



Isle of Man
Government

Reiltys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

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

Agenda for a meeting of the Planning Committee, 24th 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. 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 10th October 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

8.1 Section 13 Legal Agreement for PA21/01465/B

To note the non-completion of a legal agreement within the specified time period of 6 months from the date of the initial decision by the Planning Committee.

9. Next meeting of the Planning Committee

Set for 7th November 2022.

PLANNING COMMITTEE Meeting, 24th October 2022
Schedule of planning applications

<p>Item 5.1 Olive Court And Loades Buildings Ramsey Road Peel Isle Of Man IM5 1UR</p> <p>PA22/00410/A Recommendation : Approve subject to Legal Agreement</p>	<p>Approval in Principle for residential development with all matters reserved except position of access</p>
<p>Item 5.2 Land At Cronk Grianagh (Former Mannin Infirmary) Strang Douglas Isle Of Man</p> <p>PA22/01069/B Recommendation : Permitted</p>	<p>Erection of a single storey healthcare facility with associated access, parking and landscaping</p>

PLANNING AUTHORITY AGENDA FOR 24th October 2022

Item 5.1

Proposal : Approval in Principle for residential development with all matters reserved except position of access

Site Address : Olive Court And Loades Buildings
Ramsey Road
Peel
Isle Of Man
IM5 1UR

Applicant : Loades IOM Limited

Application No. : 22/00410/A- [click to view](#)

Senior Planning Officer : Mr Jason Singleton

RECOMMENDATION: To APPROVE the application subject to a legal agreement

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

C 1. The development hereby approved shall be begun either before the expiration of four years from the date of this approval or before the expiration of two years from the date of approval of the last of the reserved matters.

Reason: To comply with article 26 of the Town and Country Planning (Development Procedure) Order 2019

C 2. Approval of the details of siting, design, external appearance of the building[s], internal layout of buildings, drainage, means of access, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Department in writing before any development is commenced.

Reason: To comply with the Town and Country Planning (Development Procedure) Order 2019.

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

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

Reason: in the interest of the character of the area

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

- a) Pedestrian and vehicular access arrangements
- b) Street, paths and on-site drainage
- c) On-plot vehicular and pedestrian arrangements
- d) Car and bicycle parking provision in accordance with adopted standards and criteria
- e) Turning areas
- f) Waste bin storage and collection arrangements.

Reason: In the interests of highway safety.

C 5. The application for reserved matters shall provide full details of how the proposed development will connect to the public sewage system. No development may commence until such time as there is sufficient capacity in the public sewage system to accommodate the additional flows.

Reason. In order that the necessary infrastructure is provided to meet the needs of future residents in the interests of residential and environmental amenity.

Reason for approval:

The application for approval in principle for residential development on land zoned as industrial would be in accordance with the exception within Strategic Policy 7 and is recommended for approval.

Interested Person Status – Additional Persons

Both Manx Utilities and the Department of Infrastructure (Housing) have made material planning comments on the application and as such it is recommended that they receive Interested Person Status.

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is land and buildings located to the south of the Ramsey Road. On site are two separate buildings, one a two storey office building with extensions to the south and west and a larger rectangle two storey 'factory' building. Surrounding the buildings are hardstanding car parking and landscaped areas of grass and mature planting to the boundaries.

2.0 THE PROPOSAL

2.1 Approval in principle (AIP) is sought for development of the land for residential purposes. This would involve the demolition of the existing building previously used for industrial purposes. The AIP also includes details of the means of access to be determined at this stage and which is to be the same as existing. Matters reserved for later approval are: siting, design, external appearance, internal layout of buildings, site layout, drainage and landscaping

2.2 The proposal would ensure that the existing vehicle access is maintained and adjusted so it can be re-used to access a residential development. Sight lines of 2.4 x 43m visibility splays have been demonstrated on the plans showing no vegetation or other obstructions above 1.05m high to be maintained for safe vehicle access and egress.

