



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, 5th September 2022, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Please note that participants are able to attend in a public meeting in person or virtually via Microsoft Teams. For further information on how to view the meeting virtually or speak via Teams please refer to the Public Speaking Guide and 'Electronic Planning Committee – Supplementary Guidance' available at www.gov.im/planningcommittee. If you wish to register to speak please contact DEFA Planning & Building Control on 685950.

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 22nd August 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 19th September 2022.

PLANNING COMMITTEE Meeting, 5th September 2022
Schedule of planning applications

<p>Item 5.1 Unit 2 Concorde House Westbourne Road Ramsey Isle Of Man IM8 2ER</p> <p>PA22/00519/C Recommendation : Permitted</p>	<p>Change of use of first floor to a gaming lounge</p>
<p>Item 5.2 Land To The Rear Of The Hollies Mount Rule Douglas Isle Of Man IM4 4HT</p> <p>PA22/00267/REM Recommendation : Permitted</p>	<p>Reserved Matters application to P.A. No 21/00876/A for the erection of a detached dwelling</p>
<p>Item 5.3 Ballacannell Earystane Colby Isle Of Man IM9 4HN</p> <p>PA22/00367/B Recommendation : Permitted</p>	<p>Modifications to the conversion and restoration of a residential property consisting of a farmhouse and stone barn including modification to external finishes and windows, erection of rear single storey extension and construction of detached double garage with living accommodation above</p>
<p>Item 5.4 Shenandoah Grenaby Road Ballabeg Castletown Isle Of Man IM9 4HD</p> <p>PA22/00321/B Recommendation : Permitted</p>	<p>Erection of detached Barn style building for private vehicle storage</p>
<p>Item 5.5 Sea Mount Scarlett Castletown Isle Of Man IM9 1TB</p> <p>PA22/00427/B Recommendation : Permitted</p>	<p>Erection of first floor extension over existing detached swimming pool</p>
<p>Item 5.6 Westfield 21 Arbory Road Castletown Isle Of Man IM9 1ND</p> <p>PA22/00907/B Recommendation : Permitted</p>	<p>Demolition of the existing single storey lean-to garage and replaced with a two storey side extension and erection of a rear single storey extension</p>
<p>Item 5.7 Ballaman Ballnahowe Port Erin Isle Of Man IM9 6JF</p> <p>PA22/00397/B Recommendation : Permitted</p>	<p>Installation of ground mounted solar array</p>

<p>Item 5.8 Heatherlea Ballakillowey Road Colby Isle Of Man IM9 4BW</p> <p>PA22/00486/B Recommendation : Permitted</p>	<p>Extension to residential curtilage and the installation of a new vehicular access and driveway and the blocking up of two existing accesses</p>
<p>Item 5.9 Upper Ballachrink Farm St Marks Road Ballasalla Isle Of Man IM9 3AG</p> <p>PA22/00562/C Recommendation : Permitted</p>	<p>Additional use of agricultural shed for the parking of a HGV vehicle</p>

PLANNING AUTHORITY AGENDA FOR 5th September 2022

Item 5.1

Proposal : Change of use of first floor to a gaming lounge
Site Address : Unit 2
Concorde House
Westbourne Road
Ramsey
Isle Of Man
IM8 2ER
Applicant : Mr Paul Shanley
Application No. : 22/00519/C- [click to view](#)
Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

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

During school term time -

- o 4pm-8pm Wednesday and Thursday,
- o 4pm-10pm Friday,
- o 10am-10pm Saturday,
- o 10am-4pm on Sunday.

During school holidays -

- o 10am-8pm Monday -Thursday,
- o 10am-10pm on Friday and Saturday, and
- o 10am-8pm on Sunday.

Reason: The application has been assessed on this basis as requested in the application form and in the interest of amenity.

C 3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019, the use hereby approved shall be limited to the proposed leisure and recreational use.

Reason: In the interest to protect the character and uses of the neighbouring properties.

C 4. The proposed gaming lounge hereby approved shall only support a maximum of 24 Customers (Gamers) at any given time.

Reason: For the avoidance of doubt and to ensure the development takes place in accordance with the approved details.

Reason for approval:

The application complies with General Policy 2, Business policy 1, and Paragraph 10.5.3 of the Strategic Plan, and would not result significant adverse impacts on private or public amenity, or highway safety.

Interested Person Status – Additional Persons

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

16 Westbourne Road, Ramsey;
20 Westbourne Road, Ramsey;
22 Westbourne Road, Ramsey;
Abbey Property Renovation Ltd, Unit 4, Concorde House, Westbourne Road, Ramsey;
14 Westbourne Close, Ramsey;
16 Westbourne Close, Ramsey;

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

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

10 Westbourne Road, Ramsey;
9 Westbourne Close, Ramsey;
Croit Nell, Cornaa, Ramsey, (IM7 1EG).

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

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE APPLICATION IS RECOMMENDED FOR APPROVAL AND THERE ARE MORE THAN 4 OBJECTIONS FROM MEMBERS OF THE PUBLIC

1.0 THE SITE

1.1 The application site comprises Units 2 Concorde House, Westbourne Road, Ramsey. Which is a first floor unit on this property. The building is a commercial property known as Concorde House, an L, shaped building, two storeys high with a flat roof. The building comprises 5 Units (1, 2, 3a, 3b and 4) which sit to the east of Westbourne Close.

1.2 The building is set back from the edge of the highway with parking fronting onto the highway. To the north of the site is the bus station, bus garage and parking area for the buses. To the east is Elim church "Church on the Rock". To the south and west are generally two storey

terraced, residential properties and some semi-detached dwellings. To the immediate south of the building is a lane that connects onto Princess Road to the east of the site.

2.0 PROPOSAL

2.1 This application seeks approval for the change of use of the first floor (Unit 2) only to a gaming lounge. There are no external alternations proposed.

2.2 The gaming lounge will comprise three key rooms and corridor, while the kitchen would serve as waiting area for parents:

i. One room would house a large projector and screen linked up to a PS5, this would be the VIP room which people could hire out, the corridor would house small arcade machines and older consoles;

ii. One room would then house various Nintendo consoles;

iii. The largest room would be the "Gaming Room" with 10 modern consoles,

iv. Maximum occupancy of the VIP room would be 4 customers, while maximum occupancy of the other rooms would be 20 customers.

2.3 The proposed opening hours would be:

i. During school term time -

o 4pm-8pm Wednesday and Thursday,

o 4pm-10pm Friday,

o 10am-10pm Saturday,

o 10am-4pm on Sunday.

ii. During school holidays -

o 10am-8pm Monday -Thursday,

o 10am-10pm on Friday and Saturday, and

o 10am-8pm on Sunday.

2.4 The site has access to one parking space on the ground floor parking area, although this is not indicated as being within the red line boundary on the application documents.

2.5 The applicants have further indicated that:

o The building is situated on a part residential street with little available free parking. However, there is plenty of parking available nearby with the old Albert School car park as well as lots of parking near the Coronation Park.

o Most of the customers to be within walking distance.

o They will have notices on their website and alert anyone that books that parking is not available on site.

o They will also look to encourage bus travel to the site from further away by offering money off the entrance fee on production of a valid bus ticket for that day (or proof you have purchased one).

o Although the older machines do produce some sound they are not loud and shouldn't be heard below.

o The newer consoles will all have headsets provided so no sound will come from them

o On the nights they stay open to 10pm, they will ensure everyone has left the premises by 10pm at the latest.

o They wouldn't expect loud noise or rowdiness from the people who would use the Gaming lounge so this shouldn't be an issue for the neighbouring houses.

o They may put up window decals at the front, in the kitchen area and on the front entrance.

o The ground floor is currently occupied by a doggy day care centre.

2.6 The justification given by the applicant for the proposed scheme is that the proposal would offer less sporty people in Ramsey somewhere to go and enjoy themselves. They also note that the gaming lounge is also somewhere the whole family could go together if the parents have an interest as they are more likely to enjoy the nostalgia aspect. They state that they plan to offer autism friendly periods once a month and offer the use of the VIP room as a potential reward for students at Ramsey school.

2.7 The applicant notes that they previously had planning approval for the same purpose for 2/4 Peel Street in Ramsey. However, this has been discontinued due to various factors. They have, however, not stated why the use has been discontinued at the other site.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area recognised as being within predominantly residential use under the Ramsey Local Plan 1998 Map 2 (south), and the site is not within the Ramsey Conservation Area. The site is not prone to flood risks, although the parking area is considered to be within a High Risk Flood zone (River and Tidal).

3.2 On the Draft Area Plan for the North and West, the site is classified as being within the town centre and within a 'Transition Zone' where:

- i. Employment opportunities are to be focused (See Paragraph 5.2.7);
- ii. A key issue to be addressed is "Optimizing the use of... centrally located sites which are vacant or underused and in a poor state of repair" (Paragraph 5.3.3 (5));
- iii. Future uses should support an extended economy into the evening hours (Paragraph 9.8.1);
- iv. Acceptable land uses include civic land uses, leisure uses, bulky goods retailing and public transport hubs (Paragraph 9.10.5);

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

3.4 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:

- (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;

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

3.6 Environment Policy 22 states:

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.

3.7 Paragraph 10.5.3:

"It is one of Government's general policies to promote equity and equality of access to education, health, community and recreation facilities, services and the wider environment for all sectors of the community".

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

3.8.1 The current standards are set out in Appendix 7:
Assembly and leisure (includes cinemas, meeting halls, swimming baths, leisure centres, and the conference and leisure facilities of hotels) - 1 space per 15 square metres gross floor space.

4.0 PLANNING HISTORY

4.1 The application site has been the subject of a number of previous planning applications over the years that are considered specifically material to the assessment of this current planning application.

4.2 Approval was granted in 2018 under PA 18/00482/C for Change of use from Dental Laboratory and associated office accommodation to Dog Day Care. The scheme proposed to use unit 1 on the ground floor and unit 2 on the upper floor for the doggy day care. The first floor (unit 2) which is the subject of the current application was to serve a storage room, office, shared kitchen and toilet facilities and staff room. This doggy day care is still in operation, although the submitted details for the current application suggests that the doggy day care currently operates only on the ground floor.

4.3 PA 05/00212/C for Change of use from existing office / light industrial usage to dwelling. Withdrawn.

4.4 PA 05/01124/A for Approval in principle for the erection of a residential development of one house and two flats with front gardens and off street parking to replace existing office/light industrial unit. Approval extended to 4/8/08.

4.5 PA 91/00508/C for Change of use of first floor from office to dental laboratory with office accommodation, Concorde House, Westbourne Road, Ramsey. Approved

4.6 PA 98/01680/A for Approval in principle for conversion of warehouse, stores and offices for residential use, 17 & 18 Westbourne Road, Ramsey. Approved.

4.7 91/00046/C for Change of use from warehouse to snooker club, Concorde House, Westbourne Road, Ramsey. - Refused (on review)

4.8 PA 87/04681/C for Change of use of ground floor to warehousing and retail outlet and first floor offices, Concorde House, (formerly Westbourne House), Westbourne Road, Ramsey. Approved (on review)

5.0 REPRESENTATIONS

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

5.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' (5 May 2022).

