



Isle of Man
Government

Reillys 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, 21st November 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 7th November 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 5th December 2022.

PLANNING COMMITTEE Meeting, 21st November 2022
Schedule of planning applications

<p>Item 5.1 Land South West Of Shelter Building The Promenade Laxey Isle Of Man IM4 7DD</p> <p>PA22/01102/B Recommendation : Permitted</p>	<p>Creation of external Shower Bay Area</p>
<p>Item 5.2 Falcons Nest Apartments Strand Road Port Erin Isle Of Man IM9 6HB</p> <p>PA22/00171/B Recommendation : Approve subject to Legal Agreement</p>	<p>Additional use of eight self-contained tourist accommodation units (class 3.6) as residential apartments (class 3.4), erection of front and rear balconies, and alterations to windows to form doors</p>
<p>Item 5.3 Ballahowin Courtyard Ballahowin Farm Braaid Road St Marks Ballasalla Isle Of Man</p> <p>PA22/00243/C Recommendation : Approve subject to Legal Agreement</p>	<p>Change of use from tourist accommodation to residential accommodation</p>
<p>Item 5.4 11 Abbots Close Ballasalla Isle Of Man IM9 3EA</p> <p>PA22/01067/B Recommendation : Permitted</p>	<p>Erection of two storey extension to side elevation</p>
<p>Item 5.5 28 Belgravia Road Onchan Isle Of Man IM3 1HH</p> <p>PA22/01269/B Recommendation : Permitted</p>	<p>Proposed alterations and extensions to provide additional living and garage accommodation, (re-submission to P.A. No- 22/00640/B)</p>
<p>Item 5.6 Fields 333135, Part 334998, 334999 And Part 335000 Land Opposite Springfield Terrace Foxdale Isle Of Man</p> <p>PA22/01134/A Recommendation : Approve subject to Legal Agreement</p>	<p>Approval in Principle application for proposed residential development</p>

<p>Item 5.7 Braywood 51 Howe Road Onchan Isle Of Man IM3 2AZ</p> <p>PA22/00517/B Recommendation : Refused</p>	<p>2 storey extension to front elevation with internal alterations and minor landscaping works</p>
<p>Item 5.8 Sulby Shop Gara Aalin Main Road Sulby Isle Of Man IM7 2HR</p> <p>PA22/00724/B Recommendation : Permitted</p>	<p>Erection of two storey dwelling and creation of vehicular access and hardstanding.</p>

Item 5.1

Proposal : Creation of external Shower Bay Area
Site Address : Land South West Of Shelter Building
The Promenade
Laxey
Isle Of Man
IM4 7DD
Applicant : Garff Commissioners
Application No. : [22/01102/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.

Reason for approval:

It is concluded that the proposed showers are acceptable and complies with General Policy 2 and Environment Policy 35 of the IOM Strategic Plan 2016, Section 18(4) of the Town and Country Planning Act (1999) and the Area Plan for the East 2020, having a public benefit and not have significant adverse impacts upon public or private amenities.

Interested Person Status – Additional Persons

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

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

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

4 Bay View Terrace, Laxey
1 Bay View Terrace, Laxey
Beach Cottage, Laxey
Breaside, Glen Road, Laxey
Rainbow Cottage 3 Chapel Terrace Laxey
Sea Villa, The Promenade, Laxey

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

Planning Officer's Report

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE GIVEN THE NUMBER OF OBJECTIONS RECEIVED CONTRARY TO THE RECOMMENDATION FOR APPROVAL

1.0 THE APPLICATION SITE

1.1 The application site is a small section of land located to the north of The Promenade in Laxey. The site which measures 2.4m x 2.4m is located to the southwest of the existing promenade shelter building and café. The area is currently made up of grass.

2.0 PROPOSAL

2.1 The application seeks approval for the creation of external shower bay area. This is made up with hard surfacing with associated drains and two circular poles (height 2.2m) which accommodate the shower heads and lower level shower heads. The two shower poles have a diameter of 152mm and finished in a "Delabie" anodised aluminium. A small path and dropped kerb is also included.

2.2 The applicants (Garff Commissioners) in support and explanation of the application commented;

"In terms of the location, clearly on other beaches a pole type beach shower can be mounted somewhere on the beach itself as the context is relatively benign; in Laxey's case the characteristics of the beach mitigate against placement on the beach primarily because of sea conditions and the steeper topography of the upper beach area just below the sea wall: circumstances which cause the beach just below the sea wall (and the wall itself) to be a harsh environment for any structure. During the Autumn/Winter the unit would be subject to wave immersion and overtopping that carries many large pebbles which would likely obliterate a pole shower. In this context, it is practically certain that it would not survive this period if located even at the top of the beach. It would also be possible that the unit would be badly damaged in the summer season: the raft has had to be removed on two occasions this season due to strong waves experienced in 'summer-storms'. Further indication of the difficulties of this location can be seen in the failure of the hand-rails installed by DoI on the new beach steps several years ago; these were washed away completely within several weeks."

2.3 And

"The Commissioners also considered sites at both the DoI owned harbour toilets and outside the public toilets at the southern end of the Promenade. The Commissioners felt that these Delivering Services in Laxey-Lonan-Maughold locations were too inconvenient for beach users and swimmers who tend to congregate at the 'central' area of the beach.

It is anticipated that the beach pole shower would be used by beach goers to remove sand as much as by swimmers and hence a 'sand trap' will also be installed should the application be successful. The Commissioners also looked at installing the beach pole shower on the Promenade walkway, but this is far too narrow and was not considered to be an acceptable location in terms of pedestrian access. The walkway experiences a large volume of footfall particularly during the season and is increasing busy during the Autumn/Winter period.

The Commissioners considered drainage from the shower and were advised that soakaways would not be suitable form of grey-water drainage for the be. The presence of drainage

facilities on the Promenade Green was also noted. These were the subject of a camera survey by a professional drainage contractor and were indicated as suitable and as having the capacity for the purpose of a beach shower. The location is also convenient for a mains water supply.

A location closer to the wall of the adjacent stone 'garage' building was also considered, but several practical issues mitigated against this positioning. If the shower were attached to the wall we were advised that there was the potential for causing damp in the stone structure. The area is also a thoroughfare for the large wheeled refuse bins that serve the adjacent ice-cream business and the Beach Buddies receptacle. Other locations for this facility were considered but it was felt that these would be too prominent in the vicinity or too close to the children's play area on the other side of the building. There is also an attractive 'Three Legs of Man' pebble symbol in this location which would have to be removed."

3.0 PLANNING HISTORY

3.1 There are no previous planning applications that are considered material to the assessment of this current planning application.

4.0 REPRESENTATIONS

Full representations in full can be viewed online.

4.1 Garff Commissioner made the following comments (26.10.2022);

"The Clerk advised members that a meeting had taken place with highways regarding concerns about pedestrian access. Highways had requested that dropped curbs were included as part of the application and amended plans would be submitted in due course."

4.2 The Department of Infrastructure Highways Services initially commented (received 26.10.2022);

"Highways Development Control notes the additional information uploaded on 21 October 2022. The amended drawing reflects discussions held with the Commissioners and the installation of a dropped kerb for pedestrian access and a linking path is acceptable for no opposition to be raised subject to a condition for the layout to accord with Drawing no: 22 1689 05. The Applicant is advised of the need for separate permissions from Highway Services for the dropped crossing under a s109(A) Highway Agreement plus alterations to parking arrangements. Other highway licences may be necessary on construction."

4.3 The owner/occupier of 4 Bay View Terrace, Laxey have objected to the application on the following summarised grounds (10.09.2022); If installed the structure would be a direct view from my house and I would not be pleased to see individuals showering in front of my house; concern is from the potential noise levels of the early morning swimmers congregating and queuing to use the structure; The early sunrise swims are very popular with sometimes 20 to 40 cars on the promenade; Some of the swimmers are already very noisy when they enter the sea, shouting and whooping and then chattering or shouting as they get changed on the promenade, some with barking dogs too; At present they are spread out along the promenade but they could all wish to use the shower and make noise just by my house.

4.4 The owner/occupier of 1 Bay View Terrace, Laxey have objected to the application on the following summarised grounds (26.10.2022); Highway safety concerns as a shower will be a magnet to children who will see it as an item of play equipment, running back and forth across the busy road, in and out of parked cars, with a high risk of an accident occurring; impact upon Conservation Area the shower in my view damages the aesthetic of the immediate area; The applicant has not demonstrated the need for such a development; Anecdotal evidence indicates that the proposed public shower, would not be used by most

beach users; and installation of a public shower would be better sited against or inside an existing building.

4.5 The owner/occupier of Beach Cottage, Laxey have objected to the application on the following summarised grounds (19.09.2022); the proposed shower is directly in front of my house and I do not wish to see undressed bodies showering there; It will attract further anti-social behaviour, not just from certain groups of beach users who from very early in the morning scream and whoop, but also from youths who get attracted by anything new and use it for purposes not designed for...climbing on, as a football post, or generally to vandalise; and Children will be crossing the road to use the facility at one of the busiest part of the prom.

4.6 The Laxey Beach Cafe The Promenade Laxey have objected to the application on the following summarised grounds (22.09.2022 & 17.10.2022); The path to our bin store would be sprayed with water making it slippery especially if shower products were used; The path may well be obstructed especially if children find it a good game to run in and out of shower; concerns of low water pressure; Who with come off a beach, walk down a road then cross it to have a shower; The Green is a recreation area, showers would not be in keeping or appropriate to family gatherings and picnics especially in front of residential homes; Either parking spaces would be lost or over spraying of cars and their doors opening onto the shower site happen which I feel is unacceptable; The site is nowhere near toilets and I already have a problem with our bin area being used as a toilet, this would result in the shower being used as a toilet; and in relation to CCTV attached to neighbouring building, there are no views to the south side of the shelter building or to the south green where the proposed shower site is, So can't see that this would be a deterrent.

4.7 The owner/occupier of Breaside, Glen Road, Laxey have objected to the application on the following summarised grounds (28.09.2022); I do not believe it is acceptable or safe for child to have to cross a busy road to use the showers when coming off the beach in full view of families and adults at recreation; A more acceptable location would be at the top of the slip way to the beach or at either end where there are toilet facilities; In addition this is still a residential area; There has been no public consultation as to the need of these showers and no information on the cost; and I do not want to loss parking spaces to accommodate a facility that has not been asked for and in my opinion not necessary.

4.8 The owner/occupier of Rainbow Cottage 3 Chapel Terrace Laxey have objected to the application on the following summarised grounds (27.09.2022); No public consultation done, the proposal is next to the busy road it's not safe for everyone, especially kids; and showers should be next to the toilets and not right in the middle of the green next to the busy cafe and busy road.

