



**Isle of Man**  
Government

*Reilrys 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, 10th October 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](http://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 26<sup>th</sup> September 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 24<sup>th</sup> October 2022.

**PLANNING COMMITTEE Meeting, 10th October 2022**  
**Schedule of planning applications**

<p><b>Item 5.1</b>  Cooil-Ny-Marrey Waterloo Road Ramsey Isle Of Man IM8 1EQ</p> <p><b>PA21/01569/B</b>  <b>Recommendation : Permitted</b></p>	<p>Erection of a care home and day care centre with associated parking and both hard and soft landscaping</p>
<p><b>Item 5.2</b>  Ballahig Foxdale Road The Hope St Johns Isle Of Man IM4 3AU</p> <p><b>PA22/00390/B</b>  <b>Recommendation : Permitted</b></p>	<p>Erection of new dwelling to replace existing dwelling and barn including improvements to existing entrance</p>
<p><b>Item 5.3</b>  The Warren Clannagh Road Santon Isle Of Man IM4 2HP</p> <p><b>PA22/00819/B</b>  <b>Recommendation : Permitted</b></p>	<p>Replacement Dwelling and Integral Garage</p>
<p><b>Item 5.4</b>  Land Adjacent To Thie Sollysh Smeale Road Andreas Isle Of Man</p> <p><b>PA21/01479/B</b>  <b>Recommendation : Permitted</b></p>	<p>Erection of detached dwelling and improvements to existing vehicular access and parking to Thie Sollysh</p>
<p><b>Item 5.5</b>  South Of Field 131879 Narradale Sulby Isle Of Man IM7 2HA</p> <p><b>PA22/00385/B</b>  <b>Recommendation : Permitted</b></p>	<p>Demolish existing farmhouse and outbuildings and replace with detached 2 storey dwelling with garage</p>
<p><b>Item 5.6</b>  Energy Dissipater Outlet Station Dumbells Terrace Laxey Isle Of Man IM4 7NY</p> <p><b>PA22/01031/B</b>  <b>Recommendation : Permitted</b></p>	<p>To install an energy dissipater at the outlet of new surface water system.</p>
<p><b>Item 5.7</b>  Police Station 8 Hazel Crescent Douglas Isle Of Man IM2 1BS</p> <p><b>PA22/00996/C</b>  <b>Recommendation : Permitted</b></p>	<p>Change of use of police stations Lower Ground Floor into temporary changing facilities (retrospective)</p>

<p><b>Item 5.8</b> Changing Facilities Springfield Road Douglas Isle Of Man IM2 1ER</p> <p><b>PA22/01058/B</b> <b>Recommendation : Permitted</b></p>	<p>Erection of replacement temporary changing facility, toilets and storage shed (Part retrospective)</p>
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## PLANNING AUTHORITY AGENDA FOR 10th October 2022

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### Item 5.1

**Proposal :** **Erection of a care home and day care centre with associated parking and both hard and soft landscaping**

**Site Address :** **Cooil-Ny-Marrey  
Waterloo Road  
Ramsey  
Isle Of Man  
IM8 1EQ**

**Applicant :** **Manx Care**

**Application No. :** **21/01569/B**- click to view

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

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

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 3. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

C 4. The development shall not be occupied or operated until the secure and covered bicycle store have been provided in accordance with the approved plans. The secure and covered bicycle store shall be retained at all times thereafter.

Reason: To promote sustainable travel in the interests of reducing pollution and congestion.

C 5. All planting, seeding or turfing comprised in the approved details of landscaping (drawings PL494-PP01 and PL494-PP02) must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the kennel extension, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

C 6. Prior to the occupation of the development the 4x Schwegler 1A integrated Swift Bird boxes shown on the Proposed External Elevations Sheet 1 of 3. (Drg no. p-08 Rev A) shall be installed and retained thereafter.

Reason: to increase biodiversity within the site.

Reason for approval:

It is considered for the reasons indicated within this report the proposal overall, would not have any significant adverse impacts upon public or private amenities and would therefore comply with the relevant planning policies of the IOM Strategic Plan 2016, The Ramsey Local Plan and the Residential Design Guide 2021.

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

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

The Flood Risk Management (DOI)  
Manx National Heritage

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):

11 Marine Gardens, Ramsey  
27 Cloughbane Drive, Ramsey (freehold owner of 15 Marine Gardens)  
4 Marine Gardens, Ramsey  
10 Marine Gardens, Ramsey  
2A Water Street, Ramsey (owners of 2 Marine Gardens)  
62 Waterloo Road, Ramsey  
59 Waterloo Road, Ramsey

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

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

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE DUE TO THE LEVEL OF OBJECTION FROM LOCAL RESIDENTS AGAINST THE RECOMMENDATION TO APPROVE THE APPLICATION

#### 1.0 THE APPLICATION SITE

1.1 The application site comprises Cooil-Ny-Marrey, Waterloo Road, Ramsey which located to the north eastern side of Waterloo Road. The site is 1.45acres in size. Approach Road runs to the northwest boundary of the site and Waterloo Lane to the southwest of the site. Victoria Road runs from the Approach Road in a south easterly direction to the site. Victoria Road runs behind the neighbouring properties of Waverly Terrace and Cambridge House which are to the west of the site.

1.2 Currently the site accommodates two, two storey detached blocks within the site, one fronts Waterloo Road (referred as Waterloo House), albeit part is setback with a landscaped area in front; while the second block fronts onto Approach Road (Approach House).

1.3 The current building (Waterloo House) until recently accommodated 55 one bed roomed sheltered housing units (operated by the Ramsey and Northern District Housing Committee) which was constructed in 1981. The applicants advise while the building is structurally sound, the layout means the building no longer meets the required size standards for this type of accommodation.

## 2.0 THE PROPOSAL

2.1 The application seeks approval for the erection of a care home and day care centre with associated parking and both hard and soft landscaping. The new building would have a "U-shaped" footprint with a central courtyard which would be mainly three storeys in height, albeit with a single/two storey building to the north aspect of the new build. The new building would be sited mainly on the original footprint of Waterloo House and the front landscaped area which runs parallel with Waterloo Road. The new buildings frontage would run parallel with Waterloo Road. The existing Approach Building would be demolished and replaced with a landscaped gardens and car park.

2.2 The proposals includes;

- o Demolition of Cooil Ny Marrey complex;
- o Provision of 45-bedroom residential care complex with Day care centre (cafe) to accommodate up to 20 people;
- o Statutory and Regulatory Compliance/Approval (Planning/Building Regulations/Regulation of Care Act 2013);
- o Car parking and hardscaping;
- o Landscaping/ private gardens with activity spaces for residents; and
- o Design for dementia best practice.

2.3 The applicants advise that; "The recent completion of Mayfield Apartments on Queens Pier Road has allowed the remaining tenants to relocate leaving Cooil Ny Marrey vacant and available for demolition. Ownership would be transferred from R&NDHC to DHSC."

## 3.0 PLANNING HISTORY

3.1 The application site and surrounding land has been the subject of a number of previous planning applications; However, none are considered specifically material to the assessment of this current planning application.

## 4.0 PLANNING POLICY

### 4.1 LOCAL PLAN

4.1.1 The application site falls within the Ramsey Local Plan and is designated as "predominately residential use". The site is not within a Conservation Area. A Registered Building Lough House to the northwest of the site.

### 4.2 STRATEGIC PLAN

4.2.1 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this current planning application.

#### Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages

- 4 Protection of built heritage and landscape conservation
- 5 Design and visual impact
- 10 Sustainable transport
- 11 Housing Needs

#### Spatial Policy

- 2 Identified Ramsey as a Service Centre
- 5 Building in defined settlements or GP3

#### General Policy

- 2 General Development Considerations

#### Environment Policy

- 3 Protection of Woodland
- 4 Wildlife and Nature Conservation
- 5 Ecological Impacts
- 10 Flood Risk Assessments
- 13 No unacceptable risk of Flooding
- 42 Respect the local character and identity

#### Housing Policy

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

#### Recreational Policy

- 3 Requirement for Landscaped amenity areas

#### Community Policy

- 6 New community health care facilities
- 10 Fire Fighting provisions

#### Transport Policy

- 2 Provision for new links
- 3 Protection of existing and former rail routes
- 4 Highway Safety
- 5 Design of Highway Network Improvements
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions
- 8 Requirements for Transport Assessments

#### Energy Policy

- 5 Energy Efficiency

#### 4.3 RESIDENTIAL DESIGN GUIDE 2019 - Section 2.0 New Houses

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

#### 5.0 REPRESENTATIONS

It should be noted that full comments made by all representations are available on the Online Services - Planning Applications and any decision should read this in full. Further, the

application has been re-advertised (26.08.2022) once in response to issues raised. The comments below are taken from the last correspondence from the relevant party only

5.1 Ramsey Town Commissioners have no objection (18.02.2022).

5.2 Highway Services (DOI) do not object to the application subject to conditions and make the final comments (09.08.2022):

"Highways Development Control notes the additions and amendments uploaded on 27 July 2022, including a revised Transport Assessment to evaluate the change to the car parking arrangements on removing two spaces from Waterloo Lane and adding two off Victoria Road. This would result in a minor change to the pattern of movements. The revised swept paths indicate that car parking bays remain usable. Accordingly, the proposal remains acceptable for HDC to raise no opposition subject to conditions for the access and layout to accord with Drawing No's: P02 Rev A and P03 Rev B. As previously advised a s109(A) Highway Agreement is necessary for works in the highway after grant of any planning consent."

5.3 Agriculture & Lands Directorate (DEFA) making the following comments (26.01.2022);

"The majority of trees on this site are small, or poor quality specimens which are likely to be category C trees(BS5837:2012). In the southern corner of the site, however, adjacent to the junction of Waterloo Lane and Waterloo Road there is a larger cherry tree. This tree shows good form for the species and is in good physiological condition. It is also very visible in the street scene and contributes to the amenities of the area. When in blossom, this tree is likely to be a particularly attractive feature. See attached photos. No tree survey or arboricultural impact assessment has been provided to support this application but I would suggest that this tree is a Category B tree, meaning it is the Directorate's view that it should be considered a material constraint to development.

If removal was required to make maximum/efficient use of the space available appropriate mitigation should have been considered. The proposed site plan (P-02) shows that some new trees will be planted in front of the proposed building, but with planting centres being only 2m from the front of the building these will have to be very small/narrow trees which are unlikely to make a significant contribution to amenity. Details of the species/cultivar proposed for these locations are not provided.

The Directorate will therefore be objecting to this application on the basis that the proposed development includes the removal of a tree worthy of a category B classification (as defined by BS5837:2012) without proposing sufficient mitigation to replace/restore the amenity value that will be lost."

5.4 Ecosystem Policy Officer (DEFA) do not object to the application subject to conditions and make the final comments (22.08.2022):

"The Ecosystem Policy Team can confirm that we are much happier with the proposed outdoor space now that more landscaping details have been provided and changes to the outdoor design have been made. The proposals now include the planting of a variety of species which are beneficial for wildlife, particularly insects, and given people a greater variety of ways to access this space. We therefore recommend that this landscaping is secured as a condition on approval as is a condition for at least a two year contractual maintenance period, as suggested in the Landscape design Statement July 2022. We are also very pleased to see that 4x Schwegler 1A integrated Swift Bird boxes have been included in the drawings on the gable wall on the proposed north east elevation - Courtyard side view. As shown on the Proposed External Elevations Sheet 1 of 3. (Drg no. p-08 Rev A). We request that these boxes are secured as a condition on approval."



5.6 The Flood Risk Management (DOI) object to the application on the following grounds (27.07.2022);

"FRM do not support the building of residential properties in known flood zones. It is appreciated that the proposed plan is to raise the floors and install flood defences. There is an Emergency Evacuation Plan to evacuate vulnerable residents in advance of an event however this does not take a medical emergency during a weather event in to consideration.

Conditions - Should this planning application be permitted FRM request that all flood mitigations be conditioned"

5.7 Highway Services Highway Drainage (DOI) comment (06.01.2022);

"The private drainage arrangements for the proposed development as shown in the drainage layout drawing No. 2020-047-020 Rev A will not have an impact on the public highway."

5.8 Manx national heritage make the following summarised comments (14.02.2022);

the site lies in an area often referred to as old "south Ramsey" and comprises the old core of the medieval and post-medieval settlement centres around the former line of Maughold street and church street and old cross which served as the historical market place for the town. Demolition of a nearby property in 1901 revealed the survival of as large medieval carved stone cross and new research suggests that a small number of similar large cross-slabs were used elsewhere around the island as landmarks on sites which became market places and fairgrounds. it is possible that archaeological remains of the site of the market cross, or objects derived from it, may survive in the vicinity and we would request the application of a condition allowing MNH staff access to the site during the demolition to record any remains that may be present.

5.9 Inland Fisheries (DEFA) comment (24.08.2022):

"This planning application has been checked by Fisheries Officers. I can confirm that DEFA Fisheries have no concerns in relation to this development from a fisheries perspective."

5.10 The owner/occupier of 11 Marine Gardens, Ramsey has objected to the application which can be summarised as (10.02.2022); This is not in keeping with the overall area; Density will degrade the standards of living in my unit and those of my neighbours with increased noise; There are a numbers of shore and other birds that frequent the communal pond at Marine Gardens; Height of the building will interrupt the view of Albert Tower and the hills and will reduce breeze and ventilation in my unit and others; My privacy and enjoyment of my home will be impacted; Additional cars and traffic to the area will create traffic congestion and increased pollution increased cars in the parking area will shine headlights into my unit; Balconies will overlook my property; and I will lose sunlight due to the increased height of the new building and the angle of the sun during most of the year will be from early morning and late afternoon.

5.11 The owner/occupier of 27 Cloughbane Drive, Ramsey (freehold owner of 15 Marine Gardens) has objected to the application which can be summarised as (10.02.2022 & 14.02.2022); the proposed balcony, master bedroom with balcony and top bedroom will all overlook at the gardens at the rear and the development site beyond; the gardens are owned and managed by the South Ramsey Management CO Ltd with 16 owners and I am closest to the development; overlooking to balconies and loss of views to Albert Tower and hills; proposal will dominate the area; loss of light; inadequate landscaping; the location of the restaurant and the raised open area will result in disturbances, overlooking, atmospheric and noise pollution; light impact by cars and general traffic 24hrs a day; concerns of traffic generation; concerns of bin storage will have noise/odour issues; no details of plant equipment in terms of noise or attenuation; the detail design of this development is unacceptable; I deplore the lack of

consultation with neighbouring properties affected; and contrary to General Policy 2 of the IOM Strategic Plan.

5.12 The owner/occupier of 4 Marine Gardens, Ramsey has objected to the application which can be summarised as (03.02.2022 & 22.08.2022); overuse of the development site; the proposed building is a full three stories and this will block out natural light to our communal garden at the Marine Gardens development behind the proposed new development; the rear balconies and first floor our door terrace and exercise area as these will both directly overlook our garden and our rear balconies and terraces at Marine Gardens; The proposed balconies on the rear of the proposed development (facing Marine Gardens) are located in what are likely to be highly used communal areas for residents of the new residential complex, resulting in an increase risk that existing privacy in Marine Gardens will be negatively impacted; and the whole of the rear of the proposed development appears to have been designed to overlook our existing garden here at Marine Gardens with little or no thought given to the existing residents. The revised plans raise the building by 600 in order to provide protection from any flood risk will make the building to high and overbearing; The creation of a Day Centre and turning area at the rear South East Corner of the site will create an unacceptable increase level of traffic to the rear of the building in a area that is currently a quiet backwater; The communal (dining areas) on the rear of the building currently necessitate a wall of glass being built at the rear of the building, currently, the communal dining areas in the existing Cummal Mooar Home are left switched on 24 hours a day, 7 days a week, so I have serious concerns of 24 hour a day significant light pollution from the rear of the proposed new development; and finally I would wish to assure the committee that contrary to the comments made by McGarrigle Architects, that the gardens at the rear of the Marine Gardens development are used regularly and greatly enjoyed by many of the residents of the terrace.

5.13 The owner/occupier of 62 Waterloo Road, Ramsey has objected to the application which can be summarised as (25.01.2022 & 31.08.2022); The proposed development would seriously reduce the amount of light to the front of my property and have a negative visual impact; The proposal is to replace a two storey building, set well back from the road beyond a large grassed area with three stories adjacent to the pavement; In the proposal there is reference to reducing the visual impact to the rear gardens of Marine Drive, most of which are set well back from the boundary, at the other side of the site. I question why the same consideration is not being applied to the residents of Waterloo Road; whilst along some sections of the road there are three story blocks opposite each other, this is not the case here. Therefore it is not replacing like with like; night time pollution due to the use of the building - lights being on all night was not an issue with Cooil ny Marrey due to the distance of the building from the road; concerns of construction works affecting structural stability of dwelling; dismayed to see nothing has changed with amendment plans; previous comments remain.

5.14 The owner/occupier of 59 Waterloo Road, Ramsey has objected to the application which can be summarised as (03.02.2022); Will have a detrimental effect on the light into our house and front garden; At present, the 2 storey building does not impact our property at all, giving us sunlight every morning in the front garden and privacy.; currently a lovely wide open space at the front of the existing building which again adds to the peaceful street atmosphere; If your building goes ahead, all of this will be lost and it will greatly detract from all current pluses that our row of terraces have enjoyed for many years; You have taken into account the affect a larger building would have at the back for Marine Gardens by only having a 1 storey building near their properties but have not afforded us the same consideration; putting trees along the roadside would only further block out any light in years to come as these trees grow in size; and concerns of construction works to our properties and this building work would certainly destabilise our homes.

5.15 The owner/occupier of 10 Marine Gardens, Ramsey has objected to the application which can be summarised as (12.02.2022); not in keeping with the area in height; increase noise from balconies and overlooking to my balcony; loss or privacy due to windows and height of building; light pollution into my bedroom and lounge; additional noise and traffic from new parking areas; loss of ventilation from the height of new building; loss of light during autumn/winter/spring periods due to height of the new building; lead to greater dependence on heating and artificial light; loss of sun to communal garden; and loss of view to Albert Tower and hills.

5.16 The owner/occupier of 2A Water Street, Ramsey (owners of 2 Marine Gardens) has objected to the application which can be summarised as (04.02.2022); The development is not replacing the current building like for like; there is an additional 3rd floor proposed; the occupiers of the 3rd floor will be able to look directly into our 1st floor bedroom and the private balcony outside it. This is a total invasion of our privacy and the ability to enjoy sunbathing on our south facing balcony; and the development has also been designed to provide substantial additional viewing by the occupants over our communal garden and our property.

## 6.0 ASSESSMENT

### 6.1 APPROACH TO ASSESSMENT

6.1.1 Given the land-use designation and the type of development the following elements are relevant to consideration in the determination of this application:

- (a) Principle of development;
- (b) The potential impact upon the visual amenities of the area;
- (c) Potential impact upon neighbouring amenities;
- (d) Potential impact upon highway safety / Parking provision / Travel Options;
- (e) Potential drainage/flooding issues;
- (f) Potential impacts upon ecology/trees; and
- (g) Archaeology interest

6.2 PRINCIPLE OF DEVELOPMENT (Strategic Policy 1, 2, 5, Spatial Policy 3, General Policy 2 & 3, Environment Policy 43, Housing Policy 1, 4 & 6, Business Policy 9 & 10, Recreation Policy 2, 3, 4 & 5, Community Policy 1, 2, 6, 10 & 11)

6.2.1 There are two proposed uses on the site - a care home and a day care centre which includes a café/activity room. The existing site has been used as shelter housing for a number of decades which is a form of residential use. The proposed care home use is also regarded as a form of residential use.