2.3 The agents in support of the application notes;

"The area of the site known as Olive Court has, over recent times, had several occupiers; it is regrettable that the majority of the units lie vacant as break clauses within leases have been triggered due to Covid 19 downturn in business and a general reluctance to be located away from other businesses in Peel. A single occupier currently uses units 1, 2 & 3 to provide a dance academy; this is not strictly employment use in terms of land use zoning, and it is considered that the application before you is not premature to the Area Plan process"... "We confirm that a submission has been to the Area Plan for the North and West based on the site being suitable for residential development and available to develop immediately"... "The site is adequately serviced by all statutory authority services and the site can be drained into public sewers adjacent to the boundaries"... "The density associated with development of the site has yet to be explored and it is through this process that the approval in principle is in the first instance requested".

3.0 PLANNING POLICY

3.1 The application site is identified on the Peel Local Plan 1989 as Industrial with Notation No.7 and cross referenced to policies 6.7 & 6.8 within the written statement. Those two policies say;

6.7 - "The land which has been zoned for industrial use is considered sufficient and no further allocation is envisaged".

6.8 - "Residential development in the vicinity will be discouraged".

3.2 The application site is not within Peel's Conservation Area; nor identified as being at flood risk; nor are there any registered trees or tree groups on site.

3.3 Within the emerging Area Plan for the North and West, on Map 6 (Peel) the land is proposing to designate the land as "Predominately Residential" with bands of existing open space to the western and southern boundaries. The site is referenced as PR001, Peel, 1.38 hectares - predominantly residential.

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

Strategic Policy

- 1 Efficient use of land and resources
- 4b Protection of the landscape and biodiversity
- 4 (c) No environmental Pollution
- 5 Design and visual impact
- 7 Protection of industrial land
- 10 Sustainable transport
- 11 Housing needs

Spatial Policy

- 2 Identified Service Centres for development
- 5 New development to defined settlements

General Policy

- 2 General Development Considerations
- 4 Section 13 Legal Agreements

Environment Policy

- 24 Requirement for an EIA (more than 30 homes)
- 42 Designed to respect the character and identity of the locality

Housing Policy

- 2 Adequate supply of housing through Area Plans
- 4 New Housing to defined existing towns
- 5 25% Affordable homes requirement

Recreational Policy

- 3 Requirement for Landscaped amenity areas
- 4 Requirement for Public open space

Business Policy

- 5 Industrial land uses only storage and distribution

Transport Policy

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

Energy Policy

- 5 Need for an Energy impact assessment

Infrastructure Policy

- 5 Water conservation and management

Community Policy

- 1 Community provisions and neighbourhood centres
- 7 Designing out criminal and anti-social behaviour
- 10 Proper access for firefighting appliances
- 11 Prevention for the outbreak and spread of fire

3.5 Residential Design Guide (2021)

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

3.6 Our Island Plan (2022)

Essentially sets out the overall ambition and vision for the Island from 2021 - 2026 with core strategic objectives to offer a 'secure', 'vibrant' and 'sustainable' Island. One broad aspect that is noted as a fundamental issue is; "Tackle the housing crisis by ensuring everyone has a suitable and affordable place to call home and our housing stock meets the needs of our population now and into the future". (page 3)

3.7 Employment Land Review (2013) and revised in 2017 with supplementary updated information. This is an evidence base to inform land use plans and individual planning applications, and to support activity to stimulate economic growth.

4.0 PLANNING HISTORY

4.1 The application site has a number of former applications regarding the use and alterations to the existing buildings, however the last application on site is deemed material in respect of this application;

07/01974/R - Continued use of site for the storage of equipment and mobile structures on land surrounding existing industrial buildings. Refused at appeal.

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

5.1 Peel Town Commissioners (13.05.22) OBJECT; "because it is premature pending the development of the Northern and Western area plan."

5.2 Highways Development Control (14.04.22) do not oppose subject to condition requiring further information at the reserve matters stage and gave supportive commentary; "On change to a residential use, it should be modified to meet current requirements to better cater for pedestrians and cyclists, such as by a reduction in size and dropped crossing of the footways, including to the north side of Ramsey Road. Additional details will be necessary at reserve matters stage. A road safety audit and swept path analysis would be necessary too".

5.3 Highways Development Control (27.04.22) advises for clarity that; "Bus Vannin and Highway Services would require the retention of the bus stop infrastructure on south side of the access due to the lack pavement between Belle Vue and Oak Road entrances."