4.9 The owner/occupier of Sea Villa, The Promenade, Laxey have objected to the application on the following summarised grounds (02.10.2022); Any facilities of this kind should be discreetly located but these ablutions are to be sited in the very centre of the promenade area...on the village green which is a landscape feature and where they are in full view of all the surrounding residences; There are already two conveniences at either end of the promenade with the necessary water supply which could be converted at much less expense and where people who might want to wash the sand off their legs (and perhaps more particularly their dogs) before getting back into their cars can do so with some privacy and without interrupting the traffic flow and other activities mid-way down the promenade itself; I would question the need for this intervention in the first instance. I walk every day on the promenade, and in conversations with other people have not detected any demand for this development;

5.0 PLANNING POLICY

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

5.2 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:

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

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

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

5.5 This echoes the policies of Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man.

5.6 Section 18(4) of the Town and Country Planning Act (1999) states, "(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act".

6.0 ASSESSMENT

6.1 The principal issues to consider in the assessment of the application are; the principle of developing the site; and the impact upon the character and appearance of the street scene/Conservation Area and potential impact upon neighbouring amenities; and highway safety matters.

THE PRINCIPLE OF DEVELOPING THE SITE

6.2 The site is designated as mixed use. Currently the site forms part of a very small section of a larger area of grassed open space. The proposal would provide shower facilities for users of the beach. This is not an uncommon feature in such areas and it would provide a new facility to members of the public. The proposal raises no concerns and accords with the mixed uses designation. The site is not designated as public open space etc.

THE IMPACT UPON THE CHARACTER AND APPEARANCE OF THE STREET SCENE

6.3 The proposal in terms of size is very modest. The shower poles (2.2m in height and 0.15m dia) would be the aspects most apparent; albeit, being located next to the existing shelter (built form) would not be prominent features in the street scene. Their height and diameter is not so dissimilar to road signage poles or light columns, which are common features along the promenade, albeit the proposal would be smaller in height. Further, showers of the type proposed in beach side setting are commonly found in such areas and therefore, when seen by a person/s it would just be accepted as a feature which is appropriate.

6.4 The Registered Building Officers who also deal with developments within Conservation Area have no objection to the proposal.

6.5 The applicants on this matter state;

"The Promenade area contains a range of facilities such as the Children's Play Area, public shelter, Picnic Benches, Services for the buildings/businesses, Signage, traffic and welcoming signage poles, etc. Such facilities are to be expected in the environs of a busy visitor friendly promenade/beach area and the Commissioners feel that the addition of the shower pole is unlikely to add significant intrusion to the beach scene.

The Commissioners have considered alternatives to the proposals that have been submitted and feel that if a beach shower is to be provided this is the most appropriate location in this context of an area which has established visitor facilities and attractions. The addition of a beach shower facility has been requested by Members of the public in recent years. Such units have become an expectation on beaches that serve both swimmers and those engaging in play/activities on the sands.

The Commissioners feel that to meet the needs of visitors they have found the most acceptable solution that puts all the above considerations into an appropriate balance. Members are very aware that the Planning Committee and the Planning Officer will assess these matters and conclude on the impact of the proposal as well as the benefits it will bring to the wider experience of the Laxey Beach and Promenade visitor area. The Commissioners are very aware that the public will be contributing comment on the application and will of course be open to discussion of any amendments or actions that the Public, the Planning Officer, the Planning Committee, and the Highways Officer bring forward."

6.6 Overall, the size, design and location the works would preserve the character and quality of the Conservation Area and would have no significant impacts to warrant a refusal, complying with Environment Policy 35 and Section 18(4) of the Town and Country Planning Act (1999).

THE IMPACT UPON NEIGHBOURING AMENITIES

6.7 The proposed shower in terms of its built forms, scale and size will have no significant impacts to neighbouring amenities, namely loss of light, overbearing impacts upon outlooks or a loss of privacy; given the neighbouring properties which have direct views towards the site are at a distance (see below).

6.8 The neighbour's residential properties to the north, west and north-west are located approximately;

- o Bay View Terrace (36+m);
- o Beach Cottage 46m;
- o Sea Level Cottage 56m; and
- o Glevum 49m.

6.9 The closest residential property is Sunny Cottage to the north which is 15.5m away. This property does not face the site but directly towards the west over the green area.

6.10 The main issue is whether the proposal by its use would have an unacceptable impact, namely people using them and noise. Firstly it should be noted that the open space adjacent to the site is open to members of the public to use, there is a children's playground in the area, picnic tables and The Promenade is also a public attraction. Further there is the nearby Laxey Beach Café. Accordingly, there is already a level of disturbance to local residents by these uses which have been in place for many decades. The proposal is to install two shower poles and hardstanding that is not considered features which would have any significant impact to neighbouring amenities above what already occurs, arguable The Promenade generates significantly more of an impact than the showers would, which are small in scale. Further the distance of the poles from the neighbouring properties which have direct views towards the site are such that the level of noise/use would not be significantly adverse to warrant a refusal.

6.11 On this point the applicants have stated;

"This aspect has been considered very carefully by the Commissioners. It would clearly be difficult to police the sound made by children/youths/adults but in the context of a busy beach and Promenade area the noise generated is unlikely to be out of character during the daytime. The Commissioners have noted that adult swimmers do visit the Promenade at times early in the morning when the area is generally quiet. This could cause a nuisance if noise is made so signage could be installed to mitigate this. The Commissioners have already received complaints from Members of the public in regard to the noise made by the swimmers in the morning as they access the sea so in a sense this may be a wider issue that needs to be addressed. The Beach Pole Unit will have two 'percussive' buttons to release the water on a timer which is likely to assist in reducing any 'horseplay' to a minimum."

6.12 In relation to anti-social behaviour the applicants comment;

"Clearly this exists here and perhaps at any location on the Promenade. It could be argued, however, that this would be reduced in the central location as opposed to the potential locations at either end of the Promenade in the evening, particularly at the far southern end toilets. There is an occasional report of vandalism at our current facilities such as the Children's play area, but these are sporadic and infrequent. It is likely that the visible location of the play Delivering Services in Laxey-Lonan-Maughold area assists in benignly 'policing' these matters. In addition, the Kiosk business has CCTV present all around the central building which acts as a deterrent."

6.13 Overall, while the proposal will introduce a new facility to the promenade, it is not considered that two showers would have such a significant adverse impacts, either by its physical presence or its use to neighbouring amenities, to warrant a refusal.

HIGHWAY SAFETY MATTERS

6.14 Concern has been made that person utilising the showers, namely from the beach, would have to cross the promenade highway and that during busy periods this would have a highway safety concerns, especially in relation to children crossing.

6.15 In response the applicants have stated;

"The Commissioners took advice from their contracted H&S professional. He noted the current presence of the Ice Cream shop/kiosk, the children's play area, and the use of the Green as a family picnic area. All these facilities involve crossing the Promenade access road from the Promenade walkway. Despite these circumstances pedestrianisation of the road would likely be a very unpopular option with the public and businesses: particularly in terms of parking provision and access. A low picket fence was considered on three sides of the drainage enclosure, but it was felt that this would provide a much-increased level of visual intrusion for the public and residents.

In the last six years, Garff Commissioners there have never been any written reports of speeding on the Promenade itself and there are no records of verbal reports. Speeding undoubtedly may occur at times in this location - as on any highway. It is likely, however, that if it were a frequent factor experience from elsewhere indicates that we would be contacted about the issue on a more regular basis.

In all these respects, the Commissioners would very much welcome discussion with DoI Highways in regard to enhancing road safety for anyone accessing the various facilities from the Promenade walkway."

6.16 It is noted Highway Services have considered this matter and raised no objection, seeking additional information and amended plans. It is perhaps also worth of consideration that children crossing from the beach to the opposite side of the road where the site is proposed and where the existing green space, picnic tables, play area and café are located, arguable already occurs. It is also reasonable to consider younger children would be accompanied across the promenade.

7.0 RECOMMENDATION

7.1 Based on the above assessment it is concluded that the proposed showers are acceptable and complies with General Policy 2 and Environment Policy 35 of the IOM Strategic Plan 2016, Section 18(4) of the Town and Country Planning Act (1999) and the Area Plan for the East 2020, having a public benefit and not have significant adverse impacts upon public or private amenities. It is therefore recommended that the planning 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.

PLANNING AUTHORITY AGENDA FOR 21st November 2022

Item 5.2

Proposal : Additional use of eight self-contained tourist accommodation units (class 3.6) as residential apartments (class 3.4), erection of front and rear balconies, and alterations to windows to form doors

Site Address : Falcons Nest Apartments
Strand Road
Port Erin
Isle Of Man
IM9 6HB

Applicant : B.E.T. Phoenix Limited

Application No. : 22/00171/B- [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 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 application hereby approved shall only be used in accordance with Class 3.3- 'Dwellinghouse' and Class 3.6 'Self-contained self-catering units' as defined in the Town and Country Planning (Use Classes) Order 2019, or subsequently amended.

REASON To ensure appropriate use of the building in accordance with this application.

Reason for approval:

The proposed application would be compliant with Housing Policy 17, Business Policy 13, General Policy 2 of the Strategic Plan and the Residential Design Guide 2021.

Interested Person Status – Additional Persons

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

The Old Police Station, Strand Road, Port Erin

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

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

Lincluden' 9 Glenview Terrace,

as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THERE ARE 8 OR MORE RESIDENTIAL UNITS AND A SECTION 13 LEGAL AGREEMENT IS REQUIRED

1.0 THE SITE

1.1 The application site represents the curtilage of 'Falcons Nest Apartments' Strand Road, Port Erin. The building is a detached block of eight self-contained apartments across 4 floors with two apartments per floor.

1.2 The building sits to the east of Strand Road, between the stone railway shed, the former police station and the rear of 1- 10, Glen View. The building is four storeys high with the top level incorporated partially in the roofspace. The site accommodates sixteen parking spaces associated with the apartments and an additional 14 spaces on the access road to the building.

1.3 Originally, The units were proposed and approved (see below planning history) all as affordable units and were intended to be allocated through the local authority as such.

2.0 THE PROPOSAL

2.1 Proposed is the additional use of eight self-contained tourist accommodation units (class 3.6) to allow for longer occupation of the units to allow for residential apartment use (class 3.4).

2.2 Also proposed is the erection of front (west) and rear (east) balconies, and alterations to windows to form patio doors leading out onto the proposed balconies. The balconies would measure a footprint of 1.7m deep and vary from 2.8m-3.0m wide and would be uniform in their appearance across all the floors. The balconies would be enclosed with glass balustrade 1.2m high to the front and sides with the exception of the glazing on the south elevation (side) facing Glen View Terrace would be privacy glass / frosted glazing at 1.5m high.

3.0 PLANNING POLICY

3.1 The site is designated as; "Mixed Use" on Map 7 (Port Erin/ Port St Mary) of the area plan for the south. The site is within a Proposed Conservation Area - since 2009. Tourism Proposal1 identifies Falcon's Nest Hotel as important to tourism and states proposals for redevelopment or re-use will not be permitted unless it can be demonstrated that hotel use is no longer commercially viable. There are no registered trees on site and the site is not within an area of flood risk.

