



Isle of Man
Government

Reilrys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

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

Agenda for a meeting of the Planning Committee, 13th March 2023, 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 27th February 2023.

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 27th March 2023.

PLANNING COMMITTEE Meeting, 13th March 2023
Schedule of planning applications

<p>Item 5.1 Ballaquayle School Thorny Road Douglas Isle Of Man IM2 5EE</p> <p>PA22/00325/B Recommendation : Permitted</p>	<p>Relocation of existing timber structure and erection of a new mobile classroom (to accommodate an additional year group)</p>
<p>Item 5.2 Fairways Main Road Santon Isle Of Man IM4 1EP</p> <p>PA21/01417/B Recommendation : Permitted</p>	<p>Alterations, erection of extension to dwelling, formation of a first floor and creation of driveway and vehicular access</p>
<p>Item 5.3 Rheaby Beg Main Road Glen Maye Isle Of Man IM5 3AU</p> <p>PA22/00827/B Recommendation : Refused</p>	<p>Demolish existing detached house and build a replacement detached dwelling</p>
<p>Item 5.4 Nauvoo Vicarage Road Douglas Isle Of Man IM2 2QF</p> <p>PA22/01527/B Recommendation : Permitted</p>	<p>Erection of therapy office and sauna room</p>
<p>Item 5.5 Conister Hillberry Road Onchan Isle Of Man IM3 3JP</p> <p>PA22/01142/B Recommendation : Permitted</p>	<p>Erection of a replacement dwelling with an attached double garage, creation of a turning area and widening of existing vehicular access</p>
<p>Item 5.6 Sea Terminal Douglas Isle Of Man IM1 2BX</p> <p>PA22/01559/B Recommendation : Permitted</p>	<p>Erection of tent access lanes on circus beach to facilitate a purpose built customs area with search bays</p>
<p>Item 5.7 Shenharra Cottage Peel Road St Johns Isle Of Man IM4 3NE</p> <p>PA22/00331/B Recommendation : Permitted</p>	<p>Conversion of redundant barn building into new dwelling and proposed refurbishment and extensions to cottage</p>

<p>Item 5.8 Ballavilley Dhoor Ramsey Isle Of Man IM7 4ED</p> <p>PA22/01351/B Recommendation : Permitted</p>	<p>Erection of a building for arboricultural use</p>
<p>Item 5.9 Ballacarberry Andreas Road Dhoor Ramsey Isle Of Man IM7 4EB</p> <p>PA22/01383/B Recommendation : Permitted</p>	<p>Erection of Solar Array, Land Adjacent to Ballacarberry</p>
<p>Item 5.10 Kenna Equestrian Centre Kenna Road St Johns Isle Of Man IM4 3LW</p> <p>PA22/01509/B Recommendation : Permitted</p>	<p>Conversion of equestrian building to provide temporary Veterinary Practice</p>
<p>Item 5.11 St Georges AFC Glencrutchery Road Douglas Isle Of Man IM2 6AN</p> <p>PA23/00100/C Recommendation : Permitted</p>	<p>Temporary use as a TT campsite between May and June 2023</p>
<p>Item 5.12 Perk Cottage Knock Froy Road Santon Isle Of Man IM4 1JD</p> <p>PA23/00036/B Recommendation : Permitted</p>	<p>Variation of Condition 1 of PA 21/00238/B, Erection of a replacement dwelling, to increase the period of permission by one year</p>

PLANNING AUTHORITY AGENDA FOR 13th March 2023

Item 5.1

Proposal : Relocation of existing timber structure and erection of a new mobile classroom (to accommodate an additional year group)

Site Address : Ballaquayle School
Thorny Road
Douglas
Isle Of Man
IM2 5EE

Applicant : Department Of Education, Sports And Culture

Application No. : [22/00325/B](#)- click to view

Planning Officer : Mr Peiran Shen

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 mobile classroom hereby approved (as shown on drawing 01 REV B) shall be removed from the site and the land restored to its former condition (grassed as shown on drawing 01 REV B) within 3 years of the date of this Decision Notice.

C 2. No development shall be commenced until a hard and soft landscaping scheme has been submitted to and approved in writing by the Department. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; the location of grassed areas, details of the hard surface treatment of the open parts of the site, mural or render of the external elevations of the mobile classroom and a programme of implementation.

All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Department. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department. All hard landscape works shall be permanently retained in accordance with the approved details.

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

C 3. The development shall not be carried out unless in accordance with the approved Travel Plan.

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

Reason for approval:

As a temporary solution to a shortage in education facilities, the negative impact of the proposal on the character of the area is within an acceptable level with the conditioned mitigating measures.

The site is a designated school site and, compared to the existing impact on traffic and neighbouring amenities, the impact created by the increased pupil numbers does not amount to a material difference that is sufficient for a refusal.

The proposal is considered to comply with General Policy 2 and Community Policy 5 of the Isle of Man Strategic Plan 2016. Therefore, it is recommended for an approval.

Interested Person Status – Additional Persons

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

Owners/Occupiers of 34 Thorny Road, Douglas
Owners/Occupiers of Castlebalfour, 36 Thorny Road, Douglas
Owners/Occupiers of Garey Ashen, Stoney Road
Owners/Occupiers of Ballanagilly, Stoney Road, Douglas
Owners/Occupiers of Spindlebury, Stoney Road, Douglas

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

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

Owners/Occupiers of 22 Snugborough Avenue, Union Mill
Owners/Occupiers of 17 Thorny Road, Douglas

is 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 BROUGHT BEFORE THE COMMITTEE AS THERE ARE MORE THAN FOUR OBJECTING TO THE APPLICATION AND THE APPLICATION IS RECOMMENDED FOR APPROVAL.

1.0 SITE

1.1 The site is the Scoill Yn Jubilee, Stoney Road, Douglas, a primary school within a predominantly residential area of the town. The school is located within the area formed by Stoney Road, Thorny Road and Somerset Road.

1.2 The main school building fronts towards Thorny Road, with a large hard-surfaced playground area on the south of the main building and grassed area north of the main building

and along the northern boundary. The site slopes down toward the west. The west of the playground is a bank sloping down toward the west.

2.0 THE PROPOSAL

2.1 Proposed is the erection of a new mobile classroom to the north of the playground. The proposal also includes the relocation of the existing gazebo to the northwest corner of the main building.

2.2 The new classroom is to accommodate another year of pupils (Year 4) on the site. The classroom is relocated from Scoill Yn Jubilee. This means a potential increase of about 30 pupils on site.

3.0 PLANNING HISTORY

3.1 Erection of an outdoor classroom was APPROVED under PA 20/00343/B. This classroom is located in the southwest corner play area, which is separated from the main school building by a path.

4.0 PLANNING POLICY

Local Policy

4.1 The site is within an area designated as Buildings or Land for Civic, Cultural or Other Use (Primary School) in the Area Plan for the East.

4.2 Open Space and Community Proposal 5 states: "The Park Road Site would be acceptable as a replacement school site for Scoill Yn Jubilee. This is, however, subject to the two Scoill Yn Jubilee sites remaining for educational/school use until such time as it can be demonstrated that the educational needs of this area can be adequately accommodated on the Park Road site over the lifetime of the Plan."

4.3 The site is just outside the boundary of the Selbourne Drive Conservation Area.

Strategic Policy

4.4 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 General Policy 2 (b) (c) (f) (g) (i) (m)
- o Environment Policy 36
- o Community Policy 5

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 There is no relevant strategy or guidance that directly applies to this application.

6.0 REPRESENTATIONS

6.1 Douglas Borough Council has no objection to this application (02.12.2022).

6.2 DoI Highway Services does not object to this application (25.11.2022) after a travel plan has been submitted. The comment states that the travel plan is acceptable to overcome the outstanding highway matters. The comment also states that a condition should be added for the implementation of the travel plan.

6.3 The owners/occupiers of the following properties (in no particular order) have written in objection to this application (23.04.2022-30.12.2022):

- o 22 Snugborough Avenue, Douglas
- o 17 Thorney Road, Douglas
- o 34 Thorny Road, Douglas

- o Ballanagilly, Stoney Road, Douglas
- o Spindlebury, Stoney Road, Douglas
- o Castlebalfour, 36 Thorny Road, Douglas
- o Garey Ashen, Stoney Road, Douglas
- o Ballanagilly, Stoney Road, Douglas

6.4 The representations which include material planning considerations can be summarised (in no particular order) as the following:

- o additional traffic on an already over-congested road during school drop-off and pick-up hours
- o noise generated by the additional traffic
- o lack of traffic management plan
- o noise generated from the new classroom
- o negative impact on the open space character of the area
- o negative impact on the character of the adjacent Conservation Area
- o invasion of privacy
- o character of the school

6.5 The points made from the above representations which would not be a material consideration in planning terms can be summarised (in no particular order) as the following:

- o lack of disabled parking space - the status quo predates the current anti-discrimination and equality legislation
- o negative impact on view - not a material consideration
- o illegal parking and its consequence - regulated under different authorities
- o usage of existing facilities
- o alternative locations for the proposal within the site
- o alternative site for the proposal
- o highway safety due to existing road layout - not altered by the proposal
- o proposal is against DESC policy - regulated under different authorities

7.0 ASSESSMENT

Point of Clarification

Nature and Description of the Development

7.1 The relocation elements in the description refer to the existing gazebo on site. The description can be confusing because the proposal is relocating a mobile classroom from the school ground for senior pupils to the one for junior pupils (as known as Ballaquayle School), both being part of the Scoill Yn Jubilee. However, the demolition (or removal in this case) of a detached structure is not a development and is not regulated by planning and therefore cannot be included in the description of an application.

7.2 The installation of a mobile classroom is new to the application site, regardless of the physical condition of the classroom. Hence the word "new" in the description. It is not essential but including it in the description is factually accurate.

7.3 In essence, the administrative relationship between these two physically-separate school grounds does not have material weight in this application. The proposal is about the Ballaquayle school site only.

7.4 Based on paragraphs 7.1-7.3, the original description on the first-time-issued site notice would be sufficient to represent the proposed development. However, it is acknowledged that, from multiple comments received, this description did not help the public make a direct connection between the mobile classroom and the potential impact of more pupils on site. Therefore, the description was updated in November along with the submission of the Travel Plan and the application was fully re-published.

Number of Pupils

7.5 The increasing and decreasing of the number of pupils alone in an existing school is not a development and is not regulated by planning but DESC. This also applies to the current application.

7.6 However, the application is for a development, mainly the erection of a mobile classroom, and it is used to accommodate more pupils on site, the impact of these additional pupils could have on the neighbouring area is a material consideration for this application.

7.7 Because of paragraphs 7.5 and 7.6, if the impact of the application is found to be not acceptable, this cannot be reduced by a planning condition on the maximum number of pupils the school can accommodate as it is regulated by another authority.

Site Boundaries

7.8 There have been several comments regarding the site boundaries, either about its being inaccurate or missing parts that are relevant to the application.

7.9 Regarding inaccuracy, the redline boundary only needs to show the area immediately affected by the proposal. It is not evidence of ownership. A boundary dispute is also a civil matter that does not fall under the regulation of planning.

7.10 Regarding missing parts, Schedule 1 Section 1 (2) (C) of Town and Country Planning (Development Procedure) Order 2019 does require land owned or occupied by the applicant adjoining the site which is the subject of the application is clearly defined with a blue line. Therefore, after discussion with the applicant and the agent, an amended plan has been submitted before the application is referred to the planning committee.

7.11 According to the Operating Policy on Interested Persons Status, the awarding of Interested Person Status (IPS) is related to the redline boundary. It is acknowledged that the current redline boundary would exclude some commenters from the awarding of Interested Person Status. In the meantime, it is important to point out that interested person status only relates to the right to initiate an appeal. Once an appeal is validated, people without interested person status, regardless of whether they have commented at the time of the application, can still be included in the appeal process at the discretion of the inspector.

Elements of the Assessment

7.12 The key considerations of this application are its principal, its impact on the character and streetscene of the area, on the character and appearance of the adjacent Conservation Area, on traffic and parking and neighbouring amenities.

Principle of the Proposal

7.13 The proposal involves the provision of additional school facilities on a designated school site in the Area Plan. Therefore, the land use of the proposal is acceptable as it.

7.14 Reasoning for the proposal is stated as making room at the other school site for additional facilities. Given the reasons in paragraph 7.3, the new mobile classroom, therefore, will only be assessed as an extension to an existing school, which is in line with Community Policy 5 and make the principle of the application acceptable.

Character and Streetscene of the Area

7.15 The existing school building is single-storey and is of post-war prefabrication style. The proposed mobile classroom is single-storey and has a timber appearance. In general, the proposal has the typical appearance of a temporary classroom, and its mass and scale would

fit in with the existing main building. However, its articulation, texture and colour contrast poorly with the main school building.

7.16 There is a hard-surface play area and some grassed area surrounding the west and north of the main school building. This gives the school an open space character, which is a positive contribution to the character of the surrounding area. The proposed classroom is located near the northwest of the main building and in the grassed area. As a walled structure, it would break up the existing open space. Compare to the existing gazebo, which fits in well with its surroundings, the mobile classroom would be a negative impact on the existing open space character of the school.

7.17 In the meantime, it is to be noted that the site is designated as a primary school and not a public open space. Therefore, alteration to the open space character alone would not be sufficient to recommend refusal.

7.18 Immediate to the school site and across the roads, the school is surrounded by dwellings with different characters. This being said, the texture and colour of the proposed classroom also contrast poorly with these dwellings.

7.19 In summary, the proposed mobile classroom would negatively impact the character and streetscene of the area.

Character and view of the Conservation Area

7.20 The south and east boundary of the site boards with the Selbourne Road Conservation Area and the northeast corner are also adjacent to the same conservation area. Only Stoney road has an important view into and out of the Conservation Area as Thorny road is not connected to Quarter Bridge Road.

7.21 The Conservation Area begins at the top of Stoney Road and the proposed classroom is located below and at the middle section of the road. While driving up Stoney Road, the view into the Conservation Area is to the left of the road and the proposed classroom is on the right side of the road. Therefore, it is considered that the proposal would not impact the view into the Conservation Area.

7.22 When driving out of the Conservation Area, because the Conservation Area is at the top of Stoney Road and down Stoney Road, the proposed classroom is only visible when the Conservation Area is already behind. Therefore, it is considered that the proposal would not impact the view out of the Conservation Area and the proposal complies with Environment Policy 36 of the Strategic Plan.

Traffic and Parking

7.23 The site is between two major roads (Quarter Bridge Road and Tromode Road) on the west and two district roads on the east (Woodbourne Road and Ballaquayle Road). There is moderate pass-through traffic. The majority of the dwellings around the area do not have a driveway and/or garage, especially on Thorny Road. Therefore, there is also a base shortage of on-street parking space around the area.

7.24 The school accommodates pupils between Reception and Year 3 at the moment. Given the age of pupils and the safeguard requirement from the school to drop off children inside the school (as mentioned by some of the comments). Drop-off and pick-up of a pupil here take longer than that of a school with elder pupils. This also means that in addition to a surge in traffic during school rush hours. There is also a surge in demand for short-term parking.

7.25 Moring rush hours of the school also clash with the commute demand of the nearby residents. It is not surprising that the majority of the comments have expressed deep concern about the existing traffic and parking condition around the school and how the increase in pupil numbers (bringing Year 4 into the site) would exacerbate the existing situation. Given the existing situation described in paragraphs 7.22 and 7.23, this is a natural prediction.

7.26 Many comments also point out that the current issue involves driver behaviours, especially unlawful behaviours. However, as it is regulated by the police, it is not a material planning consideration.

7.27 It is clear that given paragraphs 7.22 to 7.25, the current traffic and parking situation is the clash between neighbouring residences' travel needs and the school operation needs. This clash is exacerbated by the road layout, the school's safeguard policy and certain drivers' behaviour.

7.28 The applicant has later prepared a School Travel Plan. The plan aims to reduce the number of people travelling by car by around 10% in five years. It has been agreed with by Highway Services on the term that the execution of the plan will be monitored by a planning condition.

