



**Isle of Man**  
Government

*Reillys Ellan Vannin*

**DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE**

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

**Agenda for a meeting of the Planning Committee, 27th 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](http://www.gov.im/planningcommittee). If you wish to register to speak please contact DEFA Planning & Building Control on 685950.**

**1. Introduction by the Chairman**

**2. Apologies for absence**

**3. Minutes**

To give consideration to the minutes of a meeting of the Planning Committee held on the 13<sup>th</sup> March 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 11<sup>th</sup> April 2023.

**PLANNING COMMITTEE Meeting, 27th March 2023**  
**Schedule of planning applications**

<p><b>Item 5.1</b> Rheaby Beg Main Road Glen Maye Isle Of Man IM5 3AU</p> <p><b>PA22/00827/B</b> <b>Recommendation : Refused</b></p>	<p>Demolish existing detached house and build a replacement detached dwelling</p>
<p><b>Item 5.2</b> Car Showroom 12 Elm Drive Elm Tree Road Onchan Isle Of Man IM3 4EF</p> <p><b>PA22/01567/C</b> <b>Recommendation : Permitted</b></p>	<p>Change of use of car sales garage to a martial arts and fitness studio (class 1.1)</p>
<p><b>Item 5.3</b> Balla De Yoxall Heights Laxey Road Baldrine Isle Of Man IM4 6HA</p> <p><b>PA22/01501/C</b> <b>Recommendation : Permitted</b></p>	<p>Temporary use of garden as a camp site for the duration of the TT and IOM Festival of Motorcycling (retrospective)</p>
<p><b>Item 5.4</b> 40 South Quay Douglas Isle Of Man IM1 5AX</p> <p><b>PA22/01459/B</b> <b>Recommendation : Refused</b></p>	<p>Continued use of the site as a temporary car park</p>
<p><b>Item 5.5</b> Former Isle Of Man Bank 3 Market Square The Parade Castletown Isle Of Man IM9 1LG</p> <p><b>PA22/01494/GB</b> <b>Recommendation : Permitted</b></p>	<p>Reinstatement of entrance door, replacement windows, and change of use from Class 1.2 to Class 2.1 (in association with RB application 22/01543/CON)</p>
<p><b>Item 5.6</b> Former Isle Of Man Bank 3 Market Square The Parade Castletown Isle Of Man IM9 1LG</p> <p><b>PA22/01543/CON</b> <b>Recommendation : Permitted</b></p>	<p>Registered Building Consent for reinstatement of blocked up front door, repair and replacement of windows, and alterations to the internal plan form RB 39 (in association with 22/01494/GB)</p>
<p><b>Item 5.7</b> Football Club Billy Goat Park Stoney Mountain Road Eairy Isle Of Man IM4 3HJ</p> <p><b>PA22/01323/C</b> <b>Recommendation : Permitted</b></p>	<p>Camping facilities to be provided during TT fortnight and Classic TT on a permanent basis</p>

<p><b>Item 5.8</b> Ballafletcher Sports Centre Strang Douglas Isle Of Man IM4 4RS</p> <p><b>PA23/00190/B</b> <b>Recommendation : Permitted</b></p>	<p>Variation of Condition 5 to PA 16/00912/B to increase the number of camping pitches from 60 to 120</p>
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## PLANNING AUTHORITY AGENDA FOR 27th March 2023

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### Item 5.1

**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

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### 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.

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### **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

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### **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 27th March 2023

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### Item 5.2

**Proposal :** Change of use of car sales garage to a martial arts and fitness studio (class 1.1)

**Site Address :** Car Showroom  
12 Elm Drive  
Elm Tree Road  
Onchan  
Isle Of Man  
IM3 4EF

**Applicant :** Jones MMA And Fitness

**Application No. :** 22/01567/C- [click to view](#)

**Planning Officer :** Mr Paul Visigah

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

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

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

Weekdays (Monday to Friday): 5.30pm to 8.15pm,  
Weekends (Saturday): 10am to 3pm

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

C 3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019, the use hereby approved shall be limited to the proposed leisure and recreational use as martial arts and fitness studio (class 1.1).

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

C 4. The proposed martial arts and fitness studio (class 1.1) hereby approved shall only support a maximum of 18 for any given session.

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

#### Reason for approval:

The application complies with General Policy 2, Business policy 1, Spatial Policy 2, Transport Policy 1 and Paragraphs 10.2.1 and 10.5.3 of the Strategic Plan, and would not result in significant adverse impacts on private or public amenity, or highway safety.

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

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

10A Beech House, Elm Tree Road, Onchan (Mullen Consulting Ltd);  
24 Laurel Avenue, Onchan (Onchan Pensioners Social Club);  
1 Church Avenue, Onchan;  
Ewood, 2 Elm Drive, Onchan

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

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## **Planning Officer's Report**

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

### 1.0 THE SITE

1.1 The application site comprises the Car Show Room which forms part of a large building which fronts onto Main Road, Onchan and backs onto Elm Tree Road. The entrance to the premises and parking provisions is from Elm Tree Road.

1.2 This split level building (two storeys along Main Road and single storey along Elm Tree Road) serves a number of businesses and organisations. This Car show room which is on the first floor is accessed via the car park at the rear.

### 2.0 PROPOSAL

2.1 The application seeks planning approval for Change of use of car sales garage to a martial arts and fitness studio (class 1.1). No external changes are proposed as part of the application.

2.2 The applicants have provided a Cover Letter which states the following:

- o The martial arts studio which is named 'Jones MMA and fitness' currently operates at Tromode.
- o They run the classes every weekday from 5.30pm to 8.15pm.
- o During the weekends the facility would be open 10am and 3pm (on Saturdays).
- o In the day time, they provide 1 to 1 private training sessions.
- o In the evening, the average class attendance is 10 people.
- o The maximum class attendance per session would be 18 people.
- o They opine that the location is ideal as there is adequate parking and the location is within walking distance to many of their members.
- o The building is owned by Onchan Commissioners who granted permission for the use of the Commissioner's Building car park which has over 20 parking spaces and is a 2 minute walk from the unit.
- o There are two public car parks adjacent the unit.
- o Other businesses operate in the area with less parking options.

2.3 The application form also indicates that the application site has access to six parking spaces on site.

### 3.0 PLANNING POLICY

3.1 The application site is within an area designated as 'Mixed use' under the Area Plan for the East (Map 6 - Onchan) and the site is not within a Conservation Area, although it is directly adjacent the Onchan Conservation Area. The site is considered to have low to medium likelihood of surface water flood risk. Due to the land use designation and the type of development proposed the following policies of the IOM Strategic Plan 2016 are relevant for consideration:

#### 3.2 Strategic Policy 2 (In part):

"New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages."

#### 3.3 Spatial Policy 2:

"Outside Douglas development will be concentrated on the following Service Centres to provide regeneration and choice of location for housing, employment and services

- o Ramsey
- o Peel
- o Port Erin
- o Castletown
- o Onchan

Area Plans will define the development boundaries of such centres so as to provide a range of housing and employment opportunities at a scale appropriate to the settlement."

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

- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
- (c) does not affect adversely the character of the surrounding landscape or townscape;
- (g) does not affect adversely the amenity of local residents or the character of the locality;
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
- (m) takes account of community and personal safety and security in the design of buildings and the spaces around them"

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

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

#### 3.7 Section 10.2 Sport and Recreation

10.2.1 The Sport and Recreation Strategy 2002-2012 - "Planning for Sport" sets out a vision for the continued development and growth of sport on the Island and the benefits that this will bring. The Island is fortunate in that over the recent years a network of sporting facilities has been provided across the Island. The Sport and Recreation Strategy envisages improving on these both in terms of sport development and, as appropriate, new facilities.

#### 3.8 Paragraph 10.5.3

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

3.9 Transport Policy 1: New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.

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

3.10.1 Appendix 7:

"Assembly and leisure (includes cinemas, meeting halls, swimming baths, leisure centres, and the conference and leisure facilities of hotels) - 1 space per 15 square metres gross floor space."

#### 4.0 PLANNING HISTORY

4.1 The application building has been the subject of a number previous planning applications that relate to change of use of the units, which are considered to be specifically material to the assessment of this current planning application.

- i. PA 87/01441/C for Change of use to preparation, repair, display and storage of motor vehicles, Onchan Car Sales Ltd. - Approved. This relates to the application unit which the current application seeks to alter.
- ii. PA 98/02209/C for Change of use of shop premises to office for community support services, Shop 4 - Approved.
- iii. PA 89/00456/B for Conversion of library to 2 self-contained offices - Approved.
- iv. PA 89/01400/C for Change of use of ground floor from estate agents to office/stockroom - Approved.
- v. PA 96/01505/C for Change of use from former estate agents to retail - Approved.

#### 5.0 REPRESENTATIONS

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

5.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' the application in a letter dated 6 January 2023. They find the proposal to have no significant negative impact upon highway safety, network functionality and /or parking. They also note that Under the IOM Strategic Plan car parking standards the car parking amounts required for the proposed leisure use are similar to the extant use for retail car sales where most cars were parked within the premises. This would be unavailable on change of use. Notwithstanding, it is noted that there is nearby off-street and on-street parking available under controls nearby with agreement reached to use the off-street provision, if necessary, such as at the offices of the Onchan Commissioners. The Applicant is advised to consider the provision of cycle parking.

5.2 Onchan Commissioners have not made any comments on the application although they were consulted on 3 January 2023.

5.3 The Owners of the flowing properties have raised concerns with the application:

5.3.1 Properties:

- i. 10A Beech House, Elm Tree Road, Onchan (Mullen Consulting Ltd);
- ii. 24 Laurel Avenue, Onchan (Onchan Pensioners Social Club);
- iii. 1 Church Avenue, Onchan;
- iv. Ewood, 2 Elm Drive, Onchan

5.3.2 Their concerns border on:

Noise nuisance, pressure on parking provisions, late display of site notice, operating hours (late evenings and weekends), and increased vehicular traffic to the area.

## 6.0 ASSESSMENT

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

- a. the principle of development;
- b. the impact on the surrounding area, and
- c. the impact upon highway safety/parking.

6.2 The Principle (GP2, STP 2, SP 2, and Paragraphs 10.2.1 and 10.5.3)

6.2.1 In assessing the principle of the proposed use which falls within commercial/leisure use, it is considered that the use of the building for commercial purposes is established, with the site situated within an area of mixed use where the proposed use would be fitting and acceptable. As well, the building where the unit is situated has an established commercial use which is evident in its history of previous uses. The site is also within a predominantly mixed use corridor along Main Road, Onchan.

6.2.2 It is also noted that the site is within the Onchan town centre where the proposed use would pass for an acceptable use, with its timing of operations and nature of activity considered vital in creating employment opportunities, extending the local economy into the evening hours, and promoting leisure activities.