5.1.1 Further to receiving a significant number of objections relating to highway/parking concerns, DOI Highways were contacted for further comments. The comments received 24 August 2022 States thus:

- o The issue raised is an amenity issue which is not restricted to attendees / visitors as vehicle drivers.
- o Potentially, users could meet in groups on-street.
- o The site is centrally located within walking distance of public transport and other parking both off and on-street.
- o Users may be dropped off and picked up too and not necessarily in Westbourne Close. There is access from Princes Road too.
- o The Applicant is intending to advise users of travel arrangements through its website and on booking, such as for the location of car parks and to encourage users to walk and use public transport through discounts on entry fees.
- o A road is for access and passage.
- o On-street parking is tolerated on first come first served basis and there is no guarantee of parking outside one's own property.
- o Drivers should park in accordance with the IOM highway code.

5.2 Ramsey Town Commissioners have no objection to this proposal (24 May 2022).

5.3 The Owners/occupiers of the following properties object to the application:

- o 10 Westbourne Road, Ramsey;
- o 16 Westbourne Road, Ramsey;
- o 20 Westbourne Road, Ramsey;
- o 22 Westbourne Road, Ramsey;
- o Abbey Property Renovation Ltd, Unit 4, Concorde House, Westbourne Road, Ramsey;
- o 9 Westbourne Close, Ramsey;
- o 14 Westbourne Close, Ramsey;
- o 16 Westbourne Close, Ramsey;
- o Croit Nell, Cornaa, Ramsey, (IM7 1EG).

5.3.1 These object to the application on the following grounds:

- o In adequate parking in the area.
- o The property already operates a doggy day care facility which exerts significant pressure on existing parking provisions for the building and area.
- o There is an extant approval for the use of unit 2 as part of a doggy day care centre under PA 18/00482/C which has not been altered by a subsequent planning approval. As such, the scheme would conflict with that approval.
- o Drug related matters existing in the area (they suggest this venue will become a local drugs selling point, taking over from the one currently on the street),
- o Potential for disorderly behaviour/anti-social activities.
- o Traffic congestion,
- o Concerns with fire safety.

6.0 ASSESSMENT

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

- i. the principle of development;
- ii. the impact on the surrounding area, and
- iii. the impact upon highway safety/parking.

6.2 The Principle

6.2.1 In assessing the principle of the proposed use which falls within commercial/leisure use, it is considered that the use of the building 'Concorde House' for commercial purposes is established even though the predominant use within the locality is residential. As well, the unit has an established commercial use which is evident in its history of previous uses. It should, however, be considered that the site is within a section of Westbourne Road dominated by non-residential uses, more notably the bus station to the north of the site.

6.2.2 Another factor that bodes well for the scheme is the fact that the site is zoned as being within the town centre and transition zone on the Draft Area Plan for the North and West, where the proposed use would pass for the acceptable use, with its timing of operations and nature of activity considered vital in creating employment opportunities, extending the local economy into the evening hours, and promoting leisure activities (See paragraph 3.2 above).

6.2.3 Equally, the use of the unit as a gaming lounge would be relatively in keeping with the residential character of the locality given its purpose to offer a facility that positively contributes to the range of leisure activities for the local community, which would be open for visiting members of the public which includes children, young adults and mature members of the community.

6.2.4 Furthermore, there are a mix of uses in the surrounding area (within a 300m radius), some of which operate late into the night, such as food and drink, hairdressers, dine in restaurants, public houses, community hubs, coffee shops, and café's. The current application has been advertised with a specific set of opening times as requested in the supporting statement and so the current application must be considered on this basis. The proposed hours are unobjectionable, they would not be out of keeping with surrounding commercial uses nor step outside of those typically expected within such a location within close proximity to the existing town centre.

6.2.5 Based on the foregoing, and as the proposed use would comprise a commercial operation, it is considered that the proposed use as a gaming lounge would be acceptable.

6.3 Impact on surrounding area

6.3.1 In terms of impacts on surrounding area, the key concern here bothers on the possibility of the scheme resulting in increase of antisocial behaviour. Whilst the comments regarding drug use in the area and potential for increase in anti-social behaviour are noted, it is not considered that a change of use to a recreational use would impact on the wider area, nor would it conflict with adjacent uses on the street and broader locality. This is hinged on the fact that such leisure uses are not restricted to minor or teenagers which are more associated with antisocial behaviour as adults also partake in gaming activities as a form of leisure. In fact a recent report by the Guardian dated 28 April 2021 and built on an Ofcom research concluded that over 62% of UK adults played video games during the pandemic (Guardian, 28 April 2021). It is vital to note that a number of the children coming to the facility may be accompanied by their parents as provision is made for parents via the creation of a waiting area, and this would serve to provide some level of supervision to the visitors to the site. Based on the foregoing, it would be misleading to conclude that the proposed use would result in increase in antisocial behaviour.

6.3.2 Similarly, the scale of the proposed development which would only accommodate a maximum of 24 users at any given time is not considered to be sufficient to result in significant increase in antisocial behaviour as has been anticipated. Besides, there are controls within other legislation outside planning to manage issues related to antisocial behaviour should they arise.

6.3.3 Noting the site is within a predominantly residential area, it would be appropriate to limit the use of the proposal by a condition to that as per the application and prevent any subsequent change of uses without seeking planning consent. This would serve to ensure that the activities do not continue beyond the time that has been stipulated.

6.4 Impact on parking/highway safety

6.4.1 In terms of possible impacts on parking and highway safety, it is considered that the unit is situated within a commercial building where it is expected that there would be a high turnover of visitors and its attendant parking requirements or pick up and drop offs along the highway.

6.4.2 As well, the unit has supported a variety of uses such as warehousing and retailing, use as dental laboratory, and dog grooming business; activities which are not known to have low visitor numbers and vehicular traffic. As such, it is not considered that the proposed use as a gaming facility where customers are known to spend longer hours due to the nature of gaming would significantly increase the pressure on parking and its resultant highway safety concerns, beyond that which has been attainable at the site. It would be important to note here that Concorde House, houses the Elim church which should be associated with high visitor numbers, and this has not created unacceptable impacts on parking in the area. As such, it is not considered that the scheme as proposed would considerably exacerbate parking and highway challenges than is currently attainable along Westbourne Road.

6.4.3 Another factor which is worthy of consideration is the fact that the site is within close proximity to a number of large parking provisions within Ramsey, as well as being close to a public transport corridor, where parking should not be a concern.

6.4 The advice offered by DOI Highways who are the professionals tasked with providing professional advice on highway safety concerns confirm that there would be no concerns with parking and highway safety. These clearly suggests that parking and highway safety should not be a concerns for the development. As such, it is not considered that there would be any concerns with regard to parking and highway safety resulting from the proposed development.

6.5 Other Matters

6.5.1 The comments regarding the description of the proposal are noted. However, the intention of the scheme is well defined on the form and supporting information that they seek a change of use. Whilst the application details has not specifically indicated a change of use from the previously approved use under PA 18/00482/C which is the currently approved use of the unit, it seeks a change of use. As such, it is not considered that the application does not properly define what it seeks approval for.

7.0 CONCLUSION

7.1 Overall it is considered that the proposal would comply with the land use designation of the of the area, the proposed designation as being within the Draft Area Plan for the North and West as a 'Town centre' and 'Transition Zone' location, and will not result in any unacceptable amenity impacts on the town centre location or neighbouring uses. The application is therefore considered to be acceptable complying with General Policy 2, Business policy 1, and Paragraph 10.5.3 of the Strategic Plan.

7.2 As the application has been advertised with a specific set of opening hours on which members of the public would have also viewed the application, it means that this shall be conditioned accordingly. Any changes to these would need to be subject to a separate new application.

9.0 INTERESTED PERSON STATUS

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

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 5th September 2022

Item 5.2

Proposal : Reserved Matters application to P.A. No 21/00876/A for the erection of a detached dwelling

Site Address : Land To The Rear Of The Hollies
Mount Rule
Douglas
Isle Of Man
IM4 4HT

Applicant : Mr & Mrs Raymond Minards

Application No. : 22/00267/REM- 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. Prior to the construction of the detached dwelling hereby approved an Arboricultural Method Statement (AMS), adhering to the recommendations of BS5837:2012 (Trees in relation to design, demolition and construction - recommendations), shall be submitted to and approved in writing by the Department. The AMS should confirm what protection measures are going to be implemented, how and when they are going to be implemented, and how arboricultural site monitoring will take place throughout the construction process, in sufficient detail to provide a high level of confidence in the outcome for retained trees. The agreed protection measures and construction methods shall be adhered to in full.

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

C 3. The proposed dormer cheeks as shown on the approved drawings, hereby approved, shall be installed prior to occupation of the property and retained thereafter.

To safeguard against any overlooking to the sides.

C 4. The proposed balcony slotted side screens as shown on the approved drawings, hereby approved, shall be installed prior to occupation of the property and retained thereafter.

To safeguard against any overlooking to the sides.

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

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

C 6. No development shall commence until details of the boundary treatment to the southern boundary of the site have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 7. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

Reason for approval:

The proposed design for a new dwelling on site would be in accordance with General Policy 2, Environmental Policy 1 & 42, and Strategic Policy 5 of the Isle of Man Strategic Plan 2016, and is recommended for Approval.

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):

Owner/Occupier of;

No.17 (Highfield) Ballamillaghyn, Mount Rule, Braddan

No.22 Ballamillaghyn, Mount Rule, Braddan

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

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AS THE PROPOSED NEW DWELLING COULD BE READ CONTRARY TO THE LAND USE DESIGNATION AND RECOMMENDED FOR APPROVAL

1.1 The application site is the residential curtilage associated with the Hollies (formerly Thie Ashlish). The parcel of land to the side and rear of an existing dwelling is located on the eastern side of Mount Rule Road adjacent to Ballamillaghyn Estate in Braddan which comprises approx. 29 dwelling houses.

1.2 The existing dwelling house is set back from the edge of the highway with lawned gardens to the front and driveway access from the highway a dormer bungalow with a projecting front gable and flat roofed garage to the south elevation. To the rear of the dwellinghouse is a large lawned area that shares a boundary with No.27 to the north No.22 to the north east and No.17 to the east.

2.0 THE PROPOSAL

2.1 The application seeks approval for Reserved Matters Application for the erection of a detached dwelling addressing; Siting, Internal Layout, Drainage, Design, Landscaping, External Appearance (relating to 21/00876/A).

2.2 The proposed dwelling would be sited to the rear (East) of 'The Hollies' within the area defined in red as per the previous approval in principle. The siting of the dwelling would be central to the defined site with the front elevation of the property facing south with the access (previously approved) off the Mount Rule Road.

2.3 The dwelling would measure a ground footprint of 107sqm of dwelling house and garage 64sqm totalling 171sqm. In the eaves of the dwelling would be further accommodation measuring 64 sqm and within the garage 27sqm totalling first floor accommodation 91sqm.

2.4 The building would be single storey to eaves level and finished with;

- o Roof - a pitched roof finished with standing seam rolled zinc roof with vented ridges,
- o Barge and soffit boards in a light grey powder coated aluminium (PCA) with;
- o Rain water goods in PCA / uPVC gutters and in grey;
- o Windows and doors in grey PCA/ uPVC;
- o Walls in Painted render with sections in Vertical timber cladding (Cedar or larch) or standing seam Zinc cladding.

2.5 The proposed building heights would have 2.4m high floor to ceilings with an overall height from ground floor to ridge of 6.5m and 2.5 to the eaves with a 40deg pitched roof to provide accommodation within the roof space provided through a dormer on the south elevation.