5.4 MUA- Drainage (18.05.22) "have concerns over the capacity of the downstream combined sewers within Derby Road Peel. MU are currently undertaking hydraulic modelling of this section of the sewerage network in order to determine what works are required to accommodate future developments in the area. Any subsequent planning approval for the change of use of this parcel of land to residential use does not guarantee connection to the public combined sewerage network for any future foul flows. A full assessment of the potential foul flows will be made by Manx Utilities when any detailed planning application is subsequently submitted for residential development on the site".

5.5 DoI Housing and Estates (15.09.22) gives comments on the number of persons on the waiting list for First time buyers register for the West and Island wide and will seek; "the applicant to enter into a Section 13 Agreement with the Department to provide affordable housing, based upon the usual calculation of 25% of the number of units".

6.0 ASSESSMENT

The main issues to consider in the assessment of this planning application are identified thematically as follows:

- o Principle (STP1, SP2, HP1,2&4, STP11, BP5)
- o Loss of Industrial (STP7) (STP4, EP22&24 & EnP5)
- o Residential compatibility (GP2, STP5, EP42, CP7&11)
- o Highway Safety (STP10, GP2h&i, TP1-7, CP10)
- o Legal Agreements (GP4, HP5, RP3&4)
- o Drainage (Gp2, IP1&5)

6.1 PRINCIPLE

6.2 The starting point here is the current land use designation from the Peel Local Plan which designated this site as Industrial and as the application is for residential development. The application site has been used in accordance with the land use designation in the past and the application could legitimately be refused on the principle alone under Strategic Policy 7 which seeks for the protection and retention of such land uses. However, the emerging plan for the North and West seeks to re-designate the land as residential.

6.3 A planning balance has to be struck from what the use is now (industrial) to what is being proposed (residential) giving consideration to the planning history and former uses of the site as a material consideration bearing in mind the emerging area plan and whether this application is premature as noted by Peel Commissioners.

6.4 In favour of the principle of the application would be Strategic Policy 1 to 'optimise the use of previously developed land' and given the site is within the town boundary of Peel (service centre) would place the site in an area with a presumption in favour for 'development' as noted in Spatial Policy 2. To the contrary would be Business Policy 5 directs that on industrial land only storage and distribution would be permitted.

6.5 In terms of changing the use to residential, Strategic Policy 11 addresses the housing needs for growth until 2026 and is echoed through housing policies (1, 2 & 4) seeks that new housing is directed to existing towns and villages (HP4) and that the supply of housing is delivered under this Strategic Plan until 2026 (HP1) is deliverable and the supply of housing is benchmarked against existing local plans and in Area Plans (HP2). In this case as there has currently been a screening process as part of the area plan for the North and West, the emerging plan is a strong material consideration which proposed the future use of the site as residential.

6.6 Turning to the last planning application in 2007 (see para 4.1) the Planning Inspector recommended refusal of the proposal and in paragraph 32-34 of their report notes;

"I attached weight to the fact that the site is immediately adjacent to the housing in Belle Vue Park. The rear elevation of No.38 Belle Vue Park, is within a couple of metres of the site boundary. I have no doubt that the continued open storage on the site would seriously detract from residential amenity. It could well be unsightly, and substantial screening would be necessary. The stored materials might well include quantities of timber, paper, fuels and other inflammable substances. This could include putrescible or malodourous matter, attract vermin and generate dust. Continued storage would inevitably entail the movement of vehicles to deliver, stack or collect materials. Reversing alarms and revving engines would continue to be a likely source of noise nuisance, notwithstanding the appellants' assurances that the number of vehicle movements would reduce"... "I do not consider that such an activity should be located within so short a distance of residential properties. I recognise that some open storage has previously taken place outside the Edward Loades building. However, it seems to me that this is likely to have been ancillary to the industrial use of the building, rather than a primary storage use requiring planning approval"... "However, I do not accept that such a shortage would best be solved by the use of land within a few feet of habitable rooms in residential accommodation".

6.7 On reflection of the above inspector's conclusions and refusal of that application and appeal, the character of the area, has altered considerably since the 1989 Peel town plan and the site is now surrounded by residential dwellings. The lack of use of the premises and the demise of industrial use on site would indicate that lack of demand generally, arguably the industrial use/buildings are out of context with the surrounding residential uses and built forms (dwellings) of this part of Peel. Conversely, if the site was zoned as residential and proposed was industrial, the department may consider the use of the site for industrial to be detrimental to the surrounding residential areas that boarder the site on all sides, as the use would be incompatible given the close proximity and the potential to have an adverse impact on the neighbouring living conditions and potential for statutory nuisances.