6.2.3 Equally, the proposal would provide a martial arts and fitness studio for visiting members of the public and not be so far removed from the coming and goings of the units within the building and area. The proposal would also offer a facility that positively contributes to the range of leisure and fitness activities available for the local community and it follows suit with the Strategic and Spatial policies which seek to direct new development to sustainable and existing town centre locations.

6.2.4 The use of the unit would also be relatively in keeping with the dominant residential character of the surrounding area given its purpose to offer a facility that positively contributes to the range of leisure activities for the local community, which would be open for visiting members of the public.

6.2.5 Additionally, there are a mix of uses in the surrounding area particularly within the Mix Use corridor along Main Road, some of which operate late into the night, such as food and drink, hairdressers, dine in restaurants, public houses, community hubs, coffee shops, and café's. The current application has also proposed a specific set of opening times in the Cover Letter and additional email provided by the applicant, and so the current application must be considered on this basis. The proposed hours are unobjectionable, they would not be out of keeping with surrounding commercial/business uses nor step outside of those typically expected within such a location within the existing town centre.

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

6.3 Impact on surrounding area (GP 2 & EP 36)

6.3.1 In terms of impacts on surrounding area, it is considered that there are no physical or external changes proposed within this application and as such the character and appearance of the site and surrounding area, being adjacent to a Conservation Area would remain unchanged.

6.3.2 Likewise, the scale of the proposed development which would only accommodate an average attendance of 10 users at any given time is not considered to be sufficient to result in significant increase in attendance such as to impact the area in terms of noise and vehicular use.

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

#### 6.4 Impact on parking/highway safety (TP1 and TP7)

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

6.4.2 As well, the building supports a variety of uses and activities which are not known to have low visitor numbers and vehicular traffic. As such, it is not considered that the proposed use as a martial arts and fitness studio where customers are known to spend longer hours due to the nature of the leisure activities would significantly increase the pressure on parking and its resultant highway safety concerns, beyond that which has been attainable at the site.

6.4.3 The site is also situated along a public transport corridor when clients can rely sufficiently on public transport to visit the facility. As well, the site is within close proximity to The Village Walk car park and the Onchan Commissioner's offices where there is ample parking provisions to serve the limited number of clients using the facility.

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

#### 6.5 Other Matters

6.5.1 The comments regarding the display of the notice is noted. However, the application has remained live for a period in excess of six weeks since there were concerns regarding the late display of the application notice. As such, it is not considered that there are concerns regarding the timing of the application notice display.

#### 7.0 CONCLUSION

7.1 Overall it is considered that the proposal would comply with the land use designation of the area, and will not result in any unacceptable amenity impacts on the town centre location or neighbouring uses. The application is therefore considered to be acceptable complying with General Policy 2, Business policy 1, and Paragraph 10.5.3 of the Strategic Plan.

#### 8.0 INTERESTED PERSON STATUS

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

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



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

8.2 The decision maker must determine:

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

## PLANNING AUTHORITY AGENDA FOR 27th March 2023

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### Item 5.3

**Proposal :** Temporary use of garden as a camp site for the duration of the TT and IOM Festival of Motorcycling (retrospective)

**Site Address :** Balla De Yoxall Heights  
Laxey Road  
Baldrine  
Isle Of Man  
IM4 6HA

**Applicant :** Lord James & Lady Glenda De Yoxall

**Application No. :** 22/01501/C- [click to view](#)

**Planning Officer :** Mr Paul Visigah

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

C 1. This approval relates to the use of the area edged red and shown for camping pitches, and for a maximum of 6 tents within the site during the approved period of operation.

Reason: To ensure proper control of the development and to reflect the information provided in the application, as the Department has assessed the impact of the proposal on the basis of the specific use and the documents submitted. The dwelling is within an area not zoned for development and permission has been granted as an exception.

C 2. The pitching of the camp site may occur no sooner than one week before each first practice of TT 2023 and the IOM Festival of Motorcycling 2023, and must be removed no later than a week after the last race of the TT 2023 and the IOM Festival of Motorcycling 2023, with no use of the site for camping in between these race events.

Reason: The camp site is proposed for the TT 2023 and the IOM Festival of Motorcycling 2023 events only and the assessment has been made on this temporary basis. In addition, the site is not designated for development. 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 3. The parking area shown on the Proposed Site Plan, shall not be used other than for the parking of vehicles in connection with the dwelling 'Balla De Yoxall Heights', Laxey Road, Baldrine 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:

The proposal is considered to support the Governments tourism strategy whilst not having any undue environment impacts, and there would be no adverse impacts on the character of the site and surrounding countryside, with the scheme having acceptable impacts on highways safety and neighbouring amenity. As such, the proposal is considered to comply with Business Policies 11 and 13, Strategic Policy 8, Transport Policy 4, Environment Policy 1,

and General Policy 2 of the IOM Strategic Plan 2016, as well as Paragraph 10.5 of the Area Plan for the East.

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

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

Department of Enterprise (Tourism Division)

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

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

#### 1.0 THE SITE

1.1 The application site represents the curtilage of an existing property 'Balla De Yoxall Heights' which sits on the eastern side of Laxey Road in Baldrine. The dwelling on site is a large detached property is located within close proximity to the highway with the large garden set at the rear and slopes towards the sea.

1.2 The large garden like the dwelling on site is considerably enclosed in mature landscaping comprising sodbanks and mature trees. A wooded area forms the eastern and southern boundaries of the site.

#### 2.0 THE PROPOSAL

2.1 Planning approval is sought for Temporary use of garden as a camp site for the duration of the TT and (Manx Grand Prix) IOM Festival of Motorcycling (retrospective). The proposal would include the installation of 6 tent pitches within the garden.

2.2 Campers within the garden would have access to a large room that is used as a lounge within the lower ground floor of the dwelling, as well as the bathroom and toilet attached to this large room. The site has access to six parking spaces at the rear of the dwelling which would also be available to the campers.

2.3 The applicants note that camping on the site has taken place since 2002 without any problems.

#### 3.0 PLANNING POLICY

The application site is within an area zoned as 'Green Gaps' under the Area Plan for the East (Map 9 - Baldrine), and the site is not within a Conservation Area. The site is not prone to flood risks or within a Registered tree 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 (Glen Roy (B5) :

##### 3.2.1 Landscape Strategy:

"Conserve and enhance:

- a) the character, quality and distinctiveness of the tranquil rural valley, with its scattered houses and farmsteads surrounded by deciduous woodland;
- b) its winding, narrow roads with small fords and bridges;

- c) relatively continuous tree cover in the valley bottom;
- d) strong field pattern on the lower valley sides.

#### Key Views

Opened and channelled views up to the open uplands that surround the area.  
Channelled views over wooded valley towards Laxey"

3.3 The following parts of the Area Plan Written Statement are considered relevant:

3.3.1 Paragraph 10.5 (i) on 'Area Plan desired outcomes' states the following concerning camping:

"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."

3.4 In planning terms, there is no provision within the Strategic Plan to support new camp sites and tourist development is treated the same as any other form of development in the countryside, as the Strategic Plan stipulates a general presumption against development in areas which are not designated for development and where the protection of the countryside is of paramount importance (EP 1 and GP3). However, it is recognised that camping is becoming an important part of the Island's tourist attractions and an increasing popular form of tourist accommodation and understood that Department of Enterprise (Tourism Division) is supportive of initiatives which attract and accommodate more visitors to and on the Island. Encouragement is given for such facilities to be grouped near to existing buildings and where possible, to complement existing operations on the same site.

3.5 Given the above, it is important to consider the following parts of the strategic plan:

3.5.1 Strategic Policy 8: Tourist development proposals will generally be permitted where they make use of existing built fabric of interest and quality, where they do not affect adversely environmental, agricultural, or highway interests and where they enable enjoyment of our natural and manmade attractions.

3.5.2 Paragraph 9.5.3:

"It is considered that the Island's primary assets to tourists and visitors alike are its unique historical landscape, culture and heritage, as well as a wide range of specialist events and attractions. Many activities and facilities providing for the Island's tourists require no permanent development: the TT Races, for example which attract by far the most significant number of tourists to the Island of any event held here, require little but the Grandstand on Glencrutchery Road and a small number of modest marshals' shelters around the Course. Tourism can, however require the erection of built structures - holiday accommodation being the most frequently requested form of new development required in association with the tourism industry. It is important that a balance be struck between the needs of tourism and the protection of these assets, and that tourism development should be sustainable in accordance with the objectives of this plan. There is no special reason why less demanding policies should be applied to tourism development than for other types of development in the countryside, and larger scale schemes may have to be the subject of an environmental impact assessment before planning permission is granted, as with any other form of large scale development.

3.5.3 Business Policy 11: Tourism development must be in accordance with the sustainable development objectives of this plan; policies and designations which seek to protect the countryside from development will be applied to tourist development with as much weight as they are to other types of development. Within the rural areas there may be situations where existing rural buildings could be used for tourist use and Environment Policy 16 sets out the circumstances where this may be permitted.

3.5.4 Business Policy 13: Permission will generally be given for the use of private residential properties as tourist accommodation providing that it can be demonstrated that such use would not compromise the amenities of neighbouring residents.

3.6 Since the site has an established residential use and the site is within a location with existing properties, it would also be relevant to consider the general standards of development as set out in General Policy 2.

3.7 Other relevant policies within the Strategic plan include:

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

3.7.2 Environment Policy 22: Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:  
iii) vibration, odour, noise or light pollution.

3.7.3 Community Policy 7: The design of new development and the extension and refurbishment of existing buildings and development must, as far as is reasonably practical, pay due regard to existing best practice so as to help prevent criminal and anti-social behaviour.

#### 4.0 PLANNING HISTORY

4.1 Planning approval has been granted for a number of developments on the site as a whole, none of which is particularly relevant to this current proposal.

#### 5.0 REPRESENTATIONS

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

5.1 Representation from the Department of Infrastructure (DOI) Highways Division confirms that they 'Do not oppose' in a letter dated 9 December 2022. They find the application to have no significant negative impact upon highway safety, network functionality and /or parking.

5.2 DofE Tourism Division have made the following comments regarding the application (15 March 2023):

- o They note that at present, the Island lacks the required level of permanent tourist accommodation bed stock to accommodate the number of visitors to the Island for the TT 2023 event and good quality temporary campsites help to support the additional bed spaces required for this event.

- o They state that the TT Strategy seeks to grow the audience at the event, with the peak visitor profile being 28,000 visitors post Covid.

- o They state that the demand for tourist accommodation for the TT 2023 is almost five times the ordinary capacity of tourism accommodation so it is vital that the Island has temporary accommodation across the Island to look after the visitor's needs and supporting established operations is vital in this long term trajectory.

- o They note that Balla De Yoxall Heights has been continuously registered with the Department for Enterprise as a temporary campsite since 2012 offering 10 pitches.