3.2 The Isle of Man Strategic Plan 2016 contains a number of policies that are considered specifically material to the assessment of this current planning application;
Spatial Policy 2 - Priority for new development to identified towns and villages
General Policy 2 - General development control principles

Housing Policy 5 - 25% affordable housing provision
Housing Policy 17 - Conversion of building to flats
Business Policy 13 - use of private residential properties as tourist accommodation

3.3 OTHER MATERIAL CONSIDERATIONS;

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

4.0 PLANNING HISTORY

4.1 09/02082/C - Change of use of eight existing residential apartments to self contained tourist accommodation units.

C.1. This permission relates to the use of the eight apartments as shown in drawings K206/P/10-01, K206/P/10-03, K206/P/10-05 and K206/P/10-07 all received on 21st December, 2009 as tourist accommodation.

C.2. The use must be taken up within four years of the date of this notice in order for this approval to remain valid after that time.

C.3. The units may be used only as tourist accommodation where tourism is defined as set out below in accordance with the provisions of the Strategic Plan and for clarification may not be occupied as a person's main place of residence.... Tourism has been defined by the Tourism Society as "the temporary short term movement of people to destinations outside the places where they normally live and work and their activities during their stay at these destinations" and it covers a very wide range of activities and types of development. This may include travel and visits for business, professional and domestic purposes as well as for holidays and recreation.

C.4. The owner/operator shall maintain an up to date register of the names of all owners/occupiers of the individual units on the site and of their main home addresses and shall make this information available at all reasonable time to the Planning Authority.

Note. In the event of a subsequent proposal to change the use of the property from tourist use to general housing a further planning permission will be required. In such circumstances it is advised that Policy 5 of the approved Strategic Plan (provision of affordable housing) will apply.

4.2 07/02362/B - Erection of a block of eight apartments with car parking and landscaping and improvement to remaining car park for hotel use.

C.1. The development hereby permitted shall commence before the expiration of four years from the date of this notice.

C.2. This permission relates to the erection of an apartment building with associated car parking and landscaping all as shown in drawings K119/P/10-01, -/02, -/03 and -/04 all received on 21st December, 2007.

C.3. All eight units must be provided as apartments for the over 55s only. None of the units may be occupied until such times as there is in place a legal agreement between the developer and the Department ensuring the provision of all of the apartments as affordable units under the provisions of the House Purchase Assistance Scheme 2007 or through rental through the public sector.

C.4. Prior to the commencement of building works a sample of the external wall finish must be approved by the Planning Authority.

C.5. The roof(s) must be finished in natural slate or a high quality imitation slate which must be approved by the Planning Authority PRIOR to the commencement of works.

5.0 REPRESENTATIONS

5.1 Port Erin Commissioners had not commented at the time of writing despite being consulted on the 23/02/22.

5.2 Highways Services do not object (No Highways Interest) 03.03.22

5.3 The Old Police Station, commented (02/04/22) to OBJECT to the installation of the balconies as it will overlook their property; the increase in vehicle usage affecting their access to their property and driveway.

5.4 'Lincluden' 9 Glenview Terrace, (15/07/22) has no objections to the proposals, but seek the removal of the large unsightly container on site that backs onto their property and is an eyesore. They request its removal.

5.5 The applicant has commented on the application (21.07.22; 18.07.22; 17.04.22) to confirm the removal of the container on site and addresses the concerns raised as part of the standard consultation.

6.0 ASSESSMENT

- i. Principle (Sp2, HP17, BP13)
- ii. Visual impact (Gp2b,c)
- iii. Neighbouring amenity (GP2g RDG)
- iv. Highway safety (GP2h&i)
- v. Affordable Housing (HP5)

Principle

6.1 The application site is within the designated service centre (SP2) and within the defined area of Port Erin, as such the general presumption for 'development' to add balconies to the property here is acceptable, in principle. The planning history and the level of use through occupation of the apartments is somewhat unique and presents its own problems. Originally built and conditioned through planning for over 55's as affordable housing to be used by the local authority, then amended to solely for tourist use and conditioned as such to preclude the use for the apartments being used as "a person's main place of residence".

6.2 In this instance, this application proposes the use would be a blend of residential and tourist use, and would in essence vary the wording of Condition 3 of PA 09/02082/C. The principle of conversion, whilst not strictly in a residential area, would be acceptable given the current layout and internal space provided for of each apartment. There is adequate provision for onsite parking available for occupants and the existing outlook would equally be acceptable which would meet the test of HP17.

6.3 In considering the proposal, there is little discernible difference between the use as residential and that of tourism, in this setting. Furthermore it is not considered the proposed tourist use would be any different than that of a friend or family member occupying the unit as residential and vice versa. In this case it is not considered there to be any adverse impact on the neighbouring residential amenity in terms of use, and as such, this aspect complies with General Policy 2(g) and Business Policy 13. Given it is a mixed proposal it is not considered to be contrary to Tourism Proposal 1 in the APS.

6.4 In terms of use of the site for tourism and residential and overall housing provision. As the site is in a mixed area that allows for provision of residential and is providing residential it is considered that there is a requirement for affordable housing provision (25% for 8 or more units). Albeit it is recognised that it is at the lower end of the policy being 8 units. In this instance, given the ambiguous planning history and previous condition limiting the use to tourist use, this proposal can be further reinforced with a suitably worded condition to ensure the units are used within Class 3.3-'Dwellinghouse' and Class 3.6 'Self-contained self-catering units' (as per this application) as defined in the Town and Country Planning (Use Classes) Order 2019.

Visual Impact

6.5 The proposed installation of the balconies would be uniform in appearance on the front (West) elevation when approached from the Highway and equally the same design on the rear elevation (East) that looks over the children's play park. The internal room configuration of the apartments remains the same across all the floors with the living room on the rear, facing the park and bedrooms on the front facing over the car park and towards the rear of 'The old police station'. The inclusion of the balconies would not be considered to affect the overall visual appearance of the building and the use of glass balustrade would seek to minimise the overall vertical aspect, in terms of the visual impact of the proposal. As such the design and inclusion of the balconies is deemed to be compliant with GP2b,c.

Neighbouring Amenity

6.6 The comments from the neighbouring property are noted in para 5.3. It is important to understand the existing level of overlooking and the distances involved. When this is measured from the submitted drawings would be approx. 33m between the nearest vertical elements of the respective properties. The existing outlook from these windows is across the car park and towards the rear of the old police station and their garage, driveway at the rear. Also viewable is the rears of Glen View Terrace and the Railway Museum to the respective sides at 90deg to the site.

6.7 In this case we turn to the RDG which offers guidance on overlooking, in section 7.0 it refers to the hierarchy of room with primary rooms being living rooms and secondary rooms being bedrooms. In this instance the rooms facing west serving the balcony would be a bedroom (secondary room) and section 7.5 refers to overlooking and the intervening distances and the "20m guide". As the distances involved here are in excess of 20m from a secondary room, it is not considered the installation of balconies to the west elevation would result in a loss of privacy through overlooking to the occupants of the Old Police Station in accordance with Gp2g and the RDG.

Highway Safety

6.8 Highway Services have considered the merits of the application from a highway safety aspect and do not object, in this instance. Having considered the highways safety aspect and the use of the existing entrance in a safe and appropriate manner with parking and manoeuvring within the site, it would not be considered to have any adverse impact on the existing highway or upon those users entering and exiting the site. As such the proposal would be considered to align with the principles of GP2h&i.

Affordable Housing

6.9 As the proposal is offering 8 dwellings, consideration has to be given to whether any provision or commuted sum for affordable housing is provided. In terms of use of the site for tourism and residential and overall housing provision, whilst not strictly designated as residential on the Area Plan, if we are accepting the use of residential on site (as an option within mixed use), and there are more than 8 dwellings, Housing Policy 5 would be

appropriate and would seek 25% affordable housing or in lieu of this a commuted sum. As such a legal agreement (Section 13) would be required in this instance.

7.0 CONCLUSION

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

8.0 S.13 REQUIREMENTS

8.1 It is recommended that Planning Committee approve the application subject to a S.13 Legal Agreement containing the following (and that if the S.13 agreement is not completed within 6 months of the date of this Committee, that it be brought back before the Committee for reconsideration):

- seeking 25% affordable housing or in lieu of this a commuted sum as per HP5.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 21st November 2022

Item 5.3

Proposal : Change of use from tourist accommodation to residential accommodation

Site Address : Ballahowin Courtyard
Ballahowin Farm
Braaid Road
St Marks
Ballasalla
Isle Of Man
IM9 3AS

Applicant : Ballavitchel Estates Limited

Application No. : 22/00243/C- [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 before the expiration of four years from the date of this decision notice.

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

C 2. Within three months of the residential units hereby approved becoming occupied, the demolition of the agricultural building and the parking being laid in full accordance with plan referenced; 'Proposed car parking' No5.3.21 (or as otherwise advised by the Department) shall take place and the parking shall thereafter be retained for use for the 13 units

REASON: To provide adequate parking provisions on site.

N1. The decision to grant planning approval, subject to a Section 13 agreement, was made by Planning Committee on the 21 November 2022. The issue of the decision notice has been triggered by the Section 13 agreement having been concluded. The 21 days for appeal (for those with Interested Person Status) runs from the date of the decision notice.

Reason for approval:

The proposed application would be compliant with General Policy 2 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AS THE APPLICATION COULD BE CONSIDERED CONTRARY TO PLANNING POLICY (HOUSING POLICY 11) AND IS SUBJECT TO A SECTION 13 AGREEMENT AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The application site is part of the farm holding of Ballahowin Farm. The collection of buildings is situated on south side of the A26 Braaid - Douglas Road between Stuggadhoo and St. Mark's. Access to the site is directly from the A26 past a dwelling known as Ballahowin House which is not in the ownership of the applicant, and also from the B37 Clanna Road. The farming activity on site has since ceased.

1.2 The site application site is a courtyard of attractive barns, two stories in height and finished throughout with Manx stone with portrait openings using many of the original sizes to offer variety and fitted out with timber framed windows and doors. The roof scape is pitch tiled with natural slate and some Velux windows. The building as a whole is currently used as tourist units and short terms residential lettings. Surrounding the site is a number of agricultural buildings, one dilapidated, with the nearest neighbouring residential dwelling is Ballahowin Mansion to the north of the buildings and would share a boundary with the site.

1.3 The agent notes the composition of the tourist buildings (subject to this application) is made up from; "There are 13 separate units from singlet bedroom to 3 bedroom, all having their own front door, kitchens, bathrooms and some en-suite bedrooms. One of the units is presently used as a reception area, again with its own toilers, kitchen, storage area and office space which is now no longer needed and this will become the 13th Residential units. Some units have the benefit of a garden. All units have full fire detections systems, all as approved by Building Control. Each unit has its own oil tank, bin provision and separate electrical system with its own meters together with mains water, each having its own stop tap".