6.8 LOSS OF INDUSTRIAL

Reflecting on the above paragraphs, the loss of industrial site hasn't been fully explored in this proposal but weight is given to the emerging area plan for the North and West and the potential designation for residential use for this site. The applicant's comments on the aspect of redundancy of use are noted and any future Industrial use could be seen to have a detrimental

impact upon the residential uses that now surround this site and refused. As such the emerging area plan does designate future areas for Industrial and given the probable limitations on the use as explained, any future industrial uses would be better placed in those proposed and existing areas designation for industrial.

6.9 Further consideration is given to the loss of potential Employment Land linked through the land use of Industrial. In terms of this site it is noted as being vacant for a number of years and the wider industrial uses of the town are focused towards Mill Road and the wider industrial uses to the west of Peel adjacent to the River Neb. As the site is not necessarily recognised for any future industrial, or even offices in the ELR, the lack of commercial interest in the land and buildings will have informed the Area Plan for the East with "commercial" development being prioritised towards Douglas and latterly with the emerging area plan for the North and West which likely prompted the proposed change from industrial to residential.

6.10 It should be noted that Strategic Policy 7 does in its last sentence allow exceptions; "where those uses would be inappropriate or incompatible with adjoining uses". In this instance a change of use from industrial to residential could be supported and an exception found under this same policy that seeks to protect and retain land zoned for industrial uses.

6.11 Careful consideration would need to be given to the demolition and removal of the existing buildings and surrounding area to ensure compliance with Strategic Policy 4 to protect the landscape quality and nature environment from any unacceptable environmental pollution or disturbance, but and also in respect to the works on site to further protect through EP22 the neighbouring amenity from statutory nuisances during the demolition and construction phases. As such an EIA would be required in accordance with Ep24, unless proved otherwise through an exemption, but a condition can be included to ensure a method statement for the demolition of the existing is submitted as part of any reserved matters.

6.12 RESIDENTIAL COMPATIBILITY

The sites boundaries adjoin existing residential uses and could be made compatible through its design to ensure there is no detrimental impact upon the neighbouring properties that front on to Oak Road to the East, those of Elm Drive to the South, and the rear of those of Belle Vue Park to the West. Strong boundary treatment will be encourage to ensure appropriate screening and reduce the dependency on high timber fencing in public areas. The residential design guide offers detailed explanations on the design of new houses and how to assess the impact on adjoining properties through; overlooking, overbearing, loss of privacy and light. As such residential use and any future reserved matters could be designed to be in accordance with the Residential Design Guide 2021 and General Policy 2 (a-n).

6.13 HIGHWAY SAFETY

Highway Services have considered the merits of the proposal utilising the existing access arrangements, to and from the site from the highway noting visibility splays, as well as parking and highway safety. As the transport professionals their comments are heavily relied upon and it is noted they do not object to this application.

6.14 Having considered the existing arrangements for access to and from the site for all pedestrian and vehicle users including the fire brigade, also noting the re-use of the entrance would ensure all uses could be achieved in a safe and appropriate manner. The proposed drainage on the site to prevent run-off water entering the highway can be conditioned as part of a reserved matters application. In this instance, it would not be considered to have any adverse impact on the existing highway or upon those users entering, exiting or parking at the site. As such the proposal would be considered to align with the principles of STP10, Gp2 h&I and TP4&7 and CP10.

6.15 LEGAL AGREEMENTS

It would be appropriate for the development to provide open space (RP3&4) and affordable housing (HP5). While the layout would be considered as part of a reserved matters application showing any open space, to ensure appropriate delivery of this, as well as affordable housing, a Section 13 Agreement would need to be entered into at this stage. Such an agreement would seek that the reserved matters application provides for 25% of the residential provision to be affordable as defined by the Department of Infrastructure; and that the reserved matters application makes provision of recreational and amenity space.