6.2.2 The proposed day care centre arguable is not a "residential use"; however, is considered a use which is ancillary to the main use as a care home providing much needed facilities for the occupants of the care home and also person within Ramsey and the North of the Island. In terms of Community Policy 6 indicates that new community health care facilities cannot result in an over concentration of such uses in a particular area. In this case the proposal replaces an existing health care facility within Ramsey. Accordingly, it is considered the proposal would comply with this aspect of CP 6.

6.2.3 Overall, while the principle of the land use is considered acceptable, it still remains necessary to assess the proposed development against other relevant planning policies and the physical constraints of the application site.

### 6.3 THE POTENTIAL IMPACTS UPON THE VISUAL AMENITIES OF THE AREA

6.3.1 In terms of the potential impacts upon the visual amenities of the area, it is considered the development will be publically visible from a number of locations along Waterloo Road, Approach Road and Waterloo Lane.

#### Waterloo Road

6.3.2 The street scene along Waterloo Road is made up mainly of 3 to 5 storey terraces (some apartment blocks); however, in places this form of development is interrupted by more unique buildings i.e. Trinity Church, the application site, the former garage & filling station, Ramsey Youth Centre and Mysore Cottages. However, the overall character of the street scene is made up of terraced properties.

6.3.3 The existing building has little architectural interest or detail and the building itself does not especially add to the character of the street scene or the existing build form of the area. Its loss raises no concerns. The element which does add an openness feel to the site; which would be lost by the proposal, is the front landscaped area which currently makes up a large element of the existing site, with approximate two thirds of the main existing building being set back from Waterloo Road by approximately 15m to 22m, which enables the front landscaping area to run parallel with Waterloo Road; while the remaining one third of the main building being setback by approximately 3m to 4m from Waterloo Road.

6.3.4 The proposed elevation onto Waterloo Road would be a three storey building which includes projecting two and three storey bay windows (Elevation A on drawing P-08 A). The building is traditional in form with the appearance of a pitched roof (albeit has a crown roof design) which includes solar panels to pitched roof element with gable end chimneys. The buildings front elevation would run parallel with Waterloo Road, being set back approximately 4m from the back of the public footpath along Waterloo Road. A new boundary wall made up of railings (1.1m in height) with rendered clock piers ever 5m is proposed, with more decorative pillars at the main entrance onto Waterloo being included. Landscaping strip is located being the front boundary railings/pillars.

6.3.5 Without question the proposed character of the site when viewed form Waterloo Road will significantly change, from a two storey building with a large open landscaped garden, to a three storey building which has the appearance of a row of terraced properties which ruins closes to and parallel with Waterloo Road. This change in character will mainly only noted when passing the site, rather than from more distance views along Waterloo Road. However, while there will be a significant chance; as noted in paragraph 6.3.3, the character of the street scene of Waterloo Road is mainly made up of terraced properties between 3 and 5 storeys which run parallel and close to Waterloo Road. This proposal would be no different and therefore it is difficult to argue it is not in keeping the character and appearance of the area. The proposed building will also be lower than the adjacent neighbouring properties Waverly Terrace, Cambridge House and Trinity Church. Accordingly, from this perceptive the proposal is considered acceptable.

#### Approach Road/Victoria Road

6.3.6 Currently public views from Approach Road/Victoria Road is of a single and two storey building (Approach House), again with little architectural interest which runs parallel and close to Approach Road. This area arguable has a significant change as it is proposed to demolition the existing building and the area be changes to a large landscaped area and parking area. This will significantly reduce the amount of built development on the site and will open up this section of the site within the street scene. Accordingly, from Approach Road the proposal will be an appropriate form of development.

6.3.7 From Victoria Road, again the landscaped area/parking area will be clearly seen albeit again will appreciated the loss of two and single storey buildings which ran immediately

adjacent to Victoria Road. The northwest elevation of the new building will be apparent being made up of a single storey building and three storey being behind (Elevation D on drawing P-08 A). While this section of the site increases the amount of building development (from two to three storeys) it is not considered out of keeping or inappropriate, noting the neighbouring properties Waverly Terrace and Cambridge House being four storeys in height along Victoria Road. Noted that the proposal will be lower than these neighbouring properties.

#### Waterloo Lane

6.3.8 Currently, the existing building along Waterloo Lane runs parallel with the road setback approximately 8 metres from the road. The elevation of the site facing Waterloo Road is made up of approximately one third of the front landscaping area (on corner of site) mentioned previously and two thirds of the two storey building. Car parking to the site is located between the Waterloo Lane and the existing building.

6.3.9 The new proposal when entering Waterloo Lane from Waterloo Road, will face a three storey gable end (Elevation D on drawing P-09 A) which is located on the corner of the site. This is compared to the landscaped area currently, accordingly, this will represent a significant change. This gable end elevation will face Trinity Church opposite. After passing this gable end, the site becomes more open with built development setback from Waterloo lane, where a proposed courtyard area of the site will be apparent. The main public entrance for the café is located in a one/two storey building. Two disabled parking bays and two drop off bays are proposed between the building and Waterloo Lane. There is also a new access which provides a parking/turning provision for a minibus drop off area immediately in front of the main entrance. A substation is also located along the boundary of the site in this location.

6.3.10 While there would be a significant change to the corner of the site (Waterloo Road and Waterloo Lane) with the introduction of a three storey gable ended building close to the respective roads; it is not considered this would result in an adverse visual impact to warrant a refusal. The courtyard/rear elements of the proposed building further along Waterloo Lane are considered appropriate and would site well within the street scene and neighbouring buildings.

6.3.11 Overall, it is considered the design, layout, landscaping and housing sizes/types all ensure the works would not affect adversely the character of the surrounding landscape townscape and would respect the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them complying with General Policy 2.

#### 6.4 POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES

6.4.1 The residential properties potentially most impacted by the development would be those immediately to the southeast of the site Nrs 57 to 68 Waterloo Road and Nrs 11 to 17 Marine Gardens to the northeast of the housing development site.

6.4.2 Generally, the main issues relating to the impacts upon residential amenities are; overbearing impacts upon outlooks, loss of light, and or loss of privacy.

#### Nrs 11 to 17 Marine Gardens

6.4.3 In relation to the impacts upon Nrs 11 to 17 Marine Gardens, the main elements of the proposal which would have an impact are the northern eastern, three storey gable end of the building and the single storey building with roof terrace above.

6.4.4 The three storey gable end would be located approximately 23.7m to the rear elevation of Nr 13 Marine Gardens (closest property) and 22.5m to the balcony of this property. Within

this gable elevation there is a single second floor window which serves a laundry room i.e. non habitable room.

6.4.5 Regarding the first floor terrace there is a 1.8m high obscure screen along the northern eastern elevation of the terrace and therefore this would screen any views towards Marine Gardens. In terms of noise, the first floor roof terrace is for occupants of the care home and it is therefore reasonable and likely to consider that the residents are not likely to cause a great level of noise or disturbance.

6.4.6 It is important to note that the existing building/s currently run along the shared boundaries with Marine Gardens currently, and have a number of windows, especially first floor windows which look towards the neighbouring properties. It is considered in terms of overlooking the existing situation has much more levels of overlooking, compared to the currently proposal. There are 18 first floor windows within Victoria House and 10 Approach House. Which directly look towards Marine Gardens which are close to the boundaries to the neighbouring properties/gardens.

6.4.7 While the proposed development would result in a taller building compared to the existing two storey building, the amount of built development is significantly less with the land currently accommodating Approach House being used as landscaped gardens and parking area (low forms of development).

6.4.8 Overall, in relation to these aspects, it is considered given the distance the new building would be from any of these neighbouring properties, existing built development on the site, reduced level of built development proposed and the design/layout of the new building it is not considered the proposed development from these respects would have any significant impact to warrant a refusal.

#### Nrs 57 to 68 Waterloo Road

6.4.9 In relation to the potential impacts the neighbouring properties along Waterloo Road are likely to be most impacted by the development. The proposal would introduce a three storey building which directly face towards Nrs 57 to 68 Waterloo Road. The new building would be approximately 17m (16.4m bay windows) to the front elevation of these neighbouring properties.

6.4.10 There is likely to be a greater level of potential overlooking, namely given the proposal would be below the generally accepted 20m distance between directly facing windows. However, as indicated within the Residential Design Guide; "In dense urban areas, where there is already a level of mutual overlooking, a lesser standard may be acceptable". The windows of the new building which face towards the neighbouring properties generally all serve bedrooms (i.e. non primary habitable rooms) so this reduces the potential overlooking concern somewhat.

6.4.11 In relation to loss of light, the proposal would not have a significant impact, namely as the sun's orientation (east to west) and as the building is located northeast of the neighbouring properties.

6.4.12 The introduction of a three storey building will reduce the openness that currently exists for the neighbouring properties, which currently enjoy open landscaped gardens, albeit some directly face the existing two storey building. However, this view is not uncommon as there are other properties along Waterloo Road where terraces of this size and position directly face each other from across the street. This is a common built form on the IOM. Further, the 17m gap between the existing and the new build is considered a distance which will ensure the "overbearingness" is not significantly adverse.

6.4.13 Overall, whilst the proposed development will have an impacts upon existing neighbouring properties, it is considered for the reasons given the proposed development would not having an significant adverse impacts upon the residential amenities of the neighbouring properties and therefore comply with General Policy 2 of the IOMSP.

## 6.5 POTENTIAL IMPACT UPON HIGHWAY SAFETY / PARKING PROVISION / TRAVEL OPTIONS

6.5.1 In terms of access to the site there are currently two vehicular accesses serving the site via Waterloo Lane and Victoria Road which are to be retained with alterations. Highway Services have indicated that;

"It is proposed to re-use the existing access from Approach Road/Victoria Road to serve the main car park area as part of the proposed development. This would remain suitable for the purpose. There is and would be adequate visibility for a 30mph speed limit from Approach Road onto Waterloo Road of 2.4 x 43m in each direction at a 0.5m offset...."

6.5.2 And

"Approach Road/Victoria Road junction has and is to retain visibility splays of 2.0m x 30m to the left and 26m right to a 0.5m off-set which exceeds the requirements set out in the Manual for Manx Roads for vehicle speeds of 20mph of 25m..."

6.5.3 Accordingly, in relation to highway safety from the proposed accesses the proposal raises no concerns.

6.5.4 In relation to on-site parking the IOM Strategic Plan Parking Standards indicate that; "1 space per 3 residents in addition to spaces for staff and deliveries."

6.5.5 Accordingly, 15 car parking spaces would be required. There are no parking standards listed for a "day-care centre" which includes a café with in the IOMSP.

6.5.6 Highway Services comment;

"On redevelopment, the available land is reconfigured. This allows car parking to increase by seven spaces to a total of 20 car parking spaces to serve the proposed care home and day centre. Of which 15 car parking spaces are to be provided in the main car park area served from Victoria Road, and six from Waterloo Lane, including two accessible parking spaces.

The IOM Strategic Plan parking standards indicate a minimum of one space per three residents for nursing, rest, and care homes equivalent to 15 spaces. Additionally, there are to be spaces for staff and deliveries. There are no specific parking standards for day centres. Instead, car parking for this use has been derived from similar operations and a car parking accumulation profile calculated for both uses to confirm numbers. This is an acceptable method and is set out within the TA. It demonstrates the proposed parking provision is adequate in operational terms, reaching a maximum of 17 spaces"

6.5.7 The site is also within very close proximity of bus stops and a few minutes' walk from the Main Ramsey Bus Station. Secure cycle storage is also provided within the site. Further a 'homes' pool car is to be parked on site and is to be used to collect visitors for the day centre as well as to escort residents to appointments, drop off samples, collect prescriptions, and undertake shopping trips. This is welcomed and would reduce the on-site vehicle parking demand. A mobility scooter store is to be provided within the care home building close to main entrance. A mini-bus is to serve the site. It is to be owned by Bus Vannin and is to be parked off-site. Accordingly, it is considered there is sufficient parking provided within the site.

6.5.8 Highway Services have also consider service vehicles accessing the site and have no concerns. Further they have considered the traffic generated by the proposal upon the local

road networks, road safety issues, Travel Plans for staff and accessibility and raise no objections.

6.5.9 Accordingly, it is considered the proposal in respect of these issues raise no concerns and the proposal would be acceptable complying with all the relevant policies stated.

#### 6.6 POTENTIAL DRAINAGE/FLOODING ISSUES;

6.6.1 In terms of the relevant planning policy, Environment Policy 13 indicates that development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted. The site is within a "High Risk Flood Zone (Tidal)" and there is some surface water flooding around the existing building.

6.6.2 The Flood Management Division (DOI) have objected to the application as they; "do not support the building of residential properties in known flood zones. It is appreciated that the proposed plan is to raise the floors and install flood defences. There is an Emergency Evacuation Plan to evacuate vulnerable residents in advance of an event however this does not take a medical emergency during a weather event in to consideration."

6.6.3 The applicants have submitted a Flood Assessment as part of the submission and the conclusion states;

"The Manx Utilities 'Indicative Flood Map for Ramsey and Tributaries' indicates that the site lies within the tidal 'High Flood Risk Zone'. The Indicative Flood Map further indicates that the site is not located within an area at risk of fluvial flooding.

o Manx Utilities has provided a modelled tidal flood level for Ramsey for the 1 in 200 (0.5%) Annual Probability plus climate change event of 5.64m AD02. A review of the topographical survey of the site indicates that the site is located within the 'High Flood Risk Zone' with a maximum flood depth of 0.92m for the 1 in 200 (0.5%) Annual Probability plus climate change event in the northeast corner.

o The Hotspot Map for Ramsey, included in the National Strategy on Sea Defences, Flooding and Coastal Erosion, indicates that the site is not within an area considered to be at risk from surface water flooding during the 1 in 100 (1%) Annual Probability surface water flood event.

o The site is considered to be at a low risk of flooding from all other sources.

o A critical design level for flood protection has been agreed with Manx Utilities as 5.94m AD02 to include 600mm freeboard on top of the above noted 1 in 200 (0.5%) Annual Probability of flooding.

o An Evacuation Plan has been drafted to ensure adequate warnings to be issued to staff, occupants and visitors as necessary and enable preparation for the flood event including evacuating vulnerable residents several days in advance.

o A surface water management strategy has been prepared by Graham Schofield Associates, Consulting Engineers in May 2020. The rainwater pipes and linear drains discharge into a wider network of surface water sewers, which discharge equally into the Manx Utilities public surface water sewers located north along Waterloo Road. Surface water restricted to 70% of the existing runoff rate. Attenuation will be provided in the form of either oversized pipes and geocellular storage."

6.6.4 While comment from the Flood Management Division are noted, the policy test (Environment Policy 13) is whether the proposal would; "...result in an unacceptable risk from



flooding, either on or off-site, will not be permitted.". The policy test is not the site is within a flood area and therefore the development cannot be approved. Furthermore, a significant consideration is the fact there is an existing residential buildings (shelter housing) on the site already, so the proposed use is not a new use, it is existing. Further, the built footprint is significantly reduced compared to the existing, so likely to have a less flood risk off the site. The proposal also increases the ground floor level of the new building to 5.94m AD02 which includes a 600mm freeboard on top of the above noted 1 in 200 (0.5%) Annual Probability of flooding. The existing ground floor Finished Floor levels (lowest points) for Waterloo House is approximately 5.58 and Approach House 5.43.

6.6.5 Accordingly, the proposal in terms of floor levels and flood measures in place is considered to be a significant improvement over the existing building/s in terms of flood defences/reliance. And therefore given the above reason it is considered the proposal would comply with Environment Policy 13 and therefore from a flooding perspective the application is considered acceptable.

## 6.7 POTENTIAL ECOLOGY IMPACTS

6.7.1 Comments from the Ecosystem Policy Officer are noted, which responded to amended plans from the applicants which included more landscaping details which has a variety of species which are beneficial for wildlife, particularly insects, and given people a greater variety of ways to access this space. Further they note 4x Schwegler 1A integrated Swift Bird boxes have been included in the drawings on the gable wall on the proposed north east elevation - Courtyard side view. They seek these works be conditions. Accordingly, the proposal would comply with Environment Policy 4.

## 6.8 ARCHAEOLOGY INTEREST

6.8.1 Manx National Heritage have sought access to the site during the construction on the grounds of archaeology. The applicants have no objection to this.

## 7.0 CONCLUSION

7.0.1 Overall, it is considered the proposal has a number of issues which need to be considered. The proposal would be developing a site which is designated for residential development currently and which is an existing developed site with similar uses.

7.0.2 There are no highway safety/parking concerns raised by the development.

7.0.3 There proposal will not result in an unacceptable risk from flooding on or off site.

7.0.4 Finally, there are no adverse impacts to protect species on this site and with landscaping details which has a variety of species which are beneficial for wildlife and swift boxes proposed, the proposal this aspects from this aspect.

7.0.5 While the proposal will have an impact upon neighbouring properties; it is not considered the proposal would have a significant adverse impact to warrant a refusal.

7.0.6 Overall it is considered that the proposal would contribute to the supply of care home accommodation and being an improvement over the existing standard of accommodation within a sustainable location.

7.0.7 It is considered for the reasons indicated within this report the proposal overall, would not have any significant adverse impacts upon public or private amenities and would therefore comply with the relevant planning policies of the IOM Strategic Plan 2016, The Ramsey Local Plan and the Residential Design Guide 2021. It is recommended that the planning application be approved.

## 8.0 INTERESTED PERSON STATUS

8.0.1 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.

8.0.2 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.

8.0.3 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 10th October 2022

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### Item 5.2

**Proposal :**                   **Erection of new dwelling to replace existing dwelling and barn including improvements to existing entrance**

**Site Address :**               **Ballahig  
Foxdale Road  
The Hope  
St Johns  
Isle Of Man  
IM4 3AU**

**Applicant :**                   **Nigel & Susan Lewney & Clark**

**Application No. :**           **22/00390/B- [click to view](#)**

**Planning Officer :**         **Miss Lucy Kinrade**

**RECOMMENDATION: To APPROVE the application**

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

**C : Conditions for approval**

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

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

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

C 2. Prior to the undertaking of any works relating to the approved replacement dwelling including any demolition of existing structures, the tree protection measures and construction methods detailed in "DWG 1032-04 Site Plan as Proposed" shall be installed in full accordance with these approved details and retained for the full duration of the work. No tree shown as being retained shall be cut down, uprooted, or wilfully destroyed during the development phase and thereafter within 5 years from the completion date, except as may be permitted by prior approval in writing from the Department.

Reason: to ensure that all trees to be retained are suitably protected throughout the works.

C 3. The annexe hereby approved shall be used only for purposes incidental to the enjoyment of 'Ballahig' as a dwellinghouse. No separate curtilage shall be formed and the residential annexe shall at no time be used as an independent dwellinghouse.

Reason: The application has been assessed in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area contrary to relevant Policies in the Strategic Plan 2016 and its use as an independent residential unit would not comply with the Strategic Plan 2016 policies regarding new residential development in the countryside.