1.4 The accommodation would be categorised as 3 x one bedroom units; 8 x two bedroom units; 2 x three bedroom units that would make up the 13 units of accommodation.

1.5 Parking for the units is currently available on site in approx. six different areas. In addition to this, it is proposed to demolish a dilapidated farm building to the rear (east). Within the footprint of this building would be the creation of additional 11 car parking spaces which would allow for a total of 28 parking spaces and 3 for disabled and 3 with EV charging points. Also proposed is the secure housing for 22 bicycles under cover.

1.6 Within the planning statement the agents notes this application is as a result of a deterioration in the owners' health since converting in 2006 and resulting in them being unable to manage the units and her husband's health has equally deteriorated. The agent refers to other examples of conversion of farm buildings to permanent accommodation and quotes; Ballachurry, Port Erin and Abbeylands Estate in Onchan.

2.0 THE PROPOSAL

2.1 Proposed is the change of the use of the existing building from tourist units to allow for permanent residential occupation. No alteration to the external appearances of the courtyard of barns is being proposed.

2.2 Part of the proposal would see the demolition of a metal framed agricultural building (to the east of the courtyard) that is now dilapidated to allow for parking of residents cars on site.

3.0 PLANNING POLICY

The application site is designated as "white land" or land not zoned for development on the Area Plan for the East. The farm buildings and surrounding buildings are shown on the plan.

The site is not within a conservation area, nor are there any registered building on site. There are no registered trees to be affected by the proposals and the site is not identified as being at flood risk on the DoI Flood risk maps.

3.1 The IoM Strategic Plan contain the following Planning policies that are considered pertinent in the assessment of this application;

- o General Policy 2 - General development considerations
- o General Policy 3b - conversion of redundant rural buildings
- o Housing Policy 4b - Exceptional circumstances -Conversion of redundant rural buildings
- o Housing Policy 5 - 25% affordable housing
- o Housing Policy 11 - conversion of rural buildings into dwellings
- o Environmental Policy 1 - protection of the countryside
- o Recreational Policy 3 - recreational and amenity space requirement

4.0 PLANNING HISTORY

4.1 The application site benefits from, the following decisions that are considered pertinent to this assessment;

4.2 00/02059/A - Approval in principle for conversion of farm buildings to tourist accommodation. Approved.

4.3 01/02224/B - Conversion of stone farm buildings to twelve tourist units. Approved with the following conditions;

1. The development hereby permitted shall commence before the expiration of four years from the date of this notice.

2. All windows and doors must be painted timber.

3. Prior to the occupation of the development, the car parking area must be completed in its entirety and retained for that purpose thereafter.

4. No development may commence until there has been approved by the Planning Authority a scheme of landscaping which includes indications of all existing trees and hedges within the site and details of any to be retained together with measures for their protection during the course of the development.

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. 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.

6. All windows to the northern elevation must be glazed in obscure glazing and retained in perpetuity.

7. All new roof-lights must be conservation grade, details of which to be submitted for consideration and approval by the Planning Authority PRIOR to the commencement of development.

8. The buildings may be occupied by bona fide tourists only with no period of occupancy exceeding 4 weeks between the period of Easter and October 31st in any year.

N. The Drainage Authority would advise that responsibility for the shared system will remain with the landowner. Any change of ownership and/or occupation and/or use of these buildings will NOT convert that drainage to a public system; as such septic tank drainage is defined as a private "cesspool" under section 28 (1) of the Local Government (Special Drainage Districts) Act 1952.

N. PRIOR to the commencement of any works the applicant is advised to consult the Chief Fire Officer to ensure that adequate fire precautions are taken.

4.4 06/02197/B - Conversion of blocks A & B from tourist to permanent accommodation, creation of a 15 vehicle car park and landscaping. REFUSED for the following reasons;

R1. Whilst Planning Circular 3/89 makes provision for the renovation and conversion of redundant buildings in the countryside, there is no evidence to suggest that the building is redundant for its most recently approved use (that is, tourist accommodation under the provisions of PA 01/2224). As such, the proposal fails to comply with the provisions of Planning Circular 3/89.

R2. Planning Circular 3/89 also requires that the use to which buildings which are to be considered suitable for renovation are to be put, must be compatible with other adjacent land uses. In this case the buildings are alongside existing residential property as well as agricultural buildings and activity and also tourist accommodation which is to be retained.

In the case of the adjacent residential accommodation, the introduction of permanent living accommodation is likely to result in an increase in traffic, concentration of the movement of this traffic to particular times of the day, the keeping of domestic pets and an increase in noise all of which could adversely affect the amenities of those living close to the site and coming and going to those properties.

In the case of the agricultural activities, the introduction of permanent living accommodation in such quantities in the midst of a farm yard together with the traffic associated with those units, are not likely to be compatible with a working farm or the proposed future educational facilities permitted under PA 04/2558.

Finally, in the case of the remaining tourist units, the proximity of permanent units is likely to result in diminution of the enjoyment of the holiday accommodation through the potential for early morning pedestrian and vehicular movement (residents going to work), and disturbance of those in the permanent accommodation through the likes of the possible later arrivals home of the holiday-makers, possibly in taxis.

R3. The creation of more substantial car parking facilities and the appearance of so many parked vehicles associated with the occupation of the permanent accommodation is not considered to be sympathetic to the existing barn complex whose conversion has largely retained the original character and appearance of the barns as rural buildings.

R4. The location of the proposed residential units is not one which would be generally considered as sustainable as the site is some distance from any village facilities or services and those living in each property would be reliant upon the private motor vehicle for such amenities. This is of particular concern as there is a valid permission for a use (tourist accommodation) for which a sustainable location is less important.

5.0 REPRESENTATIONS

5.1 Santon Commissioners (01/08/22) with no objection but add comment; "With regards to the provision of recreational and amenity space the Commissioners have no space which could be used to provide this. The Commissioners would expect this to be provided by the developer on site".

5.2 Highways Services (26.03.22) do not object subject to a condition that the works area carried out in accordance with drawings No.5.3.21

5.3 DoI Housing Estates (22/09/22) seeks a Commuted Sum, "...for this application which should equate to 3.25 affordable units".

5.4 DfE Visit IoM (14/11/22) commented while the loss is unfortunate and go further to advise they have no objection given the emerging proposals as noted below; "there is a healthy pipeline of new non-serviced accommodation units across the Island (approx. 46) anticipated to join the stock over the next three years. Of the anticipated new units, 38 are located in the same region as Ballahowin (southern region) which consists of a cluster of 30 glamping units and eight individual self-catering units".

6.0 ASSESSMENT

- o Principle
- o Loss of tourism
- o Affordable Housing Provision
- o Recreation and Amenity Space Provision
- o Visual Impact
- o Neighbouring Amenity
- o Highway safety

Principle

6.1 The starting point here is the land use designation, which identifies the site as in an area not zoned for development but the site has a previous consent for the conversion to tourist units and has operated successfully for a number of years since its fruition in 2006. There are no material alterations being proposed to the buildings and this application is solely a change of use. The application is now assessed against the Strategic Plan 2016, which contains different policies than the former assessment as part of the refusal of the 2006 application for PA-06/02197/B and there has been previous applications that have been approved for similar uses as noted by the applicants for conversion of the buildings to residential. However, these building were built for tourist use and now seek residential, so the material test is slightly different as discussed below.

6.2 The planning policies here (GP3b and HP4b) allow exceptions for development in the countryside and specifically for the conversion of rural buildings to dwellings and a sequential test to assess the proposal again in HP11. The common theme here is the test of redundancy, which in this case cannot be said to be redundant given the current tourist use. Whilst this strictly could be a reason for refusal, when assessed against the remaining aspects of HP11, the proposal would be deemed to satisfy that criteria and the integrity and appearance of the courtyard of barns would be retained.

6.3 In terms of practicality for the change in use from tourist to residential, the individual units are spacious enough to offer modern standards of living within each unit and parking available on site, that could operate independently of each other without having a detrimental impact upon either's living conditions. The outlook from each of the units would be either inward looking over the attractive courtyard or out from the site over rural landscapes. This aspect has been maximised as some of the units have an upside down aspect of living to

ensure the living rooms have a clear and pleasant outlook. On balance, and given the lack of general opposition to the proposal, whilst not strictly in accordance with HP11, the general principle of residential use would not be any different than the current use on site as a blend of tourist and residential as noted by the applicants.

Loss of tourism

6.4 In terms of potential loss of tourism provision in terms of bed spaces and variety of accommodation, the Strategic Plan falls silent on this issue as it mainly seeks to promote conversion of existing buildings subject to appropriate criteria and additional uses of private residential properties within Chapter 9 and the relevant Business Policies. The written statement for the Area Plan for the East mainly describes tourist accommodation to designated towns and either residential or mixed use areas and seeks to broadly encourage tourist uses that link to the Strategic Plan. In section 10.5 (page 92) it says; "The retention of existing tourist accommodation uses unless it can be demonstrated that such accommodation is no longer commercially viable". The majority of the tourist policies here mainly relate to alternative forms of accommodation for camping, glamping, bothies and bunk houses etc.

6.5 As such this proposal could be read as contrary to the general tourist provisions of the Strategic Plan and Dfe Visit IoM was contacted for comment (noted in para 5.4) to help understand this aspect of the economy on Island noting the provision of bed space in relation to this application and to strike a balance between the needs of tourism and the future use of such assets of accommodation and the contribution to the housing stock. The comments from Visit Iom Agency note the pending proposals in the pipeline and typical numbers but as they do not object to this proposal, the principle loss could be supported.

Affordable Housing

6.6 In terms of use of the site for tourism and residential and overall housing provision, whilst not strictly designated as residential on the Area Plan, if we are accepting the use of residential on site, and there are more than 8 dwellings, Housing Policy 5 would be appropriate and would seek 25% affordable housing or in lieu of this a commuted sum. In this instance the DoI Estates have confirmed they would require a commuted sum in lieu of affordable housing for the equivalent of 3.25 affordable units and conclude; "The estimated Commuted Sum contribution will be calculated by the Department based upon an average selling price per square metre for comparable dwellings as compared to the selling price for an affordable 2B dwelling." The applicant confirmed by email dated 22/09/22 to proceed on this basis.

Recreation and Amenity Space Provision

6.7 As the proposal proposes more than ten dwellings Recreation policy 3 seeks that provision is made for Recreational & amenity space on or off site. In this instance and noting the comments from Santon Commissioners, as the space could not be provided on site for the benefit of the public, a commuted sum would be required as part of the Section 13 agreement with the applicant. In accordance with Appendix 6 of the Strategic Plan this would equate to a provision or sum equivalent to 848sqm based on table 1 (A.6.4.2) proposed by this development.