6.16 DRAINAGE

The comments from the MUA regarding the drainage capacity are noted and this aspect is a feature within the Area Plan for the North and West which seeks to find an alternative options for improving the sewerage network servicing Peel. Whilst this application is only considering the principle for now, a condition can be included to ensure no development on site can commence until this matter is resolved. It is also noted private treatment plants on site are generally not supported in accordance with Infrastructure Policy 1 and must connect to the IRIS scheme.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that a change of use from industrial to residential could be supported given the established residential nature of the surrounding area which could jeopardise any future industrial use on site as seen in the planning history. Residential use of the site would be an appropriate form of development that if design properly would not harm the use and enjoyment of neighbouring properties. The use of the site for industrial would be deemed incompatible with the adjoining uses and would comply with the exception in Strategic Policy 7 of the Isle of Man Strategic Plan 2016, and is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

Item 5.2

Proposal : **Erection of a single storey healthcare facility with associated access, parking and landscaping**
Site Address : **Land At Cronk Grianagh (Former Mannin Infirmary)**
 Strang
 Douglas
 Isle Of Man
Applicant : **Mr Daniel Davies**
Application No. : **22/01069/B- click to view**
Principal Planner : **Mr Chris Balmer**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the commencement of any development full details of soft landscaping works shall be submitted to and approved in writing by the Department. This landscaping plan should contain:

- o Details about the number, location and species of trees to be planted;
- o Details of new native planting along the eastern boundary of the site;
- o Details of how and where the new sod banks are to be created.
- o Details - species composition and methodology - for establishment of the various wildflower areas, as well as details about how these are to be managed going forward. Reason: To mitigate the loss of scrub, trees and grassland across the site, and also to provide visitors and workers with a comforting and supportive environment.

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 facility, 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 and to improve ecology on the site.

C 3. The works must be undertaken as per the Precautionary Working Method Statement for Common Frogs, contained in Appendix III of the MWTs PEAR.

Reason: To protect frogs and lizards against damage or disturbance during construction

C 4. No works to take place on the existing stone wall until a preliminary bat roost inspection, and the results of any additional bat emergence surveys, have been undertaken by a suitable

qualified ecological consultancy and a report detailing the findings, including proportionate avoidance and mitigation measures, has been submitted to Planning for written approval. The works must then be undertaken in line with the measures contained in the agreed report.

Reason: To protect legally protected roosting bats from damage or disturbance.

C 5. Prior to the commencement of any development details shall be submitted to and approved in writing by the Department which provided bird boxes and bug hotel plan, showing the location and type of bird boxes and bug hotels to be installed across the site, has been submitted to Planning for written approval (could be incorporated into the landscape plan).

Reason: To mitigate the loss of scrub, trees and grassland across the site.

C 6. No external lighting to be installed unless a low level lighting plan, adhering to best practise for Bats (BCT Guidance on bats and artificial lighting) has been submitted to and approved in writing by the Department and this lighting plan is fully adhered to and retained thereafter.

Reason: To protect legally protected roosting bats from damage or disturbance.

C 7. Should any Schedule 8 invasive plant species 'cotoneaster' be found on the site it must be removed and incinerated on site.

Reason: To prevent the spread of Wildlife Act Schedule 8 invasive non-native plant species.

C 8. 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 9. The development shall not be occupied or operated until the bicycle store and motorcycling parking bays(s) have been provided in accordance with the approved plans. The bicycle store and/or motorcycling parking bays shall be retained at all times thereafter.

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

Reason for approval:

While not in strict accordance with the land-use designation in the Development Plan, the proposal results in a number of benefits that outweighs this fact and would not result in any significant adverse impacts.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE APPLICATION IS CONTARY TO THE LAND USE DESIGNATION BUT IS RECOMMENDED FOR AN APPROVAL

1.0 THE APPLICATION SITE

1.1 The application site is land At Cronk Grianagh (Former Mannin Infirmary), Strang, Douglas which is located on a corner plot west of Braddan Road, north of Cronk Grianagh and west of Noble's Hospital. The site is currently cleared and made up mainly of hardstanding and scrubland. A high Manx stone wall currently runs parallel, but setback from Braddan Road.

1.2 Historically the site was occupied by the 'Mannin Infirmary'. The applicants indicated that; "...a large and sprawling Victorian complex originally constructed by the Isle of Man Government in the 1890's following the passing of an Act of Tynwald in 1889 to establish a 'Home for the Poor', open to all and funded by the district each resident came from. Originally known as 'Braddan Poor Home' or 'House for the Poor', it later became known as 'Mannin Infirmary' and then 'Mannin House Old People's Home'."