C 4. The access works including visibility splays hereby approved shall be carried out in full accordance with those details shown on drawing number 1302-05, and visibility splays thereafter kept permanently clear of any obstruction exceeding 1050mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 5. Prior to the use of the access hereby approved the first 5m of the surface of the access measured back from the carriageway shall be properly consolidated/surfaced in a bound material (not loose stone or gravel).

Reason: In the interests of highway safety.

C 6. The soft landscape planting including tree planting shall be carried out in accordance with the approved details as shown on DWG 1032-04 and shall be carried out in the first planting season following the first occupation of the replacement dwelling, or earlier if possible. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with the same trees or plants as originally approved, or alternative planting which will first need to be approved in writing by the Department.

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

C 7. The soft landscape planting including tree planting shall be carried out in accordance with the approved details as shown on DWG's 1032-05 and shall be carried out in the first planting season following the first use of the access, or earlier if possible. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with the same trees or plants as originally approved, or alternative planting which will first need to be approved in writing by the Department.

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

C 8. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no development shall be undertaken in accordance with any of the following classes of Schedule 1 of the Order at any time:

Class 14 Extension of dwellinghouse  
Class 16 Fences, walls or gates,  
Class 17 Private garages and car ports

Reason: To control future development on the site in the interest of visual amenity and to prevent any separation.

C 9. All stone and slate from the buildings to be demolished shall remain on site and be re-used where possible including on the approved dwelling in accordance with detail shown on drawing number 1032-04 and retained thereafter.

Reason: In the interest of visual amenity and as outlined on drawing detail and in applicants supporting information, and in the interest of HP14.

N 1. The applicant is to be reminded of their separate obligations in respect of the S109(a) highway agreement, and protection of bats under the Wildlife Act 1990. Contact should be made with DOI Highways or DEFA Ecosystems in respect of either part.

Reason for approval:

Although the proposal is considered to be contrary to Housing Policy 12 and undermining Housing Policy 11, the proposed replacement dwelling in this specific instance is considered to accord with the tests of Housing Policy 14 and to have no adverse visual impacts on the countryside in respect of Environment Policy 1, and on a fine balance is considered to be acceptable subject to a number of conditions relating to the access, annexe, revocation of PDO, tree protection, landscaping and re-use of materials.

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

None

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

THE APPLICATION IS FOR A REPLACEMENT DWELLING AND COULD BE CONSIDERED CONTRARY TO PARTS OF THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL.

#### 1.0 SITE

1.1 The application site relates to an existing farm house and two stone agricultural buildings situated in a setback position on the eastern side of the Foxdale Road and around 300m south of The Hope, St Johns.

1.2 The existing house is a traditional two storey Manx cottage with a central front door and three bay arrangement. It has two integrated gable stacks and a traditional cat slide to the rear with a smaller stack to one side. There is a small flat roof extension attached to the eastern gable and a smaller lean-to extension on the western gable both single storey.

1.3 The farm house sits between the two stone outbuildings, the building closest to the main road is single storey and finished with a crinkly tin roof, and the other is two storey and finished with a slate roof. The close proximity of the two storey building to the house means that some of the extensions abut up to it.

1.4 South of the house and over the farm yard are two larger agricultural buildings. Submitted detail indicates the landownership being approx. 8 acres.

1.5 Access to the property is via a private lane from the Foxdale Road, the entrance for which is currently bound on both sides by sod banking limiting visibility in both directions.

#### 2.0 PROPOSAL

2.1 Proposed is the demolition of the existing house and two storey barn and their replacement with a new dwelling with an attached two bedroom annex, and alterations to the existing access to increase visibility splays. The proposal also indicates some repair works to the existing single storey stone barn including new tin roof, re-pointing and new timber doors.

2.2 The proposed replacement dwelling is to measure 9.9m x 6.3m, and approx. 6.5m to eaves and 10m to central ridge. It is to have a three bay frontage design and two integrated gable stacks. At the rear is proposed a two storey extension projecting 4.95m to rear and 10m wide, and to have matching eaves and a central ridged stepped below the main ridge at 9.6m tall.

2.3 To the eastern side is proposed a single storey linked two bedroom annex measuring 6.3m wide and projecting backwards 11.1m. Eaves measuring 3.2m and central ridge 6.1m.

The frontage is to be finished in a mix of stone and timber style cladding and with bi-folding doors.

2.4 The proposed works are indicated to be finished in natural slate roofs throughout and mostly finished in a painted render with exception to the frontage of the annex and further cladding on the rear extension.

2.5 The site plan shows the proposal to be sitting on the same siting as the existing buildings and 43m from the high voltage overhead power lines. A construction exclusion zone is shown around trees to the rear of the proposal. A soakaway and klargester are proposed just west of the single storey outbuilding and new native trees are proposed to be planted along the existing rear sod bank.

2.6 Entrance works will see the entrance increased slightly to accommodate a wider splay and sod banks alongside each edge will be reduced in height to 0.9m where it is shown within the pink hatched visibility splay area. The entrance is to be resurfaced in tarmac nearest the road.

2.7 The application is provided with a structural report prepared by BB Consulting. This report assesses each of the three buildings outlining that each is readily identifiable on the 1870 OS map and at least 150 years old. There is also a well in front of the house which is identified on the old mapping and which should be located and made secure for health and safety reasons. The report then separate details each of the structures which have been summarised as follows:

#### 2.7.1 Main Farmhouse;

2.7.1.1 Constructed in 550mm thick stone walls with extensive rising and penetrating damp in the external wall parts. Woodboring insect noted in first floor timbers and exposed roof timbers. Damp also in upper floors likely due to failing roof flashings. 3mm crack evident on left and right sides at the rear indicating minor and longstanding movement and some cracking in render with water ingress likely. The cement render throughout exacerbating damp by not allowing walls to release moisture.

2.7.1.2 Minimum works necessary to refurbish the building would be; new roof, new first floor, new ground floor incorporating damp proofing and insulation, re-rendering inside and out, renewal of windows and doors, and structural repairs to cracked areas of masonry.

2.7.1.3 Works to incorporate insulation and damp proofing or to improve internal ceilings heights will necessitate underpinning/strengthening of existing footings. Improving insulation will either reduce internal room space or result in an enlarging of external envelope.

2.7.1.4 Page 4 summarises that refurbishment would be "extensive and costly", but "renovation of the building is possible", however "reconstruction is likely to be the most favourable economic solution."

#### 2.7.2 Tall Barn

2.7.2.1 Timber roof significantly sagging, right end gable is bulging outwards above the upper door and stone work is loose. Rear wall also bulging outwards and stone work loose. Internal inspection show cross wall and rear wall separation, the first floor has wet rot and woodboring insect with significant loss of section and strength. The roof structure similarly affected and is beyond repair. "Very significant propping of the retained front and gables walls would be required during any repair and the rear wall rebuilt. The cost of such temporary works is considerable". "Refurbishment of the building is not economically viable."

#### 2.7.3 Single Storey Barn

2.7.3.1 The roof structure is suffering extension rot and woodboring insect. Main walls are reasonably straight and plumb. 10mm crack in end gable indicative of settlement of wall corner

which can be repaired (some underpinning may be necessary). Building could be refurbished with new roof.

### 3.0 PLANNING HISTORY

3.1 The dwelling has not been subject to any previous planning applications, although there was one application approved for the larger agricultural building to the south of the dwelling under 07/01167/B, although not considered material to this case.

### 4.0 PLANNING POLICY

4.1 The site lies within an area designated on the 1982 Development Plan as an area not specified for any particular purpose and also within an Area of High Landscape Value and Scenic Significance. The site is also situated close to a high voltage power line on the same 1982 plan. Below listed are the relevant policies including some in full wording.

4.2 In terms of the principle and location of development and the protection of countryside:

- Spatial Policy 5 indicates development will not be permitted in the countryside other than in accordance with General Policy 3;
- General Policy 3 states (in part) that development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of: (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11) and (d) the replacement of existing rural dwellings; (Housing Policies 12 and 14).
- Environment Policy 1 protects the countryside for its own sake

4.3 In terms of design/landscape:

- Strategic Policy 5: states (in part), "New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island..."
- General Policy 2 sets out normal 'development control' considerations, including the siting, layout, scale, form and design of buildings, impact on the surrounding landscape, amenity, highway safety, reducing energy consumption etc.
- Environment Policy 2 indicates that within AHLV, "...the protection of the character of the landscape will be the most important consideration unless it can be shown that: (a) the development would not harm the character and quality of the landscape; or (b) the location for the development is essential".
- Infrastructure Policy 5 requires methods for water conservation/management to be incorporated into development proposals
- Transport Policy 7 notes that in all new development, parking provision must be in accordance with the Department's current standards as set out in Appendix 7 of the SP. For a residential dwelling the requirement is for 2 parking spaces.

4.4 Paragraph 8.10 for the Conversion of Rural Buildings to Dwellings states that "throughout the countryside, there are examples of buildings which are no longer suitable or needed for their originally intended use, but which are of sufficient quality or interest to warrant retention and re-use" and that "conversion of such buildings into dwellings can make a useful contribution to the housing stock, ensure retention of our built heritage, and improve the appearance of what might otherwise become derelict fabric." Specifically in terms of replacement houses in the countryside, paragraph 8.11.1 and Housing Policies 12 and 14 are relevant. Paragraph 8.11.1 of the IOMSP states, with regard to Replacement Dwellings in the Countryside:

"There are in our countryside many existing dwellings, some of which contribute positively to its appearance and character, and some of which do not. A number of dwellings have been abandoned for many years; their physical remains being a reflection of agricultural and social change across the Island. They form features in the rural landscape which are often not

unacceptable in their present state. It is appropriate to encourage change which would result in overall environment improvement, and to discourage change which would not. Where the building(s) concerned are of architectural merit or of local, historical or social interest demolition and replacement will be discouraged."

4.5 Housing Policy 12 states that,

"the replacement of an existing dwelling in the countryside will generally be permitted unless:

- (a) the existing building has lost its residential use by abandonment; or
- (b) the existing dwelling is of architectural or historic interest and is capable of renovation".

4.6 Housing Policy 11 states that:

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

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

Such conversion must:

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

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

4.7 Housing Policy 14 states,

"Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or size would result in an overall environmental improvement; the new building should therefore generally be sited on the "footprint" of the existing, and should have a floor area(1), which is not more than 50% greater than that of the original building (floor areas should be measured externally and should not include attic space or outbuildings). Generally, the design of the new building should be in accordance with Policies 2-7 of the present Planning Circular 3/91, (which will be revised and issued as a Planning Policy Statement). Exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact; designs should incorporate the re-use of such stone and slate as are still in place on the site, and in general, new fabric should be finished to match the materials of the original building.

Consideration may be given to proposals which result in a larger dwelling where this involves the replacement of an existing dwelling of poor form with one of more traditional character, or where, by its design or siting, there would be less visual impact".

4.8 Planning Circular 3/91 sets out guidance and policy in relation to residential development in the countryside, particularly in relation to design affecting traditional dwellings. It includes the following:

- Early Farmhouses are "visually harmonious" and are "simple, rational and visually faultless" (Introduction)
- The Manx landscape is "punctuated by simple rectangular crisp white farmhouses with slate roofs set amongst less prominent stone farm outbuildings and tree clumps" (Page 2)



- "The typical country dwelling takes the form of a double cube volume topped by a steep pitch roof with gable ends", roofs being "simple and generally unbroken by dormers" with "robust chimneys located at the gable ends"
- Policy 3 states, "The shape of smaller and medium sized new dwellings should follow the size and pattern of traditional farmhouses. They should be rectangular in plan and simple in form..."
- Policy 4 stresses the need for traditional materials, clarified in the supporting text as stone walls, often rough pointed and whitewashed, with slate roofs
- Windows and doors of the front elevation are typically arranged as three upper floor windows over a central door and two ground floor windows, with sash windows and the main door ways with a flat arch or small porches (Page 7)
- Chimneys are "invariably located flush with the external wall face at manageable ends" (Page 8)
- Porches and Conservatories are noted as not being uncommon and where required their construction and form should be compatible with the vernacular style of older buildings 0 for example sensitively designed and detailed timber framed conservatories (Page 9)

4.9 A draft Landscape Character Assessment was commissioned by the Department in 2009 which set out a more sophisticated analysis of the rural areas of the Island. This draft identifies the site as within St Johns and states that the overall strategy should be to conserve and enhance the character, quality and distinctiveness of the valley with its well-treed and enclosed valley bottom, its enclosed lanes and roads and its numerous sites of historic importance.

## 5.0 REPRESENTATIONS

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

5.1 Patrick Parish Commissioners - no objections (29/04/2022).

5.2 Department of Infrastructure Highway Services - Do not oppose subject to condition (22/04/2022 and 09/09/2022) -

5.2.1 The existing vehicular entrance is to be altered in order to improve its layout and visibility.

The existing visibility is 2.4m x 6-6.5m in right/left directions. The requirement for an entrance at this location is 2.4m x 90m. The existing visibility provision falls well below this requirement. The proposed visibility will be 2.4m x 20m (to the right on exit) and 60m (to the left on exit). This is still below standards but does represent significant improvement to the existing arrangement.

5.2.2 The proposal would increase number of bedrooms however this is not expected to significantly increase the use of the access. As the proposed changes to the access represent a marked improvement to the visibility achievable with no significant intensification of use, the shortfall in visibility from the required standards is acceptable to Highways.

5.2.3 As existing, the access is unmade increasing the risk of loose material being brought onto the highway. The proposal would see a tarmac surface applied to the entrance to minimise this risk. This tarmac should cover a minimum of 5m back from the highway. The entrance radius proposals will ease in and out movements to the lane. No entrance gates are shown but if these were to be added they should be at least 5m back from the road. Surface water drainage is shown.

The minor alterations to the highway, in the form of entrance radius changes, will require a Section 109(A) Highway Agreement to be made post planning consent.

5.2.4 Internally, there is sufficient hardstanding and turning space for parking. Bicycle parking should be provided for the site at the level of one space per bedroom, in a covered and secure area. The applicant should consider the provision of an electric vehicle charging point in order to support the islands sustainable travel goals.

5.2.5 The proposal raises no significant road safety or highway network efficiency issues subject to two conditions and a S109(A) note:

- o Access arrangements, including visibility splays, to accord to drawing No.1032-05; and
- o The new tarmacadam surface at the entrance to extend a minimum of 5m back from the edge of the highway.
- o The Applicant is advised that a S109(A) Highway Agreement would be needed.

5.3 DEFA Forestry- No objection (21/04/2022) - The proposal does not involve tree removal, the applicant has shown how the retained tree on site would be protected during development and tree planting has been proposed. A condition requiring the tree protection measures being in place is requested.

5.4 DEFA Ecosystems - Initial comments indicated a high potential for bats at the site and a preliminary assessment being required prior to determination (26/04/2022). A Survey Report dated 18th June was submitted and updated comments received 23/06/2022 stating that the survey concluded no use of the barn by bats. If bats are found care should be taken and prior to demolition the house should be re-examined prior to any demolition in case there are any hibernating bats. Bat boxes elsewhere on the site would be an enhancement for bats.

5.5 No comments received from neighbouring properties.

## 6.0 ASSESSMENT

6.1 The current application includes three key parts, the demolition of the main house and taller stone barn and their replacement with a new dwelling, modifications to the main highway access and refurbishment works to the lower barn. In terms of the latter two parts the refurbishment works are largely repairs which would see the existing building retained largely as is and with no adverse impacts on its overall visual quality and there are no changes to its use indicated. The proposed access works would somewhat alter the roadside appearance through vegetation clearance and sod bank reductions and would still be below the required highway standards, however the visual changes are considered slight in this case and when compared to the existing access the works would present a notable highway improvement both in terms of increased visibility and surface material finish nearest the road and would be acceptable.

6.2 The key matters of this application turn to the proposed demolition and replacement dwelling works, (i) the principle of which will first be tested against SptP5, GP3, EP1, HP12 and HP11 which ultimately seek to protect the countryside and its traditional buildings, or ii) whether there is sufficient evidence or justification to warrant an exception as to outweigh the test of these policies. If replacement is considered acceptable it must then be considered iii) whether the physical design proposals and their visual impact are sufficient to meet the tests of HP14.

Principle (SptP5, GP3, EP1, HP12 and HP11)

6.3 Paragraphs 8.10 and 8.11 of the Strategic Plan explain that there are many existing rural buildings that contribute positively to the character and appearance of our landscape and are a reflection of the agricultural and social changes of the Island's built heritage. Paragraph 8.11.1 specifically states for existing rural dwellings that "it is appropriate to encourage change which would result in overall environment improvement, and to discourage change which would not. Where the building(s) concerned are of architectural merit or of local, historical or

social interest demolition and replacement will be discouraged." HP12 supports this stance stating that replacement will generally be permitted unless the house has already lost its habitable status, or if the dwelling is of architectural or historic interest and capable of renovation. HP11 is synonymous to these principles in making clear that those rural buildings which are of sufficient quality or interest to be retained and re-used shall only be done so sensitively as to ensure the quality of the original building is retained and it explicitly states that "permission will not be given for the rebuilding of ruins or the erection of replacement buildings of similar, or even identical, form."

6.4 The existing dwelling retains strong traditional form and proportion and includes many traditional defining features such as integrated gable stacks, rear cat slide, render and slate materials, solid to void ratios, small side gable window and exposed Manx stone on the rear elevation. Even though subject to previous extensions these are subservient to the main house and ensure its original quality remains focal.

6.5 The adjacent barn is also of original traditional quality retaining its form and proportion with mostly exposed stone but with a part rendered finish. Typical barn doors provide access at ground floor and a door in the upper gable provides access to what would likely have been a hay loft.

6.6 Both of these buildings and the other single story barn all feature on the historic 1870's mapping, and are inherently the typical buildings which the established planning policies seek to protect and retain.

6.7 The structural report provided with the application outlines a number of issues with each of the buildings (contained in more detail at 2.0) and summarises that renovation of each is possible although subject to considerably cost, and therefore reconstruction is likely to be the most favourable economic solution.

6.8 HP12 is clear that replacement dwellings will general be permitted unless the "existing dwelling is of architectural or historic interest and is capable of renovation". In this case the existing dwelling is considered to be of architectural and historic interest and is understood to be capable of renovation albeit subject to cost, and so on strict reading of this policy the proposal for works to the main house fails Housing Policy 12.

6.9 Turning to the works to the barn, HP11 states that conversion of rural building may be permitted but only where it "is of architectural, historic, or social interest" and "the building is substantially intact and structurally capable of renovation". HP13(a) indicates that for a building to be considered substantially intact it will "involve there being at least three of the walls, standing up to eaves level and structurally capable of being retained". In the literal reading of both HP11 and HP13 the existing tall barn is considered to be of architectural, historic and social interest and minded that three of the walls (front and gables) standing to eaves and understood to be capable of being retained subject to propping works that the building is considered to be capable of renovation under HP11(c).