7.29 Further comments after the travel plan was published have pointed out that there are many variables, such as the weather, that could reduce the effectiveness of the travel plan and it would not help with the initial increase in traffic after the classroom is first in use.

7.30 The proposed classroom could increase the number of people travelling by car by around 15 given the current travel survey. Given the comment from Highway Services, it is considered that this is not an unacceptable level of pressure on the existing roads.

7.31 In addition, the travel plan can be seen as an effective solution to the current traffic issue, as it would mitigate the increased car travel number generated by the additional pupils by the end of the five years.

7.32 In summary, it is considered that the proposal would not have an unacceptable level of impact on highway efficiency when the travel plan is implemented. Therefore, if recommended for approval, the travel plan and its execution will be conditioned.

Neighbouring Amenities

7.33 The proposal is not overbearing to or overshadowing any neighbouring property given its height and location. However, the neighbouring properties still have three major concerns, impact on outlook and views, overlooking and impact on noise.

7.34 View from a private residence is not a material consideration but the outlook is one. The main difference is the distance between the objects (the mobile classroom) and a vantage point.

7.35 The classroom is approx. 23m away from the front elevation of dwellings to the north; is at least 26m away from the dwelling boundary to the west and at least 43m away from the dwelling boundary to the south. Objects at these distances are far enough to be considered as part of a view and not an outlook. Therefore, it is considered that there is no negative impact on the outlook of neighbouring properties.

7.36 While an increasing number of pupils would lead to an increase in noise, the site has been a school since the 1970s, and noise relates to children's activity is an inevitable characteristic of areas around a school. In purchasing a house next to a primary school,

residents should reasonably expect some noise and disturbance. Given only around 30 additional students compared to the existing 129, the potential increase in noise and disturbance is not at an unreasonable degree. Therefore, it is considered that the noise impact on neighbouring properties is acceptable.

7.37 In summary, it is acknowledged that the new classroom would increase the negative impact on neighbouring properties. However, as mentioned in paragraphs 7.33-7.36, it is considered that these impacts have not mounted up to enough reasons for refusing the application.

Planning Balance Assessment

7.38 Summarising the assessment, while the negative impacts of increasing pupil numbers on traffic, parking and neighbouring amenities are considered within a reasonable degree, the visual impact of the mobile classroom on the character of the area is not.

7.39 On the other hand, the Island places a high priority on providing adequate educational resources to support the development and education of our children. It is also important to consider the school's need for additional educational resources.

7.40 Therefore, the balance assessment is about the provision of additional educational resources and protecting the visual appearance of the island.

7.41 The impact on the character of the area can be mitigated by landscape measures on the school site. As the class has a timber appearance, it is also possible to change its colouring with different colours or murals. A combination of these measures would be sufficient to mitigate the impact on the character of the area.

7.42 Summarising 7.38-7.41, a neutral impact on the area can be achieved by condition the provision and execution of a landscape plan and the execution of the travel plan. Therefore, the application is recommended for approval with these conditions attached.

Time-limit

7.43 The proposal is for a mobile classroom, which is a temporary solution for capacity issues. While this proposal is considered to have an impact on neighbouring properties within a reasonable degree, it is not a sustainable solution to the current shortage of education resources or the well-being of neighbouring properties. Therefore, a time limit would be conditioned with the additional requirement that a concrete formal the

7.44 While the applicant has stated that a long-term capacity solution would take at least 6 years, this period is too long for the building to be considered temporary. Therefore, a three-year condition will be attached with the requirement that an extension of time is only possible if a feasible long-term solution is provided.

8.0 CONCLUSION

8.1 As a temporary solution to a shortage in education facilities, the negative impact of the proposal on the character of the area is within an acceptable level with the conditioned mitigating measures.

8.2 The site is a designated school site and, compared to the existing impact on traffic and neighbouring amenities, the impact created by the increased pupil numbers does not amount to a material difference that is sufficient for a refusal.

8.3 The proposal is considered to comply with General Policy 2 and Community Policy 5 of the Isle of Man Strategic Plan 2016. Therefore, it is recommended for an approval.

9.0 INTERESTED PERSON STATUS

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

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

8.2 The decision-maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 13th March 2023

Item 5.2

Proposal : Alterations, erection of extension to dwelling, formation of a first floor and creation of driveway and vehicular access

Site Address : Fairways
Main Road
Santon
Isle Of Man
IM4 1EP

Applicant : Ms Elvie Garcia

Application No. : 21/01417/B- [click to view](#)

Planning Officer : Mr Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the commencement of the development hereby approved, details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Department.

The landscaping scheme shall include a detailed landscaping layout, details of planting (no none non-native species), hard surfacing materials, site levels, and details of the landscape features (hedges and trees) marked to be retained on site.

Soft landscaping works shall include: planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities.

No Wildlife Act 1990 Schedule 8 non-native invasive plant species are to be planted on site.

The development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter unless changes to the landscaping have been submitted to and approved in writing by the Department. Any additional removal must be compensated for by replacement planting in accordance with details which have first been approved in writing by the Department.

Reason: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive environment.

C 3. The development hereby approved shall not commence until a scheme for the provision of an integrated house sparrow terrace, suitable for at least 3 pairs of nesting sparrow, to be built into the north-west elevation of the new extension has been submitted to the

Department for approval. The works to install the house sparrow terrace shall take place strictly in accordance with the approved details and shall be completed before the first occupation of the development. The house sparrow terrace shall be permanently retained in accordance with the approved details.

Reason: To provide adequate safeguards for the ecological species existing on the site.

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

Reason: In the interests of amenity and/or highway safety.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling, structures or other free standing buildings, other than that expressly authorised by this approval, shall be erected within the site, without the prior written approval of the Department.

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

C 6. The proposed first floor windows to the Southwest Elevation (to the Master Bedroom) with views to Burnside on the southwest boundary shall be glazed with obscure glass to Pilkington Level 5 or equivalent and permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy.

Reason for approval:

Overall, whilst the development would not comply fully with Housing Policy 16 as the proposal would result in increase in the impact of the building as viewed by the public, and as there would be some overlooking of parts of the front garden of 'Burnside' and some overshadowing of the side garden of 'Fern Lea' when the sun is west, it is considered that the proposal would comply with the requirements of Paragraph 8.12.2 which allows for increases in the size of non-traditional dwellings where proposals are for the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style. Additionally, the proposal would result in acceptable impacts on highway safety and parking (General Policy and Transport Policy 7), as well as acceptable impacts on trees and site ecology (Environment Policies 4 and 5). It is, however, important to note that the decision on visual impacts is finely balanced when assessed against the requirements of Housing Policies 15 and 16, and the principles set out in Policies 2, 3, 4, 5 and 6 of Planning Circular 3/91.

Interested Person Status – Additional Persons

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

Fern Lea, Main Road, Santon;

Pound Cottage, Main Road, Santon;
Burnside, Main Road, Santon;

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

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE PROPOSAL DOES NOT COMPLY FULLY WITH HOUSING POLICY 16, BUT THE APPLICATION IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The site represents the curtilage of an existing dwelling, Fairways, a detached single storey property situated alongside Main Road (A5), Santon. The property which is situated on the southern side of the A5 has its rear boundary almost entirely enclosed by the rear garden of 'Fern Lea' which sits directly north-east of the application property.

1.2 The property currently does not have vehicular access to the dwelling. Access to the property is via a stepped pedestrian access with timber balustrades and gate with the entrance positioned almost at the boundary of the highway which abuts the site. The dwelling, like the other neighbouring dwellings on this side of the highway have their site level set at about 1.2m to 1.5m from the level of the highway.

1.3 There are some trees and shrubs along the site frontage and positioned over the retaining wall that forms the entire frontage. The south-west and south-east boundaries are lined by timber fence about 1.8m high, while a low wire fence marks the rear (southeast) boundary.

2.0 THE PROPOSAL

2.1 Planning approval is sought for alterations, erection of extension to dwelling, formation of a first floor and creation of driveway and vehicular access.

2.2 The proposed works would include:

2.2.1 Raising the roof of the building from 3.8m to 6.1m and creating first floor accommodation above the existing. The works would result in the creation of additional floor area measuring about 92.8sqm within the floor area (resulting in a percentage increase in floor area by 89.57% over the existing 103.6sqm of floor area).

2.2.2 Replacing the existing mono-pitch roofed glazed porch on the front elevation with new pitch roofed Larch or Similar Timber Clad porch. The size of the porch would remain unaltered, although its height would be increased from 2.5m to 3.4m.

2.2.3 The projecting flat roofed outrigger on the rear elevation would have a pitch roof over to match the new roof pitch and finish.

2.2.4 The alterations to the dwelling would also include creating large sections of glazing on the ground floor south elevation. The pitch roof over would be finished in grey roof tiles (material not stated), while the external walls would be finished in a blend of painted rendered walls and Larch or Similar Timber Cladding.

2.2.5 All the windows on the dwelling would be replaced with new Anthracite Grey/Black UPVC windows to create a uniform window appearance on the dwelling. The external walls would be re-rendered.

2.3 Additional works would include:

- i. Lowering sections of the front garden and creating a new indented parking bays with retaining walls and new step to the elevated front garden by the highway. This new parking bays would be 4m wide and 12m long with angled edges 1.5m wide to enable better visibility from the new parking bays.
- ii. A new lollipop timber fence would be erected around the site boundary, only opening up along the site frontage where a new glazed balustrade would be created.
- iii. A new soakaway would be created within the bay.

2.4 Following review of comments by DOI Drainage, the Agent has provided the following additional information (8 June 2022) which state that the position of the soakaway on the current drawings is indicative and will be determined prior to construction (at Building Control Stage) so that it is placed at the required distance from the highway in accordance with the relevant highway and manufacturer's regulations and recommendations.

2.5 The revised plans have been submitted with a Cover Letter (dated 18 November 2022) which states the following:

- a. In addition to the amended layout, the development will significantly improve the thermal properties of the existing property, with updated insulation to all elements of the building fabric, alongside large sections of South-Facing glazing to take advantage of solar gain.
- b. The new pitched roof will allow a greater area for the introduction of solar panels, which, although not part of this application, can be installed under the Permitted Development Order (2012). The renovation and development of this project will provide greater airtightness to prevent energy loss, with the potential introduction of an air source heat pump and low-voltage Mechanical Ventilation Heat Recovery, also possible under the Permitted Development Order.
- c. The site currently has its own septic tank/sewage-disposal tank and will also include a soakaway so that the property will not need to be mains connected.

3.0 PLANNING POLICY

3.1 The site lies within an area not designated for development on the Area Plan for the East, and site is not within a Conservation Area. The site is not prone to flood risks or within a flood risk area and there are no registered trees on site.

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

3.2.1 "Landscape Character Area - Santon (D13)

Landscape Strategy

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

Key Views

- o Open and expansive views from the higher areas along the rugged coast in the east and inland towards the upland areas over Braaid.
- o Incinerator chimney forms a notable landmark in the immediate area.
- o Glimpsed views framed by vegetation in the valley bottoms and along the main roads where they follow the wooded valley bottoms.

o Views in the northern part of the area up to the Transmitting Masts on top of Douglas Head hill top. Views from Isle of Man Steam Railway".

3.2.2 The following part of the Area Plan is also considered relevant:

"Landscape Proposal 7 (Santon)

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

3.3 Due to the site location, zoning and the type of proposal, the following parts of the Strategic Plan are relevant for consideration:

3.4 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3). However given there is an existing dwelling on the site, it is relevant to consider Housing Policy 16 which makes provision for extensions to non-traditional properties in the countryside.

3.4.1 Housing Policy 16: The extension of non-traditional dwellings or those of poor or inappropriate form will not generally be permitted where this would increase the impact of the building as viewed by the public.

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

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

3.6 Environment Policies 4 and 5 seek to protect the ecology of sites and important habitats.

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

3.7.1 The current standards are set out in Appendix 7:

Typical Residential - 2 spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling.

3.8 Other relevant parts of the Strategic Plan include:

3.8.1 Paragraph 8.12.2: Extensions to properties in the countryside

As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the

existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this.

3.9 Whilst the proposal is not for a replacement dwelling, the changes proposed would considerably alter the appearance of the existing house such that the scheme could be considered tantamount to a replacement dwelling as significant structural alterations would be required. In fact, it would be difficult to argue that the resulting dwelling is not a new house as none of the elevations would be similar to the existing. As such, Housing Policy 12 would be relevant to consider.

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

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

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

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

3.10 Other policies within the Strategic Plan which are to be considered are; Infrastructure Policy 5, Community Policy 11, Community Policy 7 and Community Policy 10.

4.0 OTHER MATERIAL CONSIDERATIONS

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

4.1.2 Policy 3 states:

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

4.1.3 Policy 4 states:

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

4.1.4 Policy 5 states:

"Doors and windows together with their size and relationship with each other and the wall face should follow traditional rural forms."

4.1.5 Policy 6 states:

"Chimneys are considered important features and their provision following past patterns is recommended."

4.2 Whilst not adopted planning policy, DEFA's Residential Design Guide (2021) is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses,

conversions and householder extensions. It is envisaged that separate guidance will be provided for dwellings in the countryside, although some of the broad principles set out within this document may still be relevant to such proposals".

5.0 PLANNING HISTORY

5.1 The site has not been the subject of any previous planning applications.

6.0 REPRESENTATIONS

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

6.1 The Department of Infrastructure (DOI) Highways Division have indicated that the proposal as amended, raises no significant road safety or highway network efficiency issues and as such they raise no objection to the proposal subject to all access arrangements according to Drawing No. JTM2129-P-02 rev B (28 February 2022/24 March 2022/20 May 2022).

6.1.1 Following review of the revised plans received November 2022, DOI Highways have made the following comments (7 December 2022):

Upon review of the amended documents and additional information, the change to the proposal appears to have no impact on the parking, vehicular/pedestrian access or highway interaction. Therefore, Highways have no further comments to add to those made on 20/05/2022.

6.2 The Department of Infrastructure (DOI) Highways Drainage consultation:

6.2.1 They initially asked for additional information with regard to the private drainage arrangements for the driveway in their consultation dated 26 January 2022.

6.2.2 They indicated that the revised plans did not address their concerns and as such they would not support the application (22 March 2022).

6.2.3 DOI Highways Drainage have indicated that the parking bays are now shown to fall back toward the property with surface water runoff draining to a gully and then discharging to a soakaway, and as such the general arrangement is acceptable. They however, noted that they would like to see the soakaway located as far as possible from the public highway (18 May 2022).

6.3 DEFA's Ecosystem Policy Team has made the following comments regarding the application (10 March 2022):

- o They note that the plans include the removal of a large stretch of hedge, which is likely used by nesting birds - particular house sparrow.

- o They request that a condition is secured on approval for an integrated house sparrow terrace, suitable for at least 3 pairs of nesting sparrow, to be built into the north-west elevation of the new extension. They further state that plans showing the type of nest box and its location on the property, should be provided to Planning for written approval prior to works taking place.

- o They also state that that a condition should be secured for a landscape plan to be provided showing new native hedge planting in the garden of the property, in particular along the west fence line, to make up for the loss of habitat.

- o They advise that thorough checks for nesting birds must be undertaken prior to hedge removal.

- o Additionally, they advise that the hedge removal is undertaken outside of the main bird nesting season (March - August inclusive) due to the risk to nesting birds.

- o They advise that advised that through checks for roosting bats must be made prior to any alteration of the property.
- o They encourage the applicant to install a bat box high up on the southern elevation of the property as an enhancement for bats.
- o They state that if bats are known to roost within the property or a bat, or evidence of bats, is discovered before or during the works then the work must stop and advice obtained from the Ecosystem Policy Team.

6.4 DEFA's Arboricultural Team have made the following comments regarding the application (08/03/22):

- o They indicate that the development is likely to have an impact to the trees within the curtilage of the property, however, due to the low quality of the trees, the Department would have no issue with permitting their outright removal.
- o They state that the development is likely to increase pressure to remove and/or prune state two spruce trees adjacent to the property. However, due to their current size, proximity to property, and the evidence that there has been root plate movement in the larger of the two trees, the trees are unsuited to the setting as it already exists.
- o They do not object to the application.