1.3 This building was demolished in the 1980's.

2.0 THE PROPOSAL

2.1 The application seeks approval for the erection of a single storey healthcare facility with associated access, parking and landscaping.

2.2 The applicants advise that;

"The Application makes provision for the redevelopment of a section of 'brownfield' site in the current ownership of the Department of Health & Social Care to create a single storey Sexual Assault Referral Centre with access road, associated vehicle and cycle parking and landscaping. The project, which is a joint venture between the Department of Home Affairs, Department of Health and Social Care and Manx Care, will create a modern facility in which robust and credible evidence can be gathered on a voluntary basis from the victims of crime and alleged sexual assaults. The evidence gathered will, where appropriate, be used to support any legal prosecution process initiated by an individual against another individual or group of individuals.

It is anticipated that the establishment of the Centre will not only provide support for current victims of sexual assault or abuse, but may also have to support victims of historic sexual assault or abuse, who come forward."

2.3 Further the applicants explain;

"...In 2017, a team with representatives from the Department of Health and Social Care and from the Department of Home Affairs determined that the current provision of services to support victims of sexual assault or alleged sexual assault was not adequate. The main issue identified was the requirement for victims to travel off-island for forensic examinations, which was not considered to be acceptable, adding to what may already have been a very traumatic experience. Also identified was the fact that the Island did not have the premises, staffing or forensic medical examination to ensure the delivery of an appropriate service to accepted quality standards. The limitations of the processes were also identified as something which jeopardised the integrity of any forensic evidence retrieved."

2.4 In relation to the design and size of the building the applicants indicate;

"The form of the building is also shaped by the requirements which arise from the site layout, site profile and existing access arrangements to the site.

Design Concept: The new centre is conceived as a single storey contemporary pavilion style building with a slate style roof, simple window fenestration and rendered finishes on a blue engineering brick plinth. The public entrance to the building is defined and contained by two main elevations set at right angles to each other, which contain a landscaped space and feature paving. It is anticipated that the space will have feature external lighting which will also support security and the proposed CCTV coverage.

The public entrance is articulated as a contrast to the sloping roofs and render of the main building, with coated metal vertical seamed cladding and trims, and a flat (low pitched) roof. Glazed doors bring light into the entrance lobby and corridor.

A similar contrast is provided within the design proposals for the staff entrance, with a simpler entrance canopy enclosure formed in coated metal vertical cladding defining the entrance."

2.5 The proposal would have a total of 13 car parking spaces, 4 cycle stands and motorcycle parking spaces.

3.0 PLANNING HISTORY

3.1 The application site and surrounding land has been the subject of a number of previous planning applications which are considered specifically material to the assessment of this current planning application;

3.2 Part of the application site for 'change of use to civil engineering storage compound' - 20/00724/B - REFUSED on the grounds;

"R 1. The site is not designated for the proposed development on the Braddan Local Plan 1991 which is the extant development plan for this area. As such, the development would be contrary to General Policy 2 of the Strategic Plan.

R 2. The proposed open air storage compound would be contrary to the Braddan Local Plan 1991 and the Draft Area Plan for the East in that insufficient justification has been submitted to support the introduction of a storage compound into an area designated for Predominantly Residential use."

3.3 'Erection of 32 bedroom elderly severe mental illness unit including day centre and ancillary accommodation (amendment to approved PA 01/1848)' - 02/01058/B - APPROVED

4.0 PLANNING POLICY

4.1 LOCAL PLAN

4.1.1 The application site falls within the Area Plan for the East 2020 and is designated as "predominately residential use - BH034g ". The site is not within a Conservation Area. The application does not appear to be within a "High Flood Risk", albeit to the west of the site there is an area of land which is regarded as high risk form surface water flooding.

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 Douglas as the main employment and Service Centre for the Island

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

Community Policy

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

Transport Policy

- 2 Provision for new links
- 4 Highway Safety
- 5 Design of Highway Network Improvements
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions

Energy Policy

- 5 Energy Efficiency

4.3 Our island Plan 2022 outlines that;

"Early-intervention and multi-agency approach to support and protect children and all victims of abuse."