6.10 On this basis the demolition of the existing dwelling would be contrary to HP12, and the demolition and replacement of the tall barn would be contrary to HP11, and both proposals undermining the established principles including under SptP5, GP3 and EP1 which ultimately seek to retain these older buildings across the countryside.

ii) Evidence to outweigh retention of buildings

6.11 Supporting information states that the land and house have been tenanted and farmed by the family since mid-1950's, and in their full possession since 2016. Little upgrading and maintenance has been done over years and so the property has fallen into disrepair. The

applicant's mother and late brother were occupying the house and it was becoming more unsuitable to cater for their needs (mother-aging and brother- ill health), and the proposal would allow for the applicant to relocate his family from Douglas to the farm to continue helping with the farming but also to provide on-site care and accommodation in an annex (with essential disabled access) for his mother and brother. The proposal also allowing a long term plan for the building to remain in the family for future generations allowing space for their daughter to continue living there. A further statement indicates that since submitting the application the applicant's brother has sadly passed away.

6.12 The supporting information also indicates that redevelopment schemes had originally considered the re-use and integration of the tall barn into the reconstruction of the main dwelling by way of a link but that for this design to come within budget relied upon the barn being structurally sound. On receipt of the structural engineers report they concluded that refurbishment was not economically viable 'to them'.

6.13 'To them' is somewhat of a fundamental element here, as the same required refurbishment could be considered viable to another, and so viability is questionable in this respect and perhaps not a sufficient reason in its own right to outweigh the loss of the buildings.

6.14 GP3 and EP1 outline some exceptions to development in the countryside and the countryside is considered to be all land outside of settlements and not designated for development such as this site. EP1 states that "development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative". There are two matters to consider here, the interpretation of 'adversely affect the countryside' and "need". In terms of the latter it is quite clear, while there might be a personal need by the applicants, there is no demonstrated national need to warrant its exception.

6.15 Turning to "adversely affect", we know that established policies seek to protect the countryside. The pre-amble before EP1 puts weight on the openness and appearance of the countryside, and where development is proposed it "should be designed in such a way which helps preserve the rural character of the open countryside". It was from these Environment Policies which Housing Policies evolved to address specific types of development such as replacement dwellings. There is perhaps no one defining reason to sufficiently outweigh the loss of the buildings thus far, but at this stage it would be appropriate to consider other matters of the proposal such as its visual and environmental impact when judged against HP14.

### iii) Visual Impact (HP14 and EP1)

6.16 Looking to the pre-amble before HP14 we know it encourages change which would result in overall environment improvements, and discourages change which would not, and where the buildings are of architectural merit or of local, historical or social interest demolition and replacement will be "discouraged". Where a replacement is permitted it is important that they "relate closely to the buildings they replace in terms of siting and size" and "that the resulting visual impact is appropriate for the countryside", it also encourages re-use of traditional stone and slate materials.

6.17 The current proposal sits on the same footprint as the existing dwelling and barn. The design of the new dwelling is a modern interpretation of the original cottage having a three bay arrangement albeit its proportions now enlarged likely due to modern building regulation needs. When calculating only the existing house (124sqm) for new house (191sq m) footprint there is a 54% increase which is greater than the 50% specified in HP14. When incorporating

the footprint of the barn (45sqm) the calculation of the existing buildings footprint (169sqm) and new dwelling (191sqm) this results in a 13% increase. HP14 states that generally the design of the new building should be in accordance with 3/91 which it generally is. The policy also indicates that 'exceptionally' permission may be granted for innovative and modern design where this is of high quality although this proposal does not fall within this category it is not necessary given its design in line with 3/91. The applicants have indicated re-use of materials where possible some of which to be used on the new dwelling and the rest used to re-build farm walls.

6.18 HP14 finishes by indicating that "consideration may be given to proposals which result in a larger dwelling where this involves the replacement of an existing dwelling of poor form with one of more traditional character, or where, by its design or siting, there would be less visual impact." We know that on a strict reading of the dwelling footprint is over the 50% (although when factoring in the reality of it engulfing the barn the proposal is 13%). There is no interpretation of "poor form" in the Plan, 8.12.1 states "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 that increases to size may be justified where it results in overall improvements to the appearance of the property. It also specifically indicates visual poor quality in this paragraph stating that "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". This somewhat could be interpreted that 'poor form' could be a combination of both poor visual quality and also of poor environmental quality such as its thermal efficiency or structural state of repair.

6.19 It is clear from earlier paragraphs of this report that the structural quality of the existing house and barn is far from ideal, and its thermal efficiency is perhaps typical of such a 150year old building. It is understood however that both buildings could be brought back into a better state of repair although this would be subject to cost. It would not be unreasonable to say that in their current standing the buildings are somewhat of 'poor form' and therefore in turning to the final part of HP14, it could be considered that the 54% increase here results in the replacement of an existing dwelling of poor form, while it does not result in 'more traditional character' the design being in line with 3/91 could be considered to reflect and provide a continued traditional character. Lastly, while the proposal might not technically result in 'less' visual impact, but it is not expected to result in any increased visual impact particularly minded that it's set back a considerable distance from the road, is relatively screened from any prominent public view and clustered amongst other agricultural buildings. For these reasons the proposal would be considered to fall in line with the requirements and principles of HP14 when judged in isolation.

#### Summary

6.20 It is clear that we have two buildings here which are considered capable of being retained and renovated to an improved standard, but that this would be subject to considerable cost and one which is uneconomically viable to the current applicant. In isolation there are different policies in the strategic plan which would specifically cover works to a replacement dwelling (HP12 and HP14) and works to a barn (HP11). One key matter is whether the starting buildings are of any architectural, historic and/or social interest to warrant their protection, and it is clear that these two building would fall within this category warranting retention. Stepping outside of this, not only in acknowledging that the scheme is for the demolition of two structures which have a combined level of built development on the site, but in recognising the wider objectives of EP1 and HP14 in seeking to ensure that the visual quality of the countryside is not harmed and that development which results in an environmental improvement should be encouraged, it would be reasonable to conclude that the proposal would not adversely increase the visual impact of the site beyond the existing level of development on the site and that the replacement structure would likely have an

improved environmental performance beyond the existing structures solely through its need to comply with current building regulations and standard thermal insulation requirements.

6.21 It is undoubtable that it could be argued that there have been other rural barns in the countryside that have been in far worse condition than those before us now, and which applicants have fought tirelessly to justify their structural capability to warrant their retention and conversion subject to significant repair and reconstruction works so as to create new dwellings in the countryside. Comparatively in this case, the starting position is not for the creation of a new dwelling in the countryside but for a replacement and one which would allow the applicants family to continue living at the site and farming and operating the land.

## 7.0 CONCLUSION

7.1 The application has been very difficult to determine, in weighing up the pro's and con's between the retention of the structures in respect of those policies which seek to retain older buildings, and when judged against the support given to encouraging change which results in environmental improvements and proposals which do not result in any adverse visual harm to the wider rural landscape and countryside.

7.2 On a very fine balance, it is felt that the proposal falls within the tests of Housing Policy 14 and having an acceptable visual impact on the countryside both in terms of the latter part of Housing Policy 14 and Environment Policy 1 and tilts the balance in favour of support. While the loss of these two historic older buildings is regrettable and in years to come may be considered a real shame, until such a time that any other overriding policy is actioned, these applications must be weighed against the current Development Plan policies, and the specific situation of this site and merit of the application proposal which is not so unreasonable in terms of its overall size, scale and massing, and minded that the works will likely to go unnoticed to most of the public due to the position away from the road, that it would be perhaps unreasonable to reach any other conclusion than to support the application.

7.3 On this basis, it is recommended that the application be approved subject to a number of suitably worded conditions relating to the access works being carried out in accordance with the approved details, that bound material be installed nearest the main junction, that the annex remain ancillary and incidental to the main house and no separate use, that tree protection be installed prior to demolition and retained for the duration of the works, that landscaping be installed in first available planting season and that PDO shall be revoked for any further extensions, separate garage structures or fencing/walls so that these can be appropriately assessed in terms of principle, size and visual impact, and to safeguard no future separation of the site, that re-use of stone and slate materials on new building and site and notes reminding the applicant of their separate obligation in respect of S109(a) and bat protection under the Wildlife Act 1990.

## 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 10th October 2022

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### Item 5.3

**Proposal :** Replacement Dwelling and Integral Garage  
**Site Address :** The Warren  
Clannagh Road  
Santon  
Isle Of Man  
IM4 2HP  
**Applicant :** Mr & Mrs Greenhalgh  
**Application No. :** 22/00819/B- [click to view](#)  
**Planning Officer :** Mr Paul Visigah

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

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

C 2. The development shall not take place other than in accordance with the Manx Wildlife Trust's Precautionary Working Method Statement for Common Lizard and Schedule 8 non-native invasive species submitted in support of the application.

Reason: In the interests of protecting and enhancing the biodiversity of the environment, and to ensure that the development does not contravene Environment Policy 4 of the Strategic Plan.

C 3. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no garages or car ports shall be erected within the curtilage of the dwelling hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 4. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 5. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees or plants



which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: The landscaping of the site is an integral part of the scheme and must be implemented as approved.

C 6. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

Reason for approval:

Overall, it is considered the proposal would be acceptable, having no adverse impacts upon private or public amenities and complying with the Area Plan for the East, and Environment Policy 1, General Policy 3, and Housing Policies 12 & HP14 of the Isle of Man Strategic Plan.

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

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

Manx National Heritage

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

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL DOES NOT COMPLY FULLY WITH HOUSING POLICY 14 OF THE STRATEGIC PLAN BUT IT IS RECOMMENDED FOR APPROVAL

#### 1.0 THE SITE

1.1 The site is the residential curtilage of an existing dwelling, The Warren, which sits on the western side of the Clannagh Road which links the A5 and the Stuggadho. Immediately to the south east of the site is another dwelling, Clannagh House which sits to the south east of the application dwelling. To the south west of the site and the dwelling is a third dwelling, Ballacorris Croft.

1.2 The existing dwelling on the application site is set below the level of the road but is visible therefrom with Clannagh House being higher and more prominent from the highway. Both properties appear as relatively modern properties with tiled roofs and light coloured, rendered walls set in relatively spacious grounds which are mostly lawned. These properties are also visible from much further south, near St. Mark's as white rectangles sitting in a rough line along the southern side of Chibbanagh.

1.3 The existing dwelling has a detached garage between it and the road and a detached outbuilding at the lower, south western end of the site.

#### 2.0 THE PROPOSAL

2.1 The proposal seeks planning approval for Replacement Dwelling and Integral Garage. The new dwelling is a modification of replacement dwelling previously approved under PA 21/00203/B.

2.2 The replacement dwelling will still sit on the footprint of the former dwelling, garage and outbuildings, but similar to the approved layout, although the footprint of the proposed house has been reduced. The new dwelling would be 30.5m long at the longest elevation (southwest and northeast), and 25.5m long on the shorter elevations (southeast and northwest). The building would be about 7.9m high when viewed from the front elevation and about 11.3m high when viewed from the rear. The roof would be finished in imitation slate or concrete interlocking tiles, while the windows would be black framed windows.

2.3 The applicants have stated in their supporting information that the footprint of the proposed house is now 602.7sqm compared to the existing which was 737.4sqm, but slightly re-orientated towards the south west. This re-orientation has been done to optimise the effectiveness of the solar panels on the roof. The new orientation will also assist with natural light and heating.

2.5 The proposed house has a floor area, over both the ground and lower ground floor, of 985sqm, which is 9% larger than the previously approved house (901.3sq m). This increase would result in a 59% increase in floor area over the former dwelling which has a floor area measuring 588sqm.

2.5.1 The applicants have included a detached garage with accommodation over with floor area measuring 236sqm and a detached garden store with floor area 21 sqm, as part of the floor area for the dwelling totalling 845sqm for the former dwelling. However, Appendix 1 of the Strategic Plan defines floor area to exclude outbuildings and as such the calculation used for the former dwelling will be 588sqm.

2.6 The dwelling now proposed follows the general design approach of the approved scheme but with a more vertically oriented style, overall presenting a more modern and interesting dwelling with a more consolidated form and with stone outer sections, pitched roofed links.

2.7 Air source heat pump technology is to be used to generate heating and hot water and are to be located so as not to cause noise issues for neighbours, the nearest of which, Clannagh House is more than 40m from the nearest point of the proposed dwelling.

2.8 The applicants have argued that:

- o The resultant reduced building envelope area will be more energy efficient. This brings the design up to date with current NHBC regulations and the aims of the Climate Change Bill.
- o Whilst the new design is actually slightly taller, by 390mm, it will sit further down the slope, limiting the increase in relative height to 215mm, though the neighbouring property sits much higher.
- o As the proposed house sits in a similar position to, and has a smaller footprint than the previously approved house, it will have less impact on the neighbouring properties.
- o Steeper pitched roofs and revised more local vernacular wall finishes have been introduced to help improve the design.

2.9 Other works proposed:

2.9.1 The existing entrance is to be retained but the gate and posts (rendered pillars) would be moved further into the site to be 6m away from the edge of the highway. The gate to be 1.7m high power coated galvanised steel gates.

2.9.2 A new summerhouse with store attached to be erected on the southern side of the proposed dwelling. This pitch roofed building would have roof finished to match the main house, while the external walls would be finished in white cedar cladding or similar cladding boards. A log burner with flue through roof would be installed in the summerhouse.

2.9.3 The site plan also shows a pool and spa is proposed on the southern end of the proposed dwelling and close to the summerhouse, although no detailed plans have been provided. As such, this element of the proposal has not been assessed within the current scheme.

### 3.0 PLANNING POLICY

3.1 The site lies within an area designated as not for a particular purpose and also within a Landscape Character Area (a classification system which replaced the Areas of High Landscape or Coastal Value and Scenic Significance in the East) of Incised Inland Slopes on the Area Plan for the East (2020). The site is not within a Conservation Area or susceptible to flooding. Also, the site is not within a Registered tree area and there are no registered tree on site.

3.2 The Area Plan for the East Landscape Character Appraisal provides the following advice for the area in which the application site sits:

#### 3.2.1 Landscape Strategy:

##### 3.2.1.1 Conserve and enhance:

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

#### 3.2.2 Key Views:

- o Open and expansive views from the higher areas along the rugged coast in the east and inland towards the upland areas over Braaid.
- o Incinerator chimney forms a notable landmark in the immediate area.
- o Glimpsed views framed by vegetation in the valley bottoms and along the main roads where they follow the wooded valley bottoms.
- o Views in the northern part of the area up to the Transmitting Masts on top of Douglas Head hill top.
- o Views from Isle of Man Steam Railway.

#### 3.2.3 Landscape Proposal 7 (Santon)

In cases where new development is proposed, applications must demonstrate that it can be suitably integrated into the surrounding landscape setting through reasonable mitigation measures and considering siting, colours, materials, finishes and the general scale.

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, there is provision within General Policy 3 for the replacement of existing rural dwellings as an exception to this presumption against development in the countryside.

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

- (d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);

3.4 Housing Policy 14 provides guidance on the erection of replacement dwellings and states:

Housing Policy 14 states:

"Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or size would result in an overall environmental improvement; the new building should therefore generally be sited on the "footprint" of the existing, and should have a floor area which is not more than 50% greater than that of the original building (floor areas should be measured externally and should not include attic space or outbuildings). Generally the design of the new building should be in accordance with Policies 2-7 of the present Planning Circular 3/91 (which will be revised and issued as a Planning Policy Statement). Exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact; designs should incorporate the re-use of such stone and slate as are still in place on the site, and in generally, new fabric should be finished to match the materials of the original building.

Consideration may be given to proposals which result in a larger dwelling which involves the replacement of an existing dwelling of poor form with one of more traditional character, or where, by its design and or siting, there would be less visual impact."

3.5 Environment Policy 1 protects the countryside and its ecology. It stipulates that development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative.

3.6 Environment Policy 4 and 5 protects ecology.

3.7 Whilst the site is not in an area designated for development, General Policy 2 is still considered relevant in that it relates to matters around design and amenity.

3.8 Transport Policy 7 notes that in all new development, parking provision must be in accordance with the Department's current standards as set out in Appendix 7 of the SP. For a residential dwelling the requirement is for 2 parking spaces.

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

3.10 Strategic Policy 3: Proposals for development must ensure that the individual character of our towns and villages is protected or enhanced by:  
(b) having regard in the design of new development to the use of local materials and character.

3.11 Transport Policy 7: The Department will require that in all new development, parking provision must be in accordance with the Department's current standards. The current standards are set out in Appendix 7:  
"Typical Residential - 2 spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling".

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

3.13 Floor Space and Floor Area (see Housing Policy 13-15)  
Where there are references to "floor space" and "floor area", the space or area in question should be measured externally, and should not include attics or outbuildings.

#### 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.

#### 4.3 IOM Biodiversity Strategy 2015 to 2025

##### 4.3.1 The strategic aims (In part):

- o Managing biodiversity changes to minimise loss of species and habitats.
- o Maintaining, restoring and enhancing native biodiversity, where necessary.

##### 4.3.2 Habitat loss actions

"21. DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for."

#### 5.0 PLANNING HISTORY

5.1 The site has been the subject of six previous planning applications, two of which are considered to be materially relevant to the current application.

5.2 Approval was granted under PA 21/00203/B for the erection of a replacement dwelling with associated landscaping. This was approved 23rd April 2021 with four conditions.

5.3 A subsequent Minor Change application was submitted in February 2022 under PA 22/00123/MCH involving reduction of footprint, amendments to roof and utilising roof space, alterations of windows and driveway alignment. This was refused on 24th February 2022 on the grounds that:

"The change in siting, mass, design and form are changes which go beyond minor and which would require full assessment as part of a new application."

#### 6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in a letter dated 29 July 2022.

6.2 DEFA's Ecosystems Policy Team has requested that a condition is secured for the development to be undertaken in line with the Manx Wildlife Trust's Precautionary Working Method Statement (PWMS): Common Lizard and Schedule 8 non-native invasive species (10 August 2022).

6.3 Manx national Heritage have reinforced the request by the Ecosystem Policy Team that the development be carried out in line with the Manx Wildlife Trust's Precautionary Working Method Statement for Common Lizard and Schedule 8 non-native invasive species. They further support the enhancement of the lowered sod hedge by placing large stones along the top of the bank for use by common lizards as basking areas (3 August 2022).

6.4 Santon Commissioners have not made any comments on the application although they were consulted on 2 August 2022/23 August 2022.

6.5 No comments have been received from neighbouring properties.

## 7.0 ASSESSMENT

7.1 The fundamental issues to consider with the current application are:

- i. The principle of the proposed development (HP 12, HP 14, GP3), and
- ii. Whether the proposed dwelling would have any adverse impacts on the character and appearance of the area (HP 14, EP 1, the Landscape Character Assessment in the Area Plan, & PC 3/91).

7.2 The principle of the proposed development

7.2.1 In assessing the principle of the proposed development, it should be noted that approval was granted for a replacement dwelling at the site under PA 21/00203/B which is still extant, with a further application to amend the approved scheme via a minor change application refused on then grounds that the change proposed was more than minor. As such, the current scheme seeks to alter a previously approved scheme for the site, with the proposal having a fall-back position to implement the previously approved scheme should approval not be granted for the current scheme.

7.2.2 As was established under the previous application, the former dwelling on site was not of any particular architectural merit which would warrant its retention on site. Also, the former dwelling was still in active use and had not lost its residential use by abandonment. Therefore, as this application builds on the previous principle and only seeks to alter slightly the position of the replacement dwelling, its footprint and appearance, it is considered that the new proposal would be compliant with Housing Policy 12, and in accordance with the principles advocated by General Policy 3.