3.0 PLANNING POLICY

3.1 The Area plan for the East (Map 8 - Union Mills/ Strang) identifies the application site as within an area of "white land" but adjacent to the wider residential 'Ballamillyghn Estate' which is also "white" on the Map. Previously on the 1982 North Plan the site and 'Ballamillyghn Estate' was zoned as residential.

3.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

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

Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 4b Protection of the landscape and biodiversity
- 5 Design and visual impact
- 10 Sustainable transport

Spatial Policy

1,2,3,4 - Hierarchy of defined settlements for development

5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations (a-n)
- 3 Exceptions to development in the countryside

Housing Policy

4 Location of new housing and exceptions

Environment Policy

- 1 Protection of the countryside and its Ecology
- 42 Designed to respect the character and identity of the locality

Transport Policy

- 4 Highway safety
- 7 Parking provisions

Other material considerations

3.4 Residential Design Guidance was issued by the Department of Environment, Food and Agriculture with the agreement of the Minister in 2021. The aim of this guidance is to help all of those involved in the design process to work together to improve the quality of our built environment. The document is not a Planning Policy Statement (as per Section 3 of the Town and Country Planning Act 1999) but is capable of being an 'other material consideration' (as per Section 10(4)(d) of the Act).

4.0 PLANNING HISTORY

4.1 21/00876/A - Approval in principle for the erection of a detached dwelling addressing means of access. APPROVED by the planning committee with a number of conditions noted below. Condition 7 was discharged on 18th March 2022 following the submission of further details.

1. The development hereby approved shall be begun either before the expiration of four years from the date of this approval or before the expiration of two years from the date of approval of the last of the reserved matters. Reason: To comply with article 26 of the Town and Country Planning (Development Procedure) Order 2019

2. Approval of the details of siting, design, external appearance of the building[s], internal layout of buildings, drainage, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Department in writing before any development is commenced. Reason: To comply with the Town and Country Planning (Development Procedure) Order 2019.

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

- (a) dwelling limited to single storey below their eaves level;
- (b) the surface treatment of any roadways and other parts of the site which will not be covered by buildings;
- (c) all external materials to be used in the development;
- (d) existing and proposed ground and floor levels;
- (e) foul and surface water drainage.
- (f) the surface treatment of any roadways and other parts of the site which will not be covered by buildings;
- (g) existing and proposed ground and floor levels;
- (h) integrated measures to support bio-diversity net gain.
- (i) provide sustainable drainage systems.

Reason: in the interest of the character of the area

4. Any future Reserved Matters application shall also include the following details:

- i. Bicycle, EV charging points and car parking provisions in accordance with the adopted standard
- ii. Waste bin storage and collection.

Reason: In the interests of highway safety.

5. Prior to the occupation of the dwelling the driveway and means of vehicular access identified on "drawing reference number "; shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction. Reason: In the interests of highway safety.

6. Prior to the occupation of the dwelling, the landscaping as proposed by the reserved matters condition 2 under landscaping of the site, shall be installed and retained thereafter. REASON: In the interest of bio-diversity off the site and that of the surrounding area.

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

8. Application for approval of the reserved matters shall be made to the Department before the expiration of two years from the date of this approval and thereafter the development shall only be carried out in accordance with the details as approved. Reason: To avoid the accumulation of unimplemented planning approvals.

4.2 09/00953/A - Approval in principle for the erection of a dwelling with garage. Land To The Rear Of Thie Ashlish, Mount Rule. APPROVED by the planning committee. The decision listed a number of conditions.

4.3 04/02169/A - Approval in principle for the erection of a bungalow and garage. Land At Rear Garden Of Thie Ashlish Mount Rule. REFUSED by the planning committee.

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

STATUTORY CONSULTEES

5.1 Braddan Commissioners - commented (30/03/22) with no objection.

5.2 Highways Services - commented (31/03/22) with no objection.

5.3 Defa- Forestry - commented (24/03/22) initially commented requesting an AMS but having read the report from the AIP commented (04/04/22) further with no objection but the transfer of condition No.7 for the requirement of an AMS and tree protection.

NEIGHBOUR REPRESENTATIONS

5.4 22 Ballamillaghyn Estate, Mount Rule, (14/04/22) commented to object and that they are immediately adjacent to the site and the proposed siting, orientation of the property and its height having an impact upon their property through shadowing and adversely affected by the shade. The three trees on site already eliminate an amount of light to their property that are on site.

5.5 High field 17 Ballamillaghyn Estate, Mount Rule, (13/04/22) commented to object and that they are immediately adjacent to the site and raised seven issues regarding; No discussion was had with them as stated in RDG7.1.5; no stated distances on the plans between the adjoining properties; plans don't show the conservatory to their property and the potential

impacts upon this aspect of the property through loss of light and overshadowing to the primary and secondary rooms; loss of light and shadowing to the gardens by the dwelling; raised an issues over the height of the hedges and previous issues with the previous owner; compares how this proposal would impact upon the applicants.

6.0 ASSESSMENT

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

- (i) Principle
- (ii) Design
- (iii) Visual Impact
- (iv) Neighbouring amenities
- (v) Highway safety
- (vi) Trees and Bio-Diversity
- (vii) Any other matters

(i) Principle

6.1 The previous application (21/00876/A) considered the principle of residential development on this site for one dwelling where it was deemed acceptable by the Planning Committee. As such the principle of residential development on this site for one dwellinghouse would be in accordance with those listed Strategic Policies 1,2 and Spatial policies 1-4 as identified above.

(ii) Design

6.2 The proposed siting would be broadly central to the plot from the north, east and west boundary and between the dwelling the Hollies a new 2.0m boundary fence erected between the properties and long the length of the proposed driveway. The size and scale of the property on the plot is broadly similar to the scale and massing of the existing estate, except with a double sized attached garage and accommodation above, which has only been achievable given the size of the plot and modern requirements. The garage aspect features a lower ridgeline and is stepped in from the main front and rear elevations of the host dwellinghouse. The size of the garage would conform to the standards to allow for two cars to park inside and features a EVCP and bicycle storage.

6.3 Internally the proposal features an upside down layout that would see the internal space being subdivided to offer; on the ground floor would see a double garage measuring a footprint of 7.3m wide x 6.6m deep with a utility to the rear; the ground floor layout of the dwellinghouse consists of three bedrooms one ensuite/dressing with a central corridor and stairwell and a bathroom to the rear and porch and cloaks to the front. The central part of the property would measure 12m wide and 7.2m deep. To the first floor an open plan layout comprising a living area, dining area and kitchen. Above the garage an office/ snug and a w/c. Also included is a balcony on the front elevation.

6.4 The proposed drainage on site is noted on the application form as and shown on the drawings as being surface water to either existing sewer or soak away and the foul to an existing foul sewer in the highway.

6.5 The design approach here has taken a traditional approach to the form and massing which is predominately single storey up to eaves level and additional accommodation in the roof space but in a more modern day and contemporary way, which is somewhat reflected in the character of the area, to reflect the age and time of this proposal in comparison to the estate that was erected pre 1980's .

6.6 The proposed surrounding areas outside of the footprint proposes a degree of soft and hard landscaping that would see the driveway and access road and parking areas being gravel and the spaces around the dwellinghouse being laid to lawn/grass with ornamental planting to the boundaries.

6.7 The level of finish proposed for the external appearance would see a use of more modern materials (Zinc and timber cladding) which offers a more contemporary level of finish. Whilst this could be read at odds with the character / age of the streetscene, it would not be deemed to be contentious and would be a more modern take that seems to be reflective of modern themes. As such the proposed design attributes would accord with Environmental Policy 42 and Strategic Policy 5.

(iii) Visual Impact

6.8 The proposed materials are considered to be in keeping with other materials in the vicinity and it is felt the proposals finishes, as well as its overall elevation mass, would sit comfortably into this sites setting. Additionally, being darker in external finish colour than the adjacent dwellings, it is considered that the proposed appearance would be appropriate when viewed from a distance. The finish of the property would be different than that of its surroundings but not so different that it would be introducing a different element of build or finish when viewed against the surrounding properties that have seen a number of extensions / conservatories over the years and considered to have a neutral impact.

6.9 When considering the overall visual impact in terms of EP42 that seeks "New development in existing settlements must be designed to take account of the particular character and identity". The site is not readily visible from the Highway to the West over the existing hedgerows flanking the highway and would only really be apparent when travelling north. Any views would be read within the same residential context and would be flanked by two existing dwelling houses. The overall height would not be any higher than the surrounding properties. Whilst different in appearance given the choice of materials and the proportion and form of the south elevation (mainly at first floor level) with its dormers would add an element of interest to the area when viewed through the existing trees (to be protected) without being detrimental to the countryside or streetscene. As such this aspect would accord to General Policy 2b,c and Environmental Policy 1.

(iv) Neighbouring Amenity

6.10 In terms of the neighbouring comments received and their general objections regarding any adverse impact (overlooking, loss of light; over bearing impact, and loss of privacy) upon those nearest neighbouring properties namely; "No.17 to the East and No.22 to the North". The residential design guide offers guidance on the assessment of impact on neighbouring properties at section 7.3 (loss of light and over shadowing) and refers to a 25 degree rule.

6.11 The proposed siting would place the proposed building at approx. 8m to the northern boundary and approx. 12m (when measured from plan ref;06) between the built forms of the properties (bathroom of the proposed and garage of No.22 and 14m meters from the bathroom to the gable end of No.22). When measured the at 2m high from No.22, whether at ground floor or from the patio doors on the first floor, at 25 degrees no part of the built form (6.5m to the ridge from Ground level and 2.5m to Eaves level) would be above this line.

6.12 This theoretically means the siting would not have a detrimental impact upon the neighbouring property through a loss of light and given the orientation and sun path, nor would it be considered to remove any sunlight to the garden area as any 'shadowing' would in theory be cast within the application site given the height of the building and the distance to the boundary. Equally it is not considered there to be any loss of privacy or overlooking given the fenestration detail at first floor level within the roof scape and the use of Velux type windows proposed on the rear (North) elevation. This would not allow for any direct overlooking and

would be a high level window within the vaulted ceiling. It is further noted there is an extent approval for the "Erection of a single storey rear extension to replace existing conservatory" under PA 20/01304/B. As such the proposal is not considered to be detrimental to the built form or the room orientation (dining and living room and conversion of the garage to a utility and store) of this proposal for the same reasons above.

6.13 Turning to No.17 and the level of objection regarding any adverse impact, the same theoretical exercise as above can be undertaken and given the distance between the nearest part of the East elevation (single storey bin store) to the boundary (6.7M) and 12m to the nearest south east corner of No.17, (the conservatory off the rear is further away than this nearest point) would not be considered to have any adverse impact through any 'shadowing', more so given the central massing of the building is set back further than the rear of No.17.

6.14 In terms of any overlooking the design and fenestration placement does not have any windows facing (the neighbour No.17) East and at first floor level balcony has incorporated 2m high (to the sides) slatted privacy screen which ensures any views or vantage points are predominately southern facing to avoid any overlooking towards No.17 and the Hollies. To each corner of the proposed dormers are a protruding section of built form that are privacy wall cheeks to prevent any overlooking to the side.

