSIDERATIONS

4.3.1 Also relevant to the assessment of this application is the Isle Of Man Future Energy Scenarios (2020), in which the Isle of Man Government launched its Future Energy Scenarios Strategy to determine the pathways to meet the following:

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

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 "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. (26.04.22)

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

ASSESSMENT

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

- principle
- character and appearance

6.2 PRINCIPLE

6.2.1 In the first instance the principle of the development needs to be address. The field itself is a site which is not designated for development and is a site which lies in the countryside where development is restricted, in order to protect the countryside for its own sake. Whilst General Policy 3 allows for some exceptions within the countryside the proposed solar panels do not fit within any of these categories.

6.2.2 Whilst this is the case, the Strategic Plan has policies regarding renewable energy which is then re-confirmed within the Isle of Man Future Energy Scenarios (2020). This means that when accessing the acceptability of the principle of the proposal the Strategic Policies for renewable energy has to be weighed against the Strategic Policies for protecting the countryside.

6.2.3 The proposal within this application is relatively small, the proposal is to create enough solar panels to help provide the property with renewable energy, as such it is considered that the installation of the solar panels at the site would accord with the general support given to the introduction of renewable and alternative energy sources and would comply with Paragraph 12.2.8 and Energy Policy 4 of the Isle of Man Strategic Plan 2016.

6.2.4 Whilst the principle is acceptable it is necessary to assess whether solar panels within this site would be acceptable.

6.2.5 The site itself is a field which is situated between two properties, Gollane Cottage, situated to the North West of the site and Gollane House which is the property in connection with the works. The field itself is surrounded by mature trees and hedging with the entrance into it via Gollane House. The field is currently being used an orchard in connection with the main dwelling, as such whilst the site is still being used as agricultural.

6.2.6 The proposed installation of solar panels would not alter this land designation and there are certain livestock which can still be grazed within a field with ground based solar panels, this is called solar grazing, these generally tend to be laid back and smaller grazers such as

sheep, goats and chickens, of which there are several sites in the UK and beyond which are already doing this. As such the proposal would comply with Environment Policy 14.

6.3 CHARACTER AND APPEARANCE

6.3.1 Due to the proposal and the site, it is necessary that regard is given to the reasonableness of the scale and siting of the proposed solar panels and how they could affect the overall openness and ruralness of the surrounding area.

6.3.2 As stated above, the site is situated between two properties, of which the solar panels are to be situated along the North East of the site, directly adjacent to the sod bank. Having done a site visit, it can clearly be seen that the field cannot be seen from the main Clenagh Road. This is due to the sod bank and the mature hedging above it. As such there would be a very minimal impact upon the overall character and appearance of the area and the countryside.

CONCLUSION

7.1 Overall the openness and rural character of the countryside is not expected to be undermined as a result of the proposed solar panels, as such the proposal complies with Environment Policy 1 & 22 and Energy Policy 4.

7.2 It is recommended that the planning application be approved.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 4th July 2022

Item 5.6

Proposal : Alterations to part of an existing outbuilding in connection with the change of use to a refreshments kiosk (in association with PA 22/00569/CON)

Site Address : Point Of Ayre Lighthouse
Cranstal
Bride
Isle Of Man
IM7 4BS

Applicant : Mr Chris Misselbrook

Application No. : 22/00568/GB- [click to view](#)

Technical Officer : Mr Thomas Sinden

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the occupation/operation of the kiosk, the replacement windows detailed on drawing PA 001 Rev 2 are to be installed, and shall be retained thereafter.

Reason: To ensure that the special character of the registered building is preserved.

C 3. Prior to the occupation/operation of the kiosk, bins shown on the proposed floor plan on drawing PA 001 Rev 2 are to be provided within the lighthouse compound and retained thereafter.

Reason: To avoid any adverse impact on the area of high ecological importance.

C 4. Within one month of the kiosk commencing operation, the cabin currently being used to serve refreshments is to be removed from the site.

Reason: To protect the setting of the registered building and the area of special scientific interest.