- o They state that they are fully supportive of the application for 2023.

5.3 Garff Commissioners have stated that they have no objection to the application (6 January 2023). They also made the following comments regarding the scheme:

- o Members discussed road safety and the additional traffic generated as vehicles entered/exited the property, however, it was noted that there was no Highways objection to the proposal.
- o One Member still felt this aspect to be an issue that should be re-considered by Highways.
- o The operation of the campsite at festival periods since 2002 was noted: most Members advised that they had been unaware of this and noted that no complaints were on record since this time.
- o It was also noted that the campsite would be regulated in terms of adequacy of facilities

5.4 No comments have been received from neighbouring properties.

## 6.0 ASSESSMENT

6.1 The main issues in this case are:

- a. The principle of the proposed development;
- b. The visual impact of the proposed campsite;
- c. Impact on neighbours; and
- d. Impact on Parking and Highway safety

6.2 THE PRINCIPLE (GP3, BP 11 & 13, Strategic Policy 8, Paragraph 9.5.3 and Paragraph 10.5 (i) of Area Plan)

6.2.1 In planning terms, tourist development is treated the same as any other form of development in the countryside - that is, there is a presumption against it. There are no Strategic Plan policies which guide tourist related developments other than those which encourage the use of existing buildings (EP16). However, it is generally accepted that where there is a need for camping facilities in association with particular events on the Island, temporary camp sites can be acceptable, and this has been particularly successful on sports pitches: Douglas Rugby Club, Ballafletcher rugby, football and cricket grounds, Union Mills FC, Castletown Metropolitan FC, Foxdale AFC, Peel AFC, Rushen FC and Laxey AFC all operate temporary pitches and at times when the pitches are not used.

6.2.2 It is also important to note that camping is becoming an important part of the Island's tourist attractions and an increasing popular form of tourist accommodation in rural areas, beside those considered acceptable on sports pitches. This is reinforced by the number of camp sites that have been approved in recent years; some of which are brand new such as; Ballaugh Glen (16/00546/B), Knockaloe Beg (16/00443/C), Glendown Farm in Port St. Mary (14/00800/B), Ballamoar Farm, Ballaugh (12/00136/B), and Ballakaighen in Onchan (16/01367/C).

6.2.3 It is also considered that encouragement is given for such facilities where they exist near or can be grouped near to existing buildings and where possible, to complement existing operations on the same site. In this case, there are existing car park facilities and lounge/toilet facility within the main dwelling on site which could be used by the visitors.

6.2.4 Additionally, the site has already been used for tourist accommodation (campsite) in the past and considered to meet the required standard, given that it has been continuously registered with the Department for Enterprise as a temporary campsite since 2012 offering 10 pitches.

6.2.5 Given the above, it is considered that the principle of using the site as a temporary campsite for the TT and IOM Festival of Motorcycling, and for the period articulated in the application documents would be acceptable. This is, however, not an automatic reason to

allow development as further material planning matters as indicated in 6.1 above need to be considered to determine if the proposal is appropriate for the site.

### 6.3 VISUAL IMPACT (EP1& GP2)

6.3.1 In terms of the visual impact of the proposal, the camp site will not be particularly visible to anyone outside of the application site, given the nature of mature landscaping and wooded area that bound the site. It would be vital to note that the garden area to be used for camping will be mostly screened by the wooded area to the south and east of the site boundary, as well as the sod bank and trees that line the northern boundary of the site. The building to the west which is a large detached building would also serve to screen the tents from the highway.

6.3.2 It is relevant to consider that the camping will only be undertaken in TT and MGP periods with the tents only being erected for the limited event period during the year, where it is also not uncommon to have tenet set up at various parts of the rural landscape. As such it is considered that the visual impact of the proposal would be minimal and acceptable.

### 6.4 IMPACT ON NEIGHBOURS (EP 22, CP 7 & GP 2)

6.4.1 In terms of impacts on neighbours, the key concern here relates to noise generated by the development. In this case, the closest residential neighbour 'Green Gables', Laxey Road are situated about 36m from the nearest tent on the proposed site where it is expected that any sound impacts would be diminished. The existing wooded area to the south of the site and on the eastern boundary of this neighbour would also serve as sound buffers which would further diminish any sounds generated.

6.4.2 The brief nature of the proposed use of the development for each event would also diminish any adverse impacts upon the living conditions of neighbouring residents, subject to controls. Besides, the TT event is not a particularly quiet event, and any noise generated by users of the six tents is not considered to be so significant as to impact the amenity of the neighbours, as the available facility on site would significantly regulate the number of tourists that would use the camp site. In this respect, the proposal complies with Environment Policy 22, Community Policy 7 and General Policy 2.

### 6.5 PARKING AND HIGHWAY SAFETY (TP 4 & GP2)

6.5.1 With regard to parking provisions on site, it is considered that there is an existing car park to the rear of the main dwelling and adjacent the garden, which will be used for the camping site during the event. It is also important to note that there is usually limited car use by most tourists that visit the island during the events with the existing car park sufficient to accommodate the existing needs of the occupants of the site and the majority of the visitors that rely on motorcycles during the events.

6.5.2 The site is also situated along a main bus and rail route for public transport to the north and south of the Island, as well as good connections throughout the Island. It is also noted that the likely occupants of the camp site would not necessarily have their own vehicles, relying on sponsors' vehicles/taxis/mini buses. Furthermore, there would be no changes to the site access which offers good visibility onto the main highway. Whilst proposal is expected to generate some level of traffic relative to its scale of operations beyond the current residential use of the site, Highway Services have considered the additional commercial element of the scheme and have no objection. Therefore, it is judged that this would be acceptable and comply with the requirements of Transport Policy 4 and General Policy 2 of the Strategic Plan.

## 7.0 CONCLUSION

7.1 Overall, it is concluded that the proposal would be acceptable for a temporary period only and would not significantly affect public or private amenities, and comply with the requirements of Business Policies 11 and 13, Transport Policy 4, Environment Policy 1, and General Policy 2 of the IOM Strategic Plan 2016, as well as Paragraph 10.5 of the Area Plan for the East, and therefore recommended for an approval.

#### 8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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



**Item 5.4**

**Proposal :** Continued use of the site as a temporary car park  
**Site Address :** 40 South Quay  
Douglas  
Isle Of Man  
IM1 5AX  
**Applicant :** Somerset Properties Ltd  
**Application No. :** 22/01459/B- [click to view](#)  
**Planning Officer :** Mr Toby Cowell

**RECOMMENDATION:** To REFUSE the application

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**Reasons and Notes for Refusal**

**R : Reasons for refusal**

**O : Notes (if any) attached to the reasons**

R 1. The proposed use of the site as a car park would reduce the likelihood of a prominent brownfield site being brought forward for development, contrary to Strategic Policy 1 of the Strategic Plan (2016), the policy on car parks as set out in "Reform of the Planning System - Programme for Government 2016 - 2021", the recommendations of the Report of the Select Committee of Tynwald on the Development of Unoccupied Urban Sites (2017-2018) and the strategic objectives of the Built Environment Reform Programme (2022).

R 2. The proposed use is not in accordance with the land use zoning as set out within the Area Plan for the East (2020), with no specific circumstances considered evident in which the proposed use should be permitted contrary to the site's land use designation.

R 3. The proposal would detrimentally affect important views into and out of North Quay Conservation Area, contrary to General Policy 2 and Environment Policy 36 of the Strategic Plan (2016).

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**Interested Person Status – Additional Persons**

None.

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**Planning Officer's Report**

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE ON THE ADVICE OF THE HEAD OF PLANNING AND BUILDING CONTROL AND DUE TO THE SITE'S PREVIOUS PLANNING HISTORY

1.0 THE SITE

1.1 The site comprises the curtilage of the former Clover Asphalt Depot which is a parcel of previously developed land, a flat area of concrete hardstanding throughout, due to the original building being cleared from the site. The site is located on the southern side of the South Quay within Douglas. It is currently in use as a temporary car park and the subject of an Enforcement Notice served in December 2022.

## 2.0 THE PROPOSAL

2.1 Planning approval is sought for the continued use of site as a temporary car park to provide a total of 43 spaces. No time limit has been specified with this submission. This application follows two previous applications which gained temporary approval each for two years (4 years in total) for the same car parking use, and a further application for the continued use of the site for a further 2 years which was refused and dismissed at appeal. It is understood that no changes are proposed to the existing car park which is already laid out.

2.2 The applicant has stated the following in their submitted design in support of the application:

"...this is a site that has been hindered from development as a result of the boundary situation. The site's special circumstances were acknowledged by the Planning Committee in granting approval under PA 18/00350/B where R2 that reads the same was overturned. The special circumstances remain in place and there are a number of sites coming forward particularly around the Quay where pressures on parking remain. Accordingly we believe R1 should again be waived. We appreciate the reasons given for refusing its continued use as a car park are not confined to Government policies on temporary car parks and would offer the following comments in response.

Whilst we fully appreciate that car parking is not the best long term use of the site, as highlighted in our response to R1 we believe its use as a car park on a temporary basis remains relevant and indeed as other sites in the area progress to development stage could well be considered as meeting a short term need compatible with its current "mixed use" designation.

Whilst the causes of parking pressures have changed, the "special circumstances" that prevailed at the time the Planning Committee approved its continued use as a car park in 2018 are still relevant. The sites' position close to the town centre means it is still ideally placed to deliver parking where pressures due to parking constraints being applied elsewhere remain.

Rather than being detrimental, allowing the sites' continued use as a temporary car park until such time that the boundary situation is resolved and development proposals can be progressed remain beneficial as it:

- a) allows essential parking to remain in an area where parking opportunities are becoming more and more restricted
- b) allows the land owner to have a rental income that helps fund maintenance costs and allow visual improvements to be made
- c) maintains government revenue through rates and taxable income on a site that would otherwise generate nothing."

## 3.0 PLANNING HISTORY

3.1 The site has been the subject of an application for redevelopment - PA 08/00221/B for the construction of a building to provide 33 apartments with integral parking. This was approved on 1st December 2011 (following an appeal and subject to a S.13 agreement). Condition 1 gave 4 years for commencement. This application has lapsed is therefore not extant.

3.2 A subsequent application for temporary car parking - PA 16/00371/B was approved on 21st June 2016. The application sought approval for the provision for 46 temporary (2 years) car parking spaces and three self-servicing car washing machines. The proposal included a white 0.7 metre high fence along the northern boundary which fronts onto South Quay. The

site which is predominantly concrete finish would remain, albeit sections would be repaired and improved with a matching concrete finish. The parking spaces would be marked out by painted white lines. The parking would be used for contract parking only, for 7 days a week at any time.