6.5 Santon Parish Commissioners have not made any comments on the application although they were consulted on (01 December 2021/15 February 2022/16 March 2022/19 May 2022).

6.6 The owners/occupiers of Fern Lea, Main Road, Santon, object to the application on the following grounds (23 December 2021/2 March 2022/7 April 2022/8 June 2022):

- o The property does not have a drive.
- o They refer to poor visibility
- o Impact of construction works on highway safety.
- o Loss of light and privacy concerns.
- o They refer to impact on trees on the application site.
- o They also refer to other matters such as respiratory concerns, position of gas cylinders and value of property, and construction impacts on garden wall, which are not planning matters.
- o They refer to property boundaries.

6.6.1 Further to reviewing the amended plans submitted by the applicants, the owners/occupiers of Fern Lea, Main Road, Santon have made the following comments (1 February 2023):

- o The amended plans still do address the issue of vision when exiting the property from the parking bays.
- o The additional floor will not only impend their view and privacy but block out most of light as the sun travels during the day.

6.7 The owners/occupiers of Pound Cottage, Main Road, Santon, object to the application on the following grounds (24 December 2021):

- o They refer to impact on trees within their garden;
- o They refer to overlooking of their rear garden, and loss of light; and
- o Construction impact on their property.

6.8 The owners/occupiers of Burnside, Main Road, Santon, object to the application on the following grounds (23 December 2021/9 March 2022):

- o They consider that the proposals will adversely affect their actual and perceived privacy due to the introduction of windows at first floor level in the rear (south eastern) and side (south western) elevations.

- o They believe that the development fails to accord with the relevant policy on the extension of rural dwellings and as such the development would have a harmful effect on the countryside in which the application site and its surroundings, are located.
- o They are concerned that the introduction of a new access as proposed could have a harmful effect on highway safety, given the speed and amount of traffic which uses the A5.
- o They refer to possibility of encroaching onto their land during construction which is not a Planning Matter.
- o They note possible impacts on trees along the boundary with Burnside.

6.8.1 Further to reviewing the amended plans submitted by the applicants, the owners/occupiers of Burnside, Main Road, Santon, have made the following comments (9 January 2023):

- o They refer to delays in the determination of the application.
- o They appreciate that the amended plans are trying to address the issues which have been raised, however, they do not feel that the changes are sufficient to overcome their objections.
- o They refer to the new height of the building and how it fails the requirements of Housing Policy 16.
- o They refer to the roof pitch and note that it is shallow (30 degrees) and consider that the design is neither traditional considering Planning Circular 3/91 refers to traditional cottages as having roofs pitched at 45 degrees), nor modern and innovative.
- o They refer to the dwelling's proportions which they state appears to be a mix of traditional elements (gable chimneys, central porch, rendered walls) but with incorrect proportions, unsubstantial chimneys, incorrect window shapes and glazing and overall appearance but now without any contemporary elements or materials.
- o They state the revised scheme introduce overlooking opportunities and the perception of being overlooked from the new windows to the rear and side.
- o They refer to highway safety impacts from the parking bays.
- o They refer to impact on trees and position of the boundary.
- o They state that despite the additional information provided, their original objections are still valid and that they would continue to object to this application.

6.9 Applicant's agent have made the following comments (26 January 2022), in response to the comments made by the neighbours:

Fern Lea:

- o The proposals are for a dormer Bungalow and although the proposed ridge height will be increased the existing side boundary is being maintained and is approximately between 4-4.3m from the end gable with the boundary being flanked by vegetation/planting which screens both existing views and light.
- o They also address issues with construction safety which is not a planning matter.

Pound Cottage:

- o They state that the area of development closest to the trees is that of a corner post and it is unlikely to harm any tree roots from the neighbouring garden. In order to alleviate any concerns, a root inspection, within the curtilage of Fairways, will be undertaken prior to construction and a suitable construction method applied to avoid any damage to these roots.
- o They also address concerns with overlooking.
- o They refer to matters related to site boundary adjustments which is not a planning matter.

Burnside:

- o They address matter of privacy concern for this property and note that they application property is set at a lower elevation relative to its neighbours.
- o They refer to compliance with Rural Planning Policy.

- o Highway safety, and visual impact of the scheme was also addressed.
- o They refer to contents of land registry documents and impact of construction works which are not within the remit of planning. Impact on Living Conditions.

7.0 ASSESSMENT

7.1 Given the nature and level of development proposed there are a number of issues to consider. These include:

- i. the potential visual impact of the works on the existing dwelling and area;
- ii. whether there would be any adverse impacts on the amenities of those in neighbouring properties;
- iii. whether there would be any impacts on Highways safety; and
- iv. whether there would be adverse impacts on site ecology (including trees).

7.2 Visual impact (HP 16, GP2, Paragraph 8.12.2, & Planning Circular 3/91)

7.2.1 The starting point is perhaps to consider Housing Policy 16 given the property is a non-traditional dwelling. This policy restricts development that would increase the impact of the building as viewed by the public. The proposed extension would be mainly within the roof space and as such would alter the building appearance and general bulk of the dwelling, particularly on the first floor. The above would increase the impact of the building when viewed from the surrounding fields to the north and abutting highway. However, the nature of the site level relative to the surrounding site levels, which is set considerably lower than the neighbours at the rear, and the cluster of trees on its western and eastern boundaries would serve to ensure that the extension is not unduly prominent when you approach the site from the south and north along the A5.

7.2.2 Housing policy 16 is clear that the extension of non-traditional dwellings should not increase their impact as viewed by the public, Paragraph 8.12.2 makes provision for the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and states that in these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this. In this case, it is considered that although the scheme is not a replacement dwelling, what is proposed here would result in a completely new dwelling in terms of appearance. As such, it is considered that the provisions of Paragraph 8.12.2 would be applicable in this case.

7.2.3 In assessing the proposal via the lens of Paragraph 8.12.2, it is considered that the new scheme would increase the height of the dwelling from 3.8m to 6.1m. Whilst this increase would be noticeable, the revised form of the main dwellings core would have a traditional appearance with chimneys on both gables and a central covered porch which is considerably similar to the traditional forms described in Planning Circular 3/91 as it would be rectangular in plan and simple in form. The window and door symmetry would also align with the traditional forms in terms of positioning, although it is noted that the dwelling could benefit from better window proportions, particularly on the front elevation.

7.2.4 Whilst the dwelling's proportion may not exactly reflect that stipulated in Planning Circular 3/91 as it gives a 2.4:1 ratio instead of a 2:1 ratio (within the main core, excluding the rear projection), Paragraph 8.12.2 does not stipulate that the new appearance must be completely traditional (as defined by Planning Circular 3/91), but that the new appearance should have a more traditional style. As such, it is considered that whilst the increased height would not fully comply with Housing Policy 16, it would meet the requirements of Paragraph 8.12.2 which makes allowance for the increase in the height of non-traditional dwellings if the appearance bears a more traditional look, particularly as the alterations would result in a significant change from the bland, unappealing appearance and poor form to a more traditional style with a significantly improved appearance over the existing.

7.2.5 In terms of the increase in the buildings size, it is also considered that Paragraph 8.12.2 allows for an increased dwelling size. Paragraph 8.12.2, however, does not stipulate the allowable increase in the dwellings size, although Housing Policy 15 which follows this text sets the allowable limit at 50% over the existing. What is proposed within the current scheme would result in an increase in floor area by 89.57% over the existing and as such it is considered that this weighs against the proposal.

7.2.6 Regarding integration into the existing locale which is a requirement within Policy 2 of Planning Circular 3/91 (since dwelling is in the countryside), it is noted that the property sits within an existing group of dwellings in the countryside with a varied mix of building heights, designs, and building forms, which would ensure easy integration of the altered dwelling. As has been noted earlier, this is not a new dwelling, albeit, the alterations and extensions would result in a new form and appearance which would give the semblance of new dwelling. Granting some of the features which includes wall dormers, top hung casement windows, incorrect window shapes, and 30 degree roof pitch do not reflect the standard vernacular look, the property sits within a group dominated by traditional properties with a mix of modern elements in the form of top hung UPVC casement windows, lean-to front porches, flat roofed extensions, hipped roofs, square bay windows, shallow roof pitch, as well as wall dormers. As such, it is not considered that the final look of the property would be at variance with the character of the surrounding group of dwellings in this part of the countryside.

7.2.7 Given the above, it is considered that although the increased height and floor area, dwelling's proportion, window proportions, and roof pitch would not comply fully with the requirements of Housing policies 15 and 16, and Planning Circular 3/91, the new traditional style of the dwelling, the window and door symmetry, the form of the main core, and the fact that it sits within an existing group of dwellings were its new features would be well suited complies with Paragraph 8.12.2 (which precedes Housing Policies 15 and 16 and provides context to these policies), and elements of Planning Circular 3/91, particularly Policies 2, 3, 5 and 6. As such, the assessment of the visual impacts is finely balanced.

7.3 Impact on Neighbouring Residential Amenity (GP 2 & the RDG)

7.3.1 With regard to neighbouring residential amenity, it is considered that the properties most likely to be impacted by the development would be 'Fern Lea' situated on the eastern boundary of the application site and 'Burnside' on the western boundary. 'Pound Cottage' would have the least impact given that the nearest windows on this property are more than 40m from the proposed first floor windows which look away from this neighbour, with the existing large trees on the boundary of the application site serving to further diminish any impacts on this neighbouring property.

7.3.2 Impacts on Burnside

7.3.2.1 When assessing the possible impacts on 'Burnside' to the west, the key concern lies in the possible privacy concerns resulting from the new first floor windows introduced on the side, and the dormer windows to the rear. The windows to the side would have minimal impacts as the applicants have indicated that the window would be installed with obscure glazing. With the windows to the rear, it is considered that this would introduce new views, albeit, the new view would be over the turfed garden and would offer no views into the existing property on site which is positioned about 35.2m away (at the closest point). The impacts in terms of overlooking or perceived overlooking from this singular window would, however, be diminished by the fact that the application property is at a depressed site level which is considerably lower than the site level for this neighbour. Besides, there would be mutual overlooking over the timber fence from first floor levels which would serve to further ameliorate any privacy concerns. This is reinforced by the presence of balconies on Burnside which have views towards the application property and at an elevated position. Besides, the

nature of the area where the properties are closely knit together, with boundary treatments that allow mutual overlooking of garden areas would ensure that any overlooking concern is minimal.

7.3.2.2 Whilst there are concerns regarding views to parts of the garden space on 'Burnside', the guidance provided by the Residential Design Guide for measuring intensity of overlooking as set out within Paragraph 7.5.2 indicates that the intensity of overlooking depends on the following factors; the use of the overlooking spot, the use of the area being overlooked, the typical duration of usage, and any mitigation methods that can be used to reduce the overlooking, such as opaque glazing. In this case, whilst no mitigation can be provided with the single first floor window that offers views into parts of Burnside's garden area, a review of the Departments Aerial photographs for the affected land area where views could be attained from the new window at the rear for 2001, 2006, 2012, 2018 and 2021 show that this turfed area is rarely used. In fact, there was no evidence of the placement of garden paraphernalia within the affected area, with the existing aerials only showing garden paraphernalia placed at the southern part of the site partly enclosed by mature hedging. Given the above, it is not considered that the concerns with overlooking or perceived overlooking regarding 'Burnside' would be sufficient to warrant refusal of the scheme.

7.3.3 Impacts on Fern Lea

7.3.3.1 In assessing possible impacts on 'Fern Lea' it is not considered that the new scheme would result in significant loss of light for this neighbour as they have suggested in their comments. This is hinged on the fact that the raised roof (by about 2.3m) would be positioned about 6.8m to the southwest of the neighbour - not directly south, with the orientation of the application property relative to this neighbour further serving to diminish overshadowing impacts, given that the impact of overshadowing increase if the new property/extension is to the south of a neighbouring property as the sun's orientation is east to west (See Paragraph 7.3.3 of the Residential Design Guide).

7.3.3.2 It would be vital to note here that the key concern with overshadowing of 'Fern Lea' lies with the large trees situated along its southern boundary and directly south of the property which casts significant shadows over 'Fern Lea', as these place it within a constant shadow for most parts of the year. As such, the new development being about 6.8m away and 6.1m high would do little in exacerbating the existing overshadowing caused by the trees. Besides, Fern Lea is on a slightly elevated level comparative to the application site.

7.3.3.3 In terms of overlooking impacts on Fern Lea, it is considered that there would be no overlooking impacts or loss of privacy given that no first floor windows would be installed on the elevation overlooking this neighbour.

7.3.4 Impacts on Pound Cottage

7.3.4.1 In terms of impacts on 'Pound Cottage', it is not considered that loss of light or overshadowing would occur given the separating distance between both properties which is more than 37m. It is also considered that overlooking would not result given the orientation and separating distance between both dwellings.

7.3.4.2 In terms of impacts on trees, it is considered that the revised scheme would not bring the development close to any of the within adjoining properties. As such, there would be no impacts on trees.

7.3.4.3 In terms of overlooking impacts, it is considered that the current residential curtilage lies 18.9m directly northeast of the application site and about 33m away from the proposed rear window where no views would be attainable. Moreover, there are large trees situated along the southeast boundary of the application site which would ensure that there would be

no views to the rear garden of Pound Cottage. As such, it is not considered that overlooking would also result in the current case.

7.4 Impacts on Ecology and Trees (GP2, EP4 and 5)

7.4.1 As has been established in section 6.3 of this report, the application site has the potential to house important ecology, considering it has biota that could be significant to birds and other important wildlife species, particularly House Sparrows. Given the above, DEFA Ecology has requested the imposition of conditions regarding house sparrows and landscape plan which would serve to ensure that the development does not result in detrimental impacts on ecology. As such, suitable conditions would be attached as requested by DEFA Ecology to ensure the scheme complies with the requirements of Environment Policies 4 and 5 of the Strategic Plan.

7.4.2 In reviewing the impact on trees, the comments by DEFA's Arboricultural Team are particularly relevant. In this case, they suggest that whilst the scheme would have some measure of impact on the trees on site, their current size, proximity to the property, their state (health), and the state/condition of their current locations would not alter considerably their current condition and contribution to the site and area. With regard to any impacts on trees within the adjacent sites, it is considered that the revised proposal would not bring the dwelling close to any adjoining tree as the only addition to the footprint of the property would be to the northwest of the existing dwelling and within the front garden. As such, it is not considered that there would be any significant adverse impacts on trees within adjacent properties.

7.4.3 Whilst comments from the neighbours regarding impacts on the trees situated within the site and adjacent to the site boundary are noted, the advice from the Arboricultural Team who have the expertise to advise on trees suggest that any impacts on trees within the site would not be significant when assessed against the current state of the trees, and suggest these trees are unsuited to the setting as it already exists. Additionally, the revised scheme would not bring the development closer to any of the nearby trees. As such, the concerns that the scheme would adversely impact on the health and survival of the aforementioned trees are diminished in the current case.

7.5 Highway Impacts

7.5.1 In terms of highway safety impacts, it is noted that the proposed works would provide two new parking spaces for the property, which would be sufficient for the residential use of the property. It is also considered that DOI Highways consider that there are no concerns with highway safety as it relates to visibility or safety of the parking provisions. Given the above, it is considered these elements of the scheme comply with the requirements of General Policy 2 (h & i) and Transport Policy 7 of the Strategic Plan.

7.6 Other Matters

7.6.1 The matters related to construction traffic and parking, property values, property boundaries and definition of curtilages, and general construction impacts (including construction impacts on garden wall), respiratory concerns, and position of gas cylinders, bear no weight as material planning considerations and as such cannot be considered in the assessment of this planning application. These issues would be better addressed via the appropriate legislation outside the remit of planning.