N 1. The applicant is advised that Express Consent to erect an advertisement will be required for the signage shown on the proposed south elevation of drawing PA 001 Rev 2. Any posters or other educational material intended to be fixed to the building may also require advertisement consent and registered building consent.

N 2. The applicant is encouraged to liaise with the DEFA Ecosystems Policy Team in respect of providing educational material promoting the ecological importance of the area and directing patrons not to park on grassland or heath.

Reason for approval:

The proposals meet the tests of Section 16 of the Town and Country Planning Act 1999, as well as the relevant policies within the Isle of Man Strategic Plan 2016 and policies RB/3, RB/4 and RB/5 of Planning Policy Statement 1/01, as they will protect and preserve the character of the Registered Building, and will not adversely affect the species and habitats in the surrounding area. The application is therefore judged to be acceptable.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The site is an outbuilding and part of the compound of the Point of Ayre Lighthouse, Bride. The lighthouse is entered on the protected buildings register (RB 147) as a building of special architectural or historic interest. The lighthouse dates from 1818 and was designed by notable engineer Robert Stevenson. The lighthouse tower retains many elements of historic fabric, including its first order Fresnel lens from 1890, which is the only example still in use on the island. In addition to this, the lighthouse complex of tower, keeper's cottages, outbuildings and curtilage walls is still substantially intact.

1.2 The application is focussed on an existing outbuilding in the north-east corner of the compound, and an area within the boundary wall immediately to the south of the outbuilding. The building is flat roofed with a storage tank on the roof, and has white painted brickwork walls. No approval appears in the site's planning history for the two UPVC windows that are currently in place. The other windows in the outbuilding are metal framed.

1.3 A prefabricated cabin towards to south-eastern corner of the lighthouse compound is currently being used to sell refreshments, with customers being served over the compound's boundary wall. The cabin and its use do not have consent under the Town and Country Planning Act 1999.

2.0 THE PROPOSAL

2.1 The proposals are for the replacement of two UPVC windows with metal framed windows, and the creation of a refreshments kiosk. The replacement windows are proposed to match the material and style of the surviving historic windows still in place elsewhere on the outbuilding. The refreshments kiosk is intended to replace the existing cabin (see 1.3 above).

3.0 PLANNING POLICY

3.1 The site is defined on the 1982 Development Plan as an Area for Government or Service Department purposes, in an area of High Landscape or Coastal Value and Scenic Significance, and in an area defined as Nature Conservation Zone, Nature Reserve and Sites of Ecological Importance for Conservation. The site is not in an area at risk of flooding.

3.2 TOWN AND COUNTRY PLANNING ACT 1999
S16 Registered buildings: supplementary provisions

(3) In considering —

(a) whether to grant planning approval for development which affects a registered building or its setting, or

(b) whether to grant registered building consent for any works,
the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.3 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

Strategic Policy 4: Proposals for development must:

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

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

(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);

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

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.

Environment Policy 2: The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that: (a) the development would not harm the character and quality of the landscape; or (b) the location for the development is essential.

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 (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.

Environment Policy 32: Extensions or alterations to a Registered Building which would affect detrimentally its character as a building of special architectural or historic interest will not be permitted.

Environment Policy 33: The change of use of Registered Buildings will only be permitted if the proposed use is appropriate and any alterations associated with the change are not detrimental to its character as a building of special architectural or historic interest.

Environment Policy 34: In the maintenance, alteration or extension of pre-1920 buildings, the use of traditional materials will be preferred.

3.4 Planning Policy Statements: 1/01 Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man

POLICY RB/3

General criteria applied in considering registered building applications

The issues that are generally relevant to the consideration of all registered building applications are:-

- o The importance of the building, its intrinsic architectural and historic interest and rarity, relative to the Island as a whole and within the local context;
- o The particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the register; descriptions annexed to the entry in the register may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance, (e.g. Interiors, murals, hidden fireplaces) may come to light after the building's entry in the register;
- o The building's setting and its contribution to the local scene, which may be very important, e.g. Where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby (including other registered buildings).

POLICY RB/4 USE

In considering a proposal for change of use of a registered building, the principal aim should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the building, all of which affect its special character as a building of merit. An applicant will have to illustrate that the effect of any proposed changes upon the architectural and historic interest of the building will be minimised.