5.0 REPRESENTATIONS

It should be noted that full comments made by all representations are available on the Online Services.

5.1 Highway Services (DOI) do not object to the application subject to conditions and make the final comments (23.09.2022):

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The proposal is compliant for the highway related aspects, including accessibility, pedestrian and vehicular access, visibility splays, 13 space car park calculated to suit the end user requirements and turning as demonstrated by the swept path analysis for a large waste collection vehicle. It is intended to install suitable accessible car bays, electric vehicle charging points and bicycle and motor cycle parking for staff and visitors which are welcome. After grant of any planning consent, a separate inter-departmental agreement is necessary for use of the highway for equipment and materials and any works in the highway."

5.2 The Arboricultural Officer (DEFA) makes the following comment (14.10.2022);

"The application involves removal of 7 small trees, one of which is a category B scots pine, this tree is small in size and would easily be able to be mitigated with replanting. The Department does not object to the removal of the 7 trees. We would strongly recommend that a pre commencement condition is recommended for a detailed replanting plan, showing species, size and planting density."

5.3 Ecosystem Policy Officer (DEFA) do not object to the application subject to conditions and make the final comments (11.10.2022):

"The Ecosystem Policy Team can confirm that the Manx Wildlife Trust's Preliminary Ecological Appraisal Report for the Former Mannin Infirmary Site dated August 2022, is all in order and that a suitable level of assessment has been undertaken.

We request that the following conditions are secured on approval:

- o A detailed landscaping plan must be provided to Planning for written approval prior to commencement of development. This landscaping plan should contain:
 - o Details about the number, location and species of trees to be planted;
 - o Details of new native planting along the eastern boundary of the site;
 - o Details of how and where the new sod banks are to be created.
- o Details - species composition and methodology - for establishment of the various wildflower areas, as well as details about how these are to be managed going forward. Reason: To mitigate the loss of scrub, trees and grassland across the site, and also to provide visitors and workers with a comforting and supportive environment.
- o The works must be undertaken as per the Precautionary Working Method Statement for Common Frogs, contained in Appendix III of the MWTs PEAR. Reason: To protect frogs and lizards against damage or disturbance during construction
- o No works to take place on the existing stone wall until a preliminary bat roost inspection, and the results of any additional bat emergence surveys, have been undertaken by a suitable qualified ecological consultancy and a report detailing the findings, including proportionate avoidance and mitigation measures, has been submitted to Planning for written approval. The works must then be undertaken in line with the measures contained in the agreed report. Reason: To protect legally protected roosting bats from damage or disturbance.
- o No construction works to take place until a bird box and bug hotel plan, showing the location and type of bird boxes and bug hotels to be installed across the site, has been submitted to Planning for written approval (could be incorporated into the landscape plan). Reason: To mitigate the loss of scrub, trees and grassland across the site.
- o No external lighting to be installed unless a low level lighting plan, adhering to best practise for Bats (BCT Guidance on bats and artificial lighting) has been submitted to Planning for written approval.
- o The Schedule 8 invasive plant species 'cotoneaster' must be removed and incinerated on site. Reason: To prevent the spread of Wildlife Act Schedule 8 invasive non-native plant species."

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; and
- (f) Potential impacts upon ecology/trees.

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 The application site and larger section of land to the north and west of the site, historically has been for health related uses. Further previous planning approvals have continued this health related use. This proposal would also continue this. However, the site (and adjoining sites) has been designated as "predominately residential use" under the recently adopted Area Plan for the East; hence the proposal would be contrary to this use.

6.2.2 As outlined within the proposal section of this report the applicants have explained the reasons of why such facility is needed. They have also commented that;

"While it was hoped initially that the proposed 'SARC Unit' might be able to be accommodated within an existing DHSC building, initial planning exercises carried out to design a facility which would meet UK Government design and operational standards from the Forensic Science Regulator for England and Wales (the most developed and up to date), clearly identified that new build premises would be required to enable the specific spatial arrangements, forensic conditions and aftercare facilities to be provided.

Location: It was accepted also that sensitivity and accessibility was required with respect to the location of any new unit and this is one of the major advantages of the proposed site with its proximity to the Nobles Hospital site."