3.3 The Officers Report for 16/00371/B included the following analysis:

"6.1 Whilst the provision of temporary car parks within the town can be useful as a stop gap between a site being cleared and its re-development, they can also become less attractive elements of the street-scene as, because they are only temporary, little effort can be spent on tidying and improving the appearance of the site - the various car parks along Back Strand Street and Market Street are examples of this, as are the car parks at the corner of Peel Road and Circular Road and opposite Tesco. This site is slightly different in that its former uses were as builder's yard/warehouse building and was also used as former vehicle maintenance shed and therefore its use and appearance did not accord with the residential land use designation. The applicant has also confirmed they would be happy for the fence to be 1.8 metres high and introduce boundary planters which will help improve the appearance of the site.

6.2 The fact the previous approved application has now expired and that the temporary approval is for two years, would enable the site to be used in the short term and arguably would improve the appearance, whilst a potentially new application for the re-development of the site is prepared. The applicant should be under no illusion that the Department will be unlikely to keep granting temporary approvals on the site, given the site's prominent position and land use designation and therefore the applicant is recommended consider how to redevelop the site. It is therefore considered that a two year approval is considered appropriate.

6.3 With the appropriate worded conditions relating to the fence type and height and planters, it is considered the visual impacts of the proposed use, whilst not ideal, would be acceptable on a temporary basis only. Furthermore there are no highway issues, and therefore the application is considered acceptable and is recommended for approval subject to conditions."

3.4 A further temporary planning application for Provision of 43 (including 2no Disabled) temporary car parking spaces for a period of 2 years - 18/00350/B - was approved on the 8th October 2018. The Planning Committee declined to accept the officer recommendation (who has recommended a refusal) and, noting a combination of factors, considered that there were special circumstances in this case which indicated that the Council of Ministers policy on temporary car parks should not be applied in this case. They voted to approve the application subject to 3 conditions. In the Minutes of the Planning Committee Meeting the Members clarified that this was due to the: "...combination of the factors outlined in the discussion - notably the fact that the Area Plan has yet to determine the designation of the site and the potential removal of car parking spaces through the redevelopment of the Promenades and the Lord Street bus station redevelopment. This was approved with the following conditions attached:

"1. There shall be no washing of cars within the site.

Reason: To prevent the discharge of contaminated run-off into nearby watercourses.

2. Within 2 years of the date of this approval becoming final the use hereby approved shall cease.

Reason: The proposal is for a temporary use and it is important not to prevent the longer term development of the site.

3. Within 3 months of the date of this approval becoming final the site shall be laid out in accordance with the approved details, including the removal of the car washing facilities.  
Reason: To ensure the development is carried out in accordance with the approved details."

3.5 Finally, a further temporary approval was sought for the use of the site under 20/01129/C for a period of 3 years. This application was refused by Planning Committee (in agreement with the officer recommendation), for the following reasons:

1. The proposed temporary use would reduce the likelihood of a prominent brownfield site being brought forward and this would be contrary to Strategic Policy 1 of the Strategic Plan (2016), the policy on car parks as set out in "Reform of the Planning System - Programme for Government 2016 - 2021" and the recommendations of the Report of the Select Committee of Tynwald on the Development of Unoccupied Urban Sites (2017-2018).

2. The proposed use is not in accordance with the land use zoning as set out within the Douglas Local Plan (1998).

3. The proposal would be contrary to Environment Policy 36 and General Policy 2 as the proposal would detrimentally affect important views into and out of North Quay Conservation Area.

3.6 The case officer for the above application included the following analysis of the scheme:

"7.4 It is noted that the applicants stated during the previous application in 2018 that: "The site is zoned for residential use, however the owner of the site has advised a 2 year period for temporary car parking in order to offer a use for the site until investment can be secured for residential development to take place".

7.5 Clearly from the comments made by the applicants in this current application this has not occurred, nor has any evidence been produced that the site has been offered for sale or has the applicants gained any planning approval on the site for any different development. There are concerns, that even when the applicants has been made aware of the Departments concerns of granting temporary approvals at each application; there now does not appear to be any positive efforts evidence which suggests the applicants has made real efforts to develop the site. Again the applicants have not given any clear reasons for why the site has not been developed or the plans/timescale for its development (noting there is no extant planning approval). The Strategic Plan sets out a broad long term direction of travel of restricting town centre parking and the promotion of other travel methods. This is reinforced by the policy within the Action Plan which seeks to restrict temporary car parks with immediate effect. The applicant has provided limited justification in relation to need, and has not tied this to any specific sites/developments/events.

7.6 Previously, the Planning Committee consider that a further 2 year approval should be granted given the fact that the Area Plan had yet to determine the designation of the site and the potential removal of car parking spaces through the redevelopment of the Promenades and the Lord Street bus station redevelopment. The Area Plan has now been approved. Furthermore, the Promenade scheme whilst not finished (was due to be finished in March 2021) and is potentially running behind schedule, it is likely to be finished (or at least the area of the Promenade nearest to the site) in 2021. Therefore, the need for parking would be reduced soon and also the applicants wish for two additional years would appear excessive. Whilst Lord Street is yet to be developed, it is considered a reasonable argument that allowing a further temporary car park/s approval, on the basis that other temporary car parks are been developed could cause a dangerous approach, perhaps extending the time for these

sites being developed further. Overall, whilst it is understandable why the Planning Committee came to the decision previous, it is now considered the reasons either do not carry such weight as before or are not applicable. However, should the Planning Committee consider there is still sufficient reasoning to allow a temporary use, then perhaps a condition for 1 year only could be considered, rather than the two years sought by the applicant - as the Promenade works will likely have been completed. It is therefore considered that the proposal would be contrary to the Council of Ministers Policy and Strategic Plan Strategic Policy 1.

7.7 Furthermore, while the site remains as a car park and even though some fencing/artificial hedging has been installed along the boundary; the fact remains the site visually does not add to the character or street scene and is directly opposite a Conservation Area (North Quay). Accordingly, further allowing the site to remain as a car park would reduce the likelihood of a prominent brownfield site being brought forward and this would be contrary to Strategic Plan Strategic Policy 1, The Action Plan and the recommendations of the Select Committee Report. Furthermore, the proposal would be contrary to Environment Policy 36 and General Policy 2 as the proposal would detrimentally affect important views into and out of the Conservation (i.e. North Quay Conservation Area)."

3.7 Following the refusal of planning permission the decision was subsequently appeal and dismissed by the Minister at the Planning Inspector's recommendation. The Inspector concluded in their report that:

'The proposals would be contrary to the relevant policies and a further approval should not be granted. The written statement in the Area Plan for the East indicates that there will be a presumption in favour of the comprehensive re-development of the South Quay for new uses such as tourism, offices, food and drink, leisure, reception and function venues, business hubs/share-service offices and/or residential uses at first floor level and above. A continued parking use would go against these aims both in terms of its basic use but also by delaying any decision in relation to an appropriate use for this strategic development site in the centre of Douglas'.

#### 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
- 7 Protection of land zoned for industrial, office or retail purposes

##### 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
- 36 Development adjacent to Conservation Areas
- 42 Designed to respect the character and identity of the locality

## Transport Policy

- 4 Highways safety
- 7 Car parking

### 4.2 Area Plan for the East (2020)

The site falls within land zoned for 'mixed use' purposes, with Town Centre - Mixed Use Policy 7 (The Quayside) stating that:

"There will be a presumption in favour of the comprehensive re-development of the southern side of the quay, including the potential re-positioning of the highway of South Quay between Old Castletown Road and Fort Anne Road, for new uses in the following categories:

- Tourism
- Offices
- Food and Drink
- Leisure
- Reception and function venues
- Business hubs/share-service offices
- Residential uses at first floor level and above."

Likewise, the supporting text for the above policy states that 'redevelopment of the southern side to complement the quayside as a whole is to be encouraged.'

## 5.0 OTHER MATERIAL CONSIDERATIONS

5.1 The Council of Ministers previously approved an Action Plan to Reform the Planning System. The document "Reform of the Planning System - Programme for Government 2016 - 2021" GD2018/0031 was laid before Tynwald on 15th May 2018. One of the actions set out within this is that, "Council of Ministers have agreed the following Policy with immediate effect: In order to continue to incentivise and support site redevelopment and the associated economic development, Planning Approval should not normally be given for brownfield sites to be used as temporary car parks" and that this is important, "To ensure faster brownfield site redevelopment and encourage socio-economic development".

Whilst it is noted that the reform program in the above Action Plan has now fallen away, the recommendations contained therein are still relevant and a material planning consideration.

5.2 The latest version of Our Island Plan - Building a Secure, Vibrant and Sustainable Future for our Island (GD no. 2022/0095) was approved by Tynwald in February 2022 with a subsequent Economic Strategy approved in November 2022. One of the strategic programmes of the Island Plan was the Built Environment Reform Programme (BERP), which has now been approved and replaced the previous Action Plan.

Strategic Objective 4 of the BERP seeks to ensure the attractiveness of brownfield development to help protect the Island's greenfields and landscape beauty.

Page 5 of the BERP states that:

"Brownfield sites remaining fallow for extended periods of time give a negative impression of our Island and do not contribute to the Island's growth and prosperity. By focusing efforts to stimulate and accelerate development on these sites, the Programme will realise economic value directly through the planning and build process, employment-related revenues and financial benefits for local businesses. The Island will also benefit from an uplift in image, making the urban landscape more attractive to investors, economic migrants and tourists and increasing its value proposition for residents. The Programme will also consider if certain

enhanced planning services, which add value for applicants, could operate on the basis of cost recovery."

5.3 The Central Douglas Master-plan is not a statutory document but was approved by Tynwald in 2015, "as a general framework for the development of Central Douglas, a material consideration in the determination of planning applications and the formulation of planning policy, most notably the Area Plan for the East". The format of the Master-plan was intended to ensure that, "The evidence base and project proposals could be reviewed for inclusion in the Area Plan for the East". It breaks the area down into 8 Character Areas based on a combination of function and identity. Within each Character Area individual project proposals are set out to strengthen the Character Areas, and carry forward the Vision and Objectives. It forms part of the evidence base to the Area Plan.

5.4 Report of the Select Committee of Tynwald on the Development of Unoccupied urban sites (2017-2018) (hereafter "The Select Committee Report" recommended that, "Tynwald calls upon the Council of Ministers and all Departments to use every means at their disposal to encourage and prioritise the development of unoccupied or previously developed urban sites ahead of building on greenfield sites in the Manx countryside; and in particular that Tynwald is of the opinion that urgent action should be taken ... (iv) to use the planning system, taxation and other potential incentives to discourage greenfield development; (v) to use the planning system, taxation and other potential incentives to encourage brownfield development in Development Zones in Douglas and in other urban areas". In 2020, unoccupied site maps were produced that identified this site within Douglas Central as "UUS3 - Unoccupied Urban Site".