7.2.3 Given that the circumstances which warranted the removal of the former dwelling and accepted a replacement dwelling has not changed and there has been no policy changes since the previous approval, the principle of the proposed development is acceptable.

7.3 Potential visual impact of the development upon the landscape and individual dwelling

7.3.1 With regard to potential visual impacts resulting from the scheme, it is considered that the site layout and topography is such that there would be clear views from the abutting highway, with distant views of the proposed dwelling achieved over long distances. The concern here, however, should not be whether views would be achieved or not as in this case it is clear that views would certainly be achieved given the factors that have already been highlighted. Perhaps the key concern should be whether the proposed dwelling would be compliant with the guidelines stipulated in Housing Policy 14.

7.3.2 The first element of the proposal to be assessed is the siting of the proposed dwelling relative to the existing. With the current scheme, it is noted that that the new dwelling would be positioned on the footprint of the former dwelling (although it would be pushed further towards the highway by about 5.7m off the existing footprint). As the siting is only slightly different from the position of the former dwelling, it is considered that this element of the proposal is acceptable.

7.3.3 Turning to the size of the proposed dwelling, it is considered that new dwelling would result in an increase in floor area by about 59% over the former dwelling which had a floor area measuring 588sqm (by creating a floor area measuring 985sqm). Accordingly, the proposal is clearly above the generally permitted 50% threshold as stated within HP 14, which weighs against the development. However, the policy does allow for larger dwellings in certain exceptions which the current scheme is considered to meet. In the first instance, the proposal would involve the replacement of an existing dwelling of poor form with one of a somewhat traditional character. Whilst the new dwelling is not traditional in terms of Manx vernacular proportions and sizes, its appearance would broadly align with the guidelines stipulated in Planning Circular 3/91 in terms of building shape and proportions (including steeply pitched roofs), window proportion and positions, as well as large render and stone finishes which are reflective of the traditional materials.

7.3.4 The proportion, form and appearance of the proposed development, although contemporary in design, with two front gabled pitched roofed sections and a pitch roofed section in the centre linking the pitched roof elements together. The large sections of glazing would be kept at the rear and away from the highway with the windows in front reflecting traditional proportions and sizes. The northeast elevation which is the elevation fronting the highway would be of a height similar to that of the former dwelling with the higher elevation also kept to the rear. This elevation would be finished in stonework effect and render, and imitation slate roof. The frames of the windows and doors are proposed to be black. As there would be very limited views to the rendered sections from the highway, it is considered that the materials proposed would reduce the visual impact of the proposal. Furthermore, as the dwelling would sit further down the slope this would result in a relative height reduction of about 215mm.

7.3.5 Further to the above, the new dwelling would have a reduced visual impact when viewed from the surrounding landscape given that it would be significantly narrower in front (10.3m narrower than the front and rear elevations of the previously approved which was 40.8 long on the widest elevation), and 4.6m narrower than the previously approved when viewed from the side elevation (the previous was 30.1m long on the sides). It is also important to note that the new footprint would be about 655.3sqm, a 260.1sqm (28.4%) reduction in footprint compared to the previously approved dwelling under PA 21/00203/B which was 915.4sqm. As well, if the proposed built footprint is compared with the previous dwelling and outbuildings on site (including detached garage with accommodation over), the proposal would result only in an increase in built footprint of about 40sqm (as the dwelling, garage and detached garden store has a total floor area of 845sqm). Besides, the new scheme would remove the large flat roofed elements included in the previous approval, and offer a more refined site appearance, with the impression of a reduced built scale over the previous which had more buildings with blank rear and side walls overlooking the highway and blocking views to the main dwelling.

7.3.6 An additional consideration is the environmental benefits of the new scheme. Inference in this case could be drawn from a recently refused application for a replacement dwelling under PA 19/00182/B which was considered to be contrary to EP1, GP3 & HP14, due to the siting of the new dwelling not being on the original footprint and also given a new and much larger residential curtilage was also being proposed. This was appealed by the

applicant's where the Planning Inspector recommended an approval, which was subsequently agreed by the Minister. In reserving the decision the Inspector stated:

"28. With regard to whether or not the proposal constitutes an overall environmental improvement, the PA takes the view that the improvements simply relate to a better house on a larger site and that these are for the convenience of the appellant and her family. Again, at first sight, that stance is understandable considering the significant difference in size of the two sites. The PA considers, that the differences of siting and size do not result in an overall environmental improvement and, therefore that the proposal is contrary to policy HP14.

29. On behalf of the appellant it is argued that there would be significant overall environmental improvements. These range from the reduced carbon footprint of the new dwelling against that of the cottage, through to landscaping the site; the formation of the new Sod bank; the creation of a natural habitat corridor between the 'dubs'; returning the existing cottage land to agricultural use; the introduction of a bio-disk treatment plant; the natural management of the two 'dubs'; the thinning out of dense undergrowth and the transformation of the existing garden into a wildlife site."

7.3.7 The Inspector (and Minister) accepted this line of argument and that "overall environmental improvements" did not just relate to the visual impact upon the environment which the Department had initial concerns, but also other environmental implications i.e. wildlife/habitats/carbon footprint/energy efficiency etc.

7.3.8 In the case of the current scheme, it is considered that there would be no increase in the size of the curtilage, although there would be considerable environmental benefits such as; use of solar panels and air source heat pumps, solar gain achieved through large glazing and building orientation, more thermally and energy efficient construction, and the incorporation of significant landscaping which will enhance the biodiversity value of the site, through hedge planting to provide wildlife benefit and privacy screen between properties and bund to help planting get them established, hedge planting with netting fence until established, graded bank planted with shrubs and ground over plants terraces, and the creation of ornamental hedges. All these could be classed under wildlife/habitats and energy efficiency which are environmental improvements as outlined in the recent decision.

7.3.9 Based on the foregoing, it is considered that the scheme as proposed broadly aligns with the requirements of Housing Policy 15 and would accord with the requirements of Environment Policy 1 of the Strategic Plan, and Landscape Proposal 7 of the Area Plan for the East.

## 7.4 OTHER MATTERS

7.4.1 All other matters are considered acceptable.

## 8.0 CONCLUSION

8.1 Overall, in relation to Housing Policy 14 and the visual impact, due to the size increase of the proposed dwelling, it cannot be ignored that the proposal is an increase in size over that of the existing. However, for the reasons outlined in this report it is considered the proposal could be considered to comply with the elements of HP14 which stipulate that exceptions could be made for larger replacement dwellings, where these are of innovative, modern design which are of high quality and would not result in adverse visual impacts. The design, finishes, pitch roof form, siting, and the proposed landscape features (including trees) and level of built development on the site relative to the previous scenario will help to reduce the visual impact of the proposed larger dwelling.

8.2 For the reasons indicated within this report, it is considered the proposal would be acceptable; having no adverse impacts upon private or public amenities and complying with



Environment Policy 1, General Policy 3, Housing policy 12 and Housing policy 14 of the Isle of Man Strategic Plan, and the

#### 9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

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

## PLANNING AUTHORITY AGENDA FOR 10th October 2022

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### Item 5.4

**Proposal :** **Erection of detached dwelling and improvements to existing vehicular access and parking to Thie Sollysh**

**Site Address :** **Land Adjacent To  
Thie Sollysh  
Smeale Road  
Andreas  
Isle Of Man**

**Applicant :** **Mr Adam Silverston**

**Application No. :** **21/01479/B- [click to view](#)**

**Planning Officer :** **Mrs Vanessa Porter**

**RECOMMENDATION: To APPROVE the application**

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### Recommended Conditions and Notes for Approval

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

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

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

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

C 2. Prior to the commencement of development hereby approved a tree protection scheme shall be submitted to and approved in writing by the Department. Tree protection measures shall be shown on a layout plan accompanied by descriptive text which includes but is not limited to details of;

- a) The location of the trees to be retained and their canopy spreads;
- b) The location of a 'construction exclusion zone'
- c) The position of protective fencing and/or other protective measures required to prevent damage to retained trees.
- d) An appropriate specification for the protective measures proposed. The development must be carried out in accordance with the approved details. No alterations or variations to the approved tree protection scheme or working methods shall be made without prior written consent of the Department.

Reason: In the interest of providing adequate tree protection during the construction works.

C 3. No development shall be commenced until a soft landscaping scheme has been submitted to and approved in writing by the Department. Such a scheme shall include details of all trees, hedgerows and other planting which are to be retained; details of all other boundary treatment and finished ground levels ; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; the location of grassed areas and a programme of implementation.

All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out in full accordance with the programme approved in writing by the Department and retained thereafter. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become

seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

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

C 4. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

C 5. The visibility splay(s) identified on drawing 01; shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1050 mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 6. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

Reason for approval:

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

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

None

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

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE GIVEN AN OBJECTION FROM THE LOCAL AUTHORITY WHERE THE APPLICATION IS RECOMMENDED FOR AN APPROVAL

#### THE APPLICATION SITE

1.1 The application site is a parcel of land lying to the southwest of Smeale Road opposite the Ballalough Estate north of Andreas. It resembles something of a pan handle in shape, with the longest element running fully along the highway.

1.2 Within the site itself are a number of varied tree species and bushes, but it is primarily grass (garden) land associated with Thie Sollysh.

PROPOSAL

2.1 The application seeks approval for the erection of a modern two storey property, which has the bedrooms to ground floor level and living space to the first floor level, the overall footprint measures approximately 15.9m by 10.5m with an overall height of 6.4m.

2.2 The proposed property is to have an overhanging roof, stone accent to the front elevation and a balcony which takes up the whole of the rear first floor level.

2.3 The proposed works also include parking and a turning area/drive to the proposed side elevation.

#### PLANNING HISTORY

3.1 There are several previous applications upon the site, of which the below are relevant to the assessment of this application;

PA15/00427/B - Erection of a detached dwelling and improvements to existing vehicular access and parking - Permitted.

#### PLANNING POLICY

4.1 The site lies within an area of "Predominantly Residential" on the 1982 Development Plan, North Map. The site is not within a Conservation Area nor a Flood Risk Zone.

4.2 Given the nature of the application and the land designation there are several relevant policies from the Isle of Man Strategic Plan including;

4.2.1 Strategic Policy 1 which sets out that development should be located to make best use of previously developed land.

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

4.2.3 Strategic Policy 5 which seeks that new development is designed to make a positive contribution to the environment of the Island.

4.2.4 Strategic Policy 10 which seeks that new development should be located and designed to be make use of the existing transport network.

4.2.5 General Policy 2 which sets out detailed "development control" considerations.

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

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

4.2.8 Transport Policy 7 which seeks that parking provisions of new development must be in accordance with the Departments current standards.

4.2.9 Environment Policy 42 which sets out that new development in existing settlements must be designed to take account of the particular character and identity

4.2.10 The strategic plan gives guidance on the interpretation of "Infill development(1)" (in the sense of filling a small gap in an otherwise built-up frontage) may be acceptable in built up areas, but the value of spaces between buildings should not be underestimated, even in small settlements.

#### 4.3 Other Material Considerations

4.3.1 The Department has published the Residential Design Guidance (July 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. This includes specific guidance on new houses, and impacts on Neighbouring Properties.

## REPRESENTATIONS

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

5.2 Highway Services have considered the proposal and state, "Accordingly, Highways DC raise no opposition subject to conditions for the layout to meet Drawing No: 21 1565 01." (20.12.21, 28.01.21, 1.02.22 & 18.02.22)

5.3 Andreas Commissioners have considered the application and raise concerns upon the site. (12.01.22)

5.4 The Assistant Tree Officer has written in to state their objection to the proposal on the basis of the impact upon the two noteworthy sycamore trees. (17.01.22 & 09.02.22)

5.5 DOI Highway Drainage have requested additional information regarding the soakaway and whether it can viable take into account the seasonal variation in groundwater levels. (31.01.22)

5.6 The Ecosystems Policy Officer has written in to state that the proposal has a net loss for biodiversity on the site and has suggested new bird nesting and bat roosting opportunities which will counteract this net loss. (30.12.21)

## ASSESSMENT

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

- principle of development
- character and appearance
- impact on neighbouring properties
- Potential impact on highway safety for access/parking provision
- potential impact upon trees
- other matters

### 6.2 PRINCIPLE

6.2.1 As outlined within section 4 of this report, the site is designated as predominantly residential use and therefore the proposal for residential development is acceptable in terms of complying with the land-use designation.

6.2.2 Noting the above, consideration should also be given to the Isle of Man Strategic Plan 2016, specifically, with regards to Strategic Policies 1 & 2 that require new dwellings to be located within existing sustainable settlements; being located so as to utilise existing and planned infrastructure, facilities and services. This proposal would meet these aims which essentially seeks development within existing settlements rather than the countryside.

6.2.3 Whilst the principle of residential development in general is acceptable, it is required to see whether what is proposed in this application would be acceptable.

### 6.3 CHARACTER AND APPEARANCE

6.3.1 Turning towards the character and appearance of the proposal within the overall streetscene. The proposed dwelling is situated next to a traditional Manx cottage and also a relatively modern housing estate of bungalows with rooms within the roofspace, further down the road towards the South West, there are two storey detached dwellings and up the road to the North West are industrial appearing buildings. As such there is a wide range of properties.

6.3.2 The proposed dwelling is innovative for the overall streetscene, due to it being more modern in appearance than the surrounding properties, whilst this is the case, the proposed property is situated upon a similar footprint as the properties within Ballalough Estate.

6.3.3 There is potential that due to the proposed height of the property that the massing could be too big for the site, especially when accounting for the removal of the trees to the front elevation which will in their removal increase and impact the proposed property has. Whilst this is the case, the properties across within Ballalough Estate are a range of heights, as such over time the height of the proposed property should not increase any impact upon the overall streetscene.

6.3.4 Overall when it comes to amenity space, it could seem that the site itself could seem small for a new dwelling due to there being larger plots within the Ballalough Estate, whilst this is the case, there are some similarly- sized plots. It is also relevant to note that the majority of the available amenity space, is taken up with parking, with this in mind the amenity space available to the proposal is acceptable and will provide all the necessary amenity standards.

#### 6.4 IMPACT ON NEIGHBOURING PROPERTIES

6.4.1 Firstly it is noted that the proposed property is situated in front of the building line of Thie Sollysh, whilst this is the case, it is unlikely that this will be noticed and have an impact upon the streetscene long term.

6.4.2 Turning towards the potential impact upon Thie Sollysh which is the nearest neighbouring property to the site. The main impact from the proposed property will be regarding the loss of privacy, perceived or actual. Thie Sollysh is a traditional cottage with an extension to the South elevation, which due to its location on the overall streetscene, has its "front" elevation facing the new proposed dwelling. Whilst this is due to the porch on the site, the likelihood is that the conservatory is the main entrance into the property, which would make the West elevation the "front" elevation.

6.4.3 Upon the East elevation of Thie Sollysh, there are three windows and a Juliet balcony, all of which face onto the new proposed dwelling. The proposed property has decking which is situated to the South elevation, as such there is a general overlooking perceived or actual to both properties.

6.4.4 The likelihood is due to the lack of amenity space, that the East elevation of Thie Sollysh will be used as a "amenity space" will be minimal, as such taking note of the above there would not be enough of an impact upon Thie Sollysh to warrant refusal.

#### 6.5 POTENTIAL IMPACT ON HIGHWAY SAFETY FOR ACCESS/PARKING PROVISIONS

6.5.1 With regards to the proposed parking on the site, there is proposed a turning area and two parking spaces, as such the proposed parking complies with Transport Policy 7 in connection with Appendix 7 of the Isle of Man Strategic Plan.

6.5.2 Turning towards the entrance onto and off Smeale Road, noting that Highway Services do not raise any objections to the proposal it is deemed that there would not be an impact upon highway safety.

6.5.3 It is relevant to note that it is unsure from the drawings on what landscaping will be in place once the trees have been removed, as such a condition should be attached for hard and soft landscaping.

#### 6.6 POTENTIAL IMPACT UPON TREES

6.6.2 With regards to the removal of several trees within this application, the site itself has a lot of trees and vegetation which make up the boundary treatment and the loss of this will be unfortunate. However, there are also lots of other trees which line Smeale Road and these providing the greatest visual amenity benefit, the proposed removal of several of the trees is due to the proposed access, which is acceptable.

6.6.3 It should be noted first that there are no issues with their removal, with the Assistant Tree Officer stating that these trees either have a tree felling licence, are of a limited size, visibility or amenity value or they are unsuitable for long term retention as such their removal is acceptable in this instance.

6.6.4 However there have been objections to the proposal on the basis of the impact that the works could have on the two sycamore trees to the North West corner of the plot. This is due to them having a high amenity value due to their prominence and visibility from Smeale Road and the entrance to Ballalough Estate. Whilst it is noted that although the tree-lined highway does have something of a gateway feel, the road's dislocation from the main village of Andreas is such that it does not feel like a genuine gateway into the village since the main village of Andreas is not found at either end of the trees - unlike, for example, the approach to the village along the Kiondroghad highway further south. As such the loss of the few trees from the road frontage would not, against this content, be so significant in public amenity terms as to warrant the application's refusal.

6.6.5 The request for specific information relating to the trees as set out by the Arboricultural Officer is noted but, rather than seek all of this specifically via a condition should the application be approved, a single condition identifying that an arboricultural method statement which includes a Tree Protection Scheme should be provided prior to work commencing would suffice.

## 6.7 OTHER MATTERS

6.7.1 Lastly turning towards the boundary treatment of the site, whilst it's noted that details have been given for the separation of the boundary lines, no details have been given on any boundary treatment to the Smeale Road side, as such a landscaping condition should be attached to the application.

## CONCLUSION

7.1 Overall, it is considered that the proposal is considered appropriate on this site for the reasons indicated above. The proposal would not have any significant impacts upon public or neighbouring amenity and highway safety. Accordingly, it is recommended that the application be approved.

## 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 10th October 2022

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### Item 5.5

**Proposal :** Demolish existing farmhouse and outbuildings and replace with detached 2 storey dwelling with garage

**Site Address :** South Of Field 131879  
Narradale  
Sulby  
Isle Of Man  
IM7 2HA

**Applicant :** Mr & Mrs Gary & Jane Hewitt

**Application No. :** 22/00385/B- [click to view](#)

**Principal Planner :** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

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

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

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

C 3. The garage hereby approved shall at all times be made available for the parking of private motor vehicles(s) and shall be retained available for such use.

Reason: To provide adequate off-street parking.

C 4. 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 5. The dwelling hereby approved shall not be occupied until the bat and bird boxes as shown on drawing P-12-01 have been installed and shall be retained thereafter.

Reason; In the interest of biodiverse gain and the interests of bats & birds.

C 6. No development shall take place until full details of both soft and hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works shall include planting to the re profiled banking and landscaping surrounding the dwelling. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the hereby approved dwelling, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. The hard landscaping should include details of the surface finish of the driveway and footpaths around the dwelling. The hard landscaping works shall be completed in full accordance with the approved details prior to the first use of the dwelling.

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

C 7. No approval is hereby given for any external lighting to the property or driveway.

Reason: In the interests of wildlife within the site and visual amenities of the area.