Visual Impact

6.8 With regard to the main courtyard barn, there would not be any material alterations to the building or its appearance, as such the character and appearance would be retained as a part of the agricultural history of the built environment. The removal of the dilapidated farm buildings would allow for a more open site to the East and allow for an increase in the number of parking spaces to ensure the site is not over crowded. As part of any approval it

would be pertinent to suspend Permitted Development rights to ensure the character of the building and the surrounding area is not altered to its detriment.

Neighbouring Amenity

6.9 In considering the proposal, there is little discernible difference between the use as residential and that of tourism. Furthermore it is not considered the existing use as tourist / residential use would be any different than that is used solely for residential. In this case it is not considered there to be any adverse impact on the neighbouring residential amenity in terms of use, and as such, this aspect complies with General Policy 2(g).

Highway Safety

6.10 Highway Services have considered the merits of the application from a highway safety aspect and do not object, in this instance. Having considered the highways safety aspect and the use of the existing entrance in a safe and appropriate manner with parking and manoeuvring within the site, it would not be considered to have any adverse impact on the existing highway or upon those users entering and exiting the site. As such the proposal would be considered to align with the principles of GP2(h&i).

7.0 CONCLUSION

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

8.0 S.13 REQUIREMENTS (Add IF required - and renumber subsequent sections)

8.1 It is recommended that Planning Committee approve the application subject to a S.13 Legal Agreement containing the following (and that if the S.13 agreement is not completed within 6 months of the date of this Committee, that it be brought back before the Committee for reconsideration):

- commuted sum in lieu of affordable housing for the equivalent of 3.25 affordable units; and
- commuted sum in lieu of play space/amenity for the equivalent of 848sqm based on table 1 (A.6.4.2).

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

Item 5.4

Proposal : **Erection of two storey extension to side elevation**
Site Address : **11 Abbots Close**
 Ballasalla
 Isle Of Man
 IM9 3EA
Applicant : **Mr Jonathon Slack**
Application No. : **22/01067/B- click to view**
Senior Planning **Mr Jason Singleton**
Officer :

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

The proposed application would comply with General Policy 2 of the Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF A PRINCIPAL PLANNING OFFICER

1.0 THE SITE

1.1 The application site is the residential curtilage of an existing dwelling No.11 Abbots Close, Ballasalla that is a two storey semi-detached dwelling to the north of the highway situated within a small cul-de-sac which forms part of a larger residential estate. The nearest neighbour is to the south who share a boundary is No.12 Abbots Close.

2.0 THE PROPOSAL

2.1 Proposed is a two storey side extension to the eastern gable elevation, the built forms would be finished to match the dwelling with painted render and concrete tiles. The extension would be a wedge shape following the boundary line which is narrow at the front and wider at the rear measuring approx. 1m at the front and extending at 45deg to the rear where it would have a width across the rear elevation of approx. 4.5m

2.2 The proposed extension would offer a living room on the ground floor and two further bedrooms to the first floor.

3.0 PLANNING POLICY

3.1 The application site is within an area zoned as "Residential" on the Area Plan for the South 2013. The site is not within a conservation area or identified as being at flood risk, nor are there any registered trees affected by the proposal.

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

Strategic Policy

5 Design and visual impact

General Policy

2 General Development Considerations (in part b,c,g)

3.3 The Strategic Plan also states at para: 8.12.1

"Extensions to Dwellings in built up areas or sites designated for residential use

As a general policy, in built up areas not controlled by Conservation Area or Registered Building policies, there will be a general presumption in favour of extensions to existing property where such extensions would not have an adverse impact on either adjacent property or the surrounding area in general".

3.4 Residential Design Guide (2021)

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

4.0 PLANNING HISTORY

4.1 17/00274/B - Replacement of existing conservatory polycarbonate roof with tiled roof. Approved.

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

5.1 Malew Commissioners (05/10/22) no objection.

5.2 Highways Services (05.10.22) no objection

6.0 ASSESSMENT

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

(i) Principle

(ii) Design

(iii) Visual Impact

(iv) Neighbours impact

Principle

6.2 The principle of a extending at the side at two storeys high can be an acceptable form of development for increasing the floor area for a residential dwelling and would utilise an unused area at the side whilst leaving the rear amenity space untouched and would accord with the land use designation.

Design

6.3 The design of the proposed side extension would be introducing a built form where presently there is none. When compared to the existing dwelling, the ridge line is lower than

the existing and the front is set back into the site to reduce its impact. In terms of size and height and the general level of fenestration all help to ensure the proposal remains subservient in general. These design attributes all help to keep the massing proportionate to the front and rear elevation and designed to serve that specific purpose for extending habitable accommodation.

Visual Impact

6.4 In terms of visual impact, the proposal is located to the side of the dwelling and it is noted that from the front (highway) there would be limited public views of the massing towards the rear elevation given the setting in its own curtilage and orientation to the highway and the wedge shape of the extension. When finished to match the house would ensure the built form is in keeping with the character and appearance of the dwelling. Any views of this extension would be read within the existing residential context of the property and surrounding street scene. These aspects of development are deemed to be an acceptable form of development that complies with those sections of General Policy 2(b) & (c) and the RDG 2021.

Neighbours Impact

6.5 With regard to any neighbouring impact, In terms of the nearest neighbouring dwelling and any adverse impact, it is pertinent to assess this against the dwelling to the east (who share a boundary) "No.12". Having assessed the level of proposed development and noting the topography and boundary details and general orientation, it is consider the proposed level of built form in terms of extensions and fenestration placement at ground floor level and to the first floor to the property are not considered to offer any overlooking over and above the current levels of mutual inter-visibility that would lead to a loss of privacy. When considering whether there would be any loss of light or overshadowing from the built form of the extension, given the orientation of the two properties, almost at45degs to each other, it would not be considered to have an overbearing effect.

6.6 The level and scale of the extensions are alterations to the dwelling house are considered to be relatively modest in the overall scheme when compared to the size of the property within its own curtilage and not judged to cause harm to the enjoyment of the occupants of the main dwelling house or considered to harm the neighbouring amenity.

6.7 In terms of neighbouring impact, the local authority do not object and it is further noted we have not received any objections or comments from the adjoining neighbours. On balance, these aspects would be considered to be compliant with those sections of General Policy 2(g).

7.0 CONCLUSION

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

8.0 INTERESTED PERSON STATUS

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

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

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

8.2 The decision maker must determine:

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

Item 5.5

Proposal : Proposed alterations and extensions to provide additional living and garage accommodation, (re-submission to P.A. No-22/00640/B)

Site Address : 28 Belgravia Road
Onchan
Isle Of Man
IM3 1HH

Applicant : Mr & Mrs Joe Kelly

Application No. : 22/01269/B- click to view

Head of Development Management : Miss Jennifer Chance

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The access and driveway, hardstanding arrangements must be carried out in accordance with Drawing No: 22 1630 03 Rev B.

Reason: In the interests of highway safety.

C 3. No development shall take place, nor any demolition, site clearance, preparatory work unless a tree protection scheme and the appropriate working methods (an arboricultural method statement) have been submitted to and approved in writing by the Department. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include but is not limited to;

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

- g) Details of any proposed arboricultural site supervision.
- h) Details of a pruning schedule (including consent from the tree owners where required)

All documents should be prepared in accordance with British Standards BS3998:2010 Tree work - Recommendations and BS5837:2012 (Trees in relation to Design, Demolition and Construction -Recommendations) unless superseded.

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.

In the event that trees become damaged or otherwise defective during such period, the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that a tree dies or is wilfully removed without prior consent it shall be replaced as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Department

Reason: required prior to commencement to ensure that all trees to be retained are adequately protected from damage to health and stability throughout the construction period to protect and enhance the appearance and character of the site and locality

C 4.

Development must be carried out in accordance with the approved external materials as shown on the approved plans, unless further details are submitted to and agreed by the Planning Authority.

Reason: In the interests of visual amenity

Reason for approval:

While the proposal will introduce alterations and extensions to a property that are not of the same style as the existing property or its surrounding neighbours, taking into account the size and location of the plot and wider character of the street scene, it is not considered that it would be so discordant as to warrant a refusal and as such would comply with General Policy 2 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS TO BE DETERMINED BY PLANNING COMMITTEE AT THE REQUEST OF THE DIRECTOR OF PLANNING AND BUILDING CONTROL

1.0 THE SITE

1.1 The site is a two-storey detached property located on the east of Belgravia Road. The site is surrounded on all sides by other residential properties with the exception of its

northern boundary. To the north are tennis courts and separating the property and the courts is a row of registered trees.

1.2 The existing dwelling is two storey property with a hipped front gable, set in a relatively spacious plot. On the northern side of the house is a flat roof garage that extends to the boundary of the plot.

2.0 THE PROPOSAL

2.1 Proposed is the erection of a first-floor extension above the garage and the increase in roof height of both the front gable and main dwelling to make a three storey dwelling. The proposal includes a single storey extension to the front of the property.

2.2 The proposal also includes the widening of the existing driveway and the relocation of the existing pedestrian entrance.

3.0 PLANNING HISTORY

3.1 Planning approval was sought for a similar proposal earlier this year 22/00640/B which was refused in error in advance of the report being updated to take account of the withdrawal of the concerns in relation to impact on trees and to take into account concerns relating to the design of the proposal and its impact on the street scene. An appeal against the refusal of the application is in abeyance pending the outcome of this application.

4.0 PLANNING POLICY

4.1 The site is within an area designated as Predominantly Residential in the Area Plan for the East.

4.2 North of the site are four registered trees (RT0939, RT0940, RT0941, and RT0942).

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered materially relevant to the assessment of this current planning application:

- o Strategic Policy 3 and 5
- o General Policy 2 (b), (c), (f), (g), (m), (n)
- o Paragraph 8.12.1
- o Environment Policy 42
- o Community Policy 7, 10
- o Infrastructure Policy 5

PPS and NPD

4.4 No Planning Policy Statement or National Policy Directive is applicable to this application.

5.0 OTHER MATERIAL CONSIDERATIONS

5.1 The Residential Design Guide (July 2021) contains relevant guidance specifically:

- o section 4.5 Front Extension
- o section 4.7 Flat Roof Extension
- o Chapter 5 Architectural details
- o Chapter 6 The Wider Site
- o Chapter 7 Impacts on Neighbouring Amenities

6.0 REPRESENTATIONS

6.1 Onchan District Commissioners has no objection to this application (02.11.2022).

6.2 Highway Services does not object to this application subject to the proposal being carried out in accordance with the approved plans and a condition relating to surface water drainage being included (25.10.22). From the correspondence it appears that the drainage relates to those works taking place in the highway and as such no condition is proposed in relation to this.

6.3 DEFA Forestry (9.11.22) No objections, however strongly recommend that approval is subject to a condition which secures a full arboricultural method statement prior to commencement. The method statement should include details of: Pruning schedule (including consent from the tree owners). Tree protection measures for both the demolition and construction stage of the development.