8.0 CONCLUSION

8.1 It is considered that the increased height and floor area weigh against the proposal. It is also considered that the potential to overlook part of the front garden of 'Burnside' and create some overshadowing for the side garden of 'Fern Lea' weighs against the application,

although the impact of overshadowing is considerably diminished by the impact of the trees south of 'Fern Lea'.

8.2 Conversely, the fact that the altered building would be changed from its non-traditional poor form to a more traditional style (in accordance with Paragraph 8.12.2 of the Strategic Plan) with the appearance of the dwelling significantly improved, the acceptable highway safety impacts, the acceptable impacts on trees and biodiversity, and the fact that the altered dwelling fits with the character of the area which has predominantly traditional dwellings with observable modern elements, tilts the decision in favour of the proposal.

8.3 Overall, it is concluded that although there are elements of the scheme which weigh against the proposal, the acceptable elements of the proposal outweigh any detrimental impacts that could result, particularly as the scheme would result in a significantly improved dwelling over that which currently exists with minimal impacts on neighbouring amenity. It is, therefore, recommended that the planning application be approved subject to the recommended conditions.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 13th March 2023

Item 5.3

Proposal : Demolish existing detached house and build a replacement detached dwelling

Site Address : Rheaby Beg
Main Road
Glen Maye
Isle Of Man
IM5 3AU

Applicant : Mr Robert & Mrs Grizelda Taylor

Application No. : 22/00827/B- [click to view](#)

Planning Officer : Mr Richard Boyt

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. Notwithstanding the extant planning permission for house renovations and extensions at the site, on balance, it is considered that the proposed replacement dwelling will result in an adverse landscape and visual impact on the rural uplands by virtue of the scale and design of the development and is not considered to amount to an exceptionally innovative or high quality modern design, being contrary to Policies EP1, EP2 and HP14 of the Isle of Man Strategic Plan.

Interested Person Status – Additional Persons

It is recommended that the following 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):

The Society for the Preservation of the Manx Countryside and the Environment

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AT THE REQUEST OF THE PRINCIPLE PLANNER

THE SITE

1.1 The application site is an existing derelict two storey cottage and surrounding land on moorland 700 metres east of Glen Maye village on an elevated hillside position looking out to the sea in the northwest.

1.2 The stone cottage has a regular three bay frontage with high eaves which possibly had a room in the roofspace. The house is gable ended with broad chimney stacks and a pitched slate roof.

1.3 Former single storey extensions have been removed on the northern and southern end of the building as have former attached barns and stores. Recently a new or significantly improved access track has been created, looping in from the south, but approaching the house from the north. No gardens are evident at the property and the site is currently a vacant building site with the house uninhabitable. Footings and walls up to DPC level appear to have been constructed in accordance with a 2016 planning permission to extend the cottage.

Surroundings;

1.4 Rheaby Beg, as it is now known, is in the open countryside in an attractive upland area. The locality is grazed moorland with banked field boundaries and poor quality grassland. There are no tall trees aside from some boundary copses.

1.5 The character of the area is one of open moorland grazing at an altitude that allows long distance views out to sea. It has a very remote feel even though it is only half a mile from the village of Glen Maye.

THE PROPOSAL

2.1 The proposal is a replacement dwelling for a substantially larger house on the plot (over 10 metres high and nearly 30 metres wide), with the applicant primarily relying on the fall-back position of an existing house extension consent on the property which appears to have been lawfully commenced.

2.2 The proposals involve the wholesale demolition of the existing house and its replacement with a 3 storey dwelling clad in timber effect panels (presumably fibre board) and stone with a slate roof. Windows, doors, trims, fascias, rooflights and rainwater goods are described as dark grey or black (potentially plastic).

2.3 A newly defined garden area is proposed with a large barn/shed for grounds maintenance equipment positioned to the north measuring 15 metres long, 7.5 metres wide and 5.75 metres tall, clad in olive green metal panels and dug into the ground somewhat. To the northeast of the proposed dwelling a subterranean garage 10 metres wide and 8 metres deep is proposed with stone-faced retaining walls.

2.4 The new dwelling will be positioned and rotated around 10 to 30 metres to the northwest from the current footprint of the existing house for reasons of improving the view to the coast and to provide solar gain by moving away from the sloping ground to the south.

PLANNING HISTORY

3.1 In application 16/00070/B, substantial single storey and two storey extensions were approved to the existing old house. The former house (because it was abandoned) already had a side sunroom, a back kitchen, porch, barn and store. The 2016 consent gave substantial extensions to the renovated house, resulting in a rambling 5/6 bedroom, two kitchen dwelling based around the original stone cottage. This latest submission states that the 2016 permission resulted in a total floor area of over 400 square metres. The officer report refers to the 2016 permission creating two units; in the case of the applicant this was to allow parents to live alongside their daughter who would live semi-independently following an accident.

3.2 In 2016, planning officers found that although the house had been abandoned, the special vernacular qualities of the cottage were enough for this building to be renovated and reused with modest extensions.

3.3 In subsequent pre application discussions since that approval, the principle of demolishing and replacing the cottage has been accepted by officers on the basis that the 2016 permission is a suitable fall-back position because the development has been commenced. This

acceptance has been on the strict condition that a suitable scale and design of replacement dwelling is proposed.

DEVELOPMENT PLAN POLICIES

4.1 The site lies within a wider area of land that is not designated for a particular purpose on The Isle of Man Planning Scheme (Development Plan) Order 1982. The site lies outwith the area of High Landscape Value and Scenic Significance which lies to the west. The site lies within the Southern Uplands area in the Landscape Character Assessment.

4.2 Type A: Uplands

The overall strategy for the protection and enhancement of the Uplands Landscape Character Type is to conserve and enhance: the predominantly open and exposed character of the moorland hills and mountain summits; the generally uninterrupted skyline and panoramic views across the lower slopes and plains towards the sea; the strong sense of tranquillity and remoteness; and the distinctive features of cultural heritage and nature conservation interest. Key landscape planning considerations in relation to the protection and enhancement of this Landscape Character Type are as follows:-

- (a) Housing and business development would be out of place within the predominantly open, exposed, and visually-sensitive Upland landscapes;
- (b) Any buildings which are deemed necessary should avoid exposed or visually-prominent locations, and should reflect local building materials and styles;
- (c) Care should be taken not to compromise the sparsely-settled pattern of isolated, small-scale farmsteads within the Uplands;
- (d) Care should be taken to minimise visual clutter of highways infrastructure and signage on the unenclosed and simple character of rural roads that cross the Uplands;
- (e) Vertical telecommunication masts or structures, or renewable-energy development such as wind turbines, may be out of place within the predominantly open, exposed, and visually-sensitive Upland landscape, and care should be taken to ensure that the location of such development does not dominate the landscape.

4.3 The Landscape Character Policy Statement 1 states as follows:

Generally, new built development would be out of place within the predominantly open, exposed, and visually-sensitive Upland landscapes. Any new built development which is deemed necessary should avoid exposed or visually-prominent locations. The setting of the sparsely-settled pattern of isolated, small-scale farmsteads within the Uplands must not be compromised.

4.4 Housing

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

REPRESENTATIONS

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

5.1 Patrick Commissioners - no objection

5.2 Department of Infrastructure Highway Services - no significant negative impact. EV points should be installed.

5.3 DEFA Biodiversity - no bats and barn owls, but swallow nests in the building. Recommends provision wildlife protection condition should approval be given including swallows and protective fencing to the SW during construction.

5.4 No comments received from neighbouring properties, but an objection to the quality of the information and plans provided from the Society for the Preservation of the Manx Countryside and the Environment.

ASSESSMENT

Introduction

Visual Impact

Other Material Considerations

6.1 The applicant is proposing an entire replacement dwelling on an altered footprint of approximately 500 square metres in internal area and including the demolition of the existing Manx cottage and the erection of a large shed/ barn outbuilding to the north. This 500 square metre internal area does not appear to include the garages and garden shed which provide another 200 square metres of internal area.

6.2 The justification for the larger development given by the applicant is that the current building is structurally difficult and thermally inefficient and its complete rebuild would result in a more sustainable building in the medium term. Moving the house away from the southern slopes would improve solar gain by reducing overshadowing and also improve views to the northwest.

6.3 The planning justification made by the applicant is that although planning policies restrict replacements to 50% increases of the original dwelling, there is a caveat for exceptionally innovative or modern design where there is no adverse visual impact.

6.4 To be clear, the original dwelling at Rheaby Beg is an abandoned cottage of around 100 square metres and perhaps slightly more if the attic room previously existed (the inclusion of attic rooms is excluded in Policy HP14). The cottage had been extended prior to 2016 and had outbuildings, but such additions (and attic spaces) are not normally included in such floorspace calculations. The 2016 permission allowing extensive extensions to the dwelling were allowed on the beneficial basis of converting a heritage building worthy of preservation.

6.5 Policies EP1 and EP2 of the Isle of Man Plan are clear that the countryside will be protected for its own sake and that development that would adversely affect the landscape qualities of an area will not be permitted. Notwithstanding the permission which exists on this property, these proposals will inevitably harm the character of the uplands landscape by virtue of their altered appearance and excessive scale.

6.6 Policy HP14 accommodates replacement dwellings, however due to the scale of these proposals, they would only qualify to meet this policy if they are considered of exceptional modern or innovative design. Whilst these proposals are undoubtedly modern, they are not considered exceptionally so and they are not innovative in any identifiable way.

6.7 In terms of starting point it has to be acknowledged that the 2016 approval as noted in para 3.1, has been implemented and the applicants could continue to build this proposed dwelling house that would offer 400 square meters of habitable accommodation. This permission would allow for the creation of a dwelling house on site and with a larger

residential curtilage that what is proposed under this (2022) application. This would be seen as a benefit which would help to reduce the level of domestic paraphernalia on site and reduce the residential curtilage. It is further noted the proposals also include a walled garden to the south west corner of the proposed build.

Visual Impact

6.8 The proposals are for a substantial detached dwelling of 3 storey appearance and form. The internal area of this dwelling is over 500 square metres and the house would provide spacious 6 bedroom accommodation. Being approximately 5 times the internal floorspace of the 'original' dwelling, plus the addition of very large outbuildings (the shed and garage), the proposals could be read as at odds with the standard size criteria of Policy HP14 if looking at the built form on site. However, consideration has to be given to the extant permission as described above, and the level of impact this would have. On this basis, the proposals rely on qualifying as exceptional in terms of innovation or modern design to comply with HP14 and have acceptable visual impact.

6.9 In parallel to 'exceptional' considerations, it must be borne in mind that the proposals replace a vernacular Manx cottage that this authority considered of such high value as to justify approving an extended dwelling on the grounds that it would preserve the historic structure. The cottage is in a very poor structural state and because of its solid wall construction, it will be costly in both financial and carbon terms to make it thermally efficient. The cottage is not so precious that it must be preserved no matter what, however it is recommended that for any replacement dwelling to be approved, a proposal must be in keeping with the ethos and form of what is already there and not wholly unrelated to it, unless a departure is being sought for a replacement dwelling as noted in Hp14 that allows for exceptions for; "buildings of innovative, modern design where this is of high quality and would not result in adverse visual impact" (Hp14 text).

6.10 The applicant has argued that the current dwelling is effectively three storeys in height and so is the replacement. It is evident that the current cottage has a two storey appearance and the proposals are significantly taller (2.5m taller to the ridge) and they appear of a much larger scale in every dimension. The scale of the proposals does not could be considered to not respect the sensitive rural hillside location and would could be visually intrusive in the landscape, especially at night where there is a danger that its large windows would could result in a hillside beacon effect.

6.11 The landscape policies are clear that built development in isolated upland areas should reflect the small-scale farmsteads found in the area and not result in prominent development in exposed locations. The scale and bulk of this proposal are could be read at odds with that policy, but a balance has to be taken on material weighting of the Strategic Plan and the Area plan in general. The overriding theme of the Area Plan is the protection of the countryside with its rural character and open views.

6.12 The impact of these proposals is further increased by moving the footprint of the building away from the hillside on the grounds of solar gain advantages. Whilst there may be some gains in doing this, the proposals involve no solar panels and few other features of passive solar design, it is questioned whether the altered footprint is all about sustainable energy or principally about the quality of view looking northwest. Within the written design statement accompanying the planning application the agent notes at para3.15 of their statement, on the sustainability issue as; "Further, one of the functions of the glazed links is to act as 'heat sumps' for passive solar gain; they will be exposed to the sun for most of the day, will therefore be heated via the Greenhouse Effect, the hot air will rise due to the Stack Effect, and can therefore be harvested via a heat exchanger for use in the heating of the house and its domestic hot water, as appropriate. The proposals include for plant areas in the roof void to

house such equipment, with the louvres to the northern elevation available for hidden ventilation, if required. The glazed areas are severable from the general living accommodation to avoid overheating in exceptional circumstances, but a proposed MVHR system will ensure that no passive energy harvested is wasted".

6.13 It is acknowledged that Rheaby Beg is not immediately visible from surrounding houses which are shielded from the site by local topography. However, the wider impact in the landscape is still a material consideration and just because a development is not immediately evident from surrounding land, it does not mean that the development may be permitted in any form, scale or design.

6.14 The applicant has been invited to meet officers during the course of the development to discuss some of the design issues that the authority consider contribute to its conflict with planning policy. The overriding concern is the scale of development in terms of floorspace (and therefore bulk), height and orientation of building. The use of stone is considered appropriate, but the large areas of timber effect cladding are could be considered excessive and out of keeping with the local vernacular. There are concerns about lost opportunities for passive solar gain by having more windows on the south elevations, the lack of renewable energy incorporated in the proposals and the size and design of the outbuilding. However a balance has to be struck between a replacement dwelling under HP14 that is innovative and modern whilst respecting the level of visual impact needed under Ep1. Arguably the design is balancing point here that can be very subjective.

6.15 These factors combine to result in a development that is may not be considered of high quality and innovative enough design to be exceptional and worthy of justifying the demolition of the Manx cottage on the land. The proposed dwelling will be tall and prominent in the landscape, harming the character of the uplands and out of keeping with the small farmsteads that are found there, thus could be read at odds with Policies EP1, EP2 and HP14 of the Isle of Man Strategic Plan.

Other material considerations

6.16 In terms of other elements of the proposals, there are no ecology objections providing conditions are applied to protect nearby grassland from construction activities and swallows nests are protected. Trees are unaffected.

6.17 The established driveway access, although perhaps grander than envisaged in the 2016 consideration, is acceptable in terms of design and highway safety, parking (a subterranean garage is proposed to the back of the site), etc. are all considered acceptable. EV points could be installed in the garage or parking areas.

6.18 Being so isolated, there are no near neighbours to the site who are affected and obviously such a large house and gardens will provide excellent living conditions for future residents.

6.19 Another area of concern has been the scale and proportions of the equipment store/shed proposed north of the house. It has an internal area of 112.5 square metres, it is 5.75 metres tall and requires a large dig out alongside the drive. The justification for this building which is roughly the same size as the existing cottage is that the surrounding land requires maintenance. Whilst this may be the case, the house is proposed with around an acre of garden land, 50% of which is the footprint of the house, its garage, hardstanding areas and the machinery store itself. The applicant has stated that they wish to maintain the wider land and for that reason a farming building application may be more appropriate for this building. The shed is not commensurate to domestic garden maintenance, but could be conditioned to ensure its use is strictly related to agriculture if this is the applicant's intention.

6.20 Were the proposals to be recommended for approval, the large areas of new hard bound surfaces and roofs would result in a substantial rainwater drainage change and a surfacewater drainage scheme would be required by condition. Foul water is proposed to be processed by biodisc before draining on site which is considered acceptable subject to details being agreed.

CONCLUSION

7.1 Notwithstanding the extant planning permission for house renovations and extensions at the site, it is considered that the proposed replacement dwelling will result in an adverse landscape and visual impact on the rural uplands and will not amount to an exceptionally innovative or modern design contrary to Policies EP1, EP2 and HP14 of the Isle of Man Strategic Plan.

7.2 Furthermore, the existing Manx cottage is considered of heritage value such that any replacement must be of such quality and scale that it justifies the loss of this vernacular asset. That quality and scale has not been achieved in this proposal.