6.15 To conclude, the siting of the dwelling is partially central to the site and the design / room layout and general fenestration with window placement across both floors ensures that any aspects of overlooking or loss of privacy are kept to a minimum. Furthermore, there would not be any loss of light or overshadowing from the built form of the proposed dwelling and garage, given the siting and distance to the neighbouring properties which in turn ensures there is no overbearing effect. On balance, these aspects would be considered to be compliant with those sections of General Policy 2(g).

(v) Highways Safety

6.16 The application site was previously considered for the highways safety aspects where the proposed access arrangements were deemed acceptable. In this application, Highway Services have considered the merits of the proposal, access to and from the site from the highway noting the proposed visibility splays, as well as parking and highway safety. As the transport professionals their comments are heavily relied upon and as they do not object, the proposal would be considered to align with the principles of General Policy 2 h&I and equally Transport Policy 4 and 7 in terms of highways safety.

(vi) Trees and Biodiversity

6.17 There have been not identified issues arising that would impact upon any existing trees of wildlife. The site is essentially a large garden and the proposal is noted as being mainly lawned grounds with ornamental planting. The comments from forestry are noted and they only seek the condition from the previous approval is transferred for the protection of the existing trees. It would also be appropriate to seek additional integrated bio-diversity measurers to support bio-diversity net gain.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the design for a new dwelling on site would be in accordance with General Policy 2, Environmental Policy 1 &42, and Strategic Policy 5 of the Isle of Man Strategic Plan 2016, and is recommended for approval with conditions.

8.0 INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 5th September 2022

Item 5.3

Proposal : Modifications to the conversion and restoration of a residential property consisting of a farmhouse and stone barn including modification to external finishes and windows, erection of rear single storey extension and construction of detached double garage with living accommodation above

Site Address : Ballacannell
Earystane
Colby
Isle Of Man
IM9 4HN

Applicant : Mr Alistair & Mrs Sara Elliott

Application No. : 22/00367/B- [click to view](#)

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The garage building hereby approved may be used only as such ancillary to the occupation of the main house 'Ballacannell', Earystane, Colby, and may not be used separately or let or sold off separately.

Reason: For the avoidance of doubt and to ensure the development takes place in accordance with the approved details, as the site not designated for development.

C 3. The internal layout of the garage building shall remain as shown on the submitted Drawing No.1912/06A, received 18.03.2022. No kitchen or bathroom facilities shall be installed in the building and no internal walls shall be erected to subdivide the internal space of the building.

Reason: To ensure proper control of the development and to ensure the development takes place in accordance with the approved details, as the site not designated for development.

C 4. All external facing and roofing materials shall remain as shown on the plans and specified within the list of external finishes on the submitted Drawing Nos. 1912/05A and 1912/06A, received 18.03.2022. No new types of materials shall be added to the external elevations of the development, hereby approved.

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

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken under the following classes of Schedule 1 of the Order at any time:

Class 14 - Extension of dwellinghouse

Class 15 - Garden sheds and summer-houses

Class 17 - Private garages and car ports

Class 21 - Construction of decking

Reason: To control future development on the site.

Reason for approval:

Overall, it is concluded that the planning application accords with the provisions set out in Housing Policy 15, and General Policy 2 of the Isle of Man Strategic Plan 2016, and Planning Circular 3/91.

Interested Person Status – Additional Persons

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

Moorhouse Farm, Mount Gawne Road, Colby;

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

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

Kerrowdhoon, Dhoon Loop Road, Ramsey;

Grawe Farm, Strooan Ny Quill Lane, Laxey;

P O Box 7, Castletown;

Bee and Blossom Farm, Upper Scard, Ballakillowey Road, Colby (for neighbouring property not mentioned).

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

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE APPLICATION IS RECOMMENDED FOR APPROVAL AND THERE ARE MORE THAN 4 OBJECTIONS FROM MEMBERS OF THE PUBLIC

1.0 THE SITE

1.1 The site represents the curtilage of an existing barn and cottage which sits at the north western end of the road which leads from the Colby Glen Road towards Ballacannell and passes the site and leads west to the A36 Sloc Road.

1.2 The site accommodates the former barn and cottage, and there is a garden area to the north and which sits about 3m above the site level of the existing dwelling, with flag steps built into a retaining wall abutting this garden serving as access to the garden area, a flat roofed storage building built into the garden with its front wall forming part of the retaining wall. The site also includes the lane which runs to the site from 20m to the south east.

1.3 The site boundary of this irregular sized plot is lined by mature landscaping (trees and shrubs) which screen majority of the site area from the highway and the surrounding sites.

2.0 THE PROPOSAL

2.1 Planning approval is sought for modifications to the conversion and restoration of a residential property consisting of a farmhouse and stone barn including modification to external finishes and windows, erection of rear single storey extension and construction of detached double garage with living accommodation above.

2.2 The proposed works would include:

2.2.1 Erection of a wrap around extension on the first floor within the retaining wall enclosure on the eastern section of the existing building. This extension would be 2.7m high (2.4m to the eaves). The extension would create an ensuite and dressing area for the master bedroom on this floor, as well as a utility room and WC.

2.2.2 Creating a roof terrace over the ground floor extension that would wrap around the snug on the first floor. The terrace which would be set about 900mm above the level of the rear raised garden would have glazed balustrades about 1m high along its edges and masonry parapet wall.

2.2.3 Erecting a new two storey double garage building on western section of site separated by Highway D51. The new building would be 8m long, 6.5m wide and 6m high (4m high to eaves). The garage building would be finished externally in vertical timber cladding to match main dwelling cladding. The roof of the garage would be finished in slate tiles and would have three velux rooflights installed over rear roof plane. The top floor shall provide a workshop/home office and a WC. An external timber staircase shall provide access to the top floor.

2.3 Other works proposed include:

- i. Replacing the existing windows on the original cottage with new triple glazed timber windows.
- ii. Installing painted steel handrail and balustrade to the external steps in front of the original cottage.
- iii. Erecting new flat roofed canopy with timber support posts over entrance at midsection of dwelling which would serve as main entrance to dwelling.
- iv. Cladding of midsection and rear projection of new extension with vertical timber made of western red cedar or larch.
- v. Replacing existing door on the first floor level of original cottage with new timber door with triple glazed sections.
- vi. Blockwork on new section to be finished with additional external insulation and lime render.
- vii. Creation of new 1.5m high masonry wall to form an enclosure outside the utility door and linking up to retaining wall on the side.

- viii. Existing masonry chimney stacks to be replaced with new false chimney with render finish and concrete capping. The height shall be reduced by about 500mm.
- ix. Adjusting height of retaining wall on the eastern side by about 900mm to accommodate new window installation on side of utility room.
- x. Installing a new window on the first floor side elevation of rear projecting section and lowering window cill of existing window on this elevation to match new window.
- xi. Creating a lead canopy over utility entrance.
- xii. Installing new triple glazed French doors to provide access to roof terrace from snug

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South adopted in 2013 as open space not designated for a particular purpose, and the site is not within a Conservation Area. The site area is large free of flood risks, although the rear of the existing property is considered to have medium likelihood of flood risks. There are no registered trees on site, and the site is not within a registered tree area.

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

3.2.1 Ballamodha, Earystane and St Marks (D14):

3.2.2 Overall strategy

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

3.2.3 Key Views:

Distant views prevented at times by dense woodland in river valleys and by the cumulative screening effect of hedgerow trees, which tend to create wooded horizons.

Open and panoramic views out to sea from the higher areas on the upper western parts of the area where there are few trees to interrupt views.

3.3 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3). However given there is an existing dwelling on the site, it is relevant to consider Housing Policy 15 which makes provision for extensions or alterations to traditional properties in the countryside.

3.4 Housing Policy 15:

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

3.5 Paragraph 8.12.2: Extensions to properties in the countryside

As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in

these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this.

3.6 Since the site has an established residential use and the site is within a location with existing properties, it would also be relevant to consider the general standards of development as set out in General Policy 2. This is hinged on the fact that it relates to design and amenity; indicating development should be supported provided it, "respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them...".

3.7 Other policies within the Strategic Plan which are considered relevant to the proposal are; Infrastructure Policy 5, and Community Policies 7, 10 and 11.

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Planning Circular 3/91 (Guide to the Design of Residential Development in the Countryside) is considered relevant. The section on 'Proportions and Form' on page 4 provides advice on how to make variations to the floor area of traditional buildings (extensions).

4.1.2 Policy 3 states:

"The shape of small and medium sized new dwellings should follow the size and pattern of the traditional farmhouse. They should be rectangular in plan and simple in form. Extensions to existing buildings should maintain the character of the original form".

4.1.3 Policy 4 states:

"External finishes are expected to be selected from a limited range of traditional materials". The supporting texts to policy 4 states that "Modern construction and materials may be used to achieve a similar external appearance".

4.2 Whilst not adopted planning policy, DEFA's Residential Design Guide (2021) is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions. It is envisaged that a new guidance will be provided for dwellings in the countryside, although some of the broad principles set out within this document may still be relevant to such proposals". Section 4.11 which deals with Roof Terraces, Balconies, Decking and Patios is considered relevant.

5.0 PLANNING HISTORY

5.1 The site has been the subject of the following applications which are considered to be materially relevant to the current application:

5.2 PA 10/00784/B for Creation of two additional windows and eight roof lights - approved.

5.3 PA 08/00510/B for Erection of replacement cottage (comprising an amendment to approved extension, conversion of adjacent barn to living accommodation and erection of a link building 05/00375/B) - approved.

5.4 PA 05/00375/B for Renovation and extension of redundant cottage, conversion of adjacent barn to living accommodation and erection of a link building to create a single dwelling (Resubmission) - approved.

5.5 PA 04/00938/B - Renovation and extension of redundant cottage, conversion of adjacent barn to living accommodation and erection of a link building to create a single dwelling (Resubmission) - refused. Reason for refusal:

"It is considered that the proposed extensions, by reason of their size and design would significantly detract from the character and appearance of the buildings as highlighted in the Inspectors Report in respect of PA01/2553. In addition, the proposals do not overcome the reason for refusal in relation to PA 03/1330".

5.6 PA 03/01330/B - renovation and extension of redundant cottage, conversion of barn to living accommodation. This was refused by the Planning Committee and also refused on review. Reason for refusal:

"It is considered that the proposed alterations and extensions by reason of their size, design and materials would significantly detract from the character and appearance of the buildings, as highlighted in the Inspectors report in relation to PA01/2533".

5.7 PA 01/02533/A for Approval in principle for renovation of cottage, conversion of barn and erection of link building to create single dwelling. This was refused by the Planning Committee and also refused on review.

Reasons for refusal:

R1: "It is considered that the proposed renovation and conversion of this former dwelling and barn would be contrary to Planning Circular 1/88, Residential Development - Houses in the Countryside in that the land is not zoned for development and the former dwelling has lost its residential use".

R2: "The proposal is considered to be contrary to the provisions of Planning Circular 3/89, Renovation of Buildings in the Countryside, in particular Paragraph 2 and Paragraph 8".

6.0 REPRESENTATIONS

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

6.1 The Department of Infrastructure (DOI) Highways Division initially requested for additional details in their comments dated 7 April 2022. Having reviewed the documents submitted by the applicants and further correspondence from the applicants (dated 10 May 2022), they have made the following comments in their comments dated 12 August 2022:

- o The status of the unmade route remains to be resolved with the Highways Asset team under different legislation requiring temporary and or permanent closure and potentially diversion orders. This is, for the most part, a separate matter from Planning, however, the route should not be obstructed in any form to prevent access and upkeep.
- o They state that should planning be minded to approve the scheme, appropriately worded conditions should apply to any planning permission granted to:
 - Restrict development from occurring and obstructing access along the unmade public road D51, such as fences and locked gating etc.
 - Cover the containment of gravel and surface water discharge onto this route.
- o They suggest that the applicant should consider the provision of an electric vehicle charging point.
- o They advise that Highway licences, temporary closures and diversion orders are likely to be necessary during construction and for a permanent solution.