C 8. Prior to the commencement of any works an Energy Statement shall be submitted and approved in writing by the Department (planning) which demonstrates the new dwelling has a Standard Assessment Procedure (SAP) rating of at least 102 (or similar rating system) and prior to the occupation of the dwelling a further Energy Statement post completion shall be submitted to and approved in writing by the Department (planning) to demonstrate that the SAP rating of at least 102 (or similar rating system) has been achieved.

Reason: A reason why the application is considered acceptable is due to the overall environmental impacts as outlined on Housing Policy 14 and namely the eco efficiency credentials of the new dwelling.

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

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

C 10. For the avoidance of doubt the residential curtilage (i.e. gardens, driveways, access etc) of the site is the land within the red line only as shown on the approved location plan (P10-100).

Reason: To ensure the protection of the countryside.

C 11. Prior to the commencement of any works (including demolition) protective fencing between the development site and field 131931 shall be installed and retained throughout the development of the site and shall only be removed on completion of the dwelling.

Reason: To ensure the protection of Schedule 7 protected orchids in this field.

N 1. Nesting birds are legally protected under the Wildlife Act 1990 and this includes protection from recklessness, therefore the applicant is recommended that if a nest is discovered while work is being undertaken, all work must stop and advice sought from the Ecosystem Policy Team, DEFA.

Reason for approval:

For the reason indicated within this report, it is considered the proposal would be acceptable, having no adverse impacts upon private or public amenities and complying with Environment Policy 1 & 2, HP12 & HP14 of the Isle of Man Strategic Plan.

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

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

Manx National Heritage

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

Isle of Man Natural History and Antiquarian Society (objects)

The owner/occupier of Curlew House, Garey, Ramsey (supports)

The owner/occupier of Grange Farm, Ballamanagh Road, Sulby (supports)

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.

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

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

#### 1.0 SITE

1.1 The application site is within the curtilage of Field No. 131931 which is situated adjacent to Narradale West Farmhouse, Narradale, Sulby. The site is situated South West Narradale and South of Sulby. The property is accessed off a small lane which is situated between Narradale West and Cronk Aalin Farm.

1.2 The site comprises of a two storey traditional Manx farmhouse with three upper windows over a central doorway which is flanked by a window either side. The site also encompasses a two storey Manx stone barn which is to the rear (south) of the main dwelling and the remains of the former piggery to the southwest of the dwelling. The dwelling and two outbuildings in terms of layout, form a courtyard arrangement on three sides, albeit are detached from each other. The ground where the buildings sit is generally flat; albeit to the north of the main dwelling the land slopes downwards. To the west of the main dwelling is a wooded area.

#### 2.0 PROPOSAL

2.1 This application seeks approval for the demolition of the existing farmhouse and outbuildings and replace with detached 2 storey dwelling with garage.

2.2 The new dwelling would be set over two floors and made up of three pitched roof sections which are linked via flat roofed sections. The proposal is considered to be of a contemporary design given its proportions, form, finishes and over5 design approach.

2.3 The works involve the demolition of the existing dwelling and the two outbuildings. The new dwelling would site partially on the existing footprint of both buildings.

2.4 New landscaping is proposed to the north, east and southern boundaries of the site.

2.5 The applicants have commented;

"The applicants, Mr Gary and Mrs Jane Hewitt currently reside at a property known as 'Narradale West' which is situated approximately 200m North-East of the application site. The applicants initially purchased the 'Narradale Farm' property when it came up for sale as they saw an opportunity to improve their privacy, whilst also bringing the land back into use alongside that of their existing property.

Subsequently the applicants looked at the feasibility of refurbishing their existing property to bring it up to the standard of an eco-dwelling. It quickly became apparent that this was not going to be possible without significant issues, both in terms of cost but also in terms of the loss of floor space to improve insulation to traditional Manx stone walls and to rooms which were not large to start with. There was also an issue of how to do these works whilst also trying to live comfortably, which would be very challenging and at times impossible.

Following the issues highlighted by the initial feasibility investigations on their existing property, the applicants saw a potential opportunity to achieve their goal of creating a more environmentally friendly dwelling, by considering the replacement of the existing 'Narradale Farm' dwelling and outbuildings with a new eco-dwelling, whilst still being able to live comfortably in the meantime, and so progressed with the design of the proposals which are the subject of this application."

2.6 The applicants also comment;

"The ground floor level of the proposal has been set at a level of 150.00m above datum, which results in a reduction in the internal ground floor level of the proposal from the 150.28m above datum of the existing property by 0.28m (280mm).

The proposed dwelling takes the form of three two-storey pitched roof buildings arranged in a tight grouping which are linked by a two-storey flat roofed area of building to the central section. The two-storey pitched roof elements of the dwelling are constructed in traditional materials and are finished in a mix of Manx stone, western red cedar timber cladding and with natural slate to the roofs. The flat roofed link section of the dwelling is constructed in a lighter palette being majority glazed or timber clad. The flat roof is planted with sedum both to provide additional insulation and to provide habitat for wildlife & insects. This sedum roof also attenuates rainfall run-off from the roof areas in periods of heavy rainfall.

The proposed dwelling is positioned on the site in the same location as the existing farmhouse and therefore maintains the position of the built form within the landscape. The proposal is orientated on the site with a slight 15-degree rotation to the West from that of the existing buildings, and this, coupled to the design of the layout of the accommodation, makes the best use of the views out of the site to the surrounding countryside, whilst also maximising exposure to natural sunlight for solar gains and to maximise natural daylight levels in the proposed dwelling, and thereby reduce requirements for artificial lighting.

The use of three individual pitched roof elements, linked by a lightweight flat roofed area breaks down the mass of the proposal into a property which reflects the traditional forms of agricultural buildings in a more contemporary way."

### 3.0 DEPARTMENT POLICIES

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

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

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

3.4 Environment Policy 2 states: "The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:

- (a) the development would not harm the character and quality of the landscape; or
- (b) the location for the development is essential."

3.5 Housing Policy 12 states: "The replacement of an existing dwelling in the countryside will generally be permitted unless:

- (a) the existing building has lost its residential use by abandonment; or
- (b) the existing dwelling is of architectural or historic interest and is capable of renovation.

In assessing whether a property has lost its habitable status(1) by abandonment, regard will be had to the following criteria:

- (i) the structural condition of the building;
- (ii) the period of non-residential use(2) or non-use in excess of ten years;
- (iii) evidence of intervening use; and
- (iv) evidence of intention, or otherwise, to abandon."

3.6 Housing Policy 13 states: "In the case of those rural dwellings which have lost their former residential use by abandonment, consideration will be given in the following circumstances to the formation of a dwelling by use of the remaining fabric and the addition of new fabric to replace that which has been lost. Where: a) the building is substantially intact; this will involve there being at least three of the walls, standing up to eaves level and structurally capable of being retained; and b) there is an existing, usable track from the highway; and where c) a supply of fresh potable water and of electricity can be made available from existing services within the highway. (1) Habitable Status is defined in Appendix 1 (2) Non residential use is defined in Appendix 1 74 This policy will not apply in National Heritage Areas (see Environment Policy 6). Permission will not be given for the use of buildings more ruinous than those in (a) above, or for the erection of replacement buildings. Extensions of dwellings formed in accordance with the above may be permitted if the extension is clearly

subordinate to the original building (i.e. in terms of floor space<sup>(3)</sup> measured externally, the extension measures less than 50% of that of the original)."

3.7 Housing Policy 14 states: "Where a replacement dwelling is permitted, it must not be substantially different to the existing in terms of siting and size, unless changes of siting or size would result in an overall environmental improvement; the new building should therefore generally be sited on the "footprint" of the existing, and should have a floor area, which is not more than 50% greater than that of the original building (floor areas should be measured externally and should not include attic space or outbuildings). Generally, the design of the new building should be in accordance with Policies 2-7 of the present Planning Circular 3/91, (which will be revised and issued as a Planning Policy Statement). Exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality, and would not result in adverse visual impact; designs should incorporate the re-use of such stone and slate as are still in place on the site, and in general, new fabric should be finished to match the materials of the original building.

Consideration may be given to proposals which result in a larger dwelling where this involves the replacement of an existing dwelling of poor form with one of more traditional character, or where, by its design or siting, there would be less visual impact."

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

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

The current standards are set out in Appendix 7."

3.10 Planning Circular 3/91 - Guide to the Design of Residential Development in the Countryside

#### 4.0 PLANNING HISTORY

4.1 There are a number of previous planning applications in association with the site; however, only the following is considered relevant in the assessment and determination of this application:

4.2 Erection of Renewable Energy Generation equipment comprising a 40kW ground mounted Photovoltaic solar panel array - 22/00408/B - APPROVED

4.3 Erection of an agricultural building - 21/00516/B - APPROVED

4.4 Refurbishment of dwelling - 93/00592/B - APPROVED

#### 5.0 REPRESENTATIONS

Full detailed comments can be viewed on the planning website.

5.1 Lezayre Commissioners make the following comments (22.04.2022); "The Commissioners would like to see a replacement building that is more in keeping with the existing building and aesthetics of the area. The building should look similar to the existing buildings. The replacement dwelling is more than 50% larger.

The applicant has referred to Housing Policy 14 which refers to the 50% rule. This states that this should not include attic space or out buildings. The gross floor area of the existing farmhouse is quoted as 169.5 sq. m with the gross external area of the new building quoted at 887.09 sq. m, which is over 400% bigger.

This policy also quotes Planning Circular 3/91 Guide to the Design of Residential Development in the Countryside. Looking through this document the proposed building does not appear to resemble any of the examples shown.

Policy 1 of the 3/91 planning circular refers to buildings that pre date 1920 and mentions as far as practicable they should retain the original materials and form of the building. Does this refer only to replacement of traditional elements, or does it also refer to replacement buildings. We mention this because the new build is to be clad with Western Red Cedar along with a vast array of glazing, These are not features mentioned in this circular.

The Commissioners acknowledge the eco aspects of the new proposed dwelling, but believe these could be incorporated within a more traditional style of Farmhouse, similar to the original."

5.2 Highway Services make the following comments (07.04.2022):

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

5.3 The Ecosystem Policy Officer (DEFA) comments (21.04.2022);

"The Ecosystem Policy Team note that griselinia is listed in the site masterplan to be planted in a new hedging belt to the south of the property. Griselinia is an invasive non-native plant species listed on Schedule 8 part II of the Wildlife Act 1990. It is an offence to plant or otherwise cause to grow in the wild, any plant listed on Schedule 8."

5.3.1 And

"...Additionally, due to the proximity to Narradale woodland to the west, which is one of the most pristine and important examples of semi-natural oak/hazel ancient woodland on the Island, all planting should be undertaken with native or other well established broadleaved species in this location, and therefore we also recommend that all of the other species listed on the evergreen coniferous tree/hedging belt list (yew, conifer and hornbeam) are reconsidered and changed to species more appropriate for the setting. This is particularly important as the treed area to the south of the property where the garden terrace is planned for, was mapped as broadleaved woodland in the 1991-1994 phase 1 habitat survey and forms a small extension to the Narradale woodland area.

Field 131931, which is directly to the south of the proposed property, is species rich semi-improved neutral grassland (see attached habitat map). The Isle of Man Ecological Habitat Survey 1991 to 1994 concluded that species rich semi-improved neutral grassland covered just 1.12% of the islands land area, this figure will now be lower because some of this habitat has been lost, and it is therefore a very rare Manx habitat worthy of conservation. The Ecosystem Policy Team also have records of Schedule 7 protected orchids in this field.

It is an offence to intentionally or recklessly pick, uproot or destroy any wild plant included in Schedule 7

We therefore also request that a condition is secured for protective fencing to be erected between the development site and field 131931, to ensure that this habitat is not damaged

during construction works. The protective fencing shall be erected and maintained throughout the works, any fencing that becomes damaged must be replaced.

The Ecosystem Policy Team welcome the inclusion of bat and bird boxes in the property and think that this is a great enhancement for wildlife.

Though the demolition of the buildings are not a matter for consideration with this application, we advise that the applicant undertakes thorough checks for bats and birds prior to demolition. Demolition without suitable checks would be considered reckless.

Bats can roost in buildings at any time of the year and therefore checks should be made whatever time of year the demolition is planned for. Bats are able to enter even the smallest holes. Pipistrelle bats can enter holes measuring only 20mm by 15mm so even small holes should be investigated."

5.3.2 And

"The bird nesting season is usually between late February and late August or late September in the case of swallows or house martins. Additionally, pigeons have been known to nest year-round should conditions be suitable and therefore checks should be made whatever time of year the demolition is planned for. If a nest is discovered while work is being undertaken, all work must stop and advice sought from the Ecosystem Policy Team, DEFA."

5.4 Manx National Heritage make the following summarised comments (07.07.2022); significant repairs have been undertaken to the farmhouse (south east corner and rear outlet); the building is classic traditional vernacular; the barn to the rear appears to be the same as in 1869; it appears to have been configured to provide a stable, a byre, cart shed and hayloft overall and is once again of a classic traditional vernacular form; the piggery and barn are of traditional vernacular plan and elevation and cannot in our view be described as being of 'poor form'. The structural engineers report draws attention to localised defects, particularly in the barn, but does not highlight major structural issues; the group of the buildings makes a positive visual contribution to the countryside because of its traditional forms, grouping and scale, and the use of traditional and/or natural materials; the loss of these building in an area of landscape value would in our view be unfortunate; if therefore follows that any replacement structure must compensate for such loss by making a positive visual contribution and in our view the proposed dwelling is of a size, form and finish that will instead be visually intrusive; The present house has a frontage of barley 10m the proposal has a frontage of 30m and a depth of over 32m; the overall feel of the development with large expanses of paved driveway and terrace and glazed balustrades is quite urban, rather than rural.

5.5 The owner/occupier of Curlew House, Garey, Ramsey supports the application making the following summarised comments (29.04.2022); At last, another proper eco application. If the island has any chance of zero carbon this sort of application has to be accepted; and It is a serious investment into the North of Island and an improvement into the local area.

5.6 Isle of Man Natural History and Antiquarian Society object to the application which can be summarised as (23.06.2022); Proposed is a replacement dwelling which bears no resemblance to the standards set by Strategic Plan Policy. Strategic Plan Housing Policy 12 which the applicant fails to consider does not apply if a house has lost its residential use by abandonment. As above permission was given to renovate the property. The permission suggests the property was not occupied then and has not been since, so while there may not have been an intention to abandon it, it certainly appears as if it has been and it has been unoccupied for over 10 years. Notwithstanding that the property was obviously considered capable of renovation and is certainly a property of local, historical or social interest and thereby "demolition and replacement will be discouraged; Housing Policy 13 requires any renovation of dwellings which have been abandoned to utilise at least three walls of the



existing dwelling to be retained. This is ignored; In considering Housing Policy 14 the applicant has ignored the substance of the policy with regard to the definition of the size of the footprint to be considered. The policy specifically excludes outbuilding and attics in the calculation of the existing footprint. It appears to take no account of the fact that the building has already been extended. The applicant includes the outbuildings in the calculation and then specifically Redacted Redacted ignores the reference to Policies 2 - 7 of Circular 3/91 with regard to design guidance for replacement dwellings; The proposal involves creation of a courtyard setting which is totally alien to this landscape. Moreover, as the existing natural landscaping of the site has been destroyed, the sheltered, both physically and visually, setting no longer exists. The proposed new dwelling will be very prominent in the landscape particularly as large areas of glazing will face north and be visible from the nearest public highway, the Narradale Road, and quite possibly from a distance from the principal Ballaugh - Sulby road to the north and north west; Isle of Man Natural History and Antiquarian Society does not oppose renovations / new builds which are sympathetically designed to reflect traditional designs, utilising materials which are characteristic of their settings and which respect heritage settings. The Society is opposed to schemes such as this which take no account of the above and moreover generate huge carbon release through the demolition of stone buildings, and the use of significant carbon generating vehicles to demolish buildings and remove stone. This is not environmentally sustainable; and If the application is approved the Society would wish conditions attached to ensure that the stone cladding is of Manx stone traditionally laid and that all sod hedges comply with the design guidance of Circular 1/92.

5.7 The owner/occupier of Grange Farm, Ballamanagh Road, Sulby supports the application making the following summarised comments (29.04.2022); I live at the farm which borders Narradale Farm on its Northern boundary; due to the topography of the surrounding are the site is mainly only visible form the far distance and this, combined with the fact it is terraced into the hillside, means that only the northern elevation will be in general view; the profile will be viewed against the backdrop of the surrounding landscape rather than appearing in silhouette on the skyline; the majority of built form will be out of sight behind the northern façade within the footprint of the existing build form, and will not contribute to, or detract from , the visual appearance of the property in the countryside relative to the current situation; The proposal takes some key design cues from the existing farmhouse, such as pitched slate roofs and Manx stone facings, those elements that differ from the farmhouse vernacular I would argue serve to limit the visual impact; the glass areas, sedum roof and wooden clad sections will appear more opaque/softer in the landscape and opposed to additional masonry (particular painted masonry); breaking the roof into three sections again minimises the visual impact; proposal represents a well-considered solution to providing a replacement dwelling within the countryside in accordance with HP14, minimises its visual impact in the landscape whilst enabling a building of architectural quality which incorporates an array of innovative ecological features.

## 6.0 ASSESSMENT

6.1 The main issues are; the principle of the demolition of the existing dwelling and the potential visual impact of the development upon the landscape and individual dwelling.

The principle of the demolition of the existing dwelling

6.1.1 As outline within Housing Policy 12 and for this site, the starting point is to access whether the existing dwelling is of architectural or historic interest and is capable of renovation. It is noted the existing building when initially viewed appears as a traditional and more common Manx Farmhouse (three upper windows version). However, on closer inspection it is clear new elements have been added (blockwork) to the rear outlet (rebuilt) and approximately half of the gable end wall. The submission includes a structural report which indicates that while there has been some historical movement to the building, these are not indicative of any ongoing foundation movement and they do not envisage any further

significant foundation movement in the future. They comment that generally the property was in a poor state of repair with cracking to all elevations, outward bulges to both gable elevations, loses and missing stone, unrestrained blockwork, concrete and block infill under eaves, holes through walls etc. They also comment the internal works carried out internally appear to be poorly built with out of plum walls, minimum bearings, no ties to the original and poor standard of blocks. In conclusion the report indicates that;  
"Due to the items noted above, especially the poor workmanship that has gone into remedial works, the cracking and bulging of the existing stone and the loose and missing stones the building should be demolished."

6.1.2 It should be noted the dwelling (and site) is not especially apparent from public views. From Narradale Road; given existing landscaping, but especially given the large Manx sod banks along the roadsides, the site is screened from view. The dwelling and site is only apparent from very limited views, namely from a couple of gate openings. The site is partially apparent from distance views (St Jude's Road - north of Sulby Bridge), but again the views are from a significant distance and the woodland to the northwest/west reduces views further.

6.1.3 In terms of whether the dwelling has been abandoned. It is clear from the submission (Structural Report photographs) that the building is not liveable as it stands today, as internal works would be required. These would not require planning approval (internal works don't). Again repairs to the external may not constitute development; rather repair, so again there is an argument the dwelling would become liveable again without any planning approval being needed.