7.0 ASSESSMENT

7.1 The key considerations of this application are:

Design of the proposal and its impact on character of the street scene;

Impact on amenities of neighbours; and

Impact on registered trees.

Design of the proposal and its impact on the character of the street scene.

7.2 The proposal extensions would result in a dwelling much larger than is existing. The current dwelling appears to date from about the 1930s and the proposed dwelling would be modern, with an overhanging front flat roof. Concerns raised previously (albeit after decision issued) related to the increase in size of the property, particularly the height and mass of the front gable - which would be prominent in the street scene. Also that the extensions do not relate well to the existing property - being of a different architectural language, a lack of detailing (e.g. windows), the introduction of different materials to others in the street, a rather awkward roof line (hipped to the rear and gable at the front) that would be apparent from the tennis courts to the north and concerns regarding the flat roof at the front of the building.

7.3 Following a further site visit it was noted that Belgravia Road does have a mix of architectural styles, ranging from Victorian at its seaward end and then reflecting later build styles as the street nears the park. The application site is the last dwelling on the eastern side and the current property sits comfortably with its neighbours clearly having been built at a similar architectural period. Other properties have undergone alterations, some less successful than others, but this does mean that the amendments to the property would not stand out as notably conspicuous - albeit they would be apparent. It was felt that one of the reasons the alterations and extensions to the property might make it look out of place was the proposed use of materials being stone in an otherwise rendered part of the street. This later application has replaced the stone with render on the front gable, and that which remains is at single storey, and would not be readily seen being behind the garden bush.

7.4 The proposal has clearly divided opinion in respect of how it meets the residential design guide, fits in the street scene and relates to the open space to the north. It is felt that given the position of the building within the plot that it sits a little back from the pavement, the landscaping that surrounds it, and the character of the street scene, that the proposal is acceptable.

Neighbouring Amenities

7.5 The proposals would not result in any undue overshadowing of its neighbours and despite its increase in height would not be overbearing given the distance between properties.

7.6 The new vantage points on the front elevation are looking at the road. Therefore, it is considered that there is no concern for additional overlooking.

Trees

7.7 There are a number of registered trees that sit directly to the north of the site. Following initial concerns a site visit was held and the arboriculture officers in DEFA are satisfied with the proposal subject to a condition regarding a method statement being approved prior to construction.

8.0 CONCLUSION

8.1 The proposal will introduce alterations and extensions to a property that are not of the same style as the existing property or its surrounding neighbours. However, given the size and location of the plot and wider character of the street scene, it is not considered that it would be so discordant as to warrant a refusal and as such would comply with General Policy 2 of the Strategic Plan.

9.0 INTEREST PERSON STATUS

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

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

9.2 The decision-maker must determine:

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

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 21st November 2022

Item 5.6

Proposal : Approval in Principle application for proposed residential development

Site Address : Fields 333135, Part 334998, 334999 And Part 335000
Land Opposite
Springfield Terrace
Foxdale
Isle Of Man

Applicant : Yorkfields Limited

Application No. : 22/01134/A- [click to view](#)

Planning Officer : Mr Toby Cowell

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, means of access, 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 measurers to support bio-diversity net gain.
- (h) provide sustainable drainage systems.
- (i) provide an Preliminary Ecological Appraisal

Reason: in the interests of property planning and the character of the area

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

- i. Access and connection arrangements to the public road(s)
- ii. Streets, including any paths and turning areas
- iii. Visibility Splays
- iv. Parking provision in accordance with the adopted standards and criteria
- v. Waste bin storage in accordance with local authority standards
- vi. Surface water drainage scheme
- vii. Transport assessment
- viii. Accessibility audit
- ix. Stage 1 Road Safety Audit and Designer's Response
- x. Swept path analysis (waste collection vehicle).

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.

N 1. The decision to grant planning approval, subject to a Section 13 agreement, was made by Planning Committee on the 21 November 2022. The issue of the decision notice has been triggered by the Section 13 agreement having been concluded. The 21 days for appeal (for those with Interested Person Status) runs from the date of the decision notice.

Reason for approval:

The proposals conform to the site's present land use zoning in accordance with the Foxdale Local Plan 1999, and therefore the redevelopment of the site for residential purposes is considered to be acceptable in principle, in further compliance with General Policy 2 of the Strategic Plan (2016). All matters are reserved at this stage and will be subject to a future reserved matters application.

Interested Person Status – Additional Persons

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

Fuchsia House, 6 Springfield Terrace, Foxdale

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

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE APPROVAL IS SUBJECT TO A LEGAL AGREEMENT IN RESPECT OF THE AFFORDABLE HOUSING AND DUE TO THE OBJECTIONS TO THE APPLICATION INCLUDING THAT FROM THE LOCAL AUTHORITY

1.0 THE SITE

1.1 The application site relates a parcel of land situated on the southern side of the A24 road within the village of Foxdale, comprising the entirety of Field 333135, and portions of Fields 334999 and 335000. The site is presently undeveloped and slopes upward from north to south, extending to an area of approximately 5 acres (1.98ha).

1.2 The site has a frontage to the A24 of around 176m. On the northern side of the road from most of this frontage are residential properties; 1 - 9 Springfield Terrace, some semi-detached and mostly detached dwellings. To the west of Springfield Terrace is a newly developed estate of 31 dwellings known as Springfield Rise - a development amounting to approximately 9 dwellings per acre. Kiondhooag, a detached dwelling with associated stabling lies to the south west.

1.3 To the east of the site is a small cleared area used as a car park for the property opposite, with the area further the east having been recently reclaimed as open space, in conjunction with the reclamation of further land to the north east which is now a residential property, Louisa House. The site lies within an area which was formerly mined, with the 1868 County Series maps demonstrating the extensive degree of works which took place in the area at this time.

2.0 THE PROPOSAL

2.1 Approval in principle is sought for the redevelopment of the site for residential purposes, with all matters having been reserved. No information has been provided on the exact or estimated number of units at this stage.

3.0 PLANNING HISTORY

3.1 The site benefits from a fairly extensive planning history, which includes the redevelopment of the site to provide a residential estate. Following a withdrawn application in 2008 and a refused application in 2013, approval in principle was granted in 2014 for the redevelopment of the site (PA 14/00295/A). Condition 2 of this permission, which required that the application for reserved matters be submitted within 2 years, was varied in 2016 to extend the period by a further 2 years (PA 16/00751/B). This permission was granted in September 2016, with no subsequent reserved matters application having been submitted, and has therefore lapsed.

4.0 PLANNING POLICY

4.1 The application site is identified on the Foxdale Local Plan 1999 as land zoned for residential development. The site is not within a Conservation Area or within a Flood Risk Zone.

4.2 The site is identified as forming part of Development Area 3 in the Foxdale Local Plan, with the written statement advising that the site may be developed provided it would be in accordance with the stipulated 'development brief'. Much of the brief refers to detail which could be resolved as part of a future reserved matters application, but does make reference that any such development must be accompanied by proposals for the restoration of the adjacent Louisa Mine site.

4.3 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
- 10 Sustainable transport
- 11 Housing needs

Spatial Policy

- 3 Development in Service Villages

General Policy

- 2 General Development Considerations
- 4 Section 13 Legal Agreements

Environment Policy

- 4 Protection of species and habitats
 - 42 Designed to respect the character and identity of the locality

Housing Policy

- 1 Housing needs
- 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

Transport Policy

- 1 Proximity to existing public transportation services
- 2 Layouts to link to existing systems
- 4 Highway Safety
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions

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

4.4 Residential Design Guide (2021)

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

4.5 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)

4.6 Draft Area Plan for the North and West

4.6.1 A draft written statement was produced for publication in June 2022 following preliminary publicity throughout 2021. The draft plan went out for consultation on 24th June 2022, which included a number of drop-in centres throughout July, and finally closed on 16th September 2022.

4.6.2 The status of Foxdale as a service village is maintained in accordance with Spatial Policy 3, which advises within Table 5 that the Area Plan will define the development boundaries of such Villages so as to maintain and where appropriate increase employment opportunities. Housing should be provided to meet local needs and in appropriate cases to broaden the choice of location of housing.

4.6.3 The draft plan advises at 8.12 that all land within Foxdale is fully utilised and options for infill development are limited, although given vacant property rates across the Parish of Patrick stand at 13%, this would suggest there is scope to bring vacant properties back into use.

4.6.4 At 14.8.1, it is stated that the Residential Proposal Sites, along with existing supply and projected housing numbers via conversions, can provide for 1515 additional dwellings being delivered in the North and West, between 2011 and 2026. At 14.8.1, there is further recognition that other settlements may have potential for new development in the future subject to evidenced housing land needs, review of the Island's Spatial Strategy and proper master planning in some cases. In the case of Foxdale, there is considered to be a long term requirement for proper master planning to address opportunities and constraints including how to deal with the area's mining legacy/contamination issues.

4.6.5 The site is question, as shown on Map 12, no longer falls within the proposed settlement boundary for Foxdale and is therefore not zoned for development. The site assessment conducted by the Planning Policy team chose to not recommend the site be allocated for residential purposes for the time being. The principle reasoning behind the site's exclusion stems from the understanding that better sites with fewer constraints exist which could contribute towards the required housing need.

4.6.6 Likewise, the assessment notes that the site has been allocated for in excess of 20 years for residential purposes but has not been brought forward despite multiple applications, and is therefore suggestive that the site is not deliverable within the Plan period. It was also assumed that the potential contamination of the site, together with the site's close proximity to the Louisa Mine shafts, may have impacted the development viability of the applications which previously came forward.

4.6.7 Notwithstanding the above however, the above Plan is still in draft form and therefore subject to further amendments, has not been through a Public Inquiry or submitted to Tynwald for approval. Consequently, it is considered that only very limited material weight can be attached to this document, which at present does not form part of the adopted Development Plan for the Island.

5.0 REPRESENTATIONS

5.1 Patrick Parish Commissioners - resolved to oppose the application. The land is not zoned for residential development in the draft Area Plan for the North and West, with the application an attempt to circumvent the consultation process. The site has been subject to previous applications, with no forthcoming reserved matters application which has now expired. It is clear therefore there is no need for a large development in this area. The village lacks the infrastructure for further development with concerns in particular about surface water run-off.

5.2 Highways Services do not object, subject to standard approval in principle condition requiring fill highways details as part of future Reserved Matters application (14.10.22)

5.3 Public Estates and Housing Division - Request applicant enter into a Section 13 agreement to secure 25% affordable housing.

5.4 DEFA Biodiversity - Section 2.8 of the Planning Statement is incorrect where it states that no Environmental Constraints have been identified for the site, when in fact an area of marshy grassland, mapped as an Area of Ecological Interest in the draft North West Development Plan, is present in the north west of the site. Request that a Preliminary Ecological Appraisal is undertaken and submitted for approval prior to determination of this application.