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

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

PLANNING AUTHORITY AGENDA FOR 13th March 2023

Item 5.4

Proposal : **Erection of therapy office and sauna room**
Site Address : **Nauvoo**
 Vicarage Road
 Douglas
 Isle Of Man
 IM2 2QF
Applicant : **Linda Holden & Lelie Netherwood**
Application No. : **22/01527/B- click to view**
Planning Officer : **Mr Peiran Shen**

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 use hereby approved shall only be undertaken:
10:00-19:00 between Monday and Saturday;

The use shall not be undertaken at any time on Public Holidays.

Reason: To ensure that the development is undertaken in accordance with the application details and in the interest of protecting neighbouring living conditions.

C 3. There must be no more than three customer/client using the hut at any one time.

Reason: In the interest of highway safety and residential amenity.

C 4. The area of the site to be used for sauna/therapy service shall be limited to the hut that shown on the drawing no. AP100 Rev A and the use hereby permitted shall not extend into any other part of the premises.

Reason: To minimise the disturbance to adjacent residential occupiers and to protect the residential character of the locality.

C 5. The use hereby approved shall only be for the benefit of the applicant while they are resident at Nauvoo, Vicarage Road, Douglas and no staff may be employed and/or work at the premises.

Reason: Although the specific details of this application have been found acceptable, any change to its operation will require fresh assessment.

C 6. The driveway and access shall be kept available and unobstructed for parking at all times.

Reason: To ensure a satisfactory access and in the interests of highway safety.

Reason for approval:

The proposed sauna/therapy hut would only be used by two operators and three customers at any time and the impact on the neighbouring amenities would not be significantly more than the applicant using the space by himself and neither does its impact on the parking demand of the area.

Interested Person Status – Additional Persons

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

Spring Lodge Vicarage Road Douglas;
Rozanne Vicarage Road Douglas;
Moorcroft Vicarage Road Douglas;

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

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is the residential curtilage of 'Heather View', Vicarage Road, Douglas. It is located at the south of Vicarage Road, close to its roundabout with Meadow Crescent.

1.2 The site fronts onto the south of a private driveway that links with Vicarage Road. It is among a row of four single-storey detached dwellings on the same private driveway. They have a north-facing orientation and are aligning west-east. It is to the east of "Moorcroft", west of "Rozanne" and north of 5 the Meadows.

1.3 There are tall trees around the side and rear boundaries of the site. The trees on the west and rear boundary of the site are within the boundary of the site. The trees on the east side of the site are within the boundary of "Rozanne" and they are taller than the existing roof.

1.4 The existing house is a single-story bungalow with two extensions on the northeast corner of the property and a conservatory on the east elevation. The main dwelling is set back from the private driveway for approx. 15m. There is a curved and grassed front garden to the west of the site in front of the dwelling, a small square front garden to the northeast corner of the site and a hard-surfaced driveway in front of the bungalow. The driveway is also used as off-street car parking spaces.

2.0 THE PROPOSAL

2.1 The proposed is the erection of a timber hut. The hut will be used for therapy and a sauna and will be open to the public as a business.

2.2 The applicant states that the gym is proposed to operate 10:00-19:00 between Monday and Saturday. There will be a maximum of three customers within the hut at any given time.

3.0 Planning History

3.1 Approval in principle for the erection of a dwelling, including siting of dwelling was REFUSED under PA 20/01248/A. The reason was: "the size and positioning of the proposed dwelling is considered to lead to an overdevelopment of the site, with negative impact on the street scene and insufficient amenities for future occupiers."

4.0 Planning Policy

Site Specific

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

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:

- o Strategic Policy 2, 3, 5
- o Spatial Policy 3
- o General Policy 2 (b) (c) (g) (h) (i) (m) (n)
- o Business Policy 1
- o Transport Policy 7
- o Appendix 7.6
- o Community Policy 7, 10 and 11
- o Infrastructure Policy 5

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 There is no relevant strategy or guidance that directly applies to this application.

6.0 REPRESENTATION

This section provides a summary of all representations received. Full details are available on the government website.

6.1 Douglas Borough Council has no objection to this application (26.01.2023).

6.2 DoI Highway Services does not oppose this application (16.01.2023). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking.

6.3 The owners/occupiers of the following properties (in no particular order) have written in objection to this application (08.08.2021-28.09.2021).

- o Spring Lodge Vicarage Road Douglas;
- o Rozanne Vicarage Road Douglas;
- o Moorcroft Vicarage Road Douglas;

6.4 The representations which include material planning considerations can be summarised (in no particular order) as the following:

- o land use designation
- o impact on traffic safety on the private drive and parking provision
- o noise

6.5 Issue was also raised about the clarity of the submission and the visibility of the decision notice, an amended site plan with parking arrangement has been received later and a new site notice was issued following re-advertisement.

7.0 ASSESSMENT

Elements of Assessment

7.1 The key considerations in the determination of the application are the principle of development, its impact on the character and streetscene of the area, on traffic and parking provision and the amenities of the neighbours.

Principle of the Development

7.2 When looking at the principle of the additional use it should be acknowledged that permission has been approved and refused for the operation of businesses from a residential property, throughout the Island.

7.3 The use class for a sauna is considered assembly and leisure (Class 4.4). The use class for massage and therapy is considered professional services (Class 1.2). While the services proposed are for people's health benefits, they fit in with the description of Class 1.2 and the exception of class 4.1.

7.4 The site is within an area designated as Predominantly Residential (predominantly Class 3.3). As such, the proposal could be seen as contrary to the land use designation. Since the 2022 (Planning Committee) Standing Order, this type of application can be decided on the delegation level instead of being submitted to the planning committee.

7.5 It should be noted that although the site is within a predominantly residential area, the proposal is of small scale in size, being only able to serve 3 people maximum at any one time. Therefore, if the impact is considered acceptable after the full assessment, the proposal would not change the predominantly residential land use of the area and is considered principally acceptable.

Character and Streetscene of the Area

7.6 The proposed dwelling is not visible to the public and is therefore considered to not have an impact on the character and streetscene of the area.

Traffic and Parking Provision

7.7 According to TP7, the dwelling would require two parking spaces and the proposed sauna/ therapy hut would require two parking spaces. Considering there could be three customers at one time, this leads to the need for one more parking space. As the owner of the dwelling is also the sole operator of the gym, it is considered that there should be five parking spaces for the dwelling and the sauna/therapy hut together.

7.8 The front driveway can accommodate five cars. Therefore, it is considered that the proposal meets the parking standard.

7.9 The proposal would attract more traffic to the private driveway from the travelling of clients, which would be three cars per hour during opening times. It is considered that the increase would not create an unreasonable level of noise than that of someone who has frequent visitors and is considered acceptable.

Neighbouring Amenities

7.10 Given the nature of the business, it is believed that the hut would not generate more noise than the applicant using the hut for their personal enjoyment, which would be ancillary

to the use of the dwelling and not controlled by planning. Therefore, it is considered that the potential noise and disturbance created is not enough reason to recommend a refusal.

7.11 A condition would be attached to confine the business within the hut as this is the base of the application and its assessment.

Planning Balance Assessment

7.12 The proposed use has similar impacts as using the hut for sauna and therapy by the applicant alone. The increase in parking demand can be accommodated within the site. The traffic generated is similar to a house with frequent visitors. Since both using the hut for the enjoyment of the dwelling and having frequent visitors are considered domestic and would not require planning approval, it is considered that only significant adverse impacts on the area would mount enough reason for a recommendation of refusal, especially with a condition being attached restricting the use to three customer/client using the gym at any one time.

7.13 The main concern from neighbouring properties is the impact of the increased number of visitors. Generally speaking, a condition would be attached that the applicant cannot hire any employees, which is a sign for a small business to relocate to commercial areas. With only one employee, the number of customers that can be served on any given day is not likely to be continuous but sporadic, which is unlikely to generate impact at the same scale as a business within a commercial area.

7.14 As the assessment is conducted according to the operation details provided by the applicant. These details will be conditioned to ensure the impact on neighbouring amenities is minimised.

8.0 CONCLUSION

8.1 The proposed sauna/therapy hut would only be used by two operators and three customers at any time and the impact on the neighbouring amenities would not be significantly more than the applicant using the space by himself and neither does its impact on the parking demand of the area. Therefore, it is recommended for an approval.

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 13th March 2023

Item 5.5

Proposal : Erection of a replacement dwelling with an attached double garage, creation of a turning area and widening of existing vehicular access

Site Address : Conister
Hillberry Road
Onchan
Isle Of Man
IM3 3JP

Applicant : Mr & Mrs Richards & Vivienne Welch

Application No. : 22/01142/B- [click to view](#)

Planning Officer : Mr Peiran Shen

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:

This application is considered to comply with General Policy 2 and Transport Policy 7 of the Strategic Plan and Residential Design Guide.

Interested Person Status – Additional Persons

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

The Haven Hillberry Road, Onchan
12 Birch Hill Grove, Onchan

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

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNING OFFICER.

1.0 THE SITE

1.1 The application site is the residential curtilage of Conister, Hillberry Road, Onchan, a two-storey detached dwelling located on the east of Hillberry Road, between its junction with Birch Hill Crescent and Birch Hill Avenue. The dwelling is currently vacant.

1.2 The dwelling consists of a two-storey hipped-roof main dwelling and several extensions. These extensions include a two-storey pitched-roof extension on the south (front) elevation, a single-storey flat-roof extension on the south elevation (the flat roof is also a roof terrace with boundary walls), a flat-roof dormer on the north (rear) elevation roof, a single-storey flat-roof extension on the north elevation, a hipped roof single-storage garage on the west elevation.

1.3 There is a front driveway from the entrance leading to the middle of the south elevation. To the west of the driveway, the existing surface is hardened to the end of the garage. The rest of the site is covered with grass.

1.4 There is a short boundary wall against Hillberry Road while the other boundaries have hedges around 2m tall. There is some mature trees behind the boundary wall.

1.5 The end of the existing flat roof dormer is higher than the ridge of the main roof. The connection of the dormer with the main dwelling is at the ridge of the main roof.

1.6 The applicant also owns or is occupying Weyham, which is on the northwest of Conister, and Cronkville, which is on the northwest of Weyham. Both are part of the Beehive Kindergarten.

2.0 THE PROPOSAL

2.1 The proposed is a contemporary three-storey pitched-roof detached dwelling.

2.2 The proposed sits at an angle to the road. It has an asymmetrical pitched roof and a flat-roof dormer. The roof pitch is longer towards the roadside, which is also where the dormer is on. There is a single-storey flat-roof extension around the front, side and rear of the main building. There is also a flat-roof canopy across the front elevation and a roof terrace above the front extension.

2.3 The proposal has defined corners and sharp edges. The front elevation is recessed from the roof edge. Most windows have vertical glazing. The ground elevations will have stoned cladding and the first and second-floor elevations have paint render.

2.4 The site has a paved driveway and a small front garden. The site has short hedges along the front elevation and tall hedges around the side and rear elevations.

3.0 PLANNING HISTORY

3.1 Alterations, extension of existing dormer window, rendering works, formation of additional parking and widening of vehicular access was REFUSED under PA 20/00997/B.

3.2 The reason for refusal was regarding the poorly designed extensions on the existing dwelling and the overly-disproportionate car park area. The current application has a bigger mass than the refused proposal. The size of the driveway/car park area is smaller than the refused proposal. The design of the current application is contemporary while the refused proposal was 1970s style with extensions.

4.0 PLANNING POLICY

Site Specific

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

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:

- o Strategic Policy 3, 5
- o General Policy 2 (b) (c) (f) (g) (h) (i) (j) (m) (n)
- o Environment Policy 42
- o Housing Policy 6
- o Transport Policy 7
- o Appendix 7.6
- o Community Policy 7, 10 and
- o Infrastructure Policy 5

PPS and NPD

4.3 There is no relevant Planning Policy Statement or National Policy Directive that applies to this application.

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 The Residential Design Guide (July 2021) guides 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.

6.0 REPRESENTATIONS

6.1 Onchan District Commissioners objects to this application (15.11.2022). The comment states the layout and density of the building.

6.2 DoI Highway Services does not oppose this application (14.10.2022). The comment states that surface water drainage is required.

6.3 Owners/occupiers of the Haven, Hillberry Road, Onchan wrote in objection to this application (17.10.2022). The comment states that while the regeneration in general would improve the area, the proposed roof terrace would overlook their property. The comments request the roof terrace be set further back and point out that the hedges would not be able to act as an effective screening when trimmed.

6.4 Owners/occupiers of 12 Birch Hill Grove wrote in objection to this application (21.10.22). The comment also welcomes the regeneration in general but thinks the proposal is overbearing as it almost abuts the site boundary. The comment also thinks it is out of character with neighbouring properties; it may be used as part of "Beehive", the kindergarten close by and also owned by the applicant; it may increase surface water run-off due to increased hardening surface and may increase pressure on the existing drainage system.

6.5 The agent has responded to the comments and explained that the roof terrace has been reduced after a comment from the Haven and many points have been explained in the design statement.

7.0 ASSESSMENT

7.1 The main considerations for this application are the principle of the application, its impact on the character and streetscene of the area, on parking and neighbouring amenities.

Principle of the Development

7.2 The site is within an area designated as predominantly residential. Therefore, the erection of a replacement dwelling is principally acceptable.

Character and Streetscene of the Area

7.3 The dwelling is in a contemporary design. The contrast of different roofscapes, fenestration, material and colour between the proposal and the dwellings alone on the same street tells the age of construction and is considered to have a positive impact on the character and streetscene of the area.

7.4 The size of the front garden has been reduced by the front extension and additional driveway. However, since there is still sufficient plantation along the front boundary. It is considered that there is no negative impact on the character of the area.

Parking

7.5 The proposal provides two parking spaces, complying with the requirement in Transport Policy 7. Therefore, it is considered that the impact on parking provision is acceptable.

7.6 A site visit has revealed that the proposed driveway is necessary to facilitate manoeuvring within the site.

Neighbouring Amenities

7.6 The new dwelling has increased in footage area. However, the majority of the increase in footage area is for single-storey extensions and the area and location of parts of the building which is two-storey or higher remain generally the same. The increase in height, taking into account the reduced foundation level of the new dwelling, is only approx. 0.5m compared to the existing dwelling. Therefore, it is considered that there is no additional overbearing or overshadowing impact on the neighbouring properties.

7.7 The new dwelling has the same or reduced level of overlooking impact on the west and north elevation as the vantage points are either at the same or reduced level compared to the existing ones.

7.8 The new roof terrace is approx. 5.18m to the Haven (southwest of the site) at its closest point. It is 2m closer to the Haven than the existing balcony. Because both distances are so close to the Haven, the degree of overlooking does not change, albeit always intense. Given the roof terrace is connected to the master bedroom, meaning the user will most likely be limited to the owners of the property, it is considered that the additional overlooking is within an acceptable level.

8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2 and Transport Policy 7 of the Strategic Plan and Residential Design Guide. Therefore, it is recommended for an approval.

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 which 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 13th March 2023

Item 5.6

Proposal : **Erection of tent access lanes on circus beach to facilitate a purpose built customs area with search bays**

Site Address : **Sea Terminal
Douglas
Isle Of Man
IM1 2BX**

Applicant : **Public Estates And Housing Division Department Of Infrast...**

Application No. : **22/01559/B- [click to view](#)**

Planning Officer : **Mr Toby Cowell**

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 customs and search bay structure hereby approved shall be maintained to a high standard of visual appearance, including remaining weathertight and watertight at all times. If at any point the structure becomes damaged, ripped or torn, works must be undertaken to repair the structure within 1 week of such damage having occurred. Should the structure become damaged or structurally unsound beyond reasonable repair, it must be replaced with an identical structure within 4 weeks of such damage/structural deficiency having occurred. Should the need for the structure no longer remain in accordance with its approved purpose, it shall be dismantled and removed from the site immediately.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the wider locality.