6.1.4 The applicants recently purchased the site. The Department does not know how long the dwelling has been in this current state. Generally, if a dwelling has been left unoccupied for a 10 year period or longer and there is an intention abandonment; then it could be considered to be abandoned. The Department does not have any information when the dwelling was last occupied. However, it is not considered the dwelling has necessary been intentionally abandoned given works to the property have been undertaken in recent times. Accordingly, in terms Of HP12 (a) it is not considered with the information before the Department that the existing building has lost its residential use by abandonment. In terms of whether the "existing dwelling is of architectural or historic interest and is capable of renovation"; it is outlined that the dwelling has structural issues, namely through works previously undertaken. The Department notes the Structural Report has been undertaken by Burroughs Stewart Associates who are a qualified structural ENGINEERS WHO have recommended the dwelling be demolished form a structural point of view. The Department has no evidence to counter this conclusion.

6.1.5 It is noted the comment by Manx National Heritage that the dwelling and group of buildings form a "classic traditional vernacular form" and "...the piggery and barn are of traditional vernacular plan". While there is no disagreement with this, the piggery is in a state of disrepair and the barn has also been considered to be in very poor condition. The structural report comments on the barn stating;  
"We were not able to access inside of the barns as they were deemed dangerous with collapsed roofs, partially collapsed walls and floors and major cracking externally. The photographs will show that the barns are completely unsafe and therefore should be demolished."

6.1.6 Accordingly, it would appear that the traditional form and plan of the buildings will likely change soon, irrespective of the application being approved or not, which is unfortunate.

6.1.7 Overall, in terms of Housing Policy 12 it is considered it is difficult to argue that the existing property does not have any "architectural" interest, albeit alterations made have had a

negative impact. There are clear concerns with its condition namely given works undertaken internally and externally do have a negative impacts to the dwelling and do support the view that the dwelling could warrant being replaced. However, as outlined by the applicants within their Design Statement, to make the property more energy efficient to meet current standards is likely to be difficult to achieve the levels of a new build. Therefore there are pros and cons with the replacement dwelling in relation to Housing Policy 12. Perhaps at this stage it is worth considering other matters.

Potential visual impact of the development upon the landscape and individual dwelling

6.2 Currently, as outlined previously (paragraph 6.1.2) the dwelling is well screened from public views. As it site in front of the main two storey barn, the barn is also well screened form public views. The wooded area to the North West and west of the dwelling also reduces the visual appearance of the barn.

6.2.1 Perhaps the key aspect of Housing Policy 14 is the last paragraph where it indicates that proposals which result in a larger dwelling may be considered acceptable; where this involves the replacement of an existing dwelling of poor form with one of more traditional character, or where, by its design or siting, there would be less visual impact. The proposal cannot meet the first exception, given it is not traditional in design, being more contemporary in style. Therefore the question is whether the proposal would have less visual impact.

6.2.2 In terms of the size increase the proposed replacement dwelling would have a total floor area of approximately 1004sqm; albeit when discounting the garaging, the floor area equates to 889sqm. The existing dwelling has a total floor area of approximately 164sqm. Accordingly, when considering the visible area of the dwelling this equates to a percentage increase of approximately 542% or the total floor area (including integral garage) of 612% increase. The proposal is clearly well above the generally permitted 50% threshold as stated within HP 14 and a refusal on this ground could be made. However, the policy does allow for larger dwellings in certain exceptions.

6.2.3 In terms of the proportion, form and appearance of the proposal, the proposals are contemporary in design, with three pitched roofed sections and a flat roofed section in the centre linking the pitched roof elements together. The proposal would use large sections of glazing and use of Manx stone (taken from existing buildings on the site), nature slate roof on pitched roofed elements, sedum roof on flat roofed sections and Western Red Cedar left to weather.

6.2.4 The northern elevation of the dwelling is the elevation most publically viewable; albeit limited. The views would be of the two pitched roofed elements with the centre flat roofed element between. This elevation would be finished in stone, timber cladding and glazing. The frames of the windows and doors are proposed to be grey. The materials proposed would reduce the visual impact of the proposal. As outlined by HP14 purely considering the percentage size increase the proposal is well above what is generally permitted; however, it does allow exceptions. In this case the applicants consider the proposal would by its design and siting, there would be less visual impact. The applicants comment;

"...the application proposal have been positioned on the site to sit over the footprint of the existing buildings, the footprint of the proposed and existing buildings overlapping substantially, the proposals being rotated in orientation to make best use of views and exposure to natural sunlight to maximise solar gains and minimise reliance of artificial lighting.

The floor area of the application proposals, being an increase in size of approx. 127% over the built form of the existing farm buildings, are greater than the 50% increase identified in the policy.

However, the existing buildings form a grouping of development on the site and the proposals are designed to sit within the footprint of the existing built forms so as not to increase the visual impact of the development on the site, and therefore to maintain the visual character of the area."

6.2.5 From the northern elevation it is noted that taking the existing dwellings front elevation and the front elevation of the barn set behind the dwelling and the remains of the piggery the visual impact in terms of existing built development is certainly reduced, this is compared to solely considering a like for like replacement of the dwelling and not taking into account existing buildings into account. While HP14 indicates that in terms of the percentage increase calculation that only the existing dwelling can be taken into account; the fact there is existing substantial built development (non-dwelling) on the site; it is considered this should be considered, especially when considering EP 1 & 2 (impact on character and appearance of countryside).

6.2.6 It is noted that the height of proposal, is generally set below that of the roof heights of the existing pitched roof of the existing dwelling and that of the barn, the latter of which ground level is set above that of the ground level of the existing and proposed dwelling. Only the upper sections of the two pitched roofs would be set above the existing roofs of the barn/dwelling. The "Comparative Northern Elevation" drawing is useful to understand this element.

6.2.7 It is also noted that the backdrop of the site is larger amounts of mature landscaping and mature trees and hillside behind. The design of the dwelling set into the hillside and with the finished proposed, will help the dwelling blend into the landscape.

6.2.7 Overall, it is generally difficult to comply with this aspect of the policy when the proposed dwelling in floor area is significantly larger than the existing; which is the case, in this situation. However, while the proposal is substantially larger than the existing dwelling, given the high quality design, appropriate palette of finishes, low profile form, dwellings orientation/siting on the site, limited public views, the amount of existing built development on the site and the woodland/hillside backdrop of the site (would be retained); it is considered that the proposal would not adversely affect the countryside or harm the character and quality of the landscape as per the requirements of Environment Policies 1 & 2.

6.2.8 The next element of HP14 is the overall design approach. HP14 indicates exceptionally, permission may be granted for buildings of innovative, modern design where this is of high quality, and would not result in adverse visual impact, designs should incorporate the re-use of such stone and slate as are still in place on the site, and in general, new fabric should be finished to match the materials of the original building. It is considered setting aside the size increase of the proposal, the dwelling would comply with this element of the policy being innovative, modern design where this is of high quality.

6.2.9 An additional consideration is the environmental benefits of the new scheme. Recently the Department refused (contrary to EP1, GP3 & HP14) an application (19/00182/B) for a replacement dwelling due to the siting of the new dwelling not being on the original footprint and also given a new and much larger residential curtilage was also being proposed. This was appealed by the applicant's where the Planning Inspector recommended an approval, which was subsequently agreed by the Minister. In reserving the decision the Inspector stated: "28. With regard to whether or not the proposal constitutes an overall environmental improvement, the PA takes the view that the improvements simply relate to a better house on a larger site and that these are for the convenience of the appellant and her family. Again, at first sight, that stance is understandable considering the significant difference in size of the

two sites. The PA considers, that the differences of siting and size do not result in an overall environmental improvement and, therefore that the proposal is contrary to policy HP14.

29. On behalf of the appellant it is argued that there would be significant overall environmental improvements. These range from the reduced carbon footprint of the new dwelling against that of the cottage, through to landscaping the site; the formation of the new Sod bank; the creation of a natural habitat corridor between the 'dubs'; returning the existing cottage land to agricultural use; the introduction of a bio-disk treatment plant; the natural management of the two 'dubs'; the thinning out of dense undergrowth and the transformation of the existing garden into a wildlife site."

6.2.10 The Inspector (and Minister) accepted this line of argument and that "overall environmental improvements" did not just related to the visual impact upon the environment which the Department had initial concerns, but also other environmental implications i.e. wildlife/habitats/carbon footprint/energy efficiency etc.

6.2.11 In this case the applicants comments that they  
"The proposals include the incorporation of very high levels of insulation within the walls, floors and roof construction for energy conservation, together with enhanced levels of air tightness via the use of an air tightness membrane, together with a whole house ventilation system incorporating a heat recovery unit. Windows and doors are to be triple glazed with argon gas filled cavities to reduce heat loss.

Whilst not included within this planning application, the proposals include for the incorporation of a solar photovoltaic (PV) array (recent approved by the Planning Committee), which is to be positioned in the Northern corner of the adjacent field (No.131931) to provide 40kW of electrical supply to the property. In addition, the proposals also incorporate the provision of a 6kW wind turbine which is also to be located in the Southern corner of the adjacent field (No.131931). Approval for the PV array and Wind Turbine is being sought via a separate application (been approved) which has been submitted at the same time as the application proposals.

The PV array and Wind Turbine are to be connected both to the electricity grid to allow surplus energy to be input to the grid when required, and to a battery storage bank to provide access to generated energy when insufficient is being produced by the PV array such as at night-time, or by the wind turbine.

The electricity generated by the solar PV panels will be used to provide the space heating for the dwelling by powering the ground source heat pump which is to be used in the proposals. The utilisation of the ground source heat pump, together with under-floor heating, high levels of insulation and airtightness, and triple glazing, means that the proposed property will be highly energy efficient. The potential over-production of electricity by the PV and wind-turbine will also allow the electricity usage of the existing Narradale West property to be offset, thereby reducing its carbon footprint in use.

A 'SAP' calculation has been prepared for the proposed dwelling and is included in Appendix C of this document. From this document the proposed dwelling has reached an 'A' Rating for Energy Cost, and an 'A' Rating for Environmental Impact (Co2), the latter figure having a performance significantly above the threshold for the A rating. The SAP calculation (SAP Rating of 102) also identifies the property as using -9kWh/Sq.m. per year.

This means the proposals would in fact be greater than net zero carbon in use, providing excess electricity at peak generation times to feed back into the network, and with a contribution of reducing the loM's CO2 emissions by 1. 14 tonnes of carbon per year.

The U-Values in the proposed dwelling are 0.12 for the walls, 0.12 for the ground floor and 0.12 for the roof. By comparison, the existing dwelling has U-values of 1.152 for the walls, 0.418 for the ground floor and 0.338 for the roof. This clearly shows that the energy performance of the existing dwelling is poor with a large environmental impact compared to the size of dwelling. The proposed dwelling, whilst being significantly larger than the existing, has a significant environmental impact improvement over the existing much smaller dwelling, which is very in-efficient in terms of energy use.

The garage of the proposed property will also be equipped for electric vehicle recharging points in order to minimise the carbon footprint of the occupants in their daily life."

6.2.12 The proposal will likely be one of the most eco efficient properties on the IOM currently. Accordingly, from this respect the proposal would have an overall environment improvement and is a material planning benefit which requires to be taken into account. A condition could be attached to an approval which requires evidence of this prior to the commencement of any works and after the dwelling has been constructed. This information could be the same/similar to what is submitted to Building Regulations when the applicants submit their design for the SAP calculation at design stage and once the dwelling has been built. It is considered as the proposal indicates that it is to a SAP rating of 102 (including solar and wind turbine) and if it is considered that approval of the new dwelling is to meet the aims of HP 14 and it has an "overall environmental improvement", then such condition should be attached to ensure this is undertaken.

6.2.13 The applicants also comment that since purchasing the property, they have been liaising with the Forestry and Biodiversity officers of the DEFA to seek advice in terms of the works required to maintain and regenerate the landscape and features of the 'Narradale Farm' property. A programme of removal of dead trees, canopy management and limited limbing of other trees to encourage long term growth and health, the clearance of drainage ditches and the repair and augmentation of Manx sod hedges to provide habitat improvements. The applicants have also commenced a programme of planting of trees to the perimeter of fields and hedging and plants to Manx sod hedges with advice on the choice of species from the DEFA officers. Following recommendation from the biodiversity officer the applicants have also commissioned a bat survey of the existing buildings. From this the survey revealed no sign of roosting bats. However, the applicants have incorporated both Bat and Migratory bird boxes into the gable wall of the pitched roof elements of the proposals to provide for future roosting and nesting use by bats and birds.

6.2.14 All other matters are considered acceptable.

## 7.0 CONCLUSION

7.1 In conclusion, it is considered there are arguments for and against, whether the principle of the replacement of the existing dwelling complies with Housing Policy 12 or not. The existing has some architectural interest and perhaps an argument that the property should be retained could be accepted. Alternatively, in this case the structural condition and inappropriate works undertaken which have affected its appearance, it could be considered its replacement is acceptable. The new proposal with large amounts of glazing to all elevations will provide a much higher level of living standards and take more advantage of the wonderful views from the site. While this is not a sole reason to allow the application, again it is a matter which needs to be considered when balancing all the material planning matters.

7.1.1 In relation to Housing Policy 14 and the visual impact, due to the size increase of the proposed dwelling, it cannot be ignored that the proposal is an increase in size over that of the existing. However, for the reasons outlined in this report it is considered the proposal could be considered to comply the elements of HP14 which identify innovative, modern design where

this is of high quality and would not result in adverse visual impact would be supported. The proposals which result in a larger dwelling than the existing does make the argument that the proposal would have less visual impact is difficult; albeit the design, finishes, lower profile roof/form, siting; the backdrop of woodland/hillside landscape features and level of built development on the site; all do help to reduce the visual impact of the proposed larger dwelling.

7.1.2 Further, for the reasons indicated within this report, it is considered the proposal would not harm the character or appearance of the site or landscape of the area. This is important as the requirements of Environment Policy 1 & 2 indicate that the countryside should be protect for its own sake and that development that would adversely affect the countryside and harm the character and quality of the landscape should not be allowed. From these policies Housing Policy 14 was introduced to help control the re-development of existing sites in the countryside. The pre-amble of HP14 indicates that; "It is important that replacement dwellings should relate closely to the buildings they replace in terms of siting and size, that the resulting visual impact is appropriate for the countryside...". Again it is considered the resulting development would not harm the character and quality of the landscape which is arguable the most important consideration. It is considered the resulting development would result in a well-designed and high quality development which should be supported and encouraged, especially as the visual impacts are not considered significant or adverse.

7.1.3 For the reasons indicated within this report, it is considered the proposal would be acceptable; albeit a finely balanced decision, having no adverse impacts upon private or public amenities and complying with Environment Policy 1 & 2, HP12 & HP14 of the Isle of Man Strategic Plan. It is recommended that the application be approved.

## 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 10th October 2022

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### Item 5.6

**Proposal :** To install an energy dissipater at the outlet of new surface water system.

**Site Address :** Energy Dissipater Outlet Station  
Dumbells Terrace  
Laxey  
Isle Of Man  
IM4 7NY

**Applicant :** Mr Malcolm Cowin

**Application No. :** 22/01031/B- [click to view](#)

**Principal Planner :** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces 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. Any external elevation which is above ground level should be a stone clad.

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

C 3. A suitably qualified ecologist shall be present during vegetation removal in association with the development to ensure that Schedule 8 invasive plant species are not spread via the works, and in case that vegetation removal is required during the nesting season and checks for birds are required.

Reason: To ensure that Schedule 8 invasive plant species are not spread via the works.

N 1. The applicants are recommend to discuss the works with Inland Fisheries of DEFA prior to any works commencing to ensure adequate protection measures to the adjacent watercourse are undertaken.

Reason for approval:

The application has been considered and on balance would seek to regularise the works already undertaken to improve flood protection, measures along the Laxey River and surrounding area within Laxey. The proposals would not harm the use and enjoyment of neighbouring properties or considered to harm the watercourse or that of the Laxey Conservation area has been designed to comply with Strategic Policy 4, General Policy 2 and Environment Policy 7, 22 and 35 of the Strategic Plan 2016.



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

None

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### **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 (described as Energy Dissipater Outlet Station) is a small section of land located to the east of Dumbells Terrace within Laxey. The site is located to the north of Main Road Bridge and northeast of the coach car park opposite Dumbells Terrace. The site is located below road level and set just above the Laxey River level which runs through Laxey.

#### 2.0 THE PROPOSAL

2.1 The application seeks approval for to install an energy dissipater at the outlet of new surface water system. The system is built into the embankment of the Laxey River having an overall height of 1.4m and a depth of 2metres.

#### 2.2 The applicants comment;

"The proposed design follows the recommendations of the flood studies, which improves the catchment of surface water discharging onto the Snaefell Mountain Railway corridor and Storage Shed area, and contains and discharges directly to the Laxey River.

The proposed system will take water coming from the Snaefell railway track, Snaefell Railway sheds and Baldhoon Road. This will relieve flooding on Baldhoon Road, Ham Egg Terrace and further along Mines road in the area of the fire Station where it floods in heavy rain.

This application is for the outfall into the river only, just upstream of the Glen Mooar where the construction of an impact basin will be slightly above the existing bank levels. All other works associated with this development shall be undertaken in accordance with the relevant Permitted development Orders."

#### 3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area not designated for development on Map 7 Laxey Area Plan for the East. The site is within a Conservation Area.

#### The Area Plan for the East Written Statement

3.2 Within the accompanying written statement, Glen Road Laxey does not generally feature, Laxey River is noted amongst other rivers for populations of spawning salmon and sea-trout. With regard to flooding and erosion in section 5.20.1 refers to the 2016 National Strategy on Sea Defences and Coastal Erosion Evidence report which identified areas at risk of fluvial, surface water and coastal flooding within this, Laxey, amongst other areas was identified "as being at high risk both now and in the future and require urgent consideration, further investigation and potential intervention to reduce the evident risk". Section 5.20.2 notes the impact of flooding, weather and the flood risk when allocating land for future development and "flood risk acting as a critical constraint in the Site Assessment Framework used to assess proposed sites". Section 5.20.3 identifies that Flood risk maps have been produced by the MUA and their data used to identify flood risk areas.

#### 3.3 Natural Environment Recommendation 3

The Department supports further consideration and investigation of the impacts of coastal, fluvial and surface water flooding and coastal erosion on key economic, infrastructure, environmental and social receptors. The ongoing work of the Flooding Advisory Group is recognised as part of this, as well as the findings and recommendations set out in the Laxey Flood Independent Review Report. The following, including the areas of Douglas (comprising Douglas Bay, Douglas Harbour, Glass/Douglas/Dhoo/Middle River Confluence, River Glass and Upper Dhoo) and Laxey, are all identified as being at high risk both now and in the future.

3.4 With regard to the Historic Built environment, in section 6.8 talks about safeguarding the local character local character, particularly those features which fundamentally define the historic built environment in the East. Part of section 6.8.3 provides helpful guidance; "Existing and new development can exist side by side, even with some visual differences presented by old and new building styles. New development should not seek to mimic existing development but be of its own time".

### 3.5 Urban Environment Proposal 3

Development proposals must make a positive contribution to local character and distinctiveness. Traditional or contemporary approaches may be appropriate, depending upon the nature of the proposal and the context of the surrounding area.

3.6 With regard to Tourism in the east in section 10.2.1, only the Laxey wheel and the Great Laxey Mines Railway are noted.