6.1.1 In response to DOI Highway comments made 7 April 2022, the applicants have provided a response addressing matters such as; the unmade public road (D51), double garage, parking spaces, EV charging, turning space, and surface finish/drainage in their correspondence dated 10 May 2022.

6.2 Arbory and Rushen Parish Commissioners have made the following comments regarding the application (29 April 2022):

The Commissioners felt this application had merit, however the Commissioners were concerned to note the misleading comment in the architect's design statement which incorrectly asserted

that the public road running in front of the property "continues as a private lane leading to the application site." This is a disappointing inclusion as it has been made clear by the Department of Infrastructure that this is a public road.

6.3 The Owners/occupiers of the following properties object to the application:

- o Kerrowdhoon, Dhoon Loop Road, Ramsey;
- o Moorhouse Farm, Mount Gawne Road, Colby;
- o Grawe Farm, Strooan Ny Quill Lane, Laxey;
- o P O Box 7, Castletown;
- o Bee and Blossom Farm, Upper Scard, Ballakillowey Road, Colby (for neighbouring property not mentioned).

6.3.1 These object to the application with comments which refer to the following:

- o Rights over and access to Highway D51 and public right of way (PRoW) 284
- o Definition of residential curtilage and differences in site boundary from previously approved applications for the site.
- o Completion of previous approval for the site.
- o Overdevelopment of site.
- o External finish of building (should be stone and not rendered finish).
- o Possible impacts on bats and need to protect trees on site
- o Impact on their nearby property used by tourists

6.3.2 In response to these comments, the applicant's agent has provided a response dated 11 May 2022 which addresses the following topics: unmade road (D51), access to PRoW 284, details of application submission relating to comments made by objectors, and interested party status for Moorhouse Farm Limited.

7.0 ASSESSMENT

7.1 In considering an extension such as this, it important to have specific regard to potential impacts on neighbours and their amenity, and the appearance of both the site itself and the street scene or character of the area having particular regard to the fact that the site is situated in the countryside.

7.2 Impact on Appearance of the Dwelling and nature of the locality (HP 15 & GP2)

7.2.1 The proposed ground floor extension with terrace over and alterations to the dwelling would fit in seamlessly into the appearance and character of the dwelling and would not detract from the overall appearance of the dwelling which has a generally traditional appearance. While the addition of the flat roofed entrance canopies and roof terrace would add modern elements, these would not detract from the general appearance of the dwelling which is mainly traditional but offering contrasting external finishes in form of stone, render and timber finishes to its external walls.

7.2.2 Whilst it is noted that the new elements would be noticeable when using the D51 which cuts through the site currently, the alterations and extensions are at positions that are not imposing but remain subordinate to the dwelling which retains its key traditional features in the form of pitched roof, slate roof finish, gable chimneys, stone/lime render and timber finish; with the building retaining the character that makes the works compliant with Planning Circular 3/91.

7.2.3 Granting planning Circular 3/91 would usually favour a pitch or lean-to roof over the extension elements as the supporting texts and illustrations to Policy 3 stipulate that additions to basic form (flat roofs) are not acceptable, the flat roof would enable the addition of the roof terrace which would serve to enable the enjoyment of the countryside and its heritage. Besides, most of the wrap round extension would be concealed by the raised rear garden and retaining walls, making these works particularly subordinate.

7.2.4 Additionally, it is not considered that the proposed extension and terrace over would result in an undue increase in the buildings floor area as the about 48sqm increase in floor area would only result in a further 14.7% increase in floor area added to that created when the existing barn on site was converted to a dwelling approved under PA's 05/00375/B and 08/00510/B. As such, it is not considered that this level of increase would be averse to the requirements of Housing Policy 15 and general policy 2 of the Strategic Plan.

7.2.5 In terms of the visual impact of the garage, it is considered that the double garage proposed (with external timber finish as parts of the main dwelling), while at a fairly detached location, would still appear subordinate to the main dwelling, given its location within the mature boundary treatment created by the mature trees, shrubs and sod hedges on the boundary. The timber finish would also ensure that garage would not detract from the character of the site, locality and surrounding landscape which has significant tree cover. As well, the proposed build of the garage conforms to the stipulated proportion, form and layout of residential buildings in the countryside as articulated in Policies 3 and 4 of Planning Circular 3/91 (Guide to the Design of Residential Development in the Countryside), and as such would not be detrimental to the appearance of the existing property on site. The proposed location on the other side of the D51 and within the site area is also not considered to be at variance with residential properties in Colby and particularly along Colby Glen Road where dwelling are separated from garaging and parking provisions.

7.2.6 Based on the foregoing, it is considered that the proposed scheme would not increase the impact of the building on the character of the site or the surrounding countryside but would ensure that the building fits seamlessly into the character of the site and the area which is thickly vegetated by trees and shrubs. As such, it is considered that the scheme would comply with Housing Policy 15 and Environment Policy 1.

7.3 Impact on Neighbours (GP 2 and the RDG)

7.3.1 The key considerations in terms of impact on neighbours are risks of overshadowing and/or overlooking and loss of privacy to dwellings within 20 metres of the site dwelling. In the case of the current scheme, the nearest neighbour to the application dwelling 'Smithy Cottage', which is situated about 98.2m east of the proposed extension, with the existing trees and mature landscaping on the site boundaries, as well as the site topography serving to further screen the development from these neighbours. As such, it is not considered that there would be any detrimental impact on the neighbours.

7.4 Other Matters

7.4.1 The comments regarding the definition of site boundary are noted. However, the scheme does not propose to alter the residential curtilage or redefine the boundaries, as no part of the application proposes changes to the site area. Besides, the site area within this scheme is no different from that assessed under PA 08/00510/B which enabled the creation of the dwelling in its current form. As such, it is not considered that the definition of the residential curtilage altered or redefined by this application.

7.4.2 The comments referring to impacts on bats or other important species on and around the site are noted. However, the proposal does not propose to remove the roof, with only a small section to be removed to enable the chimney replacement. More so, the section of roof to be replaced is such that there are no crevices or opening to allow bat roosting as these are newly formed sealed roof sections. As well, no trees on site are proposed to be removed by this application. As such, it is not considered that the scheme would result in any adverse impacts on the species mentioned.

7.4.3 Whilst the site area encompasses the highway D51 which cuts across the site, the scheme does not propose any alterations to the means of access to the site and propose any

enclosures that would impede the use of the highway. As such, it is not considered that there would be any impacts on the use of the highway. The other matters which have been referred to regarding closure of the highway are matters to be dealt with under other legislation outside planning as indicated by DOI Highways in their comments dated 12 August 2022. As such these would not form part of the assessment for the current application.

7.4.4 No new confined spaces with easy access to those outside the site would be created, which would serve as easy hideouts for criminal activity or antisocial behaviour. Likewise, the scheme would not impede easy access to fire apparatus to the rear of the dwelling, with the existing pedestrian access to the rear of the property via the patio areas retained. Therefore, it is considered that these elements of the scheme aligns with the requirements of Community Policies 7, 10, and 11.

8.0 CONCLUSION

8.1 The application is considered to align with the principles of Housing Policy 15 and Planning Circular 3/91, and will have no unacceptable impact, and as such is recommended for approval.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 5th September 2022

Item 5.4

Proposal : Erection of detached Barn style building for private vehicle storage

Site Address : Shenandoah
Grenaby Road
Ballabeg
Castletown
Isle Of Man
IM9 4HD

Applicant : Mr Robert Shipper

Application No. : 22/00321/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. In the event that the building hereby approved is not used for the the intended purposed of storage of private vehicles for a period exceeding 12 months, the building hereby approved shall be removed and the ground restored to its former condition within 18 months of its last use.

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

C 3. There shall be no external storage of plant, machinery, materials or vehicles outside of the building identified on the approved drawings, unless otherwise agreed in writing by the Department.

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

C 4. The external roof and cladding panels on the new building must be a dark green colour unless otherwise agreed in writing with the Planning Authority, and retained thereafter.

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

C 5. The building hereby approved must only be used for private storage purposes in association with the residential dwelling Shenandoah, Grenaby Road, Ballabeg" and not for any commercial use.

Reason: The application has been assessed on a personal basis only and not for any commercial use.

C 6. No site clearance, preparatory work or development shall take place until a tree planting plan and hedge planting plan is submitted to and agreed in writing by the Department. Where applicable the plan shall adhere to the recommendations of BS8545:2014 (Trees: from nursery to independence in the landscape - recommendations) and in all cases shall include the following details:

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

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

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

C 7. For the avoidance of doubt no approval is hereby given for any external lighting to be installed to or on the building.

Reason: In the interest of visual amenities of the landscape/countryside.

N 1.

The applicant is advised to liaise with DEFA Forestry and Biodiversity prior to the submission of a landscaping plan to satisfy condition 6 of this approval.

Reason for approval:

The proposal would accord with General Policy 2, Environmental Policy 1 and Housing Policy 16 of the Isle of Man Strategic Plan 2016, and is recommended for approval.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is the residential curtilage of a detached dwellinghouse called Shenandoah, Grenaby Road, Ballabeg. The dwelling house sits within a large garden area and mature trees on its boundaries. The dwellinghouse features two entrances off the highway; a separate entrance for the house and another that serves the detached garage / store building that is approx. 60m to the south east and within the front garden.

1.2 The existing detached garage is single storey with a pitch tiled roof, adjacent to this is an area of woodland that contains a number of mature trees on its boundary and is broadly level and is accessed from the same entrance.

2.0 THE PROPOSAL

2.1 Proposed is the erection of a detached barn style building to the south east of the dwellinghouse in an area of woodland. The building is to be used to house a private car collection.

2.2 The garage would measure a footprint of 25m long and 8m wide and 2.5 to the eaves and 4.5 to the ridge. The building would be constructed with a metal 'portal' frame and clad with dark green box profile sheeting for the walls and roof. The building would feature a roller shutter door in the gable elevation facing the internal road and a pedestrian door in the side elevation.

2.3 The agent has commented to say; "The applicant has a large private collection of classic and modern collectable cars & motor bikes that are at present stored off site in leased premises, a change of circumstances has resulted on notice being given and alternative storage is required".

3.0 PLANNING POLICY

The site lies within an area designated on the Area Plan for the South adopted in 2013 as not for a particular purpose and where there is a presumption against development.

3.1 The site is not within a conservation area or is identified as being at flood risk. There are no registered trees on site that are affected by the proposals.

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

3.3 Whilst there is a presumption against development as set out in General Policy 3 and Environment Policy 1, the design of buildings should have a positively contribute to the streetscene as noted in Strategic Policy 5. Both Housing Policy 15 and Housing Policy 16 acknowledge that residential dwellings in the countryside can be extended and outlines how to assess extensions or alterations to them in terms of visual amenity.

3.4 Whilst the land is not zoned for development, the general principles contained with GP2 (a-n) offer guidance that specifically addresses those issues affecting building on site that would be general 'development control' and considered capable of being applied to this proposal.