5.5 Manx National Heritage - Request that opportunities for planting be incorporated into the scheme in line with Environment Policy 1 of the Strategic Plan (2016).

5.6 One letters of representation has been received making the following comments:

"This site has been zoned for residential development since 1999 and the UK owner has failed to develop the site during this extensive time. The owner did seek and gain planning permission for residential development which has now expired. On gaining approval the owner made no effort to develop the site but simply put the site up for sale, the site has failed to sell during the last 4 years.

I would suggest the owner is only now seeking planning approval in principle, because the new North/West plan currently re-designates the site as open space, in an attempt to influence the re-designation. I did also submit my view in support of the new North/West plan re designation as open space of this site in response to the public construction exercise. The owner in my view has no intention of developing the site and if approval in principle was given would simply attempt again to sell the site. The real reason the owner wants planning approval is for monetary gain given the sites re designation would reduce the sites value.

The owner has had over 23 years to develop the site and failed to do so. The failure to sell the site to another developer also provides evidence that the site is not viable for development nor I would suggest that there is demand for such housing in the village of Foxdale. My view is that a decision on this application should be delayed until such time as the new North/West plan has been approved so that such a decision is based on the new plan, rather than the 1999 plan which is not based on the current situation, then the decision can be made based on the new designation whether it is residential or open space. I feel that the UK owner is attempting to circumvent the new plan prior to its approval in an 11th hour manoeuvre to seek planning permission in principle. I would be most grateful if consideration could be given to refusing this application or delaying until the new plan is agreed."

6.0 ASSESSMENT

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

- Principle (STP1, SP3, HP1,2&4, STP11)
- Residential compatibility (GP2, STP5, EP42, CP7&11)
- Highway Safety (STP10, GP2h&i, TP1-7, CP10)
- Legal Agreements (GP4, HP5, RP3&4)
- Others matters (EP4)

6.2 PRINCIPLE

6.2.1 The site falls within the defined settlement boundary and an area zoned as 'predominantly residential' within the accompanying map of the Foxdale Local Plan 1999. General Policy 2 of the Strategic Plan (2016) states that; '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', subject to various provisions.

6.2.2 The accompanying 'development brief' for Area 3 of the Foxdale Local Plan, of which the site relates to, highlights various stipulations which would typically be covered by more up to date policies of the Strategic Plan, and could in any case be resolved as part of a future reserved matters application; i.e. design, residential amenity, landscaping, highways/parking considerations. The exception to this is the requirement for any such proposals for the site's redevelopment to be accompanied by proposals to remediate and restore the adjacent Louisa Mine site.

6.2.3 In this regard, it is evident that such works have already been granted permission and undertaken in accordance with previous permissions as referenced in the planning history section of this report. Consequently, this particular aspect of the 'development brief' no longer applies, and in any case General Policy 2 of the Strategic Plan does not place any such restrictions on the development of land for residential purposes within settlement boundary/land zoned as 'predominantly residential'.

6.2.4 Whilst it is noted that the development would conflict with the land use zoning of the draft Area Plan for the North and West, as further highlighted by Patrick Commissioners and an additional representation, it is important to underline the infancy of the draft Area Plan which carries only very limited weight in the determination of planning applications at this present time. The draft Area Plan is still subject to potential revisions following the most recent public consultation, and in any case does not currently form part of the adopted Development Plan for the Island. Development is therefore required to be undertaken in accordance with the presently adopted Development Plan, which in this instance consists of the Foxdale Local Plan and the Strategic Plan, of which the proposals are considered to be in conformity with.

6.3 RESIDENTIAL COMPATIBILITY

6.3.1 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, particularly Kiondhooag (south-west) and those within Springfield Terrace (north). Strong boundary treatment will be encouraged 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 application could be designed to be in accordance with the Residential Design Guide 2021 and General Policy 2 (a-n).

6.4 HIGHWAY SAFETY

6.4.1 No objections have been raised by Highways Services over the proposals, subject to the standard approval in principle condition requiring full details in relation to the following accompanying a future reserved matters application:

- i. Access and connection arrangements to the public road(s)
- ii. Streets, including any paths and turning areas
- iii. Visibility Splays
- iv. Parking provision in accordance with the adopted standards and criteria
- v. Waste bin storage in accordance with local authority standards
- vi. Surface water drainage scheme

- vii. Transport assessment
- viii. Accessibility audit
- ix. Stage 1 Road Safety Audit and Designer's Response
- x. Swept path analysis (waste collection vehicle).

6.5 LEGAL AGREEMENTS

6.5.1 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.

6.6 OTHER MATTERS

6.6.1 The requirement for the submission of a preliminary ecological appraisal by the Ecosystems Policy Officer is noted. However, given the nature of the application for approval in principle with all other matters reserved, it is considered that such information could reasonably be controlled by condition and provided as part of a future reserved matters application, particularly as the site is considered suitable for residential development in planning policy terms.

7.0 CONCLUSION

7.1 The proposals conform to the site's present land use zoning in accordance with the Foxdale Local Plan 1999, and therefore the redevelopment of the site for residential purposes is considered to be acceptable in principle, in further compliance with General Policy 2 of the Strategic Plan (2016). All matters are reserved at this stage and will be subject to a future reserved matters application. The application is therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 21st November 2022

Item 5.7

Proposal : 2 storey extension to front elevation with internal alterations and minor landscaping works

Site Address : Braywood
51 Howe Road
Onchan
Isle Of Man
IM3 2AZ

Applicant : Mr D Pricor

Application No. : 22/00517/B- click to view

Planning Officer : Mr Peiran Shen

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. The two storey element is considered to increase the mass of the existing dwelling, which would project forward of the existing property and given its more contemporary design would fail to respect the site and its surroundings and adversely the character of the existing street scene contrary to General Policy 2 (b), (c) & (g) of the IOM Strategic Plan and the Residential Design Guide July 2021.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The site is the residential curtilage of 51 Howe Road, Onchan, a single-storey detached dwelling located on the north and close to the east end of Howe Road.

1.2 The house consists of a single-storey pitched-roof main dwelling, a single-storey pitched-roof rear extension, a single-storey flat-roof garage on the north elevation and a single-storey flat-roof extension and a single-storey pyramid-roof extension on the south elevation. There is also an elevated narrow front terrace with stairs.

1.3 The house sits on a slope and has an elevated base. It is set back from the road with a spacious front garden and a driveway.

1.4 The south side of Howe Road are single-storey bungalows, with ground levels below the road elevation. On the north side are also single-storey bungalows. Some have features such as light-colour stone cladding, railings with classic elements and palm trees.

2.0 THE PROPOSAL

2.1 The proposal is the erection of a two-storey pitched-roof front extension. The extension will have a contemporary glazed front. On the front elevation of the extension, part of the roof pitch is extended further towards the road to create an entrance hall. There is also a Juliet balcony on the front elevation.

2.2 The application was sent to the planning committee on the 22nd August 2022 but was deferred at the request of the applicant and the agent. Since then an amendment has been submitted with some reduction on the projection of the extension.

3.0 PLANNING HISTORY

3.1 There is no previous application considered materially relevant to this application.

4.0 PLANNING POLICY

Site Specific

4.1 The site is within an area designated as "Predominantly Residential" use in the Area Plan for the East 2020.

Strategic Policy

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

Principle of Developments

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

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

Visual Design

4.4 Strategic Policy 3 and Environment Policy 42 focus on the visual design of developments, they state that the design should take account of the local materials, character and identity of its immediate locality, in terms of buildings and landscape features.

4.5 Paragraph 8.12.1 states: "As a general policy, in built up areas not controlled by Conservation Area or Registered Building policies, there will be a general presumption in favour of extensions to existing property where such extensions would not have an adverse impact on either adjacent property or the surrounding area in general."

Environment

4.6 Strategic Policy 5 states:

"New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island."

Parking

4.7 Transport Policy 7 states:

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

4.8 Appendix 7.6 states that for typical residential development, there should be 2 spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling.

Others

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

4.10 Infrastructure Policy 5 states:

"Development proposals should incorporate methods for water conservation and management measures to conserve the Island's water resources."

PPS and NPD

4.11 There is no relevant Planning Policy Statement or National Policy Directive applicable to this application.

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 The Residential Design Guide (July 2021) provides guidance on the design of new houses and extensions to an existing property, as well as how to assess the impact of such development on the living conditions of those in adjacent residential property. Therefore, it is considered that the guide is materially relevant to this application.

5.2 RDG 4.5 Front Extension sets out key considerations for front elevation extensions. It considers an extension to the front of a property can have the greatest impact on the individual dwelling and/or the street scene. There may be limited circumstances when a front extension is appropriate, for example where the street has an irregular building line or pattern. It also states that any extension should normally appear as if it were designed with the original building and not look out of place in the street. A porch extension is perhaps the most common form of an extension to the front elevation of a dwelling. Whilst porches are relatively small in size, careful consideration still needs to be given.

5.3 RDG 4.8 Extension to Side Elevations sets out key considerations for side elevation extension. These include the potential visual appearance of the extension within the street scene and of the individual dwelling as well as the impact on the amenities of those in neighbouring properties. These impacts can be regulated by designing with the right location, size, and architectural style. The section also specifically mentions that detached/semi-detached dwellings should avoid a terraced appearance due to two extensions being placed too close to each other.

5.4 RDG 4.11 Roof Terraces, Balconies, Decking and Patios sets out some key considerations. It states that for terraced and semi-detached properties, it is unlikely to be acceptable; and for detached properties, it has to be carefully designed to avoid unreasonable overlooking of neighbouring properties (including gardens). Large separation distances and strategically placed screens may help avoid overlooking but may also cause loss of light or be overbearing to the neighbours. It may also have a visual impact on the street scene and the individual dwelling.

5.5 RDG Chapter 5 sets out key considerations regarding architectural details. These include window details and external finishing. The general idea is that development should fit in with the street scene and the building itself.

5.6 RDG Chapter 7 sets out key considerations regarding the impact on neighbouring properties. These include the potential loss of light/overshadowing, overbearing impact upon outlook and overlooking resulting in a loss of privacy.

6.0 REPRESENTATIONS

6.1 Onchan District Commissioners has no objection to this application (02.11.2022).

6.2 Highway Services does not oppose this application (09.11.2022). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking. The Applicant is to note that no gravel must be within 5m of the highway.

7.0 ASSESSMENT

7.1 The key considerations in the determination of the application are its impact on the house itself, on the character and street scene of the area and on the amenities of the neighbours. The assessment is completed based on the latest amendment submitted.

Design of the House Itself

7.2 On the one hand, the proposal is utilising the level changes of the site. In the process, it will shift the visual focus of the dwelling to the new extension. Both of these by themselves could be considered to have at least a neutral impact on the design of the house.