## 5.0 REPRESENTATIONS

5.1 Douglas Borough Council - As a previous application for use of the site as a temporary carpark had already been refused and an appeal against refusal had been dismissed, the Council's Environmental Services Committee will consider this application when it meets on the 19th January 2023. I also note that the applicant does not state how long the temporary use should last for. I would kindly ask for some clarity on this prior to the Council reviewing the merits of the application. (09.12.22).

No further comments received to date.

5.2 Highways Services - consider that development will have no significant negative impact upon highway safety, network functionality and /or parking in operational terms. Notwithstanding, the proposal is contrary to current policy for reuse of temporary car parks and not that special circumstances may apply. Should this not be the case, please re-consult. (09.12.22)

5.3 Flood Management Division - do no response received at the time of writing the report.

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.

5.7 Department of Enterprise - no response received at the time of writing the report.

## 6.0 ASSESSMENT

6.1 In line with previous assessment made over the continued use of the site as a temporary car park, the principle issue with this application relates to the land use zoning and whether the continued use of the site for the parking of vehicles is acceptable.

6.2 The site forms part of a wider land use designated for mixed used purposes in the Area Plan for the East, with Mixed Use Policy 7 stating that there will be a presumption in favour of the southern part of the quay to be developed for a range of uses, none of which however relate to the provision of temporary or permanent car parking facilities. Consequently, the continued use of the site as a car park, be it temporary or permanent, is contrary to the site's land use designation.

6.3 As considered by the planning officer in their report for the previous application and indeed the Inspector in their subsequent report, the continued use of the site for car parking has the strong potential to further delay any realistic developer investment in the site and its subsequent development. Likewise, such a use would further undermine the potential or ability for the wider South Quay to be developed comprehensively.

6.4 Since the original grant of permission for the use of the site as a temporary car park for 2 years in 2016, the site has remained undeveloped with little to no evidence put forward demonstrating that the site will come forward for development in the near future. Indeed, the most recent application (as refused and dismissed at appeal) put forward by the previous applicant stated that "the site owner has no intention of developing the site for its Page 3 of 6 intended use as a residential development within the next 2 years or at any time in the near future, therefore the continuation as of the site as a parking area would be a great way of making use of an empty space until plans are in place for any future development".

6.5 That being said, it is recognised that the present application has been submitted by the sole owner of the site (as opposed to previous tenants who submitted the previous application), with the accompanying support document stating that, with respect to the comments made by the previous application, this is not in fact the case.

6.6 The applicant states that when demolition works commenced on site following the grant of planning permission to redevelop the adjacent site (PA 14/00615/B), court action by the owners of the Manx Petroleum site to the East was instigated, and both parties had to give an undertaking to the court that no further demolition of the wall on the eastern boundary would take place until such time the eastern boundary dispute was resolved. The applicant states that, at the present time, 'the eastern boundary wall situation remains unresolved with court undertakings by both parties remaining in place. Development of this and indeed the Manx Petroleum's site cannot possibly take place until such time the boundary wall situation is resolved.'

6.7 The support letter further adds that 'the applicant is now the sole owner of the site and would not now develop the site themselves but would look for a company to work with or find a company to develop the site. Covid has obviously contributed to delays in moving things forward on this front. Whilst the boundary dispute remains an ongoing problem, discussions are taking place to try to resolve it. Allowing the use of the land as a temporary car park would give the applicant some rental income to maintain the site in good order while plans, a developer and resolution of the boundary dispute are progressed.'

6.8 Whilst the above points are indeed noted, should the site continue to be used as a temporary car park, this would still continue undermine the site's wider land use designation and potential for any developer investment. The present submission has provided no detailed indication as to the current ongoing legal situation or actions made/intended to find a suitable developer to partner with. In any case, the original planning permissions granted for the site's



redevelopment have since lapsed and therefore no extant planning consent currently exists for the site.

6.9 It is understood from the submission that the abovementioned legal dispute has been ongoing since 2015/16, with no clear progress having been made to date. Indeed, the officer report for the initial 2016 application for use of the site as a temporary car park made clear that the 'applicant should be under no illusion that the Department will be unlikely to keep granting temporary approvals on the site, given the site's prominent position and land use designation and therefore the applicant is recommended consider how to redevelop the site.'

6.10 In the absence of clear evidence provided as to any progress made to resolve the ongoing legal dispute or to move forward with developing the site, it is not considered that any new special circumstances are now evident which should direct the Department to consider the present scheme favourably.

6.11 Moreover, the applicant has stated in their supporting letter that given 'the tightening up on car park use on brown field sites in central Douglas as a whole, and the imminent potential development of the Middlemarch site where significant numbers of cars will be displaced, the demand for parking in central Douglas for the short/medium term looks set to remain a problem until such time that alternative arrangements are in place that reduce the need for cars to be coming into the town centre.'

6.12 The above assertion is unsubstantiated and provides no evidence that there is a chronic demand for additional car parking within the centre of Douglas. However, even if such a demand were to be evidenced, the site is not zoned for use as a car park in accordance with the Area Plan for the East, with Paragraph 11.5.3 of the Strategic Plan indicating that the long term the target is to reduce the level of car parking required for town centre developments and seek to develop more sustainable staff and visitor transport plans but sets out a general policy (Transport Policy 7) "in the shorter term" which sets out parking standards for new developments. It is also noteworthy that works to the Promenade referenced in the officer report for the previous application have now been completed, and therefore the need for additional town centre parking as a result of such works have now fallen away. Consequently, it is not considered that such a potential demand for additional parking within the town centre is significant enough to outweigh the scheme's clear conflict with the Development Plan and additional material considerations referenced within this report.

6.13 From a visual perspective, comments raised by the case officer for the previous application and subsequently supported by the Inspector remain valid. Namely that the site does not, from a visual perspective, positively contribute to the character of the street scene and is directly opposite a Conservation Area (North Quay). Accordingly, further allowing the site to remain as a car park would reduce the likelihood of a prominent brownfield site being brought forward, which would aid the site's visual enhancement. The proposals therefore remain unacceptable from a visual perspective and harmful to key views into and out of the adjacent North Quay Conservation Area.

6.14 No concerns are however raised from a highways perspective, with Highway Services having considered that the proposal is acceptable in terms of highway safety.

## 7.0 CONCLUSION

7.1 The proposals are considered to be unacceptable in principle and contrary to the site's wider land use designation for mixed use development. The continued use of the site as a temporary car park has the potential for further comprise the redevelopment of a prominent brownfield site, with no special circumstances having been presented which weigh against the

proposal's conflict with the relevant policies of the Development Plan and additional material planning considerations.

7.2 The proposals would further result in continued visual harm to the site's immediate setting and key views into and out of the adjacent North Quay Conservation Area. The development is therefore contrary to Strategic Policies 1 and 5, General Policy 2 and Environment Policies 36 and 42 of the Strategic Plan (2016), Mixed Use Policy 7 of the Area Plan for the East (2020), and additional material planning considerations referenced throughout this report. The application is therefore recommended for refusal.

#### 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 27th March 2023

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### Item 5.5

**Proposal :** Reinstatement of entrance door, replacement windows, and change of use from Class 1.2 to Class 2.1 (in association with RB application 22/01543/CON)

**Site Address :** Former Isle Of Man Bank  
3 Market Square  
The Parade  
Castletown  
Isle Of Man  
IM9 1LG

**Applicant :** Potentilla Limited

**Application No. :** 22/01494/GB- [click to view](#)

**Registered Buildings Officer :** Mr Ross Brazier

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. Details of Works to Registered Building

Prior to the commencement of each phase of work, No works shall take place on those elements listed below until details of the following items, to include plans, elevations and sections at a scale of (1:10) or (1:20) or other information as agreed following consultation with Design and Conservation Officer have been submitted to and approved in writing by, the Department:

- a) Window repair schedule
- b) Details of New windows
- c) Proposed New Door
- d) Proposed Signage

The works shall not be carried out unless in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this registered building.

C 3. Sample materials

No development shall commence until a schedule of materials, finishes and samples of the materials to be used in the following have been submitted to and approved in writing by the Department:

- a) Railings
- b) Replacement Windows

The works shall not be carried out unless in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this registered building

#### C 4. Registered Building Making Good

Any damage to the registered building during the course of the works hereby approved shall be made good upon completion of said works. All making good works shall be submitted to and approved in writing by the Department and thereafter implemented within time period to be agreed with the Department.

Reason: to ensure the satisfactory preservation of this registered building

Reason for approval:

The proposals are considered to preserve the character of the building and the area and also to be in accordance with the Strategic Plan policies, Policies RB/3 AND RB/5 of Planning Policy Statement 1 and the Area Plan for the South. The application is therefore recommended for approval.

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

None

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE LOCAL AUTHORITY HAVE RAISED AN OBJECTION AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

#### THE SITE

1.1 The site is the former Isle of Man Bank at 3 Market Square, Castletown. It is a Registered Building and is located within the Castletown Conservation Area.

1.2 The site is in an area defined within the Area Plan for the South 2013 as Mixed Use. The area is not at risk of flooding.

#### THE PROPOSAL

2.1 The proposals are for the reinstatement of entrance door, replacement windows, and change of use from Class 1.2 (Financial and Professional Services) to Class 2.1 (offices). There is a separate application for Registered Building consent 22/01543/CON.

#### PLANNING POLICY and LEGISLATIVE CONTEXT

##### 3.1 TOWN AND COUNTRY PLANNING ACT 1999

S16 Registered buildings: supplementary provisions

(3) In considering —

(a) whether to grant planning approval for development which affects a registered building or its setting, or

(b) whether to grant registered building consent for any works, the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

##### S18 Designation of conservation areas

(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act

3.2 TOWN AND COUNTRY PLANNING (CHANGE OF USE) (DEVELOPMENT) (NO. 2) ORDER 2019 permits under Class 2 a Change of use to flats or offices on the 1st floor or above.

### 3.3 THE ISLE OF MAN STRATEGIC PLAN 2016

General Policy 2:  
Strategic Policy 4:

Business Policy 1:  
Business Policy 7  
Environment Policy 32:  
Environment Policy 33:  
Environment Policy 34  
Environment Policy 35:

3.4 Planning Policy Statements: 1/01 Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man

POLICY RB/3  
POLICY RB/5

### 3.5 Area Plan for the South (2013)

#### 6.5 Offices

6.5.1 The Office sector is of major significance to Castletown, as the Town has the third largest office provision on the Island behind Douglas and Ramsey. This provision is mainly taken up by the insurance sector. Although the highest demand for new office space is likely to be centred on Douglas, it is anticipated that there will continue to be a requirement for new office accommodation in Castletown due to its attractive character, the existing business presence, and proximity to the Airport. Existing office provision within Castletown is centred upon various properties within the Town and the Red Gap site occupied by Friends Provident.