Reason for approval:

The proposed development is acceptable in principle by way of providing necessary associated infrastructure in connection with the Port's operations, without detriment to the visual amenities of the site immediate setting or the adjacent Conservation Area. The development is therefore in compliance with Spatial Policies 1 and 6, General Policy 2, Environment Policies 36 and 42 and Transport Policy 13 of the Strategic Plan (2016), together with aligning with the key objectives of the Area Plan for the East (2020).

Interested Person Status – Additional Persons

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

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE ON THE ADVICE OF THE HEAD OF PLANNING AND BUILDING CONTROL

1.0 THE SITE

1.1 The application site comprises a portion of the Douglas Outer Harbour area located to the south-west of the Sea Terminal and adjacent to the Imperial Buildings and a large car park to the west. The site presently includes car parking provision along its western side adjacent to the aforementioned car park, security fencing, and lighting and associated equipment, together with cargo storage in the south-eastern portion. The site runs adjacent to the main exit route from the harbour to the Town.

2.0 THE PROPOSAL

2.1 Planning permission is sought to comprehensively reorganise the site by way of removing all existing parking and storage areas, and the erection a new dual-pitched customs tent with associated search bays. The tent would consist of a metal structure with a fabric covering, white UPVC cladding on the western elevation and UPVC framed windows on the eastern elevation. The western portion of the structure would be enclosed with cladding on the north and south elevations, with the eastern portion to remain open allowing vehicular traffic to pass through. The structure would measure 20.46m in length and 10.122m in width, with an eaves height of 4.16m and ridge height of 7.5m.

2.2 As part of the site's wider reorganisation, a new access lane is proposed to connect off the existing exit route, which would only be used by HGVs. The new access would sweep round to the west and extend north towards the customs tent, with 2 no. declaration bays to be provided just before entry to the customs area. A height restriction barrier with 'declaration' and 'non declaration' signage is proposed along the access route prior to the splitting of the access. The customs tent would be enclosed by 3m high palisade security fencing along its northern and eastern sides.

2.3 The proposals further include minor modifications to the existing masonry wall segregating the site from the car park to the west. Specifically, almost the entire length of the wall would be raised in height to 2.9m, with the existing access gate to be replaced by a galvanised steel gate with electronic access. The existing Armco barrier running adjacent to the wall and the Imperial Buildings would be removed.

3.0 PLANNING HISTORY

3.1 Whilst the site and wider harbour have an extensive planning history dating back to the late 1980s, none of this history is considered to be of particular material relevance to the present application.

4.0 PLANNING POLICY

4.1 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
- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages
- 5 Design and visual impact

Spatial Policy

- 1 Priority to Douglas for development
- 6 Protection and enhancement of principal gateways to the Island

General Policy

- 2 General Development Considerations

Environment Policy

- 10 Flood risk
- 11 Coastal development
- 36 Development adjacent to Conservation Areas
- 42 Designed to respect the character and identity of the locality

Transport Policy

- 4 Highways safety
- 13 Development in harbours

4.2 Area Plan for the East (2020)

One of the key objectives of the Area Plan is to support and implement the National Infrastructure Strategy (2017) and the Harbours Strategy (2018), both of which are also material considerations in the determination of this application. The site forms part of the Maritime Gateway Mixed Use Area, with the corresponding proposal in the Area Plan stating that there will be a presumption in favour of improvement of and development proposals for port and harbour purposes.

4.3 National Infrastructure Strategy (NIS) (2017)

The following points from the NIS are of particular relevance with respect to this application:

- Recognising the strategic importance of Douglas Harbour in particular, the Department of Infrastructure is considering a number of options for further improvements to Douglas Outer Harbour which will provide more economic development opportunities. This will form part of the Harbours Maritime Strategy which is currently being prepared;
- Tourism is likely to remain an important element of the Island's economy and consideration may need to be given to what infrastructure might be required to accommodate this. This may include enhanced harbour and marina facilities to broaden the appeal of the Island;
- The most likely driver for change at the Islands ports, harbours and airports is the on-Island economy. Off Island travel is essential for economic success whether it is bringing goods to and from the Island, people flying for business or those coming to visit the Island on holiday there is a need to be able to accommodate this;
- There is a commitment in the Programme for Government to "Prepare a Harbours Maritime Strategy for the Island to include the exploration of the feasibility for a deep water berth and the ability to bring forward a non-tidal marine by end 2026". This report will consider each of the Island's harbours in terms of their constraints and opportunities / aspirations which could be realised at each harbour in the future. In terms of Douglas this will also consider the future infrastructure to ensure it remains fully operational. This may require a significant level of investment in the future.

4.4 Harbours Strategy (2018) - provides general information on opportunities available to upgrade and enhance the Douglas Outer Harbour Area and the Marina.

4.5 Schedule 1 of the Town and Country Planning (Permitted Development) (Government Owned Land) Order 2012, relating to Douglas Outer Harbour, is also of relevance and material with respect to the determination of this application.

5.0 REPRESENTATIONS

5.1 Douglas Corporation - no response received at the time of writing the report.

5.2 Highways Services - consider that development will have no significant negative impact upon highway safety, network functionality and /or parking (06.01.23)

5.3 Flood Management Division - do not oppose (16.01.23)

5.4 DEFA Fisheries Directorate - no response received at the time of writing the report.

5.5 Manx Utilities Authority - no response received at the time of writing the report.

5.6 Planning Enforcement - no response received at the time of writing the report.

6.0 ASSESSMENT

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

- Principle of development (SP1 & 2, TP13 & Area Plan for the East)
- Design and visual impact (STP5, GP2, EP36, 42)
- Other matters (EP10, 11, TP4)

6.2 PRINCIPLE

6.2.1 The site forms part of Douglas Harbour, a principal gateway to the Island, which will be protected and enhanced in accordance with Spatial Policy 6 of the Strategic Plan (2016). Mixed use proposed 6 of the Area Plan for the East (2020) further adds that there will be a presumption in favour of improvement of, and development proposals for port and harbour purposes.

6.2.2 The proposed works would facilitate a new customs and search area, with dedicated lanes for arriving vehicular traffic to the Island, whilst improving the general layout and flow of the port operations. The proposals also seek to improve and streamline security measures at the port, whilst amounting to a general visual improvement through the removal of temporary barriers and ageing security fencing.

6.2.3 The proposals would further enhance and facilitate the smooth running of operations taking place for arrivals to Douglas and the wider Island from the Port, and therefore gain further support from the National Infrastructure Strategy (2017) and the Harbours Strategy (2018). In particular, the necessity of the Port having a dedicated customs facility has become more pronounced since the implementation of the United Kingdom's departure from the European Union, and the need for regular searches on new arrivals; particularly those coming from the Republic of Ireland (Dublin) but also spot checks from inbound arrivals from the UK; i.e. Belfast, Liverpool and Heysham. The proposals are therefore considered to be acceptable in principle.

6.3 DESIGN AND VISUAL IMPACT

6.3.1 The most visually prominent aspect of the proposals relate to the new customs 'tent' including the search bays. Whilst glimpses of the tent would be available from Peveril Square and directly in front of the Peveril Building to the north, only the northern gable end spanning a width of approximately 10m would be realistically visible, and therefore its overall visual impact would be limited.

6.3.2 The site lies outside of the Douglas Promenades Conservation Area to the north but sits within close proximity to it. Nevertheless, the general reorganisation of the site in tandem with the customs bay would, on balance, amount to an overall visual improvement and therefore

not result in a detrimental impact upon the setting of the Conservation Area. The customs 'tent' is of a lightweight construction in any case which reduces its visual prominence and perceived permanence.

6.3.3 The structure would however be more noticeable and visual impactful upon the wider harbour area to the east, and indeed would be one of the first structures visible to inbound arrivals to the Port following disembarkation. That said, the structure is not considered to be unduly intrusive from a visual perspective, whilst serving a necessary and practical function which presently does not exist. In any case, interaction with the structure from inbound arrivals would be fleeting, and be read within the context of the Port's wider operational facility.

6.3.4 No concerns are raised over the new access lanes and associated infrastructure, which as previously noted would contribute to the necessary function of the new customs area, whilst providing a general visual improvement and 'tidy-up' of the wider site. The most intrusive element of the associated infrastructure is likely to consist of the 3m security fencing surrounding the northern and eastern elevation of the customs tent. Such infrastructure is however necessary as part of the site's wider functionality, and indeed would constitute permitted development in any case in accordance with Schedule 1 of the Town and Country Planning (Permitted Development) (Government Owned Land) Order 2012.

6.3.5 In light of the above, the development is considered acceptable from a design and visual impact perspective, in compliance with General Policy 2, and Environment Policies 36 and 42 of the Strategic Plan.

6.4 OTHER MATTERS

6.4.1 No objections have been raised by the Flood Management Division and Highways Services with respect to the development proposals, nor have any conditions been recommended in the event that planning permission is granted.

7.0 CONCLUSION

7.1 The proposed development is acceptable in principle by way of providing necessary associated infrastructure in connection with the Port's operations, without detriment to the visual amenities of the site immediate setting or the adjacent Conservation Area. The development is therefore in compliant with Spatial Policies 1 and 6, General Policy 2, Environment Policies 36 and 42 and Transport Policy 13 of the Strategic Plan (2016), together with aligning with the key objectives of the Area Plan for the East (2020).

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 13th March 2023

Item 5.7

Proposal : Conversion of redundant barn building into new dwelling and proposed refurbishment and extensions to cottage

Site Address : Shenharra Cottage
Peel Road
St Johns
Isle Of Man
IM4 3NE

Applicant : Mrs Steph Cottier

Application No. : 22/00331/B- [click to view](#)

Planning Officer : Mr Peiran Shen

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. The void space between the roof and the first floor is to be constructed per drawing no. 8 Rev B and remain free of human activity.

Reason: in the interest of bat protection.

C 4. No site works or clearance shall be commenced until protective fences which conform with British Standard 5837:2012 (or any British Standard revoking and re-enacting British Standard 5837:2012 with or without modification) have been erected around any existing trees and other existing or proposed landscape areas in positions as shown on drawing no. 10. Unless and until the development has been completed, these fences shall not be removed and the protected areas are to be kept clear of any building, plant equipment, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

C 5. Development shall not commence until a programme of historic building recording of the buildings affected by the development has been undertaken, which would be submitted to and agreed in writing by the Department. The programme of building recording must be undertaken in accordance with Level Two as set out in Understanding Historic Buildings: A guide to good recording practice.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site that will be lost in the course of works.

C 6. Prior to the commencement of any development details of the proposed residential curtilage for each of the properties shall be submitted and agreed in writing by the Department and thereafter retained.

All areas outwith the approved curtilage shall be permanently retained as such and shall at no time be used as private garden nor incorporated within the curtilage of either of the dwellinghouses in this approval.

Reason: in the interests of the visual amenities of the area and to prevent the spread of development across the countryside.

C 7. Notwithstanding the submitted plans, no development shall be commenced until a hard (including a reduction in hard surfacing area as shown on submitted plans) and soft landscaping scheme has been submitted to and approved in writing by the Department. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; the location of grassed areas details of the hard surface treatment of the open parts of the site and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Department. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department. All hard landscape works shall be permanently retained in accordance with the approved details.

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

N 1. As a protected bat roost is present, the applicant must get statutory written advice from the DEFA Ecosystem Policy Team prior to starting the works, in line with Sections 9 and 10 of the Wildlife Act 1990. The applicant must get in contact with DEFA Ecosystem Policy Team on 651577 or 685963, as soon as possible and at least 4 weeks before works are due to take place and ideally 2 months before, so that this written advice can be provided. There will be no charge for this. Please also note that the Manx Bat Group's recommended period for undertaking works on the barn is late summer (we would recommend late August/September).

Reason for approval:

The proposal is considered to comply with General Policy 2, General Policy 3, Housing Policy 11, Housing Policy 15 and Transport Policy 7 of the Strategic Plan and the Residential Design Guide July 2021.

Interested Person Status – Additional Persons

It is recommended that the following Government Departments should not be given Interested Person Status on the basis that although they have made written submissions these do not relate to planning considerations:

Manx Utilities

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

Isle of Man Natural History and Antiquarian Society

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

1.0 THE SITE

1.1 The application site is the Shenharra Farm Buildings, Peel Road, St Johns. A long path connects it to the south of Peel Road, close to Sandhouse Bungalow.

1.2 There are a stone-wall barn and a stone-wall farmhouse/cottage at the north boundary of the site. They sit close to each other. The barn is two storeys. It has a pitched roof and an external staircase. The farmhouse is also two storeys. It has a pitched roof and a single-storey mono-pitched-roof rear extension, formed partially with a stone wall and partially with metal slate.

2.0 THE PROPOSAL

2.1 The proposed is the conversion of the barn into a dwelling and the renovation and extension of the farmhouse/cottage.

2.2 The barn with staircases will have new windows and doors in replacement of the existing ones. There are also new windows on the south and north elevation. It will have a lounge, a kitchen and a toilet on the ground floor; two bedrooms and an en-suite on the first floor.

2.3 The farmhouse/cottage will have replacement windows and doors on the north elevation. There is a new window on the east elevation and new rooflights. There will be a two-storey pitched-roof extension and a single-storey mono-pitched-roof extension replacing the existing extension. The extension will have a metal slate roof and fascia. The two-storey extension will have floor-to-ceiling windows and the single-storey extension will have a bi-fold door, a window and two rooflights.

2.4 The new farmhouse/cottage will have a lounge, a study, a toilet and an open-place sitting/dining/kitchen area on the ground floor; two bedrooms (one with en-suite) and a bathroom on the first floor.

2.4 The roof of the barn and the farmhouse will be replaced like for like.

3.0 PLANNING HISTORY

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

4.0 PLANNING POLICY

Site Specific

4.1 The site is not within an area designated for specific land use. Therefore, it is considered to be part of the countryside.

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:

- o Strategic Policy 3, 5
- o General Policy 2 (b) (c) (f) (g) (h) (i) (j) (m) (n)
- o General Policy 3 (b)
- o Environment Policy 1
- o Housing Policy 11, 15
- o Transport Policy 7
- o Appendix 7
- o Community Policy 7, 10 and 11

PPS and NPD

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

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 The Residential Design Guide (July 2021) guides 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.

6.0 REPRESENTATIONS

This section provides a summary of all representations received. Full details are available on the government website.

6.1 German Parish Commissioners has not commented at the time of the report (15.02.2023).

6.2 DoI Highway Services does not oppose this application (13.01.2023). The comment states that there is no significant negative impact upon highway safety, network functionality and/or parking.

6.3 DEFA Ecosystem Policy Team does not object to this application (23.01.2023) after the amended plan was provided. The comment recommends a condition to be attached to secure these amendments. The comment also recommends a condition is set for the nesting bird mitigation plan.

6.4 DEFA Forestry does not object to this application (09.02.2023) after an arboricultural statement and tree protection plan are provided. The comment recommends the statement and plans to be conditioned.

6.5 Manx National Heritage wrote in objection to the application (27.04.2022) due to the lack of bat-protecting measures. The comment also recommends that mitigating measures should be provided for the loss of a bird breeding site.

6.6 Manx National Heritage wrote in (07.07.2022) recommending that photos records should be kept to document the historical features. The comment also recommends that "a slightly less intensive scale of redevelopment" should be considered so the existing structures can be preserved.

6.7 Manx Utilities does not object to this application (26.08.2022) if a condition can be set for the overhead power line to be converted to underground.

6.8 IOM Natural History and Antiquarian Society welcome the proposal for not connecting to separate the barn together in an oversimplified manner (24.06.2022).

7.0 ASSESSMENT

7.1 The main considerations for this application are the principle of a barn conversion, its impact on the house itself, on the character and street scene of the area, and on parking and neighbouring amenities.

Principle of the Development

7.2 The barn complies with Housing Policy 11. Therefore, it is considered that the conversion to a dwelling is principally acceptable.

7.3 The farmhouse/cottage extension is smaller than 50% of the existing floor space. Therefore, it is considered that the extension complies with Housing Policy 15 in terms of floor space limit and is principally acceptable.