3.5 The principles of the Residential Design Guidance 2021 which sets out a number of general development standards for alterations to existing dwellings including neighbouring amenity.

4.0 PLANNING HISTORY

4.1 The application site has not been subject to any relevant planning approval. The main dwelling house has benefited from single approval for householder extension;

- o 86/01430/B - Alterations and extensions to form additional living accommodation, porch and double garage, Shenandoah, Grenaby Road, Ballabeg, Arbory.

5.0 REPRESENTATIONS

5.1 Arbory and Rushen Commissioners commented (29/04/22) with no objection.

5.2 Highways Services do not object (No Highways Interest) 31.03.22

5.3 DEFA Forestry (08/04/22) objects on the potential impact on the longevity of the surrounding trees and their roots with pressure for their removal. However, they do add that the majority of the trees are poor quality and many are Ash trees that are suffering "ash die back" and would withdraw their objection if suitable mitigation measures and a tree planting plan is submitted and conditioned.

5.4 DEFA Ecosystems (14/04/22) echoes the comments from the Forestry team and raises concerns about the potential impact on the surrounding trees and future pressure for their removal. Encourages the submission of a tree planting plan with native or broadleaf tree species.

6.0 ASSESSMENT

- (i) Principle (GP3, HP16)
- (iii) Visual impact (Ep1, HP16, GP2,)

6.1 Principle

The starting point here is the land designation within the area plan which designates the site as land not zoned for development. As General Policy 3 would be applicable in this instance, the proposal is for a detached garage building within a wooded area adjacent to a residential dwelling and does not specifically fit into any of the criteria for acceptable development (a-h), therefore regard must be given to the reasonableness of the scale and siting of the proposed developments adjacent to the defined residential curtilage of Shenandoah in view of their subsequent impacts.

6.2 In this case it is relevant to give weight to Housing Policy 16 which allows for extensions to properties in the countryside with the emphasis on visual impact and also any built additions must respect the proportion, form and appearance of the existing property. Environment Policies 1 which protects the countryside for its own sake and restricts development that would have an adverse visual impact on the countryside. Also the general principles contained with GP2 (a-n) that's offer guidance that specifically addresses those issues affecting building on site that would be general development control principles. On balance regard must be given to the reasonableness of the scale and siting of the proposed development in view of their subsequent impacts subject to the further assessment below.

6.3 Visual Impact

In terms of how visible the scope of works are to the existing, Hp16 seeks that the impact when or if viewable is respectful to the properties proportions and appearance. The visual appearance of the new building from the highway would be limited given the existing level of roadside trees and vegetation that screen the site from public view. The colouring of the materials to be used and its overall scale would not be seen as being detrimental to the character of the streetscene and only glimpsing views between the trees when driving along this road could be achievable. Those passing views would ensure the building could be read in the same residential context as the property and would not appear out of keeping. The matching levels of finish in terms of wall finish, doors, and roof cladding, helps to visually reduce any impact. It is likely that the wider character and appearance of the countryside and rural landscape will be unharmed.

6.4 The structure would remain within the defined residential curtilage area and remains for a similar use to the adjacent building and used within the wider residential context for vehicle storage - a condition can be added to ensure no separate use and in the event that it is no longer required for the intended purpose that it be removed and the ground returned to grass. It is considered the proposal would be an acceptable form of development that would be read in accordance with Ep1, HP16, GP2, and would not have any adverse impact on that of the countryside or on the dwelling house and its rural setting.

6.5 In terms of the comments from the Forestry and echoed by Biodiversity on the existing levels of trees and their longevity, their removal would initially require a felling license, and as part of any proposed trees loss, they seek a mitigation planting to offset any potential loss. This can be secured as a prior-to condition and seek that the applicant (via a note) liaises with those parts of DEFA to agree a native landscaping proposal plan with broad leaf species and native hedging to encourage biodiversity net gain.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the proposal would accord with General Policy 2, Environmental Policy 1 and Housing Policy 16 of the Isle of Man Strategic Plan 2016, and is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 5th September 2022

Item 5.5

Proposal : **Erection of first floor extension over existing detached swimming pool**

Site Address : **Sea Mount**
 Scarlett
 Castletown
 Isle Of Man
 IM9 1TB

Applicant : **Mr & Mrs Simon & Nealum Crookall**

Application No. : **22/00427/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 first floor accommodation over existing detached swimming pool hereby approved shall only be used in association with the main dwelling house "Sea Mount" and for purposes incidental to the use of main dwelling house "Sea Mount" as a single dwelling, for no commercial purposes and only in accordance with the internal layout shown on plan 21 1597 03 received on the 04.04.2022.

Reason: The dwelling is within a single residential plot within an area not designated for development. The application does not propose to create separate units of accommodation within the site and has not been considered as such.

Reason for approval:

The proposed extension has been designed to have a minimal visual impact and would comply with General Policy 2 and Environmental Policy 1 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNER

1.0 THE SITE

1.1 The application site is the residential curtilage of a large dwellinghouse 'Sea Mount', Scarlett Road, Castletown. The site sits to the north of the highway and sits in a rural part of the countryside but immediately adjacent to the coast. Within the walled gardens is a separate (same ownership) cottage and a single storey detached building to the northern corner of the site that houses a swimming pool, gym, changing room and sauna. The building features a separate staircase to the north elevation that leads up and onto a flat roof terrace. This building is finished in ornate Pooil-Vaish Manx limestone.

1.2 The site is surrounded on two side to the north and east by agricultural fields and residential curtilage to the south and west.

2.0 THE PROPOSAL

2.1 Proposed is a first floor extension above the swimming pool building. The upward built form would sit above the existing walls and would be accessed from the existing flat roof terrace. Projecting out beyond the footprint to the south would be a roof terrace on concrete columns.

2.2 Internally the space would be bisected to offer ancillary accommodation to 'Sea Mount' that would include a bar area, games area (billiards and table tennis) and cinema / TV room subdivided by a folding screen. A smaller part of the floor plan offers storage / cloakroom, storage and a w/c.

2.3 Externally the built form would be finished with vertical timber cladding in natural cedar or larch, and treated with a grey / black wood stain. The mono-pitched roof would be a metal standing seam roof in dark grey with deep fascia's to match. The fenestration would be aluminium framed windows on dark grey to match those existing with the general opening being floor to ceiling patio doors to the south and west elevations facing into the site and high level glazing to the east and north elevation.

2.3 In their supporting statement, the agent notes on the design attributes; "The first floor recreation room proposed offers differing materials from the natural stone and is kept long and low with natural wall finishes in a dark stained timber and low mono pitched dark coloured metal roof. This gives the building as a whole, a robust stone base with a differing first floor of lighter construction utilising the footprint of what existing below".

3.0 PLANNING POLICY

3.1 The application site is identified on the Area Plan for the South as 'white land' and within an area of countryside that is not designated for development on Map 5 - Castletown. The dwellinghouse and building are shown outlined on the plan. The site is not within a Conservation Area or at any flood risk from surface water or tidal flooding.

3.2 The land is also linked to Map 2 Landscape Assessment Areas; that identifies site is within an area that is broadly classified undulating lowland Plain and rugged coast - Ref E10 on the landscape constraints plan on the Area plan for the South.

3.3 Within the written statement for the area plan for the south Ref E10; Castletown Bay - "The overall strategy is to conserve the character, quality and distinctiveness of the coastal area with its rich ecological habitats, open and expansive panoramic views, and to conserve the coastal setting of Castletown".

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

Spatial Policy

5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations
- 3 Exceptions to development in the countryside

Environment Policy

- 1 Protection of the countryside

3.5 Residential Design Guide (2021)

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

4.0 PLANNING HISTORY

- 4.1 11/00125/B - Erection of a pool house building. Approved.

5.0 REPRESENTATIONS

- 5.1 Malew Commissioners commented (04/05/22) with no objection.
- 5.2 Highways Services do not object (No Highways Interest) 29.04.22

6.0 ASSESSMENT

- (i) Principle (SP5, GP3)
- (ii) Design (STP5; GP2)
- (iii) Visual Impact (GP2; EP1)

6.1 Principle

The starting point here is the land designation within the area plan which designates the site as land not zoned for development. As General Policy 3 would be applicable in this instance, the proposal is for a replacement detached building adjacent to an existing residential dwelling and as such does not specifically fit into any of the criteria for acceptable development in GP3(a-h).

6.2 The application form notes the existing and proposed use of land is residential curtilage as noted in Section 4.0 of this report and the previous planning history is reflective of this in the description and as shown in red on the site plans. Therefore regard must be given to the reasonableness of the scale and siting of the proposed developments within the defined residential curtilage in view of their subsequent impacts.

6.3 This proposal is certainly unique in what is being sought, but equally it is not uncommon for large houses in the countryside with large gardens to seek additional buildings within their curtilage.

6.4 In this case it is relevant to give weight to Environment Policies 1 which protects the countryside for its own sake and restricts development that would have an adverse visual impact on the countryside. Also the general principles contained with GP2 (a-n) that's offer guidance that specifically addresses those issues affecting building on site that would be general development control principles. On balance the principle of a an upward extension above the existing swimming pool building to create ancillary accommodation in the form of a games/entertainment space within the grounds of the property is acceptable form of development subject to the further assessment below.

6.5 Design

The overall design approach was to ensure the existing proportions of the existing building (built form) are reflected in the design of the existing building, noting the length, width height and to

some degree its appearance. In this case, the proposed ridge height of the mono pitched roof is no higher than the existing buildings on site and the siting is overlapping that of the existing which is tucked away in the corner of the site but at first floor level.

6.6 Whilst a contemporary approach has been taken in its design (essentially the roof), the basic form and the use of finishing materials in timber will help soften the overall appearance and whilst on plan form it could be read as increasing the built form on site, in essence it would be minimal. On balance the design would be appropriate in this instance for the proposed use as a games room / ancillary accommodation to Sea-Mount and would be complementary to the dwellinghouse and existing built forms on site.

6.7 Visual Impact

In terms of how visible the scope of works are when compared to the existing, the proposed upward extension would be making this aspect more visible when viewed from afar, however it would only be very slightly larger in footprint in comparison to the structure below given the inclusion of a raised patio terrace to the front (East) and would occupy most of the area of 'development' in terms of additional footprint when looking at a plan form. The existing roof terrace to the west is already in existence. Nevertheless the overall design attributes would help to soften the appearance if viewed from the surrounding fields.

6.8 In terms of any distant views, these would be read in the same context as the dwellinghouse where the dwelling house would very much remain to be the dominant built form on the landscape and the proposed extension would not appear to be out of keeping given the level and scale of the proposal within its surroundings.

6.9 As such this proposal would be seen to be read in conjunction with STP5 and GP2b,c with no detrimental impact on the surrounding countryside as sought by EP1.

7.0 CONCLUSION

The planning application would be an acceptable form of development that has been designed to ensure that it would not visually harm the property/ dwellinghouse or that of the surrounding countryside and would comply with Environmental Policy 1 of the Strategic Plan.

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 5th September 2022

Item 5.6

Proposal : Demolition of the existing single storey lean-to garage and replaced with a two storey side extension and erection of a rear single storey extension

Site Address : Westfield
21 Arbory Road
Castletown
Isle Of Man
IM9 1ND

Applicant : Mr Jason Singleton
Application No. : 22/00907/B- [click to view](#)
Principal Planner : Mr Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The two new first floor windows (above the garage) shall have sliding sash windows installed and be retained as such thereafter.