6.5.3 It is considered that future office development within the South may be accommodated primarily by using existing buildings. Within the Mixed Use areas this will normally take the form of the upper floors of buildings which are not currently in residential use. However, it should be recognised that office use may be permitted on the ground floor of buildings where it would make use of an otherwise vacant unit and the character and appearance of the area would not be harmed. Proposals for such office uses would be considered on their merits. The series of Mixed Use Proposals below set out the circumstances where office development would be acceptable.

6.5.5 There is also scope throughout the overall area to consider the sympathetic conversion of Registered Buildings or buildings of historic or architectural interest in order that re-use will prevent the structure falling into disrepair.

#### 6.6 Encouragement of Sustainable Mixed Use Schemes

6.6.1 In order to achieve town and village centres which are attractive, viable and full of vitality it is essential to encourage a mix of different uses to locate within the Mixed Use areas. This will include elements of retail, office, light industrial, community facilities, leisure and tourism uses and residential as well as dedicated public spaces which will be a focus for community activity. Uses which are not compatible with residential developments will not be supported within the Mixed Uses areas. Generally there will be a presumption in favour of changes of use between the range of approved uses. Whilst planning approval may be

required for some changes, this would normally be supported subject to the buildings being suitable for the new use.

6.6.2 Development within an area of Mixed Use (as designated on the Proposals Map/Inset Maps) or those sites proposed for Mixed Use (identified on the Maps as 'Proposed Mixed Use') will comprise a mix of some or all of the following uses: residential; shops; financial and professional services; food and drink; research and development, light industry; hotels and hostels; hospitals, nursing homes and residential institutions; community uses; leisure; tourism and open space. For applications relating to sites proposed for Mixed Use, the mix and types of uses on the site will be determined on their merits in accordance with the Proposals in the Area Plan and the Isle of Man Strategic Plan Policies.

6.6.5 In order to ensure that the vitality of the town and village centres is retained in terms of Visitor attraction and activity after working hours, it is considered that retail should be the preferred use for ground floors of buildings within those areas designated for Mixed Use with residential use encouraged for the upper floors. Office use will also be acceptable on the upper floors but not at the expense of residential uses, and in certain circumstances on the lower floors.

#### Mixed Use Proposal 1:

In order to maintain and enhance the vitality of the Mixed Use areas in Port Erin, Castletown and Ballasalla, there will be a presumption in favour of the retention of existing retail units on the ground floor although each case will be determined upon its circumstances and merits.

#### Mixed Use Proposal 4:

The upper floors of buildings in the Mixed Use areas of Castletown, Port Erin, Port St Mary and Ballasalla may be appropriate for office use although there will be a presumption in favour of the retention of existing residential uses subject to the circumstances and merits of any alternative uses.

#### Mixed Use Proposal 5:

In Castletown, Port Erin and Ballasalla, office development may be acceptable on the ground floors of buildings although there will be a presumption in favour of retaining retail units subject to the circumstances and merits of any alternative scheme and provided it does not cause significant harm to the character and appearance of the area.

## PLANNING HISTORY

4.1 The building has been the subject of a number of applications for alterations including the following:

93/00291/B - Proposal: Internal and external alterations, Isle of Man Bank, 3 Market Square, Castletown. Permitted.

01/01618/GB - Proposal: Creation of ramped access to rear of building and installation of external lights. Isle Of Man Bank Market Square Castletown. Permitted

06/01779/CON - Proposal: Registered Building consent for the installation of guard rails to flat roof and replacement escape staircase (in association with 06/01752 GB). Permitted.

08/00685/CON - Proposal: Registered Building consent to install an internal bi - folding automatic door (In association with 08/00686/GB). Permitted.

15/00778/CON - Proposal: Registered Building Consent for installation of replacement ATM (RB no 39 in association with 15/00777/GB). Permitted.

15/00035/CON - Proposal: Registered Building consent for the installation of a cash transfer unit to rear elevation and installation of gates to rear yard entrance (in association with 15/00034/GB). Permitted.

15/00179/CON - Proposal: Registered Building consent for the installation of external lighting (In association with 15/00178/GB). Permitted.

22/01543/CON - Proposal: Registered Building Consent for reinstatement of blocked up front door, repair and replacement of windows, and alterations to the internal plan form RB 39 (in association with 22/01494/GB). Pending.

## REPRESENTATIONS

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

5.1 Castletown Commissioners state that they are content with the proposed changes to the exterior of the building, however they OBJECT to the change of use class in class from 1.2 to class 2.1, specifically on the ground floor of this building. Whilst of a Financial or Professional nature, class 1.2 provides services to the visiting members of the public, which by its very nature encourages footfall into the Town Centre. The Board are not content with the change in designation to class 2.1 and believe the use of the building solely as an office other than a purpose falling within class 1.2 would be a retrograde step. The Isle of Man Strategic Plan Policies are concerned with the protection and enhancement of the existing retail areas across the Island and state that retail development will only be permitted in established town and village centres. They do not believe that the redesignation of the ground floor of this prominent building from the Use Classes set out in Schedule 1, that cover Shops and Some Services within the Town and Country (Use Classes) Order 2019 would be a positive direction of movement for the continued regeneration of our historic Market Square (17.01.23).

5.2 DOI's Highways Division stated after reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The Applicant is advised that Highway Licences may be necessary for any equipment and materials to be placed within the highway for the duration of the proposed works (03.02.23).

5.3 Manx National Heritage (MNH) were consulted on the application, however no comments were received.

## ASSESSMENT

6.1 The issues in this case are:

- i. whether the proposed alterations to the building and the change in use will preserve the registered building or its setting or any features of special architectural or historic interest which it possesses;
- ii. whether the proposed alterations to the building and change in use preserve or enhance the Conservation Area's character or appearance;
- iii. car parking and highway safety; and
- iv. whether the change in use from Financial Services to Office have an adverse impact on the vitality of Castletown town centre.

### Registered Building and Conservation Area

6.2 The building is of clear architectural and historic interest. Located opposite Castle Rushen and located on Parliament Square it sits surrounded by other registered buildings including the George Hotel. It is the grouping of these registered buildings which gives this

part of the conservation area its character, a group of Georgian and earlier buildings set round a square with lanes off of the sides all set within the backdrop of Castle Rushen.

6.3 Whilst the building has retained much of its external character, the building has undergone numerous alterations and evolutions internally with limited fabric of special interest remaining. The building is in need of repair and a new use since the departure of the bank. The proposals will preserve those features where they have remained intact, such features includes windows and window panelling. The proposed change of use to provide office use throughout the building, the proposals will most use existing room layouts with some reconfigurations at ground first and third floor levels.

6.4 It is considered that the change of use and associated works will preserve the existing features of special interest within the building and will generally improve its appearance externally. The application indicates signage is proposed but insufficient detail has been provided and this will be the subject of condition and separate advertisement consent application.

6.5 The proposals will result in very minimal change to the external appearance of the building, where elements are being replaced or renewed such as windows traditional materials are proposed and it is considered these works will result in an overall improvement to the appearance of the building that will preserve the character and appearance of the conservation area and the setting of the adjacent registered buildings.

#### Car parking

6.6. The applicant has not provided any information with regards to parking, however it is clear from a site visit that the property has a number of car parking spaces to the rear. Given there is no parking requirement provision for the existing banking use it would seem that the office use provision would apply to the current and proposed which would indicate that there would be no net requirement for additional spaces and the proposed use results in no change in the satisfaction of the parking standards from the existing situation. The Strategic Plan also provides that parking standards may be relaxed in certain circumstances and it is considered that the proposals fulfil these exemptions as, it concerns a Registered Building, sensitive street scene and a Conservation Area and is also within close proximity of the public transport services of both buses and the steam railway.

#### Highway safety

6.7 It is considered that there will be no adverse impact on highway safety from the proposal. The site is within walking distance of the town's shops, restaurants and service as well as its public transportation, there are safe and acceptable ways of getting to and from the site from other parts of the town.

#### Vitality of Castletown town centre.

6.8 The policies indicate that there is a clear presumption in favour of retaining or having retail units at ground floor level where possible. Retail uses and those such as banking, cafes etc. help add to the vitality and viability of a town centre and help to maintain and increase footfall.

6.9 This approach extends only to ground floor level and it is acknowledged that other uses are acceptable in upper floors as is recognised by the change of use permitted development order that allows offices and residential above shops.

6.10 Taking into the consideration of the above permitted development rights the core issue of the application is the acceptability of office use at ground floor versus a desire for retail use of ground floors within mixed used areas. The Area Plan for the South states that



future office development within the South may be accommodated primarily by using existing buildings. Within the Mixed Use areas this will normally take the form of the upper floors of buildings which are not currently in residential use.

6.11 However, it should be recognised that office use may be permitted on the ground floor of buildings where it would make use of an otherwise vacant unit and the character and appearance of the area would not be harmed. The Plan also states that, it is considered that retail should be the preferred use for ground floors of buildings within those areas designated for Mixed Use with residential use encouraged for the upper floors. Office use will also be acceptable on the upper floors but not at the expense of residential uses, and in certain circumstances on the lower floors. Mixed Use proposals 4 and 5 of the plan do make provision for office use at both upper and lower floors, as long as it does not cause significant harm to the character or appearance of the area.

6.12 The Commissioners objection to the proposed office use at ground floor is understandable given the desirability in the Area Plan of the South to have retail as a preferred use at ground floor and active uses which create a vibrant locality. However, there are other considerations to this particular case, firstly that the proposals will not result in the loss of an existing retail unit, as the building had been formally a bank prior to being vacant, whilst it could be argued that banks have a public facing active element usually at ground floor, they are not strictly retail. Secondly the building has been vacant for some time and being in active use will have benefits to the town centre, by bringing workers to the location. Finally the proposals will see the reuse of a vacant registered building that is in need of some works to improve its current appearance, the proposed physical alterations and use will preserve the character of the building and the area.

## CONCLUSION

7.1 The proposals are considered to preserve the character of the building and the area and also to be in accordance with the Strategic Plan policies, Policies RB/3 AND RB/5 of Planning Policy Statement 1 and the Area Plan for the South. Whilst the proposal would result in a ground floor use which is not open to visiting members of the public, it would bring a vacant building back into use. The application is therefore recommended for approval.

## 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 In addition to those above, the Regulation 9(3) requires the Department to decide which persons (if any) who have made representations with respect to the application, should be treated as having sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to the application.

**Item 5.6**

**Proposal :** Registered Building Consent for reinstatement of blocked up front door, repair and replacement of windows, and alterations to the internal plan form RB 39 (in association with 22/01494/GB)

**Site Address :** Former Isle Of Man Bank  
3 Market Square  
The Parade  
Castletown  
Isle Of Man  
IM9 1LG

**Applicant :** Potentilla Limited

**Application No. :** 22/01543/CON- click to view

**Registered Buildings Officer :** Mr Ross Brazier

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

C 1. The works hereby granted registered building consent shall be begun before the expiration of four years from the date of this consent.