Design of the Building Itself

7.4 Housing Policy 11 states that the original appearance of the building should be re-established and further extensions are usually not permitted. The proposal retained the appearance of the existing barn and the new fenestration does not detract from the character of the house.

7.5 The extension is in a contemporary style. The contrast in roofscape, fenestration arrangement, material and colour between the existing cottage and the new extensions highlights and respects the characters of two different ages.

Character and Streetscene

7.6 The barn and the farmhouse/cottage are not readily visible from a public road. While there are extensions to the existing building, the mass of the two buildings did not increase dramatically. Combined with paragraph 7.5, it is considered that there is no negative impact on the character of the area.

Traffic and Parking

7.7 As there is no objection from Highway Services, it is considered that there is no negative impact on traffic efficiency or highway safety.

7.8 There is sufficient space for two parking spaces for each house, complying with the requirement in Transport Policy 7. Therefore, it is considered that the impact on parking provision is acceptable.

Neighbouring Amenities

7.9 There are no immediate neighbouring dwellings so there is no impact on neighbouring amenities.

Conditions

7.10 DEFA Ecosystem Policy Team has required the roof space of the farmhouse/cottage to be secured for bats and a nesting bird mitigation plan to be submitted. These will be conditioned to preserve biodiversity.

7.11 The arboricultural statement and tree protection plan will be conditioned to protect existing trees on site.

7.12 A photo record will be conditioned for the preservation of heritage.

7.13 Manx Utilities has requested a condition to secure the conversion to an underground power line on site. Energy Policy 2 safeguards development from 9m within high-tension power lines. However, the power line adjacent to the proposal is not considered high tension. This means the location of the power line is not a reason for recommending refusal and failing the necessity requirement for a condition.

8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2, General Policy 3, Housing Policy 11, Housing Policy 15 and Transport Policy 7 of the Strategic Plan and the Residential Design Guide July 2021. Therefore, it is recommended for an approval.

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 which 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.

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 13th March 2023

Item 5.8

Proposal : **Erection of a building for arboricultural use**
Site Address : **Ballavilley**
 Dhoor
 Ramsey
 Isle Of Man
 IM7 4ED
Applicant : **Mr & Mrs Gary & Christine Wilson**
Application No. : **22/01351/B- click to view**
Planning Officer : **Mr Peiran Shen**

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 use hereby approval is for the proposed arboricultural building shown on the proposed site plan and drawing no. P6441-01 only.

Reason: for the avoidance of doubt

Reason for approval:

This application is considered to comply with General Policy 2, General Policy 3 and Environment Policy 1 the Strategic Plan.

Interested Person Status – Additional Persons

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

Ballalherghy Cottage, Andreas Road, Ramsey

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

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE PRINCIPAL PLANNER AND AS THE PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

1.0 THE SITE

1.1 The site is the curtilage of Ballavilley, Dhoor, Ramsey.

2.0 THE PROPOSAL

2.1 The proposed is the erection of an arboricultural building.

3.0 PLANNING HISTORY

3.1 Erection of agricultural building was APPROVED under PA 90/01250/B. Condition 10 attached to the proposal states: "The premises shall be used for horticultural purposes and for no other purpose."

3.2 Certificate to make lawful the residential use of property in contravention of planning condition restricting occupancy to agricultural workers was AGREED under PA 10/01090/LAW.

4.0 PLANNING POLICY

Site Specific

4.1 The site is not within an area with specific land use designation in the 1982 Development Plan, meaning it is considered to be part of the countryside.

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:

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

PPS and NPD

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

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 There is no strategy or guidance relevant to this application.

6.0 REPRESENTATIONS

6.1 Lezayre Parish Commissioners has no objection on this application (17.11.2022).

6.2 DoI Highway Services does not object to this application (03.02.2022). The comment states: "significant negative impact upon highway safety, network functionality and /or parking."

6.3 Owners/Occupiers of Ballalherghy Cottage, Andreas Road, Ramsey wrote in objection to this application (19.11.2022). The comment states that the proposal is not fit for purpose and the proposal is against the original planning approval.

7.0 ASSESSMENT

Point of Clarification

7.1 While the application has claimed the arboricultural business has been in operation at the site for over at least 10 year, there is no evidence that previous applications have granted lawful use of the site for an arboricultural business and this is not a certificate of lawfulness application. Therefore, the application is considered to be erection of a building and the change of use of part of site, namely the proposed building, to be used for an arboricultural business.

7.2 Arboricultural business, or sometime known as a tree surgeon, is usually considered a form of contractors' yard and therefore is a use of its own (sui generis) rather than falling under general industrial use (class 2.3).

Elements of Assessments

7.3 The key considerations of this application are its principal, its impact the character and streetscene of the area and the amenities of the neighbours.

Principal of the Development

7.4 It is considered appropriate for an arboricultural business to be located in the countryside for its operation. Therefore, the proposal is considered to comply with General Policy 3 and the principal of having an arboricultural business in the countryside is considered acceptable.

Character and Street Scene

7.5 The building is of practical character. It is close to the existing building group and it is not visible to the public. Therefore, it is considered that there is no negative impact on the character and streetscene of the area.

Traffic

7.6 As there is no objection from highway services, it is considered that there is no concern for highway safety.

Neighbouring Amenities

7.7 The neighbouring dwelling is over 67m away. Therefore, it is considered that there is no additional negative impact on neighbouring amenities.

8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2, General Policy 3 and Environment Policy 1 the Strategic Plan. Therefore, it is recommended for an approval.

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 13th March 2023

Item 5.9

Proposal : **Erection of Solar Array, Land Adjacent to Ballacarberry**
Site Address : **Ballacarberry**
Andreas Road
Dhoor
Ramsey
Isle Of Man
IM7 4EB

Applicant : **Mr Andrew Milveen Turner**
Application No. : **22/01383/B- [click to view](#)**
Planning Officer : **Mr Paul Visigah**

RECOMMENDATION: **To APPROVE the application**

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

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

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

C 3. This approval is for a maximum of 16 solar panels as shown on Drawing No. MSE_TUR_03 received 10 November 2022.

Reason: The proposal has been assessed on the submitted drawings and any changes may have a different visual impact.

Reason for approval:

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

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of 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 4(2):

Ballalherghy Cottage, Andreas Road, Ramsey,

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 PROPOSAL COULD BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR APPROVAL

1.0 THE APPLICATION SITE

1.1 The application site comprises field 135008 which is adjacent to Ballacarberrry, Andreas Road, Dhoor, which sits on the southern side of the Andreas Road (A9). Access to the field is via a track which is bounded by 'Meadow View' to the west and 'Dhoor School House' to the east and connects to the Andreas Road.

1.2 The site is enclosed by high hedges, sod banks and scattered trees on the north, eastern and parts of the western boundary, while mature trees form large stretches of the western boundary. The site is predominantly flat throughout and is set about 300mm below the site level of Ballacarberrry.

1.3 There are limited views to large stretches of the northern boundary of the site from the Andreas Road due to the dwellings which abut the northern boundary and the mature landscaping along these boundaries.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Erection of Solar Array. The proposal would involve the installation of a total of 16 solar panels set in a row and directly adjacent the hedging along the boundary with Ballacarberrry which rises to about 1.9m.

2.2 The array would have an overall total width of 16.9m and a total depth of 1.2m. The solar panels will be mounted on ground on A-Frames on a concrete base and will be angled at about 35 degrees on frames. The highest part of the solar panels and frames would be about 1m high when measured on the ground level. The array would face the south with faces towards the trees to the south.

2.3 The solar array would generate about 6.16Kw of electricity via the Solar PV System, Comprising of 16 x 385Watt Panels (1776mm x 1052mm).

2.4 No trees are to be removed to enable the works, although the top surface of a small strip of the field about 1.2m wide and 16.9m long would be removed to enable the installation of concrete strip slabs to support the frames.

3.0 PLANNING POLICY

3.1 The site lies within an area zoned as "not designated for development" on the 1982 Development Plan, North Map, and the site is not within a Conservation Area. The site is largely not prone to flood risks with the only flood prone cluster within the field situated about

120m away from the proposed solar location. The site is not within a registered tree area and there are no registered trees on site.

3.2 Due to the zoning of the site and the nature of the proposed works the following Strategic Plan policies are relevant in the determination of the application:

3.3 Paragraph 12.2.8 of the Isle of Man Strategic Plan 2016 states, "The Department is fully supportive of the need to secure greater energy efficiency in new and existing development and has recently introduced additional energy efficiency requirements in the Building Regulations 2003. Energy efficiency and the use of renewable energy sources are covered in General Policy 2(m) of the Building Regulations. At the same time the Department recognizes that renewable energy sources can have adverse environmental impacts. The idea of a wind turbine Installation is currently being investigated and considered by the Manx Electricity Authority. Any feasible site is likely to be exposed and have considerable visual impact. There may also be other impacts such as noise. On a smaller scale, the popularity of domestic wind turbines has been increasing in recent years in response to rising energy prices and increasing awareness of climate change. Planning applications for domestic wind turbines are unlikely to require the submission of an Environmental Impact Assessment. The Department will assess any proposals for wind turbine installations by weighing the benefits of using such renewable energy sources against the environmental impact arising in any particular site. It is likely that the visual impact would be less detrimental on a coastal site than on a rural or upland one. Accordingly:

3.4 Energy Policy 4 of the Isle of Man Strategic Plan 2016 states: "Development involving alternative sources of energy supply, including wind, water and tide power, and the use of solar panels, will be judged against the environmental objectives and policies set out in this Plan. Installations involving wind, water and tide power will require the submission of an EIA".

3.4.1 Appendix 5 of the Strategic Plan identifies developments where an EIA is required. It states in part:

(c) Energy industry

- i. Thermal power stations and other thermal installations
- ii. Surface storage of natural gas
- iii. Underground storage of combustible gases
- iv. Surface storage of fossil fuels
- v. Industrial briquetting of coal and lignite
- vi. Installations for the harnessing of wind power for energy production

3.4.2 There is no reference made to the installation of solar panels within appendix 5. Environment Policy 24 provides for seeking EIA or more information in some circumstances, but the scale is also not considered to be significant enough to warrant an EIA in any case, and the site is not a sensitive site as stated in paragraph 3.1 of this report.

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

3.5.1 Strategic Policy 1 states: "Development should make the best use of resources by:

- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
- (c) being located so as to utilise existing and planned infrastructure, facilities and services."

3.5.2 General Policy 2 sets out general Development Control considerations.

3.5.3 General Policy 3 indicates development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan other than for some given exceptions, none of which relate to the current proposal.

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

3.5.5 Strategic Policy 4: Proposals for development must:

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

3.5.6 Environment Policy 14:

Development which would result in the permanent loss of important and versatile agricultural land (Classes 1-2) will not be permitted except where there is an overriding need for the development, and land of a lower quality is not available and other policies in this plan are complied with. This policy will be applied to

(a) land annotated as Classes 1/2 on the Agricultural Land Use Capability Map; and

(b) Class 2 soils falling within areas annotated as Class 2/3 and Class 3/2 on the Agricultural Land Use Capability Map.

3.5.7 Environment Policy 22 of the Isle of Man Strategic Plan 2016 states: "Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:

iii) vibration, odour, noise or light pollution."

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Isle Of Man Future Energy Scenarios (2020):

4.1.1 In December 2020, the Isle of Man Government launched its Future Energy Scenarios Strategy to determine the pathways to meet the following:

4.1.2 Key Targets:

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

5.0 PLANNING HISTORY

5.1 The site has not been the subject of any previous planning applications.

6.0 REPRESENTATIONS

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

6.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that there is 'No Highway Interest' (18 November 2022).

6.2 Lezayre Parish Commissioners have recommended that the application be approved. They however, state that when the solar array ceases to be used or is unviable, it should be removed and the land returned to its former use (7 December 2022).

6.3 The owners/occupiers of Ballalherghy Cottage, Andreas Road, Ramsey, object to the application to the following grounds (16 November 2022):

- o The land is classed as agricultural and is not zoned for development of any kind.
- o The erection of solar panels in this area will override the process of requesting for a change of land usage from agricultural to residential.

7.0 ASSESSMENT

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

- a. Principle of Development (GP3, EP 4 and Paragraph 12.2.8);
- b. Visual Landscape Impact (EP 1 & EP4);
- c. Loss of Agricultural Land (EP 14); and
- d. Impact on Neighbouring amenity (EP 22).

7.2 PRINCIPAL OF DEVELOPMENT

7.2.1 The site is not allocated for development, and solar panels are not listed within the exceptions to this general approach set out in General Policy 3. However, given the wording of Energy Policy, that sites have not been allocated for solar power, the relative small size of the development and the intention to use these for the benefit of an existing property, it is considered that the land designation is not an automatic reason for refusal.

7.2.2 In assessing the acceptability of the principle of the proposed development, it is considered that the Department is supportive of proposals to harness renewable energy, but must balance this against the other principles of the Strategic Plan, particularly those relating to preventing harmful development in the Island's countryside.

7.2.3 Also relevant is the fact that their introduction here is expected to help contribute to the overall operation and energy efficiency of the application property which will utilize the energy generated. In this respect the proposal is considered to comply with paragraph 12.2.8 and Energy Policy 4 of the Strategic Plan.

7.2.4 Notwithstanding the above, the acceptability of the proposal would be subject to the proposal meeting other considerations highlighted in 7.1 above.

7.3 VISUAL/LANDSCAPE IMPACT

7.3.1 In assessing the visual impact of the proposal, regard must be given to the reasonableness of the scale and siting of the proposed developments in view of their subsequent impacts, if any, on the surrounding area taking into account the requirements of EP1. In this case, it is relevant to consider that the solar panels would be installed within an open part of the site and within close proximity to the existing dwelling at Ballacarberrry, while also having the most solar gain given its exposed nature and south facing orientation. When one passes by on the A9 (Andreas Road), the panels will not be visible due to the existing building that line the southern part of this section of Andreas Road, trees and sod hedges which line the highway and the field boundaries around the site, as well as the high hedges on the rear boundary of Ballacarberrry, which rise to about 1.9m and would screen views to the panels.

7.3.2 It is also noted that these solar panels would not alter any of the boundary hedges or sod banks, or alter the field layout; factors which serve to contribute to the landscape character in the area.

7.3.3 Given the above, it is considered that the position of the solar panels on the field, the available screening existing on site and the nature of the topography, as well as the location which would enable maximum utility of the scheme as it would offer a prolonged solar

harnessing period, would ensure that the proposal does not spoil the character of the surrounding countryside, and comply with the requirements Environment Policies 1 and 4.

7.4 AGRICULTURAL LAND

7.4.1 With regard to the potential loss of agricultural land to the proposal, it is considered that the land is within an area with capability class 3/4, where both classes are approximately equal; with Class 3 land characteristics comprising land with moderate limitations which restrict the choice of crops and/or demand careful management, while Class 4 are poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields. This implies that the land is not a high yield agricultural land where impacts of the solar panel installation would bear significant impacts on agricultural production. Besides, the land area to be occupied by the solar panels would only measure about 20.28sqm, which is not considered to be large enough to impact on agricultural activities within the field.

7.4.2 Therefore, it is considered that the development comply with Environment Policy 14. Albeit, a condition should be attached such that should the panels become redundant or are removed, the support units and concrete strips must also be removed and the field returned to its original use.

7.5 IMPACT ON NEIGHBOURS

7.5.1 The scheme as proposed would not result in any adverse impacts on any of the neighbouring properties given its screened location at the rear of the dwelling at Ballacarberrry, the scale of the installation which is considerably small, and the orientation which would keep any resulting reflection away from the neighbouring dwellings.

7.5.2 The comments made by the owners or occupants of Ballalherghy Cottage, Andreas Road, Ramsey are noted. However, the issues that they have raised which bother on land designation and use of land has been addressed in sections 7.2 and 7.4 above. As such, no further assessments would be made in this regard, and it is considered that the matters raised have been addressed.

8.0 CONCLUSION

8.1 For the above reasons, it is concluded that the development proposed is acceptable when assessed against the relevant policies and the site context. It is recommended that the planning application be approved.