Reason: In the visual amenities of the street scene and the individual traditional property.

Reason for approval:

It is concluded that the planning application is in accordance with the proposal complies with General Policy 2 and Environment Policy 36 of the Strategic Plan 2016 and the Residential Design Guidance 2021 having no significant adverse impact upon public or private amenities.

Interested Person Status – Additional Persons

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

Isle Of Man Victorian Society, 52 Alberta Drive, Onchan

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

owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE APPLICANT IS A MEMBER OF THE DEPARTMENT

1.0 THE SITE

1.1 The site is the residential curtilage of an existing dwelling, Westfield, which sits on the corner of Arbory Road and Farrant's Way just outside the main town centre in Castletown.

1.2 The house is a two and a half storey property which has a single storey annex on the southern side with a lean to roof sloping down towards Farrant's Way. The site is surrounded by a wall which is stone with fence above alongside Farrant's Way. There are also three semi-mature trees alongside the wall. The front boundary wall is painted render which includes a vehicular access off Farrant's Way and a further vehicular access on the corner of the two roads, serving the lean to garage. A pedestrian entrance sits in front of the house on Arbory Road.

1.3 To the rear (southwest of site) is the side boundary of Farrant House.

2.0 THE PROPOSAL

2.1 The planning application seeks approval for the erection of replacement 2 storey attached garage to side elevation and a single storey flat roof extension to the rear.

3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South (2013) as "Predominantly Residential" use. The site is not within the town's Conservation Area which lies across the road from the southern boundary of the site.

3.2 As such, the following parts of the Strategic Plan are relevant:

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

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

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

(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".

3.4 The Department has recently published the Residential Design Guidance (March 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.

3.5 Due to the proximity of the Conservation Area, Environment Policy 36 is applicable: "Where development is proposed outside of, but close to, the boundary of a Conservation Area, this will only be permitted where it will not detrimentally affect important views into and out of the Conservation Area."

4.0 PLANNING HISTORY

4.1 The application property has been extended under 04/00084/B and the driveway created under 12/01415/B. The latest application for the erection of a replacement timber fencing and the installation of a flue have been undertaken under 21/00139/B.

5.0 REPRESENTATIONS

5.1 Highway Services comment (29.07.2022 & 15.08.2022):

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

5.2 Castletown Commissioners do not object (03.08.2022).

5.3 Isle Of Man Victorian Society comment (10.08.2022);

"We have viewed this application and extend our congratulations to the applicant and architect in their proposals for the two storey garage. We hope they can find a contractor who can faithfully convert the drawings into reality.

We note the two windows above the garage door are notated as 'uPVC double glazed.' Whilst this property is just outside the Castletown Conservation Area we feel it would be better if these were of the sliding sash variety which is what they would have been if this extension had been built as part of the original dwelling. It would add very little to the overall budget for this work but it would add greatly to the appearance of the dwelling and also set the bench mark for other planning applications in Castletown.

We trust the applicant/ architect/case officer will give sympathetic consideration to this request."

6.0 ASSESSMENT

6.1 The main issues to consider in the assessment of the application are the potential impacts upon the character and appearance of the street scene, and the potential impacts upon the neighbouring properties.

Potential impacts upon the character and appearance of the street scene

6.2 The proposed side two storey extension in terms of its proportion, form, scale and design are in keeping with the property and although being publically viewable given the sites prominent position on the corner from Arbory Road and Farrant's Way; it is considered the works would represent a visual improvement to the amenities of the street scenes and the individual property, being well designed and appropriately finishes/detailing. The removal of the modern lean to garage would also be beneficial.

6.3 In relation to the rear flat roofed extension which includes a parapet wall, with more contemporary glazing and painted render finish; this aspect will not be a prominent feature given the boundary walling/fences/trees. Notwithstanding this; the proposal is well designed and would fit well with the existing property.

Potential impacts upon the neighbouring properties

6.4 The proposed side extension is considered to be appropriate form of development which would have no significant impacts upon the amenities of the occupants of the neighbouring properties. The works are some distance from the nearest dwelling (36m to gable of Farrant House), with commercial offices directly across Farrant's Way being approximately between

13.8m and 16m away, with intervening boundary vegetation. Further being northwest of these units there would be little loss of light (suns orientation east to west).

6.5 The rear extension raise no concerns to neighbouring amenities, given its height, scale, size, intervening boundary vegetation and distance to neighbouring properties.

7.0 CONCLUSION

7.1 Overall, it is concluded that the planning application is in accordance with the proposal complies with General Policy 2 and Environment Policy 36 of the Strategic Plan 2016 and the Residential Design Guidance 2021 having no significant adverse impact upon public or private amenities and therefore it 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 in Article 4(2) who should be given Interested Person Status.

Item 5.7

Proposal : Installation of ground mounted solar array
Site Address : Ballaman
Ballahowe
Port Erin
Isle Of Man
IM9 6JF
Applicant : Cheeseden Investments Limited
Application No. : 22/00397/B- [click to view](#)
Planning Officer : Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. In the event that the solar panels and the support units hereby approved are no longer used or required for renewable and alternative energy generation for a period exceeding 12 months, they shall be removed and the ground restored to its former condition within 6 months following the 12 month period.

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 hereby approved shall be fixed and angled south only as shown on approved plans, and shall not be rotational.

Reason: the application has been assessed on this basis only and in the interest of visual amenity.

Reason for approval:

The application is considered to comply with Environment Policies 1, 14 and 22, and Energy Policy 4. The application also accords with wider government strategies in reducing carbon emissions such as those referenced in Isle Of Man Future Energy Scenarios (2020).

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 AND IS RECOMMENDED FOR APPROVAL

THE APPLICATION SITE

1.1 The application site comprises part of an existing agricultural field alongside 'Ballaman', Ballanahowe, Port Erin.

THE PROPOSAL

2.1 Approval is sought for the installation of 340 ground mounted solar panels. The panels are to be double mounted and arranged in 6 lines running east to west with spacing between each line. The approx. area being 43m x 36m. The panels are to be pole mounted only, with no concrete pad and the existing field grass retained.

2.2 The panels are to be tilted at a fixed 20 degree angle and facing south. The panels will not move or rotate. The fixed tallest end will be 2.4m high, and the lower end 1m from ground floor.

2.3 The agents supporting letter indicates that the installation is for private use only and not commercial, and that each panel in this system are 450-W panels and the annual generation of the PV system is 163498.68 kWh/year.

2.4 Red and Blues lines were amended to reflect the true nature of the proposed works in the field and the rest of the area outlined in blue to reflect land ownership only.

PLANNING HISTORY

3.1 Ballaman has been subject to a number of previous planning applications although none considered materially relevant in this specific case.

3.2 There have been a number of similar solar panel applications approved:

- o PA22/00419/B - Installation of 14 ground mounted solar PV panels
- o PA21/01311/B - Installation of ground mounted solar array.
- o PA21/01315/B - Installation of ground mounted solar panels and timber fence
- o PA18/00453/B - Installation of a heat pump and ground mounted solar panels

PLANNING POLICY

4.1 The site lies within an area not zoned for development on the Area Plan for the South 2013. The site is not within a Conservation Area and not recognised as being at any flood risk.

4.2 Paragraph 12.2.8 and Energy Policy 4 support development including alternative sources of energy but that their acceptability will be subject to the environmental objectives and policies of the Strategic Plan, and ultimately such development not being permitted if it unacceptably harms the environment unless a significant overriding or national need is demonstrated as stated in Environment Policies 1 and 22. Environment Policy 14 indicates that development that results in the permanent loss of high quality and important agricultural land would also not be permitted unless there is an overriding need or there is no other lower quality land available. The soil here is recognised as being Class 3 and Class 3/4.

4.3 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

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

5.1 Rushen Parish Commissioners - in support (29/04/2022).

5.2 Department of Infrastructure Highway Services - do not oppose (26/04/2022 and 19/08/2022)

ASSESSMENT

6.1 The main issues to consider in the assessment of this planning application are the principle of development, the impact on the character and appearance of the countryside and whether there would be any agricultural and ecology issues as a result of their installation.

6.2 The site is not designated for development and the proposal doesn't meet any of those exceptions in General Policy 3, however there are policies which support renewable energies and recent government strategies and objectives are seeking to work towards a more sustainable future including the need to deliver net zero emissions by 2050. Therefore a balance must be struck in the environmental policies protecting the countryside and those wider Government plans in the reduction of carbon emissions.

Visual Impact

6.3 The panels are to be located in a part of the field which dips and rolls downwards towards the house, and in the corner of the field closest to the existing built development. The site is not visible from the road immediately passing the site due to large boundary vegetation, and views from the south are not achievable due to topography and rolling hills. There were concerns that given the fairly large area of the proposal that views could be achievable from Bradda Head which is a popular public walking route and forms part of the Raad Ny Foillan. A site visit was undertaken and it was considered that while partially visible at a considerable distance, as the chosen site was dipped and also clustered amongst the existing building that the development would be read in conjunction with the house and there would be no significant encroachment or adverse impact on the countryside, and as the panels were to face south, it was unlikely that there would be any significant glare or light reflection as to draw attention to the panels particularly on sunny days and therefore not unlikely to negatively impact the wider landscape.

6.4 It was also noted that the site could be seen from further along Bradda West, but again this was through breaks in the linear houses along the road, and through breaks in vegetation, and similarly that the close proximity of the site to the existing house and that the panels were to face south that the proposal was not expected to draw a negative eye to the site in the landscape.

Agricultural and Ecology Impact

6.5 The panels are to be ground mounted by pole and with no concrete pad or excessive hardsurfacing. This approach to construction is expected to have minimal ground disturbance in the interest of ecology and any habitats on site. While not recognised as being of such high quality agricultural land to warrant its protection from any development, the minimal construction interventions helps to provide a continued agricultural and grazing use of the land.

Renewable Energies

6.6 Both policies in the Strategic Plan and wider Government objectives offer support to and encourage the installation and use of renewable energies. The proposal in this case not only meets with these objectives but on assessment of its visual and amenity impacts does so in this case without adverse harm to the countryside and its environs in line with those environmental policies of the Strategic Plan.

CONCLUSION

7.1 Overall it is concluded that the application has an acceptable visual and environmental impact and works towards those policies and objectives in seeking to reduce carbon emissions for the Isle of Man. Suitably worded conditions will be added to control development to the panels being fixed and not moving panels, and that should they no longer be used that they are removed along with any supports and the ground made good.

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 5th September 2022

Item 5.8

Proposal : Extension to residential curtilage and the installation of a new vehicular access and driveway and the blocking up of two existing accesses

Site Address : Heatherlea
Ballakillowey Road
Colby
Isle Of Man
IM9 4BW

Applicant : Mr Maurice Walsh

Application No. : 22/00486/B- [click to view](#)

Planning Officer : Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to any works to or the removal of any sod bank, a Precautionary Working Method Statement must be submitted to and approved in writing by the Department. Any sod bank works or removal must be carried out in full accordance with the approved details and there shall be no sod bank removal between September - March annually.

Reason: in the interest of protecting any potential lizards on site.

C 3. The highway access works hereby approved including visibility splays must be carried out in full accordance with the approved details and retained as such free from obstruction thereafter.

Reason: In the interest of highway safety.