7.3 On the other hand, the mass of the front extension can be considered disproportionately large compared to the existing main dwelling. The front elevation of the extension has a contemporary nature, the contrast between the extension and the existing flat-roof garage is too vast and would highlight the design flaws of the garage. In the meantime, while there are already three types of roofs (pitched, flat and pyramid), the proposal would further complicate the existing roofscape. These can all be considered to have a negative impact on the character of the house.

Character and Street Scene

7.4 The proposal brings the property closer to the road. Since the new frontage will sit at a similar distance from the highway compared to that of neighbouring properties. The reduction in setbacks against the highway alone is not considered to have a negative impact on the character of the area.

7.5 However, when compared to all properties that have a protruding front extension element, the proposed extension is wider, taller and projects further from the main dwelling than the ones on other dwellings along the road.

7.6 In the meantime, there is no full two-storey front extension along the road beside the two properties at the east end of Howe Road. Both of these properties have site levels that

raise from the roadside as well as the west side, while the application site only mainly has a level rise from the roadside.

7.7 As mentioned in 7.2 and 7.3, the mass would result in a shifted focus on the extension. Therefore, it is considered that a combination of 7.5 to 7.7 would make the extension stand out from its surroundings.

7.8 As also mentioned in 7.2 and 7.3, the new extension is contemporary, which would contrast poorly with the existing flat-roof garage. In addition, the contemporary element would also stand out from the modern bungalow design and the existing exotic elements along the road. Therefore, it is considered that the introduction of these new elements would result in confusion rather than improvement of the character of the area. Considering the extension would stand out from its surroundings as stated in 7.7, the front extension is considered to have a negative impact on the character of the area.

Neighbouring Amenities

7.9 As a front extension, the proposal still passes the "45 Degree Approach" when assessed against the frontage of neighbouring properties. Therefore, there is no concern for overshadowing or overbearing.

7.10 The proposal, after revision, would not reduce the distance between the frontage of the house and the rear garden of No. 62 to less than 20m. Therefore, it is considered that there is no additional overlooking impact on No. 62.

Planning Balance Assessment

7.11 The focus of the assessment is the contemporary design of the extension. While the design has elements that are even worth applauding in an isolated setting, it is not considered that these elements would be sufficient enough to outweigh the negative impact on the area created by the contrast between contemporary and existing elements both against other parts of the dwelling and against other dwellings on the same road. Therefore, it is considered that there is a generally negative impact on the area from the proposal.

8.0 CONCLUSION

8.1 The mass and contemporary elements of the design would contrast the existing design flaws and negatively impact the character and streetscene of the area.

8.2 The proposal is considered to fail to comply with General Policy 2 of the Strategic Plan and the Residential Design Guide July 2021. Therefore, it is recommended for a refusal.

9.0 INTEREST PERSON STATUS

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

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

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

PLANNING AUTHORITY AGENDA FOR 21st November 2022

Item 5.8

Proposal : **Erection of two storey dwelling and creation of vehicular access and hardstanding.**

Site Address : **Sulby Shop
Gara Aalin
Main Road
Sulby
Isle Of Man
IM7 2HR**

Applicant : **Mr John Messham**

Application No. : **22/00724/B- [click to view](#)**

Planning Officer : **Mrs Vanessa Porter**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. 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. No development shall commence until a schedule of materials and finishes and samples of the stone cladding 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 4. The only model of the Air Source Heat Pump that can be installed is the HPA-0 05.1 CS Premium.

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

C 5. The Air Source Heat Pump must be installed according to the plans and supporting information and must be maintained as such thereafter.

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

C 6. Prior to occupation, the cladding as approved within Condition 3 of this approval must be installed and retained as such thereafter.

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

C 7. Prior to occupation the visibility splay as identified on Drawing No.01-07 B shall be constructed in accordance with the approved plans and thereafter kept permanently clear of any obstruction exceeding 1m in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 8. The development hereby approved shall not be occupied 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.

N 1. No consideration has been given to the loss of trees on site, as no information has been received regarding this.

Reason for approval:

The proposal is considered appropriate on this site for the reasons indicated within the report. The proposal would not have any significant impacts upon public or neighbouring amenity and highway safety. Accordingly complies with the relevant Strategic Policies and is recommended that the application be approved.

Interested Person Status – Additional Persons

None

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 which is situated to the South East of Sulby Shop which is situated to the crossroads of Main Road, Sulby Glen Road and the Clannagh Road.

1.2 The area is characterised by a number of different style of properties, of which traditional aspects have an overriding factor.

PROPOSAL

2.1 The application seeks approval for the erection of a two storey property, which measures approximately 11.830m by 10.337m with an overall approximate height of 8.923m. The

proposed dwelling is to have a two storey glazed porch to the front elevation and a rear balcony to first floor level at the rear.

2.2 The materials are as follows;

Pitched Roof - Marelly Edgemere or similar approved

Walls - painted rendered finish with feature bands to windows and a grey stone plinth

Windows - Dark Grey uPVC

Glass Balustrades to decking.

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

PLANNING HISTORY

3.1 There are two previous applications which are relevant in the assessment of this application;

PA18/00024/A - Approval in principle for the erection of a dwelling to the rear of existing shop, including means of access - Permitted

PA20/00494/B - Variation of condition 2 of PA 18/00024/A, approval in principle for the erection of a dwelling to the rear of existing shop, including means of access, to extend the period of approval for a further 2 years - Permitted

PLANNING POLICY

4.1 The site lies within an area of "Retail" upon the Sulby Local Plan Order 1999. The site is not within a Conservation Area, nor within an area of Area of High Landscape Value and Scenic Significance, but part of the site is within 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;

- Strategic Policy 1 which sets out that development should be located to make best use of previously developed land.
- Strategic Policy 2 which sets out that new development must be in existing settlements unless it complies with GP3.
- Spatial Policy 4 which identifies Sulby as being within a village where; "development should maintain the existing settlement character and should be of an appropriate scale to meet local needs for housing and limited employment opportunities."
- Strategic Policy 5 which seeks that new development is designed to make a positive contribution to the environment of the Island.
- Strategic Policy 10 which seeks that new development should be located and designed to be make use of the existing transport network.
- General Policy 2 which sets out detailed "development control" considerations.
- Housing Policy 1 which sets out the provisions for housing
- Housing Policy 4 which sets out that new housing must be located primarily within our existing towns and villages.
- 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.
- 0 Transport Policy 7 which seeks that parking provisions of new development must be in accordance with the Departments current standards.
- Environment Policy 42 which sets out that new development in existing settlements must be designed to take account of the particular character and identity

4.3 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 summary;

5.2 Highway Services have considered the proposal on the 16.08.22 and the 08.09.22 of which they state, "The proposal raises no significant road safety or highway network efficiency issues."

5.3 Lezayre Commissioners have considered the application on the 12.08.22 and 12.10.22 of which they have unanimously refused the application on the basis that the proposal is out of character with the surrounding area and that they would like to see a sympathetic improvement to the shop to provide living accommodation.

5.4 DOI Drainage have considered the proposal on the 23.08.22 and the 2.09.22 of which they are happy with the details received under drawing no. 01-06A.

ASSESSMENT

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

- principle
- character and appearance
- impact on neighbouring properties
- Potential impact on highway safety for access/parking provision
- flood risk

6.2 PRINCIPLE

6.2.1 As outlined within Section 4 of this report, the site is situated within an area designated as "retail." Whilst this means that the site itself is not designated for residential development, it is considered that the proposed dwelling, with a single dwelling having been considered acceptable under PA18/00024/A, would be deemed acceptable. Especially when noting the comments within PA18/00024/A, "it is considered a single dwelling (arguable replacing an existing dwelling) to the southern part of the site would be acceptable, namely as the site is designated for some development, albeit the IOMSP would not appear to now wish new retail development at a scale which could be constructed on the site."

6.2.2 As such the general principle of a single dwelling on this part of the site is considered acceptable. 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 The site was previously subjected to a certain amount of development which were associated with Sulby Shop, such as a polytunnel/greenhouse and rear extensions to the shop site itself, as such there was already an amount of structures within the overall streetscene.

6.3.2 The site is situated within a small basis of properties which provide character to the streetscene, with the properties closer to the crossroads being more traditional in character and the bungalows to the south of the site being more modern with traditional aspects.

6.3.3 The proposed property can be seen as a modern property with traditional aspects and whilst the proposal does not fit within the general streetscene as it is neither one nor the other, the proposal is deemed acceptable for the site it is to be situated within.

6.3.4 Comments have been raised with regards to the elevations which will be seen the most and the amount of glazing within the property. As stated above, the property is modern with traditional aspects as such, the amount of glazing within the property, taking note of the surrounding streetscene is deemed acceptable for the area. With regards to elevations it is noted that the North West elevation and the South West elevations will be seen from Main Road. Whilst this is the case the proposed character of the overall streetscene will minimally be impacted by the works and as such they are deemed acceptable.

6.4 IMPACT ON NEIGHBOURING PROPERTIES

6.4.1 Turning towards the impact on the neighbouring properties, due to the properties location within the streetscene, the closest neighbour is the Sulby Shop. As such it is not considered that there are any concerns in relation to impact on nearby properties in terms of loss of outlook or overlooking that would justify a refusal.

6.5 POTENTIAL IMPACT ON HIGHWAY SAFETY FOR ACCESS/PARKING PROVISIONS

6.5.1 Firstly comments have been raised with regards to the visibility splay given as part of this application. Highway Services have written in to state that whilst the visibility splay given is not to the full standard it is deemed acceptable for the reasoning of, "However, there are a number of factors that would result in speeds being lower than the 40pmh marked speed limit such as; vehicles navigating a bend; vehicles approaching a reduced speed limit; and vehicles approaching a junction. Highways did not oppose the creation of an access under PA21/01342/B which is located further south along A14 and as such has a reduced visibility splay. Visibility to the left on exit has not been provided but is likewise acceptable to Highways as full unobstructed visibility of the junction and the associated movements can be achieved."

6.5.2 Turning towards Transport Policy 7 and whether the proposal has provided adequate parking on site. There is proposed three car parking spaces to the property, two the front of the property and one to the side of the property, with there being enough space within the site to provide a suitable turning space. As such the proposal complies with the recommended two spaces per residential dwelling as per Transport Policy 7 and in turn Appendix 7 of the Isle of Man Strategic Plan 2016.

6.6 FLOOD RISK

6.6.1 When looking at the Department of Infrastructure, Flood Risk Map it can be seen that part of the site is within a High Risk Flood Zone (River), and as such normally under Environment Policy 10 a Flood Risk Assessment would need to be done. Whilst this is the case, the proposed flooded area is situated to the North of the site and where the site meets the Highway, as such from the proposed dwelling's point of view, there is not an additional impact upon the flood zone or the property to warrant a refusal.

6.6.2 The impact of the proposed works on the potential of drainage into the main road has been looked at, to which the drawings show a linear drainage channel which is deemed acceptable to DOI Drainage Division.

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.

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