Reason: To comply with paragraph 2(2)(a) of schedule 3 of the Town and Country Planning Act 1999 and to avoid the accumulation of unimplemented registered building consents.

C 2. Details of Works to Registered Building

Prior to the commencement of each phase of work, No works shall take place on those elements listed below until details of the following items, to include plans, elevations and sections at a scale of (1:10) or (1:20) or other information as agreed following consultation with Design and Conservation Officer have been submitted to and approved in writing by, the Department:

- a) Window repair schedule
- b) Details of New windows
- c) Proposed New Door
- d) Proposed Signage

The works shall not be carried out unless in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this registered building.

C 3. Sample materials

No development shall commence until a schedule of materials, finishes and samples of the materials to be used in the following have been submitted to and approved in writing by the Department:

- a) Railings
- b) Replacement Windows

The works shall not be carried out unless in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this registered building

#### C 4. Registered Building Making Good

Any damage to the registered building during the course of the works hereby approved shall be made good upon completion of said works. All making good works shall be submitted to and approved in writing by the Department and thereafter implemented within time period to be agreed with the Department.

Reason: to ensure the satisfactory preservation of this registered building

Reason for approval:

The proposals are considered to preserve the character of the building and the area and also to be in accordance with the Strategic Plan policies, Policies RB/3 AND RB/5 of Planning Policy Statement 1. The application is therefore recommended for approval.

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

None

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE LOCAL AUTHORITY HAVE RAISED AN OBJECTION AND THE APPLICATION IS RECOMMENDED FOR APPROVAL

#### THE SITE

1.1 The site is the Registered Building, The former Isle of Man Bank 3 Market Square, Castletown. The property is located within the Castletown Conservation Area.

1.2 The site is in an area defined within the Area Plan for the South 2013 as Mixed Use. The area is not at risk of flooding.

#### THE PROPOSAL

2.1 The Application seeks registered building consent for reinstatement of blocked up front door, repair and replacement of windows, and alterations to the internal plan form RB 39 (in association with 22/01494/GB)

#### PLANNING POLICY and LEGISLATIVE CONTEXT

##### 3.1 TOWN AND COUNTRY PLANNING ACT 1999

S16 Registered buildings: supplementary provisions

(3) In considering —

(a) whether to grant planning approval for development which affects a registered building or its setting, or

(b) whether to grant registered building consent for any works, the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S18 Designation of conservation areas

(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act

3.3 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

General Policy 2:  
Strategic Policy 4:

Environment Policy 32:  
Environment Policy 33:  
Environment Policy 34  
Environment Policy 35:

3.4 Planning Policy Statements: 1/01 Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man

POLICY RB/3  
POLICY RB/5

#### PLANNING HISTORY

4.1 The building has been the subject of a number of applications for alterations including the following:

93/00291/B - Proposal: Internal and external alterations, Isle of Man Bank, 3 Market Square, Castletown. Permitted.

01/01618/GB - Proposal: Creation of ramped access to rear of building and installation of external lights. Isle Of Man Bank Market Square Castletown. Permitted

06/01779/CON - Proposal: Registered Building consent for the installation of guard rails to flat roof and replacement escape staircase (in association with 06/01752 GB). Permitted.

08/00685/CON - Proposal: Registered Building consent to install an internal bi - folding automatic door (In association with 08/00686/GB). Permitted.

15/00778/CON - Proposal: Registered Building Consent for installation of replacement ATM (RB no 39 in association with 15/00777/GB). Permitted.

15/00035/CON - Proposal: Registered Building consent for the installation of a cash transfer unit to rear elevation and installation of gates to rear yard entrance (in association with 15/00034/GB). Permitted.

15/00179/CON - Proposal: Registered Building consent for the installation of external lighting (In association with 15/00178/GB). Permitted.

#### REPRESENTATIONS

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

5.1 Castletown Commissioners stated that they are content with the proposed changes to the exterior of the building, however they OBJECT to the change of use class in class from 1.2 to class 2.1, specifically on the ground floor of this building. Whilst of a Financial or

Professional nature, class 1.2 provides services to the visiting members of the public, which by its very nature encourages footfall into the Town Centre. The Board are not content with the change in designation to class 2.1 and believe the use of the building solely as an office other than a purpose falling within class 1.2 would be a retrograde step. The Isle of Man Strategic Plan Policies are concerned with the protection and enhancement of the existing retail areas across the Island and state that retail development will only be permitted in established town and village centres. We do not believe that the redesignation of the ground floor of this prominent building from the Use Classes set out in Schedule 1, that cover Shops and Some Services within the Town and Country (Use Classes) Order 2019 would be a positive direction of movement for the continued regeneration of our historic Market Square (17.01.23).

5.2 DOI's Highways Division stated after reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking. The Applicant is advised that Highway Licences may be necessary for any equipment and materials to be placed within the highway for the duration of the proposed works (03.02.23).

5.3 Manx National Heritage (MNH) were consulted on the application, however no comments were received.

#### ASSESSMENT

6.1 The issues in this case are whether the proposed alterations to the building and the changes in uses will preserve the registered building or its setting or any features of special architectural or historic interest which it possesses; preserve or enhance the Conservation Area's character or appearance.

#### Registered Building and Conservation Area

6.2 The building is of clear architectural and historic interest located opposite Castle Rushen and located on Parliament Square it sits surrounded by other registered buildings including the George Hotel. It is the grouping of these registered buildings which gives this part of the conservation area its character, a group of Georgian and earlier buildings set round a square with lanes off of the sides all set within the backdrop of Castle Rushen.

6.3 Whilst the building has retained much of its external character, the building has however undergone numerous alterations and evolutions internally with limited fabric of special interest remaining. The building is in need of repair and a new use since the departure of the bank. The proposals will preserve those features where they have remained intact, such features includes windows and window panelling. The proposed change of use to provide office use throughout the building, the proposals will most use existing room layouts with some reconfigurations at ground first and third floor levels.

6.4 It is considered that the change of use and associated works will preserve the existing features of special interest within the building and will generally improve its appearance externally. The application indicates signage is proposed but insufficient detail has been provided and this will be the subject of condition and separate advertisement consent application.

6.5 The Commissioners have raised objection to the proposed use of the building however have no objection to the proposed physical alterations.

6.6 The proposals will result in very minimal change to the external appearance of the building, where elements are being replaced or renewed such as windows traditional materials are proposed and it is considered these works will result in an overall improvement

to the appearance of the building that will preserve the character and appearance of the conservation area and the setting of the adjacent registered buildings.

#### CONCLUSION

7.1 The proposals are considered to preserve the character of the building and the area and also to be in accordance with the Strategic Plan policies, Policies RB/3 AND RB/5 of Planning Policy Statement 1. The application is therefore recommended for approval.

#### INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Registered Buildings) Regulations 2013 (As Amended), the following are automatically interested persons:

- o The applicant, or if there is one, the applicant's agent;
- o Manx National Heritage, and
- o The local authority in whose district the land the subject of the application is situated.

8.2 In addition to those above, the Regulation 9(3) requires the Department to decide which persons (if any) who have made representations with respect to the application, should be treated as having sufficient interest in the subject matter of the application to take part in any subsequent proceedings relating to the application.

## PLANNING AUTHORITY AGENDA FOR 27th March 2023

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### Item 5.7

**Proposal :** Camping facilities to be provided during TT fortnight and Classic TT on a permanent basis

**Site Address :** Football Club Billy Goat Park  
Stoney Mountain Road  
Eairy  
Isle Of Man  
IM4 3HJ

**Applicant :** Foxdale Heritage

**Application No. :** 22/01323/C- [click to view](#)

**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

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

C 2. The camp site may be erected no sooner than a week before the first practice of TT and may remain until one week after the last race in that event and no sooner than three days before the first practice of the Classic TT and may remain until one week after the last race of that event. No approval is granted to the use of the site as a campsite for the period in between the two events.

Reason: To clarify the extent of the planning approval and to ensure that there is not an oversupply of seasonal camp sites on the Island.

C 3. There shall be a maximum of 54 tents pitched within the site during the approved period of operation.

Reason: In the interests of public and private amenity.

C 4. The campsite shall be restricted to tents. There shall be no motorhomes, trailer tents or caravans.

Reason: in the interests of highway safety.

Reason for approval:

It is concluded the proposal would be acceptable for a temporary period only and would not significantly affect public or private amenities and comply with General Policy 2, Business Policy 11 and Transport Policy 4 of the IOM Strategic Plan 2016.

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

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

Department of Enterprise (Tourism Division)

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSED USE COULD BE CONSIDERED CONTRARY TO THE LAND USE DESIGNATION AND BECAUSE THE PROPOSAL RELATES TO SIGNIFICANT TT INFRASTRUCTURE APPLIED FOR ON A PERMANENT BASIS.

#### THE SITE

1.1 The site is the curtilage of Foxdale AFC which lies off Stoney Mountain Road to the south east of Foxdale Village. The site accommodates a clubhouse and permission has been granted for a storage building to replace containers near the entrance of the site. The site is surrounded by grassed mounds which visually screen it and provide shelter.

1.2 To the immediate north west of the site is a recycling yard.

#### THE PROPOSAL

2.1 The current planning application seek the approval for the use of the site for camping during the fortnights of TT and the Classic TT (Manx Grand Prix). The camp site will be 54 bell tents which measure 5m in diameter and a height of 3m at the centre. The bell tents will have a capacity for 4 people.

2.2 The current application is a follow on from PA14/00216/C and PA19/00322/C which were for the temporary use of the pitch for camping during TT and the Classic TT (MGP).

2.3 Whilst the site plan does not show the amount of information upon the previous application, it can be seen that the red lined building in the middle of the car park is the existing changing facilities which provides changing and shower facilities with a toilet facilities. The previous applications had additional toilet facilities which were not shown on this plan as such further clarification was sought from the agent/application which stated, "I can confirm that there are 2 Female toilets and 2 Make toilets in one of the buildings a Foxdale Football Club and male facilities in the clubhouse including 2 urinals and one toilet, one toilet for female facilities in the clubhouse. In addition, there is one disabled toilet in the clubhouse and 7 showers (two rooms with 3 each and one room with one)." This information also came with a plan to show an additional 9 portable toilets.

2.4 The application form states that the car park can accommodate approximately 38 cars or 80 motorbikes. Whilst this is not shown explicitly on the submitted plans, the aerial photograph demonstrates the land which is available for car parking.