POLICY RB/5 ALTERATIONS AND EXTENSIONS

In considering whether to grant planning approval for development which affects a registered building or its setting and in considering whether to grant registered building consent for any works, the Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Registered building consent is required for the building's alteration in any way which would affect its special architectural or historic character. There will be a general presumption against alteration or extension of registered buildings, except where a convincing case can be made, against the criteria set out in this section, for such proposals.

Applicants for registered building consent for alteration or extension to a registered building must be able to justify their proposals. They will be required to show why the works which would affect the character of the registered building are desirable or necessary and they should provide full information to enable the Department to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting. Where registered buildings are the subject of successive applications for alteration or extension, consideration will also be given to the cumulative effect upon the building's special interest as a result of several minor works which may individually seem of little consequence.

4.0 PLANNING HISTORY

4.1 The site has been the subject of a number of applications. However, all previous applications relate to the lighthouse keeper's cottages and not the outbuilding that is the subject of this application.

5.0 REPRESENTATIONS

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

5.1 DOI's Highways Division have stated that they find the application to have no significant negative impact upon highway safety, network functionality and /or parking. (19.5.2022).

5.2 DEFA Ecosystems Policy Officer - The area surrounding the Point of Ayre lighthouse is of very high ecological importance. Because of this importance we recommend that a condition is secured for the education materials promoting the ecological importance of the area and the bins, be put up in the compound prior to the opening of the café. As indicated in the Design Access Statement, we are happy to help with the education materials.

However, we request that a condition is secured for no refreshments to be served out of the east window or over the wall, and therefore outside of the lighthouse compound. We are very supportive of the proposal for no plastic to be used and customers to be encouraged to bring a re-usable cup or use a biodegradable cup, but we would also like to suggest that the client makes sure that they also do not use any compostable plastics.

We believe that there could be an issue with parking in the future, more specifically where people park to visit the café, but we definitely would not like to see a new carpark created, or the grassland or heath outside of the compound walls becoming an unofficial carpark as this would result in the destruction of rare habitats, or even the destruction of nests. We suggest that the owner is vigilant to look out for people parking irresponsibly and then talks directly with these people to suggest they park elsewhere and also refers them to the educational material. A poster asking people whether they have parked responsibly and directing people where to park, would be useful. If ongoing issues are encountered the owner should contact the Ecosystem Policy Team to discuss further options for discouraging irresponsible behaviour.

6.0 ASSESSMENT

6.1 There are two issues in this case. Firstly, whether the proposed alterations to the building and the change in use will preserve the registered building or its setting or any

features of special architectural or historic interest which it possesses. Secondly, whether the proposed use will have a detrimental impact on the area given its high ecological importance.

6.2 The building is of clear architectural and historic interest with its links to notable engineer Robert Stevenson and the architectural form, details and fabric that have been retained.

6.3 It is considered that the change of use and associated works to replace the UPVC windows with metal framed units will preserve the existing features of special interest within the building and will generally improve its appearance, using traditional materials. It is also considered that the outbuilding's historic use as an ancillary building required for the continued operation of the lighthouse could be judged to be redundant, and that the proposed new use would comply with general policy 3.

6.4 With regard to the possible ecological impact of the proposed use as a refreshments kiosk, it is noted that the applicant has had pre-application discussions with the DEFA Ecosystems Policy Team. The Ecosystems Policy Team have submitted comments recommending a condition be placed upon any approval to secure the display of educational material and the installation of bins prior to the kiosk opening. A condition has also been requested to prevent refreshments being served from the east window or over the wall given the impact this would have on the grassland outside the lighthouse compound. It is noted that the proposed easterly facing window is fixed, with no openings, and this is judged to be sufficient in respect of preventing refreshments being served via this route. A potential future issue regarding car parking has been highlighted by the Ecosystems team, who have emphasised that they would not wish to see a formal car park created at the site or for the surrounding land to become an unofficial car park. A poster directing customers where to park has been suggested. Overall, it is considered that the proposals have clearly been developed in consultation with the Ecosystems Policy Team, and have been designed so as to avoid any impact on the site beyond the lighthouse compound. With this in mind, it is judged that the proposals will have no adverse impact on the surrounding landscape and the wildlife habitats that they provide.