6.2.3 It should be noted that the majority of the former Mannin Infirmary site (approximately 3/4) would not be affected by this development, nor would the application proposal prejudice the use or development of adjoining land in accordance with the appropriate Area Plan (GP2 k).

6.2.4 Accordingly, while it could be contrary to the land use designation, it is considered the proposed building and the reasons for it outweigh any potential concerns of loss of some residential land. It is also an important consideration that the site is very close to the Noble's Hospital, which again limits the applicant's choice of site significant, especially land that is designated for any type of development.

6.2.5 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, the proposal will have very little visual impact and where it is apparent; it is considered the building in terms of form, scale, proportion and finishes, sites well within the site and street scene. It is noted that the existing tall stone wall along Braddan Road is to remain, as is the majority of trees and landscaping along the boundaries of the site. New landscaping is also proposed. The proposal would comply with General Policy 2 of the IOMSP.

6.4 POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES

6.4.1 Given the scale and size of the building and distance to neighbouring properties; it is not considered the proposal would have any significant impacts upon neighbouring amenities to warrant a refusal. Traffic generated to and from the site is also not likely to be significant and therefore general disturbances are not considered to be so adverse that a refusal could be made.

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

6.5.1 In terms of access to the site there is proposed to be a single access onto Cronk Grianagh, just south of the junction of Cronk Grianagh and Braddan Road. There is an existing field gate access to the site which is being upgraded as part of this application. Highway Services have considered the access arrangements and traffic generation on the local road network and raised no objection.

6.5.2 In relation to on-site parking the IOM Strategic Plan Parking Standards indicates that for Medical / health services;

"3 spaces per consulting room plus staff parking"

6.5.5 The proposal has a total of 13 space car park calculated to suit the end user requirements. This has been confirmed acceptable by Highway Services. The applicants have indicated that;

"Visitor car parking (5 spaces including a wider 'disabled driver' space) is provided adjacent to the Public Entrance and two electric vehicle charging points have been incorporated to serve the Disabled Car Parking Space and the adjacent space. Additional Staff / Visitor car parking is provided adjacent to the new entrance road, and dedicated Staff Parking to the north of the site. A total of 13 car parking spaces are incorporated in the Application proposals. Because of the nature of the unit and the fact that it will operate on an 'Appointment Only' basis with generally only one 'service user' and required clinical and police staff using the building (although there may be occasional times when different areas of the building will be utilised by two service users), the Client has determined that a normal maximum requirement for car parking spaces would be no greater than 10. The provision of 13 spaces plus cycle and motorcycle spaces is therefore deemed to be adequate provision for the unit."

6.5.6 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 not within a "High Risk Flood Zone" and while there is some surface water flooding to the west of the application site, this does not impact the proposal. No objection has been received from any Manx Utilities/flood management division.

6.7 POTENTIAL ECOLOGY IMPACTS/IMPACTS ON TREES

6.7.1 Comments from the Ecosystem Policy Officer are noted, which responded to the Manx Wildlife Trust's Preliminary Ecological Appraisal Report included as part of this application which included recommendations. The officer has accepted these and consequently has sought a number of conditions which should be attached to any approval. Accordingly, the proposal would comply with Environment Policy 4.

6.7.2 The proposal requires the removal of three category C trees, one category B tree and two category U trees to facilitate the proposed development. There will also be a requirement to partially remove two category C groups (comprised of young willow trees/young trees). It should be noted the majority of the trees would be retained and these are located along the eastern and southern boundaries of the site. The trees to be removed are not mature and are located more centrally in the site, where their loss in terms of visual impact would not be significant.

6.7.3 To mitigate the impact of tree loss, the proposal includes new tree planting along the eastern boundary of the site and within the centre of the site.

7.0 CONCLUSION

7.0.1 The proposal would result in the development of the site for a clinical use not in accordance with the designation for residential purposes, however the proposal results in a number of benefits which outweigh that fact and as such it is considered the principle of the use is acceptable.

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

7.0.3 The 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 appropriate conditions, the proposal complies with this aspect.

7.0.5 The proposal will have no significant impacts upon neighbouring properties to warrant a refusal.

7.0.7 It is considered for the reasons indicated within this report, the proposal overall would not have any significant adverse impacts and would therefore comply with the relevant planning policies of the IOM Strategic Plan 2016. 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.