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 13th March 2023

Item 5.10

Proposal : Conversion of equestrian building to provide temporary Veterinary Practice

Site Address : Kennaa Equestrian Centre
Kennaa Road
St Johns
Isle Of Man
IM4 3LW

Applicant : Medicor Veterinary Practice Ltd

Application No. : 22/01509/B- [click to view](#)

Planning Officer : Mr Peiran Shen

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 use hereby approved shall be for a limited period of three years from the date of this approval and on (or before) the expiry of this approval the use shall be discontinued and the land/building(s) restored to its former condition in accordance with details to be submitted to and approved in writing by the Department.

Reason: The time limit is requested by the applicant to maintain the viability of approved PA 22/00464/B.

C 3. The building may only be used for veterinary business on the site and as described in the application documents.

Reason: The countryside is protected from development and an exception is being made on the basis of the equestrian and veterinary need only. As such, the building may only be used for the purposes for which it is approved.

C 4. The new building, and only that part of the site defined within the red line boundary, may be used for the approved Veterinary business. No approval is hereby granted for the use of other buildings or sites within the broader site area (defined by the blue boundary) for the approved use.

Reason: the countryside is protected from development and an exception is being made on the basis of the equestrian and veterinary need.

C 5. The development hereby approved shall not be occupied or operated until the parking and turning areas and the two mobility impaired parking spaces have been provided in accordance with the approved plans (Drawing No. 22/24/05, 22/24/06). Such areas shall not

be used for any purpose other than for access, parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

The two mobility impaired parking spaces shall be permanently retained.

Give way markings are to be added to the entrance of the proposal site in order to manage traffic movements. The parking spaces shall also be marked out within the parking area on site.

Additional signage is to be provided to direct visitors and smaller vehicles to the dedicated parking area within the site.

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

Reason for approval:

The nature and potential impact of proposal is similar to the previously approved PA 22/00464/B on the same site. The proposal is considered to comply with General Policy 2, General Policy 3, Environment Policy 1 and Environment Policy 2 of the Strategic Plan.

Interested Person Status – Additional Persons

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

Kennaa Cottage, Kennaa Road, St Johns

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

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT IS RECOMMENDED FOR APPROVAL BUT CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN.

1.0 THE SITE

1.1 The application site is Kenna Equestrian Centre. It is north of Kenna Road and accessible through Curragh Road.

2.0 THE PROPOSAL

2.1 The proposed is to use the existing stable as a temporary Veterinary for three years.

2.2 The work includes refitting and rendering the existing timber cladding and installation of new windows and doors.

2.3 The applicant has stated that the proposal is due to a number of factors, most pressing the termination of their current lease.

3.0 PLANNING HISTORY

3.1 Erection of a building to provide a Veterinary Practice was APPROVED under PA 22/00464/B.

4.0 PLANNING POLICY

Site Specific

4.1 The site is not within an area with a specific land use designation in the 1982 Development Plan, meaning it is considered to be part of the countryside.

4.2 The site is within an Area of High Landscape or Coastal Value and Scenic Significance (AHLV).

Strategic Policy

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, 5
- o General Policy 2 (b) (c) (g) (m) (n)
- o General Policy 3
- o Environment Policy 1, 2
- o Community Policy 7 and 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

Strategy and Guidance

5.1 There is no strategy or guidance relevant to this application.

6.0 REPRESENTATIONS

6.1 German Commissioners has no objection to this application (26.01.2023). The comment does remain serious concern about the increased traffic on this narrow lane and the ability to safely access the site.

6.2 Highway Services does not object to this application (19.01.2023) as the proposal is similar to the approved PA 22/00464/B. The comment does recommend that similar conditions regarding the previous application should be retained for this application.

6.3 Kenna Cottage wrote in objection to this application (24.01.2023). The comment states that the proposal would increase traffic on an already extremely busy single-track road and increase the chance of accidents occurring.

7.0 ASSESSMENT

7.1 The main considerations in this application are the principle of the application, its impact on the character and streetscene of the area and on traffic.

Principle of the Development

7.2 There aforementioned policies would indicate there is a general presumption against new development in the countryside, as indicated in General Policy 3 and then reiterated in Environment Policy 1 and 2 of the Strategic Plan, There are exceptions to this presumption (GP3 (f)) with respect to the shelter and care of horses and other animals for buildings which are set out in EP21.

7.3 Given the erection of a stable has already been approved under PA 22/00464/B, and the current proposal is also for a stable on the same site, and the layout has been designed for veterinary use, it is considered that the proposed use is acceptable.

Character and Streetscene

7.4 As the proposal is using an existing building on site and the alteration does not change the general appearance of the building, it is considered that there is no additional impact on the character and streetscene of the area.

Traffic

7.5 As there is no objection from highway services and the proposed work does not have increased traffic compared to the approved practice, it is considered that the impact on highway safety and efficiency is acceptable.

8.0 CONCLUSION

8.1 The proposal is considered to comply with General Policy 2, General Policy 3, Environment Policy 1 and Environment Policy 2 of the Strategic Plan. Therefore, it is recommended for an approval.

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 13th March 2023

Item 5.11

Proposal : Temporary use as a TT campsite between May and June 2023
Site Address : St Georges AFC
Glencrutchery Road
Douglas
Isle Of Man
IM2 6AN
Applicant : St Georges Football Club
Application No. : 23/00100/C- [click to view](#)
Planning Officer : Mr Peiran Shen

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The use hereby approved shall only be undertaken between 22nd May and 14th June in 2023.

Reason: The application is for the use of the site for the TT 2023 motorcycling events only and the assessment has been made on this temporary basis. While provision should be made for setting up and dismantling the camp site, the site should not be used for camping outside those times reasonably associated with these race periods.

C 2. There shall be a maximum of 100 tents pitched within the site during the approved period of operation.

Reason: In the interests of public and private amenity.

C 3. The parking area, as shown on the traffic management plan, shall not be used other than for the parking of vehicles in connection with the football club and camping use hereby approved.

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

Reason for approval:

This application is considered to comply with Strategic Policy 8, General Policy 2, and Transport Policy 7 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT IS RECOMMENDED FOR APPROVAL BUT CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN.

1.0 THE SITE

1.1 The site is the St Georges AFC, Glencrutchery Road, Douglas, a sport field located on the east corner of Glencrutchery Road and Dukes Avenue.

2.0 THE PROPOSAL

2.1 The proposal is the erection of a maximum number of 100 tents on the playing field for camping between 22nd May and 14th June 2023, in line with the TT period in 2023. This also means a temporary change of use from open space to campsite (sui generis).

2.2 Toilet, shower and a dining facility will be located within the club house.

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 Open Space (Sports Pitches in the Area Plan for the East.

4.2 Section 10.5 of the written statement of the Area Plan states one of the desired outcomes is:

"To support camping in the East, but only where tented sites and seasonal accommodation would occupy suitable sites, ensuring that proper access, safety and sanitation can be achieved along with reasonable amenity for all."

Strategic Policy

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:

Strategic Policy 3, 5, 8

General Policy 2 (b) (c) (g) (h) (i) (j) (k) (m)

Environment Policy 22

Transport Policy 7

Paragraph 9.5.3 states:

Business Policy 11

Community Policy 7, 10 and 11

PPS and NPD

4.4 There is no relevant Planning Policy Statement or National Policy Directive that applies to this application.

5.0 OTHER MATERIAL CONSIDERATIONS

Strategy and Guidance

5.1 There is no relevant strategy or guidance that directly applies to this application.

6.0 REPRESENTATION

6.1 Douglas Borough Council has no objection to this application (13.02.2023).

6.2 DoI Highway Services does not oppose this application (13.02.2023). The comment states that there is no significant negative impact upon highway safety, network functionality and /or parking.

7.0 ASSESSMENT

Elements of Assessment

7.1 The key considerations in the determination of the application are the principle of development, its impact on the occupants' living amenities, on traffic parking provision and on the amenities of the neighbours.

Principle of the Development

7.2 The Strategic Plan contains no specific policies which relate to camp sites or the use of any other land for camping uses but the site is situated in Douglas, the Island's principal settlement, and is an accessible and sustainable location, it would be inappropriate to object to the principle of this proposal.

Occupants' Amenities

7.3 The campsite is only for visitors around the TT race period. This means erection of permanent amenity facilities is not practical or economically feasible. However, based at an existing football club, there are existing facilities ready to be adapted for the use of the campsite. In addition, the application shows the provision of toilet and showering facility. Alongside the accommodation, it is considered that the site has sufficient provision of amenities to function as a campsite for a short period of time.

Traffic and Parking

7.4 As there is no objection from highway services, it is considered that there is no concern for highway issues.

7.5 Tourist comes for TT uses a mixed means of transport, it is considered that given the location of the site the parking standard can be relaxed and the impact on parking availability is acceptable.

Neighbouring Amenities

7.6 While it's not possible to predict tourist behaviour, the site is used for football games and next to a major road. It is considered that the noise the campsite generate would be similar to that of sometime when the football field is use at the moment. Although the duration of the proposal is approx. three week, it is considered that the temporary impact on the neighbouring amenities is within an acceptable level.

Planning Balance Assessment

7.7 While the impacts of the campsite are considered acceptable, it is important to acknowledge that there are still residences nearby, the campsite will still cause some disturbance to the nearby residents regardless of how well managed are the site and the traffic around the site.

7.8 However, as one of the biggest economic contributor as well as a key part of the nation's branding, the balance for the department is to help secure a successful event, improve visitors' experience while respect the daily lives of the Islands residents. It is the proper management of the campsite use in addition to the cooperation of the nearby residents that made this recommendation for approval possible.

8.0 CONCLUSION

8.1 The proposal is considered to comply with Strategic Policy 8, General Policy 2, and Transport Policy 7 of the Strategic Plan. Therefore, it is recommended for an approval.

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 13th March 2023

Item 5.12

Proposal : Variation of Condition 1 of PA 21/00238/B, Erection of a replacement dwelling, to increase the period of permission by one year

Site Address : Perk Cottage
Knock Froy Road
Santon
Isle Of Man
IM4 1JD

Applicant : Mr David Salkeld

Application No. : 23/00036/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 use hereby approved shall be for a limited period of 1 year from the date of this approval and on (or before) the expiry of this approval the use shall be discontinued and the temporary building removed from the site.

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

C 2. 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 construction of the proposed dwelling. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

Reason for approval:

Since the initial approval there have been no material planning changes which have arisen. The Area Plan for the East and the Isle of Man Strategic Plan 2016 have not been superseded and therefore continue to comprise the Development Plan. The policies contained therein have not been the subject of appeal decisions or decisions related to planning applications that indicate a different approach to those policies should be taken.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE DEVELOPMENT COULD BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR APPROVAL

THE APPLICATION SITE

1.1 The site is the curtilage of an existing single storey dwelling situated on the northern side of Knock Froy Road which leads from the A5 Castletown Road past Knock Froy motocross track to Knock Froy Farm. The area has a number of dwellings within it, the most noticeable being Cronk Froy and High Bank both of which are new dwellings replacing earlier, smaller ones. Green Hedges is a modern bungalow which sits across the lane from the application property.

1.2 Knock Froy Lane is narrow and largely single vehicle width.

1.3 Perk Cottage, the application property is visible from the A5 as one proceeds uphill from The Forge, across the field where the gable and part of the front of the property is visible.

THE PROPOSAL

2.1 The current planning application seeks approval for the variation of Condition 1 of PA21/00238/B by extending the approval for a further one year,

2.2 The proposal for PA21/00238/B was as follows:

"2.1 Proposed is the variation of the condition attached to 17/00214/B for the erection of a replacement dwelling to allow a further two years to commence the approved development. The applicant advises on the form that they have been unable to commence work within the required period due to ongoing work and unforeseen issues to provide alternative accommodation prior to the demolition of the existing dwelling and not helped by COVID.

2.2 The application, 17/00214/B is due to expire on 08.05.21. That proposed the replacement of the existing dwelling with a new, two storey residence. This dwelling is identical to that approved under 17/00214/B and similar to an earlier refused application (16/00886/B) other than for the fact that:

the front and rear elevations are 1m longer (now just under 13m)

the rear extension projects out 2m less (now 4m)

the dwelling is partially on the footprint of the existing

the extension of the residential curtilage is reduced by 7m in depth

the porch has been reduced in depth and the proposed property moved correspondingly further forward on the site

planting is proposed at the northern boundary of silver birch, mountain ash and alder with fuchsia in between.

2.3 The existing dwelling was described in the most recent application modest and with a floor area of 92 sq m. The proposed dwelling is 2m higher and has a floor area of 262 sq m, an increase of 184%. It is the same design and general layout as was previously proposed but 32 sq m smaller.

2.4 The new curtilage will not be bounded by any landscaping although there is some now proposed to the north and there will be around 5.5m between the rear of the property and the rear boundary (an increase of 2.5m from the initial proposal), 5.7m between the side of the house and the side boundary to the north. The new house is set back slightly (3.3m) from the position of the existing cottage in order to provide manoeuvring space for the vehicles entering

and leaving the site. The existing single garage is to be retained to the south of the new house.

2.5 The applicant provided supporting information, explaining how the previous application would have allowed the applicant to remain in the existing cottage whilst the new house was being built, and comments that any views of the property are from "a considerable distance back" and on a fast stretch of road and the substantial new dwellings, High Bank and Cronk Froy are visible behind. He also draws attention to the two new sizeable dwellings built on the site of the Lancashire Hotel and at Bay View on the Old Castletown Road all of which are more visible than Perk Cottage or its replacement."

PLANNING HISTORY

3.1 There have been several applications upon the site of which the following are relevant in the assessment of this application,

PA16/00886/B - Erection of replacement dwelling - Refused

PA17/00214/B - Erection of replacement dwelling - Approved

PA17/00871/B - Alterations, driveway extension and erection of a replacement detached garage with ancillary living accommodation above - Permitted

PA19/00475/C - Temporary use of adjoining field as a camp site with associated toilets and parking for the duration of the week before the TT festival until a week after the IOM Festival of Motorcycling - Refused

PA21/00238/B - Variation of condition 1 of PA 17/00214/B, Erection of a replacement dwelling, to increase the period of permission by two years - Permitted

PLANNING POLICY

4.1 The site is with an area of "not designated for development" within the Area Plan for the East. The site is not located within a Conservation Area nor is it within a flood risk zone.

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

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

REPRESENTATIONS

5.1 Highway Services have considered the application and state, "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking." (01.02.23)

5.2 No comments have been received by Santon Parish Commissioners at the time of writing this report.

ASSESSMENT

6.1 The application is to vary a condition that seeks to restrict the time limit for the implementation of the application. This would have the effect of adding an additional year onto the time in which the permission would be implemented.

6.2 The main issue in the assessment of this application is whether there have been any material changes, in planning terms, since the application was last approved; for example policy changes, a change to the land use designation, new or altered legislation, or site circumstances that would lead to a different decision being made. Essentially, there has been no change in the circumstance or policy, however it is warranted to look at the history of the previously approved planning application, PA 21/00238/B, which is the application the variation of condition is on.

6.3 Since the initial approval there have been no material planning changes which have arisen. The Area Plan for the East has not been superseded and therefore continues to comprise the Development Plan. The policies contained therein have not been the subject of appeal decisions or decisions related to planning applications that indicate a different approach to those policies should be taken. No new legislation has been brought into force and no objections have been received.

6.4 The reasoning for the time period of all applications is to ensure planning applications cannot have everlasting permissions, and either the applicant needs to commence development or seek a variation of condition to extend the period be submitted. This process to potentially extend the original period is to re-assess whether there have been any changes in local plan/planning policies and/or any other material planning matters. As indicated above there have been none since the last approval.

CONCLUSION

7.1 Since the initial approval there have been no material planning changes which have arisen. The Area Plan for the East and the Isle of Man Strategic Plan 2016 have not been superseded and therefore continue to comprise the Development Plan. The policies contained therein have not been the subject of appeal decisions or decisions related to planning applications that indicate a different approach to those policies should be taken. It is recommended that planning permission be approved.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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