7.0 CONCLUSION

7.1 The proposals are considered to meet the tests of Section 16 of the Town and Country Planning Act 1999, to be in accordance with the policies within the Strategic Plan and policies RB/3, RB/4 and RB/5 of Planning Policy Statement 1/01 as they will protect and preserve the character of the Registered Building, and will not adversely affect the species and habitats in the surrounding area. The application is therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 4th July 2022

Item 5.7

Proposal : Registered Building consent for the replacement of two windows and the installation of lighting on an existing outbuilding (in association with PA 22/00568/GB) Registered Building Nos. 147

Site Address : Point Of Ayre Lighthouse
Cranstal
Bride
Isle Of Man
IM7 4BS

Applicant : Mr Chris Misselbrook

Application No. : 22/00569/CON- [click to view](#)

Technical Officer : Mr Thomas Sinden

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 works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

Reason: To comply with paragraph 2(2)(a) of schedule 3 of the Town and Country Planning Act 1999 and to avoid the accumulation of unimplemented registered building consents.

C 2. No works in connection with the installation of the kiosk signage shown on the proposed south elevation of drawing PA 001 Rev 2 shall commence unless details of the proposed signage are submitted to and approved in writing by the Department. Thereafter the signage shall be installed in accordance with the approved details.

Reason: To ensure that the special character of the registered building is preserved.

C 3. Prior to the occupation/operation of the kiosk, the replacement windows detailed on drawing PA 001 Rev 2 are to be installed, and shall be retained thereafter.

Reason: To ensure that the special character of the registered building is preserved.

N 1. The applicant is advised that Express Consent to erect an advertisement will be required for the signage shown on the proposed south elevation of drawing PA 001 Rev 2. Any posters or other educational material intended to be fixed to the building may also require advertisement consent and registered building consent.

Reason for approval:

The proposals meet the tests of Section 16 of the Town and Country Planning Act 1999, as well as the relevant policies within the Isle of Man Strategic Plan 2016 and policies RB/3, RB/4 and RB/5 of Planning Policy Statement 1/01 as they will protect and preserve the character of the Registered Building. The application is therefore judged to be acceptable.

Interested Person Status – Additional Persons

It is recommended that the Department of Infrastructure Highways Division should not be awarded Interested Party Status as their comments do not relate to relevant issues set out in Environment Policies 30 to 35 and 39 of the Strategic Plan 2016 in accordance with paragraph 2C2 of the Policy.

Planning Officer's Report

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

1.0 THE SITE

1.1 The site is an outbuilding and part of the compound of the Point of Ayre Lighthouse, Bride. The lighthouse is entered on the protected buildings register (RB 147) as a building of special architectural or historic interest. The lighthouse dates from 1818 and was designed by notable engineer Robert Stevenson. The lighthouse tower retains many elements of historic fabric, including its first order Fresnel lens from 1890, which is the only example still in use on the island. In addition to this, the lighthouse complex of tower, keeper's cottages, outbuildings and curtilage walls is still substantially intact.

1.2 The application is focussed on an existing outbuilding in the north-east corner of the compound, and an area within the boundary wall immediately to the south of the outbuilding. The building is flat roofed with a storage tank on the roof, and has white painted brickwork walls. No approval appears in the site's planning history for the two UPVC windows that are currently in place. The other windows in the outbuilding are metal framed.

2.0 THE PROPOSAL

2.1 This application seeks registered building consent for the replacement of two UPVC windows with metal framed windows and associated works to create a refreshments kiosk. The replacement windows are proposed to match the material and style of the surviving historic windows still in place elsewhere on the outbuilding. The refreshments kiosk is proposed to have light fittings either side of the serving window, and signage above the window. It is proposed that part of the lighthouse compound immediately south of the outbuilding is used as a seating area and delineated with a post and rope barrier.