### Conservation Area Designation

3.7 The length of the application site is also identified as being within the Laxey Conservation Area 1990.

### Strategic Plan 2016

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

### 3.9 Strategic Policy 4

Proposals for development must: (a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2) , buildings and structures within National Heritage Areas and sites of archaeological interest; (b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and (c) not cause or lead to unacceptable environmental pollution or disturbance.

### 3.10 General Policy 2 (GP2) (in part)

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

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (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;

### 3.11 Environment Policy 7

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

- (a) all watercourses in the vicinity of the site must be identified on plans accompanying a planning application and include an adequate risk assessment to demonstrate that works will not cause long term deterioration in water quality;
- (b) details of pollution and alleviation measures must be submitted;
- (c) all engineering works proposed must be phased in an appropriate manner in order to avoid a reduction in water quality in any adjacent watercourse; and
- (d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species.

### 3.12 Environment Policy 22

Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of: i) pollution of sea, surface water or groundwater; ii) emissions of airborne pollutants; and iii) vibration, odour, noise or light pollution.

### 3.13 Environmental Policy 35

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

### 3.14 Other material Considerations;

- o Laxey Flood Alleviation Scheme Feasibility Study 2020
- o Laxey Flood of 1st October 2019 Independent Review Final Report (Arup report)
- o Laxey Flood Modelling 2017
- o National Strategy on Sea Defences, Flooding and coastal Erosion 2016
- o Isle of Man Surface water flood map 2014
- o Isle of Man Flooding and Wave Overtopping Study 2014
- o Flood Risk to Coastal Towns 2012

## 4.0 PLANNING HISTORY

4.1 The application site has not been the subject of any previous planning applications that are considered specifically material to the assessment of this current planning application. There are a number of previous planning approvals further downstream from this site for various flood protection measures along the Laxey River.

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

5.1 Highways Services have commented they have no highway interest (07.09.2022).

5.2 Garff Commissioners comment (21.09.2022);

"This application was considered in detail. The clerks were asked to submit a request that the concrete structure be clad in a 'Manx stone' style finish that would be sympathetic with the adjacent stone bridge."

5.3 Ecosystem Policy Officer comments (26.09.2022);

"The DoI's Planning Application Statement of Case states that they have employed the services of an Ecologist. The ecologist has identified trees and shrubs, Schedule 8 plant species and the potential presence of a bat roost, as ecological considerations."

We request that a condition is secured for a suitably qualified ecologist to be present during vegetation removal to ensure that Schedule 8 invasive plant species are not spread via the works, and in case that vegetation removal is required during the nesting season and checks for birds are required.

The Planning Statement also says that 'An emergence survey will be carried out prior to end of August; should the presence of bats be identified, suitable working methods (to be agreed with MWT) will be employed to avoid Bat disturbance.' Section 9 of the Wildlife Act 1990 makes it an offence to disturb bats whilst they are occupying a structure which they use for shelter and protection. Therefore, if bats are identified, the DoI are legally required to agree the working methods with a member of DEFA Ecosystem Policy Team, not just the MWT.

We also request that the outcome of the August emergence survey is provided to the Ecosystem Policy Team for agreement prior to works commencing."

## 6.0 ASSESSMENT

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

- (i) Justification for the works (EP7a,b;)
- (ii) Impact on the neighbouring properties (GP2g ; EP22)
- (iii) Any adverse harm to the watercourse or (EP7c,d;GP2d)
- (iv) Visual impact on the wider streetscene and Laxey Conservation Area (SP4; EP35;GP2b&c)

### Justification

6.2 The proposal follows a number of approved works and plans to improve the flood protection of Laxey. This proposal forms part of this overall scheme. Accordingly, the principle and justification of the works is acceptable.

### Neighbours

6.3 The proposed works would be modest in size and after a number of years and the regrowth of surrounding landscaping the proposal would not be especially apparent. The proposal given its size, location and distance from neighbouring properties it is not considered there would be any significant impacts to warrant a refusal.

### Watercourse / Ecology

6.4 No comments have been received from the inland fisheries team of DEFA, a note should be attached to any approval for the applicants to contact them before any works commence.

6.5 It is noted the applicants have comments;

"The Department have sought advice from an Ecologist (MWT) who has visited the site. The section of River Bank where the outfall is to be constructed is heavily vegetated with small trees and shrubs, none of which are of a size that would require a license for removal. Whilst the trees and shrubs provide potential bird nesting sites it is intended that the works would be carried out between October and March to avoid the nesting season. A number of Schedule 8 invasive species (montbretia and cotoneaster) have been identified. An ecologist will be employed during vegetation removal to ensure that these species are appropriately removed and segregated for disposal/incineration. The area of bank will be reinstated with existing soils to encourage regrowth of native shrubs. A potential bat roosting feature has been identified in the existing bridge masonry adjacent to the proposed outfall, the works would not directly impact this PRF but are in close proximity. An emergence survey will be carried out prior to end of August; should the presence of Bats be identified suitable working methods (to be agreed with MWT) will be employed to avoid Bat disturbance. The impact basis is design to be

constructed above river level, access into the river will not be required, however, consent to undertake the works will be sought from DEFA Fisheries."

6.6 Accordingly, it is considered the potential impacts to the wildlife/ecology, the applicants have in hand and it is considered the works can be undertaken appropriately from this respect. A condition has been sought by the Ecosystem Policy Officer for a suitably qualified ecologist to be present during vegetation removal to ensure that Schedule 8 invasive plant species are not spread via the works, and in case that vegetation removal is required during the nesting season and checks for birds are required.

#### Visual Impact

6.7 The proposal in terms of its height and size is very modest and given its location will not be apparent from the Main Road or Dumbells Terrace or from any significant public perspective, given the existing landscaping along the riverside. In this case the proposal would not be introducing an incongruous element that would be considered detrimental to this part of the street scene. The proposal would preserve the Conservation Area. A condition for the concrete structure be clad in a 'Manx stone' style finish as suggested by the Commissioners is considered reasonable.

#### 7.0 CONCLUSION

7.1 The application has been considered and on balance would seek to regularise the works already undertaken to improve flood protection, measures along the Laxey River and surrounding area within Laxey. The proposals would not harm the use and enjoyment of neighbouring properties or considered to harm the watercourse or that of the Laxey Conservation area has been designed to comply with Strategic Policy 4, General Policy 2 and Environment Policy 7, 22 and 35 of the 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 10th October 2022

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### Item 5.7

**Proposal :** Change of use of police stations Lower Ground Floor into temporary changing facilities (retrospective)

**Site Address :** Police Station  
8 Hazel Crescent  
Douglas  
Isle Of Man  
IM2 1BS

**Applicant :** Douglas Borough Council

**Application No. :** 22/00996/C- [click to view](#)

**Principal Planner :** Mr Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

C 1. The change of use of the former police stations at 8 Hazel Crescent (Lower Ground Floor) into temporary changing facilities hereby approved shall be for a limited period of 36 months from the date of this approval.

Reason: The development has only been found to be acceptable on a short term basis because it meets a specific need.

Reason for approval:

On balance, while the proposed use of the building for changing rooms may have an impact upon neighbouring amenities, the temporary benefits outweigh the harm and therefore complies with General Policy 2 of the IOM Strategic Plan 2016 and Area Plan for the East 2020.

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

None

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

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

#### 1.0 APPLICATION SITE

1.1 The application site is the former Police Station, 8 Hazel Crescent, Douglas which is located on a corner plot within Hazel Crescent. The site is south of Pulrose playing fields.

#### 2.0 THE PROPOSAL

2.1 The application seeks planning permission for the change of use of the police station's lower ground floor into temporary changing facilities (retrospective).

2.2 The applicants have indicated that;

"Due to the unsafe nature of the existing wooden cabin changing facilities at Spring Valley playing fields in Pulrose, the building was condemned by the Council and is unsafe to be used by the public. The Council are currently working on designs for the new changing facilities and will be submitting a planning application for a replacement building in due course. This has left a need for changing facilities on a temporary basis until the permanent replacement building is constructed.

Due to the need for changing facilities to be in place for the start of the 2022/23 football season, the Council is submitting two planning applications. One for a temporary cabin and storage to be placed on the sports field site to accommodate three teams, the second to be a Change of Use to convert the police station in the Lower Ground Floor of 8 Hazel Crescent into changing facilities.

Following an operational review of services by the Isle of Man Constabulary, the police station was closed in November 2017. To limit the amount of temporary cabins located on the sports fields the Council propose for the police station to be used to provide three additional changing areas for teams using the football pitches at Pulrose.

The Council envisage that the replacement building for the wooden cabin will be tendered early 2023 with construction complete within the year, this is subject to planning and building regulations approval and obtaining a tender within the budget for the project. Once the new building is open the police station will no longer be required as changing facilities."

### 3.0 PLANNING HISTORY

3.1 Erection of replacement temporary changing facility, toilets and storage shed (Part retrospective) - Changing Facilities, Springfield Road, Douglas - 22/01058/B PENDING CONSIDERATION

### 4.0 PLANNING POLICY

4.1 The Area Plan for the East 2020 identifies the site as being within an area of "predominately residential". The site is not within a Conservation Area.

4.2 Since the application relates to the loss of "Open Space" given its footprint and associated building would be installed on this land, it could be argued that the proposal is not in accordance with the zoning of the site. However, the proposals would be used in association with the "Sports Fields" and are a requirement for such facilities, therefore it is considered the principle of the works do comply with land use zoning.

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

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
- (e) does not affect adversely public views of the sea;
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
- (g) does not affect adversely the amenity of local residents or the character of the locality;

- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (j) can be provided with all necessary services;
- (k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
- (l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
- (n) is designed having due regard to best practice in reducing energy consumption."

4.5 Strategic Policy 5 - 'New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies.'

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

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

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

## 5.0 REPRESENTATIONS

5.1 Highways Services comment there is no highway interest (01.09.2022).

5.2 Douglas Borough Council have no objection (02.09.2022).

## 6.0 ASSESSMENT

The effect of the proposal on the character and appearance of the area

6.1 In terms of the visual impact there are no external changes proposed to the building and therefore no visual impact to the area by this proposal.

The effect on neighbour amenity

6.3 Arguably, this is the main issue given the introduction of changing room facilities and the associated noise and general disturbances of players/officials walking between the site and the playing fields to the north of the site. There is likely to be general disturbance; albeit the times and frequency (potentially weekly) are not considered to have such a significant impact to warrant a refusal. No objections have been made from local residents and as the application is retrospective, arguably if there was issues these would have been drawn to the departments attention.

6.4 In terms of the loss of the police station, the applicants have indicated that the IOM Constabulary closed the station in November 2017. There are no internal alterations proposed. Accordingly, it is not considered the proposed temporary use affects the building being reused as a police station in the future.

Access and parking



6.5 There is no parking associated with the site. The applicants have also previously commented that it is normally visiting teams and spectators who require car parking and they generally park alongside Springfield Road as there are no yellow lines restricting parking in the area. It should also be noted that this only occurs when football matches are actually being played, usually for a couple of hours on a Saturday afternoon or Sunday morning, during the football season.

6.5 As indicated previously, the amount of changing rooms proposed is not especially increasing and therefore the same number of teams who would use the changing rooms either at the site or playing field site would remain as is. Accordingly, given there is no increase in traffic generation it is again considered the proposal should not cause parking or access issues over and above the existing situation.

## 7.0 CONCLUSION

7.1 On balance, while the proposed use of the building for changing rooms may have an impact upon neighbouring amenities, the temporary benefits outweigh the harm and therefore complies with General Policy 2 of the IOM Strategic Plan 2016 and Area Plan for the East 2020 and is recommended for an approval.

## 8.0 INTEREST PERSON STATUS

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

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

8.2 The decision-maker must determine:

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

**Item 5.8**

**Proposal :**                    **Erection of replacement temporary changing facility, toilets and storage shed (Part retrospective)**  
**Site Address :**                **Changing Facilities**  
                                      **Springfield Road**  
                                      **Douglas**  
                                      **Isle Of Man**  
                                      **IM2 1ER**  
**Applicant :**                    **Mr Stephen Halsall**  
**Application No. :**            **22/01058/B- click to view**  
**Principal Planner :**        **Mr Chris Balmer**

**RECOMMENDATION: To APPROVE the application**

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

C 1. The changing facility, toilets and storage shed buildings hereby approved shall be for a limited period of 36 months from the date of this approval and on (or before) the expiry of this approval the changing facility, toilets and storage shed building shall be removed from site and the site restored to its former state (i.e. grass).

Reason: The development has only been found to be acceptable on a short term basis because it meets a specific need.

Reason for approval:

While the proposed cabin does have an adverse visual impact to the site and the area, the temporary benefits outweigh the harm. Further the proposal has no significant adverse impact upon public or private amenities and complies with General Policy 2 of the IOM Strategic Plan 2016 and Area Plan for the East 2020.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

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

1.0 APPLICATION SITE

1.1 The application site is located to the southern boundary of the playing fields on Springfield Road, Douglas. It comprises part of the playing field.

To the east of the site is the existing clubhouse which was constructed about 20+ years ago and is clad in timber panels with a felt roof. It is single storey and measures 18.8 metres long, by 7.8 metres wide, and is 3.6 metres high. This has been condemned by Douglas Borough Council due to its poor condition.

## 2.0 THE PROPOSAL

2.1 The application seeks planning permission for the erection of temporary replacement changing facility, toilets and storage shed (retrospective). The proposal is made up of a portacabin (12m x 3.7m) building and provides 3 changing rooms, a welfare room and ramps leading up to the entrances of the cabin. To the western gable of the cabin a metal storage shed (3m x 2.1m) is also proposed and two portaloos (1.1m x 1.1m).

2.2 The applicants have indicated that;

"Due to the unsafe nature of the existing wooden cabin changing facilities at Spring Valley playing fields in Pulrose, the building was condemned by the Council and is unsafe to be used by the public. The Council are currently working on designs for the new changing facilities and will be submitting a planning application for a replacement building in due course. This has left a need for temporary changing facilities in the form of a temporary cabin to be installed whilst a replacement to the wooded cabin is constructed. The temporary cabin will be used as changing facilities and storage for the clubs currently playing at the sports fields. Due to the need for changing facilities to be in place for the start of the 2022/23 football season, the cabin is to be installed by the end of August and planning will be sought retrospectively for the temporary structures to stay for a maximum of three years.

The Council plan to repurpose one of its existing welfare cabins and turn it into a temporary changing facility for the duration of the building works. The cabin will be located at least 3 metres from the nearest football pitch and at 11 metres in from the existing boundary fence. All the windows to the cabin will be fitted with a film on both sides of the windows to prevent vision into the changing rooms this will be coloured white or opaque. To the outside of the window a metal mesh will be installed to protect the exterior windows. Due to the temporary nature of the building only a temporary electrical supply will be installed and the building will not have any drainage, water, telecommunications, or gas service connections.

Alongside the proposed temporary cabin there are two single portable chemical toilets that are maintained and looked after under contract by the provider of the toilets. Also alongside the cabin is a galvanised steel flat pack storage container, powder coated green, to provide storage for equipment for the teams playing at the sports fields.

Once the replacement to the wooden changing facilities is built, all the temporary structures relating to this application will be removed from site and the area will be reinstated back to grass as it currently is. The Council envisage that the new changing facilities will be tendered in early 2023 with construction complete within the year, this is subject to planning and building regulations approval and obtaining a tender within the budget for the project.

In relation to the history of the site, there has been previous successful application for the siting of a temporary mobile unit to provide changing facilities on the site (10/01143/B)..."

## 3.0 PLANNING HISTORY

3.1 Erection of a replacement building to provide changing facilities - 18/00732/B - APPROVED (expired 18.09.2022).

3.2 Erection of a replacement club house - 13/00510/B - APPROVED

3.3 Siting of a temporary mobile unit to provide changing facilities - 10/01143/B - APPROVED

3.4 Construction of changing accommodation - 90/01988/B - APPROVED

3.5 Approval in principle for construction of changing accommodation - 90/01372/A - APPROVED

3.6 12/00664/B - permission granted in October 2012 for construction of 38 sheltered housing apartments and ancillary accommodation, parking and public open space. The open space and emergency access is where the existing car park is located.

#### 4.0 PLANNING POLICY

4.1 The Area Plan for the East 2020 identifies the site as being within an area of "Open Space - Sports Pitches". The site is not within a Conservation Area.

4.2 Since the application relates to the loss of "Open Space" given its footprint and associated building would be installed on this land, it could be argued that the proposal is not in accordance with the zoning of the site. However, the proposals would be used in association with the "Sports Fields" and are a requirement for such facilities, therefore it is considered the principle of the works do comply with land use zoning.

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

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

4.5 Strategic Policy 5 - 'New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies.'

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

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

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

## 5.0 REPRESENTATIONS

5.1 Highways Services comment there is no highway interest (23.09.2022).

5.2 No further comments at the time of writing this report.

## 6.0 ASSESSMENT

The effect of the proposal on the character and appearance of the area

6.1 The proposed building is not attractive or in keeping with the surrounding area. However, it would appear that without the facilities then there would likely be disruption for the users of the facilities, namely IOM football clubs who use the sport pitches. The proposal is a temporary solution and the applicants should be under no illusion that the Department is likely to support future applications for this type of building on this site. A number of permissions have been granted, the last in 2018 where it was identified the existing changing rooms was in poor condition and needed replacing. There is no current extant approvals on the site so any new changing rooms will need approval. However, it is considered 3 years to be a reasonable period for approval to be granted and for the new changing rooms to be constructed.

6.2 Accordingly, while the proposal will have an adverse visual impact to the visual amenities of the site and area.

The effect on neighbour amenity

6.3 The site is situated on the edge of a built up residential area and use of the building has the potential to give rise to noise and conflict with residential neighbours. However, the new changing rooms are small (smaller than existing) and the likely impact is likely to be similar to the previous changing room use near the site to the east. It is therefore concluded that the proposal raises no new issues of impact on neighbour amenity.

Access and parking

6.4 There is limited parking available on site and this was the case for the last approved application 13/00510/B and 18/00732/B. Until the re-development of the housing in the area, there was a greater area of hardstanding for parking to the south-east of the site; however, the majority of this area was lost to provide open space and emergency access. Accordingly, as accepted under the last approved application, it is understood that the majority of the people who play for Pulrose AFC, and spectators, live within walking distance of the football pitch. Further the applicants have also previously commented that it is normally visiting teams and spectators who require car parking and they generally park alongside Springfield Road as there are no yellow lines restricting parking in the area. It should also be noted that this only occurs when football matches are actually being played, usually for a couple of hours on a Saturday afternoon or Sunday morning, during the football season.

6.5 As indicated previously, the amount of changing rooms proposed is not increasing and therefore the same number of teams who would use the changing rooms would remain as is. Accordingly, given there is no increase in traffic generation it is again considered the proposal should not cause parking or access issues over and above the existing situation.

## 7.0 CONCLUSION

7.1 While the proposed cabin does have an adverse visual impact to the site and the area, the temporary benefits outweigh the harm. Further the proposal has no significant adverse impact upon public or private amenities and complies with General Policy 2 of the IOM Strategic Plan 2016 and Area Plan for the East 2020 and is recommended for an approval.

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8.2 The decision-maker must determine:

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