C 4. Prior to first use of the new access the surface water drainage details as shown in drawing titled 'Amended 16/8/22' shall be fully installed in accordance with the plans and retained as such thereafter.

Reason: to address the surface water matters of the site in the interest of highway safety.

C 5. Within 3 months of the new access coming into use the existing dwelling and field accesses shall be closed up in full accordance with drawing number W/774/6 and retained as such thereafter.

Reason: The application has been assessed on this basis and in the interest of highway safety.

C 6. Within 3 months of the new access coming into use the post and wire fence as detailed on drawing number W/774/6 shall be installed and retained as such thereafter.

Reason: to ensure that the curtilage is clearly defined in the interest of protecting the countryside.

C 7. The internal field access hereby approved must be installed in full accordance with the approved details and retained available for field access thereafter.

Reason: The application has been assessed on this basis and to ensure suitable access to the agricultural field is retained.

N 1. The applicant/agent is reminded of the separate S109a requirement with DOI Highway Services.

Reason for approval:

The application is considered acceptable given the highway safety improvements expected, the reduction to the number of accesses onto the road and the acceptable extension to the curtilage as to accommodate the works and is not to result in any significant adverse effects on the countryside in line with Environment Policy 1 and to have acceptable highway safety in line with Transport Policies 4 and 6. Suitably worded conditions will be added in respect of access works, surface water, boundary treatment, protection of lizards and closing up of the existing accesses.

Interested Person Status – Additional Persons

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

DOI Flood Risk Management

Planning Officer's Report

THE APPLICATION INCLUDES AN INCREASE TO A RESIDENTIAL CURTILAGE IN THE COUNTRYSIDE WHICH COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL.

1.0 THE APPLICATION SITE

1.1 The application relates to an existing dwelling known as Heatherlea and part of adjoining field No. 410172.

1.2 The dwelling sits on the junction where the Ballakillowey Road meets the Ballakillpheric Road. The dwelling has an existing sloping vehicular access in front of the house. Further north and to the top of the field is an existing field gate.

2.0 DESCRIPTION OF THE APPLICATION

2.1 Full planning approval is sought for a number of works to facilitate the creation of a new vehicular access for both the dwelling and field, and the closing up of the existing access and summarised as follows:

- o Extension to residential curtilage to provide new accesses and driveway route;
- o The new driveway access and route
- o Creation of internal field access from new driveway
- o Closing up of existing vehicular access at house to create only pedestrian access.
- o Closing up of existing field access
- o Enclosing of new residential boundary with post and wire fence.

3.0 PLANNING HISTORY

3.1 There have been a number of applications for alterations and extensions to the main house but none are considered materially relevant to the current application.

4.0 PLANNING POLICY

4.1 The site is not designated for development on the Area Plan for the South 2013. In assessing the proposal consideration shall be given to General Policy 3, Environment Policy 1, Transport Policies 4 and 6, and the general development standards in General Policy 2. Environment Policy 4 is also relevant in respect of protected species and habitats.

5.0 REPRESENTATIONS

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

5.1 Rushen Commissioners - in support (02/08/2022).

5.2 Department of Infrastructure Highway Services - Do not oppose subject to condition (22/04/2022 and 21/06/2022) - the access results in highway safety improvements compared to existing situation and has suitable set back gates, off road parking and turning and visibility. The works should be carried out in full accordance to that detail shown in the drawings.

5.3 Department of Infrastructure Flood Risk Management (FRM)- requested surface water drainage detail which was provided by the agent and confirmed by email from FRM to be acceptable (17/08/2022).

5.4 DEFA Ecosystems - Comments and conditions (06/05/2022) - lizards are recorded at the site and shelter in sod banks between Sept -March and removal during this time could have impact. A Precautionary Working Method Statement (PWMS) should be provided and could be requested by condition.

5.5 No comments received from neighbouring properties.

6.0 ASSESSMENT

6.1 The key tests are whether the works are acceptable in principle and whether they have an acceptable visual and highway safety impact, and whether there would be any adverse harm to ecology or surface water drainage.

Access Works

6.2 As a general principle, the countryside is to be protected for its own sake with exception to those levels of development listed in GP3, or unless there is an exceptional need otherwise demonstrated. In this case while there are no specific policies which address modifications to driveways in the countryside and the works do not come under GP3, however in this specific instance the it has been acknowledged that the proposal will provide a much improved access situation for the dwelling beyond the existing arrangement, and it is also noted that the proposal will simultaneously reduce the number of vehicle access onto the main road by closing up the field gate and house accesses and suitably worded conditions will ensure these works are carried out accordingly.

6.3 While the proposal results in some loss of agricultural land (under ownership of the applicant), it is felt that this area is proportionately acceptable as to suitably accommodate the access works including the new internal field access without significant detriment to the wider rural landscape and countryside. The diagonal boundary link with the existing rear boundary is also not unacceptable and offers a more pragmatic approach rather than following the contour of the driveway which could appear more unnatural. The post and wire fence is considered suitable and a condition should be added to ensure its installation to formally define the boundary.

Ecology Matters:

6.4 There are some planting works proposed as part of a soft landscaping of the area, DEFA Ecosystems highlighted the potential for unintentional spread of an invasive species and so requested that a condition be added to ensure no planting of invasive species.

6.5 In order to suitably protect or mitigate harm to potential lizards on site, a PWMS has been requested by condition, it is also highlighted that sod bank removal should not take place between Sept-March and so it is considered that two suitably worded conditions in this respect be added according so as to best safeguard the lizards.

Drainage:

6.6 Surface water drainage details were requested and provided. It is noted on the drawings that there is a small rise from the road to the start of the access and where the verge would have previously been. The rest of the driveway falls into the site.

6.7 The agent has now provide surface water drainage detail for the section nearest the road as to avoid surface water flowing onto the highway. This includes the installation a specific kerb which has an upstand which will keep water within the site but also direct water that is on the highway away from the access. This detail was agreed as acceptable by the FRM officer by email on 17/08/2022. The applicant is still to be reminded that a S109(a) would be required for works in the highway and a the Highway Act makes clear that it would be an offence to cause water to run into the highway.

7.0 CONCLUSION

7.1 It is concluded that given the highway safety improvements expected, the reduction to the number of accesses onto the road and the acceptable extension to the curtilage to accommodate the works that the proposal is considered to be acceptable and not to result in any significant adverse effects on the countryside in line with Environment Policy 1. The proposed access is also considered to be highway safe and suitable for its intended purposes in line with Transport Policies 4 and 6.

7.2 The application is considered acceptable subject to a number of conditions requiring the access works being carried out in full accordance with the drawing details including the surface water drainage detail, that the two existing accesses be closed up, that the field access within the site be available at all times to ensure suitable access is maintained for the agricultural land and that the post and wire fence is erected to ensure suitable defining of the residential curtilage. A condition relating to the need for a PWMS and no works between Sept-March to protect the lizards and a note in respect of S109(a).

8.0 INTERESTED PERSON STATUS

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

(a) The applicant, or if there is one, the applicant's agent;

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

8.2 The decision maker must determine:

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

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 5th September 2022

Item 5.9

Proposal : Additional use of agricultural shed for the parking of a HGV vehicle
Site Address : Upper Ballachrink Farm
St Marks Road
Ballasalla
Isle Of Man
IM9 3AG
Applicant : Manx Construction & Groundworks Ltd
Application No. : 22/00562/C- click to view
Planning Officer : Miss Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. This approval is for the additional use of the agricultural shed (outlined in red in the approved plans) for the parking of 1 non-agricultural related HGV vehicle only.

Reason: The application has been assessed on this basis and approval does not want to prevent any actual agricultural vehicles from parking.

C 3. In the event that the additional use of the building for the parking of 1 HGV is no longer required and its use ceases for a period in excess of 12 months then the building shall return solely to agricultural use and retained as such thereafter.

Reason: The application has been approved on an exceptional basis in the interest of protecting the countryside.

Reason for approval:

Subject to a condition relating to 1 HGV vehicle only, the application is considered to comply with Environment Policy 1 and Transport Policy 4 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE PLANNING COMMITTEE AS THE PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN, AND IS RECOMMENDED FOR APPROVAL.

1.0 THE APPLICATION SITE

1.1 The application site relates to an existing agricultural building forming part of the cluster of buildings and adjacent to the main farm house of Upper Ballachrink Farm, St Marks.

2.0 THE PROPOSAL

2.1 This current planning application seeks approval for the additional use of one of the agricultural buildings for the parking of 1 HGV vehicle.

3.0 PLANNING HISTORY

3.1 The site has not been subject to any previous planning applications.

4.0 PLANNING POLICY

4.1 The site is not designated for development on the Area Plan for the South 2013. There are no specific policies which support the additional use of agricultural buildings for parking of HGV vehicles, but there are a number of policies which seeks to protect the countryside for its own sake with the only exceptions to development being those listed in General Policy 3. In terms of assessing the current application regard should be given to Environment Policy 1 along with Transport Policy 4 and General Policy 2.

5.0 REPRESENTATIONS

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

5.1 Malew Parish Commissioners - no objection so long as it is limited to 1 HGV only.

5.2 The Department of Infrastructure Highway Services - do not oppose (12/05/2022 and 22/08/2022).

6.0 ASSESSMENT

6.1 Established policies state that the countryside should be protected for its own sake and that development which would adversely affect it will be not be permitted unless it is of overriding or national need (Environment Policy 1) or that it meets one of the exceptions listed in General Policy 3.

6.2 In the case of this application proposed is the additional use of an existing agricultural building for the parking of a HGV vehicle not owned or operated by the farm holding. From a planning perspective if there is a culmination of approvals for the change of use or additional use of existing agricultural buildings to alternative uses there could become pressure in the future need for further agricultural development and thus resulting in a spread across the countryside.

6.3 In the case of this application, the applicant indicates that there is only one vehicles to be parked and its use is subject to demand. During a discussion in the office whilst the red line was being amended to encapsulate the entire building, the applicant indicated that the lease with the farm owner was fairly strict and on a rolling basis with no guaranteed long term use. They also indicated that the HGV only takes up part of the building and the remaining part is still used by the farm for the storage of hay and bales and other farming equipment. They indicated that there has also been times when the HGV has been used to assist the farmer with tasks on the farm.

6.4 Ideally these types of vehicles would be first directed to appropriate industrial areas. The applicant stated that finding an industrial unit was not easy, and that when they did the subsequent costs for its use for parking the vehicle was wholly uneconomical.

6.5 Having these larger HGV vehicles out of town centres is perhaps better for general highway safety, the additional use of larger agricultural building also offering some additional income and diversification for those farms that can afford to spare the space. In this case the additional use is for parking of 1 HGV within the agricultural building, the proposal is not expected to result in any adverse impacts on the countryside or result in any significant loss of agricultural use of the site or building. It is not expected to result in any visual harm given it is to be parked within the building and it is not expected to create any unacceptable amenity impacts, minded that the farm owner is in control of the lease and could cease this at any time should it be causing them issue, and minded that the level of activity and noise is perhaps not so far removed from other large agricultural vehicles coming to and from the site unrestricted and not expected to result in any new or adverse highway safety issues.

7.0 CONCLUSION

7.1 For the reasons set out above the additional use of the agricultural building is considered to be acceptable and to comply with EP1 and TP4 and is recommended for approval subject to a condition stating that approval is for 1 HGV vehicle only.

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