3.0 PLANNING POLICY

3.1 TOWN AND COUNTRY PLANNING ACT 1999

S16 Registered buildings: supplementary provisions

(3) In considering —

(a) whether to grant planning approval for development which affects a registered building or its setting, or

(b) whether to grant registered building consent for any works,

the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.2 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

Strategic Policy 4: Proposals for development must:

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

Environment Policy 32: Extensions or alterations to a Registered Building which would affect detrimentally its character as a building of special architectural or historic interest will not be permitted.

Environment Policy 33: The change of use of Registered Buildings will only be permitted if the proposed use is appropriate and any alterations associated with the change are not detrimental to its character as a building of special architectural or historic interest.

Environment Policy 34: In the maintenance, alteration or extension of pre-1920 buildings, the use of traditional materials will be preferred.

3.3 Planning Policy Statements: 1/01 Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man

POLICY RB/3

General criteria applied in considering registered building applications

The issues that are generally relevant to the consideration of all registered building applications are:-

- o The importance of the building, its intrinsic architectural and historic interest and rarity, relative to the Island as a whole and within the local context;
- o The particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the register; descriptions annexed to the entry in the register may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance, (e.g. Interiors, murals, hidden fireplaces) may come to light after the building's entry in the register;
- o The building's setting and its contribution to the local scene, which may be very important, e.g. Where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby (including other registered buildings).

POLICY RB/4 USE

In considering a proposal for change of use of a registered building, the principal aim should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the building, all of which affect its special character as a building of merit. An applicant will have to illustrate that the effect of any proposed changes upon the architectural and historic interest of the building will be minimised.

POLICY RB/5 ALTERATIONS AND EXTENSIONS

In considering whether to grant planning approval for development which affects a registered building or its setting and in considering whether to grant registered building consent for any works, the Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Registered building consent is required for the building's alteration in any way which would affect its special architectural or historic character. There will be a general presumption against alteration or extension of registered buildings, except where a convincing case can be made, against the criteria set out in this section, for such proposals.

Applicants for registered building consent for alteration or extension to a registered building must be able to justify their proposals. They will be required to show why the works which would affect the character of the registered building are desirable or necessary and they

should provide full information to enable the Department to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting. Where registered buildings are the subject of successive applications for alteration or extension, consideration will also be given to the cumulative effect upon the building's special interest as a result of several minor works which may individually seem of little consequence.

4.0 PLANNING HISTORY

4.1 The site has been the subject of a number of applications. However, all previous applications relate to the lighthouse keeper's cottages and not the outbuilding that is the subject of this application.

5.0 REPRESENTATIONS

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

5.1 DOI's Highways Division have stated that there is no highways interest in the application. (19.5.2022).

6.0 ASSESSMENT

6.1 The issue with this application for registered building consent is whether the proposed alterations to the building and the change in use will preserve the registered building or its setting or any features of special architectural or historic interest which it possesses.

6.2 The building is of clear architectural and historic interest with its links to notable engineer Robert Stevenson and the architectural form, details and fabric that has been retained.

6.3 It is considered that the change of use will not be detrimental to the building's character, and the associated works to replace the UPVC windows with metal framed units will preserve the existing features of special interest within the building and will generally improve its appearance, using traditional materials. The proposed signage above the serving window has not been shown in detail. With this in mind, it is suggested that a condition be placed upon any approval that requires the signage details to be approved prior to the kiosk coming in to operation.

7.0 CONCLUSION

7.1 The proposals are considered to meet the tests of Section 16 of the Town and Country Planning Act 1999, to be in accordance with the policies within the Strategic Plan and policies RB/3, RB/4 and RB/5 of Planning Policy Statement 1/01 as they will protect and preserve the character of the Registered Building. The application is therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Registered Buildings) Regulations 2013, the following are automatically interested persons:

- (a) The applicant, or if there is one, the applicant's agent;
- (b) The owner and the occupier of any land that is the subject of the application;
- (c) Manx National Heritage; and
- (d) The local authority in whose district the land the subject of the application is situated

8.2 In addition to those above, the Regulation 9(3) requires the Department to decide which persons (if any) who have made representations with respect to the application, should be treated as having sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to the application.