#### PLANNING POLICY

3.1 The site lies within an area designated on the Foxdale Local Plan of 1999 as Open Space for Playing Field purposes.

3.2 There is a general presumption against development as set out in General Policy 3 and Environment Policy 1, whilst there are no policies which provide guidance on the provision of camp sites, the following policies are relevant to the assessment of this application,



Strategic Policy 1 - which seeks that development make the best use of resources,  
Strategic Policy 2 and 3 - which seek that new development be located primarily within existing defined settlements,  
Strategic Policy 5 - which seeks that development make a positive contribution to the environment of the Island,  
Strategic Policy 8 - which seeks that tourist development makes the best use of existing built fabric  
Strategic Policy 10 - which seeks that new must be located and designed to promote integrated transport facilities,  
General Policy 2 - which sets out general Planning standards,  
Transport Policy 1 - which seeks that new development be located close to existing transport facilities,  
Transport Policy 7 - which sets out the required parking standards as per Appendix 7  
Business Policy 11 - which seeks that tourism development must accord with the objectives of the Isle of Man Strategic Plan 2016.

#### PLANNING HISTORY

4.1 The following applications are relevant to the assessment of this application,  
PA19/00322/C - Creation of camp site for the duration of TT Fortnight and Classic TT Fortnight, Permitted  
PA18/00719/B - Erection of steel clad shed for storage of tractor, grounds maintenance equipment and sports equipment - Permitted  
PA14/00216/C - Use of site for camping facilities for the duration of the TT fortnight - Permitted  
PA11/00870/B - Erection of a tractor shed with store room - Permitted  
PA07/01924/B - Erection of permanent changing facilities - Permitted  
PA01/01101/B - Erection of replacement clubhouse with bar, Foxdale AFC - Permitted  
PA95/01359/B - Proposed clubhouse and temporary car parking facilities - Permitted  
PA94/01642/B - Provision of temporary clubhouse and changing rooms for Foxdale F.C - Permitted  
PA93/00615/B - Creation of football pitch with associated facilities - Permitted

#### REPRESENTATIONS

5.1 The following representations can be found in full online, below is a short summery;

5.2 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. Planning to consider restricting use to race periods only, including for the duration of setting up and taking down." (11.11.22)

5.3 Malew Commissioners have considered the application and have no objections. (02.11.22)

5.4 Visit Isle of Man have written in to state the following, "As at October 2022 the Island has 23 registered temporary campsites offering a total of 6,649 pitches. Five of the sites are located in 'Peel and the West' offering 1,129 bed spaces (this includes Foxdale AFC). The documents within the planning application suggests the accommodation on the site will change from 'pitch your own tent' to 54 pre-erected canvas tents accommodating 4 persons per tent, offering 216 bed spaces. This change in accommodation offering may see a reduction in the number of bed spaces on this site compared to 2019 however, the move to pre- erected tents will provide a higher quality accommodation offering for visitors. The improvement in the quality of accommodation offering supports the Quality Improvement Programme within the Our Island, Our Future Isle of Man Visitor Economy Strategy 2022 - 2032 as it seeks to meet visitor expectations." (22.11.22)

5.5 DEFA Environmental Protection Officer has written in to state that they are happy with the information provided with regards to the septic tank. (27.02.23)

## ASSESSMENT

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

- principle
- visual amenity
- impact on neighbouring amenity
- facilities/ highway safety

## 6.2 PRINCIPLE

6.2.1 When looking at the Isle of Man Strategic 2016 there are no Strategic Plan policies which guide tourist related developments other than those which encourage the use of existing buildings (Environment Policy 16). The Plan also contains a policy which presumes against the loss of recreational facilities (Recreation Policy 2). However, it is generally accepted that where there is a need for camping facilities in association with particular events on the Island, the use of playing fields can be acceptable. With the use becoming commonplace on the Island with many football and rugby clubs using their facilities in this way when they are not required for practice or matches in order to supplement their income. Indeed, pitches in Colby, Peel Road in Douglas, Ballafletcher in Braddan, Ballaoates Road in Braddan and Port Erin all accommodate temporary camp sites for the TT, Southern 100 and/or MGP periods. As such the overall principle of the site is acceptable.

## 6.3 VISUAL AMENITY

6.3.1 Turning towards any potential visual impact of the proposal, where the existing field is situated, is whilst a distance away from the main road, will have a potential impact as the surrounding area is mostly flat. Whilst this is the case, the view of the site is already characterised by goalposts and fencing, all of which are visible over the roadside hedging. The appearance of the proposed pre-erected tents would not change this and ultimately should not impact the overall streetscene for the short period which is requested.

## 6.4 IMPACT ON NEIGHBOURING AMENITY

6.4.1 When looking at the impact to the neighbouring amenity, whilst the site is away from most of the nearby residential properties, "The Paddocks" is the closest by being situated approximately 50m away from the proposed camping. Generally it is noted that with sites such as this, in close proximity to residential properties, that there will be a certain amount of impact to the neighbouring properties. Not only from the additional comings and goings from the site but also from the potential of noise disturbance during the night hours.

6.4.2 Weight is attached to no objections being received from neighbouring residents (even after the site has been operating prior to) and also given the temporary nature of the proposal. It should be remembered that the planning system cannot control how a site is managed, and nor can it control how people behave or the hours of the day that people would come and go from the site. It is true; however, that it is clearly in the operator's interest to ensure the site is properly managed.

## 6.5 FACILITIES/ HIGHWAY SAFETY

6.5.1 When looking at the facilities available on site, there are existing car park facilities and a clubhouse facility which could be used by the visitors. Whilst not provided within the information within this application, it is noted from previous applications that the car parking available will accommodate 50 cars with the proposal being for 54, 4 persons tents. It is unlikely that during the periods requested that a lot of cars will accommodate the site, with the likelihood that there would be more bikes, as such the car parking within the site will be suitable for the site's needs.

6.5.2 Turning towards the facilities available on site, the additional information provided states that there will be shower and toilet facilities on site, which should be suitable enough for the proposed site, and have been used previously, with the potential that an additional 9 portable toilets can be provided.

6.5.4 It is also relevant to note that the site has been used as a camp site previously without any apparent highway or other issue and that the site is used for football matches which attract a number of spectators and players, again, without any apparent issue as such it is deemed that the parking available on the site is acceptable for the time period requested.

6.5.5 Finally, it is also worth considering that the sports clubs around the Island offer opportunities for recreation which are in line with Government's various strategies on improving the quality and health of the Island and its people, also acknowledged in the Strategic Plan (Chapter 10). The funding of such clubs can be difficult and the provision of camping facilities can significantly boost clubs' funds which are then reinvested in the facilities available.

## CONCLUSION

7.1 Overall in conclusion, whilst the proposed use of the land is against the generic policy in place to protect such land from unnecessary development, the use of the camp site, which has been operating in previous years and registered with Visit Isle of Man, would be supporting the local club during a period of time, that the site is likely to be used. Whilst also encouraging further growth of the Island through the tourist use and should not have any adverse environmental impact. The use will help generate funds to support the football club, supporting the Strategic Plan's policies on the benefits of recreation.

## 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.

## PLANNING AUTHORITY AGENDA FOR 27th March 2023

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### Item 5.8

**Proposal :** Variation of Condition 5 to PA 16/00912/B to increase the number of camping pitches from 60 to 120

**Site Address :** Ballafletcher Sports Centre  
Strang  
Douglas  
Isle Of Man  
IM4 4RS

**Applicant :** Isle Of Man Vagabonds RUFC Limited

**Application No. :** 23/00190/B- [click to view](#)

**Planning Officer :** Mr Peiran Shen

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

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

C 2. The maximum number of pitches to be available for use shall be restricted to 120.

Reason: In the interest of public and private amenity and highway safety.

C 3. There shall be no pitching of tents outside of the rugby pitch as defined on the Provisional Layout of Tents, date-stamped as having been received on 7th February 2023.

Reason: In the interests of public and private amenity.

C 4. The camp site may be available for use no earlier than the day before the first practice associated with the TT races and up to the day after the last race and the camp site may be erected within five days before this and taken down within five days after this.

Reason: The application is for the use of the site for the TT period only and whilst 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 5. Car parking and manoeuvring areas shall be provided and remain free from obstruction.

Reason: In the interest of highway safety.

C 6. There shall be no vehicular access to the site other than via the hospital access road.

Reason: In the interest of highway safety.

Reason for approval:

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

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### **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):

19 Ballamillaghyn Estate, Mount Rule, 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

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE DIRECTOR OF PLANNING & BUILDING CONTROL

#### 1.0 THE APPLICATION SITE

1.1 The application site is the rugby pitches associated with Ballafletcher sports ground located to the south east of the main car park and hospital buildings of Nobles Hospital. Immediately southwest of the rugby pitch is another single rugby pitch with two football pitches further southwest of this. The rugby pitches are used by Isle of Man Vagabonds. The wider site has historically been the subject of a number of applications seeking approval for the temporary use of the football pitches and club facilities for camping during the TT festival.

1.2 The site occupies the half-a-pitch larger area as approved under 16/00912/B and in terms of built accommodation has a pavilion, changing rooms and clubhouse. The site also provides parking for at least 110 vehicles. The car park is also used as an overflow car park for Nobles Hospital.

#### 2.0 THE PROPOSAL

2.1 This application seeks a variation of the current planning permission 16/00912/B, granted 05.09.2016, for the variation of condition 5 of this permission under the previous approval 15/01302/C to increase the number of temporary camping pitches at any one time from 60 pitches to accommodate 120 pitches permanently.

2.2 In justification, the applicant has stated that the use of the site for 120 tents in 2022, which was APPROVED under PA 19/01332/C has been successful and they wish to continue operating with 120 tents on an annual bases.

2.3 Ordinarily, with applications that seek to vary conditions, it would be expected that identical information be submitted. However, in this case, the important details with respect to the proposed site were already submitted for consideration by Committee in respect of 19/01332/C.

2.4 It is envisaged that 120 pitches would be able to accommodate up to 360 people but this figure would be flexible given the number of people who would book and turn up on their

bikes, on foot or in their cars. However as a general guide it is important to note that adjacent sites operated by the football clubs would accommodate between 300 to 600 people based upon 2 and 4 person tents.

2.5 Based on APPROVED PA 19/01332/C, the camp will be available from the day before first practice until the day after the last race with 5 days either side for erection/dismantling of the site.

2.6 The applicant, 'Vagabonds' have available for use four changing rooms each with two wash basins, one urinal and one WC together with six showers & disabled toilet. In addition, the clubroom has both ladies and gents facilities comprising of two further wash basins and three and two toilets respectively and three further urinals and further disabled toilet. It is anticipated that the changing rooms will be segregated into male and female rooms and shower curtains will be installed to provide a degree of privacy.

2.7 In terms of amenities for guests, there is a public bar facility and a small canteen which will be used to offer prepared food, likely to be from an outside source. As an alternative, an outside catering van could be allowed onto the site to provide catering; the site will not be offering cooking facilities to campers.

2.8 Parking of 110 spaces for cars would be utilized in the Hospital overflow car park, as before, and be organised in a way that motorbikes will be able to take full advantage of the area. The main car park has lighting and there is also sensor security lighting around the whole perimeter of the building.

2.9 As the current application seeks approval only for the change of a single condition, none of the above details are proposed to be changed under the current application. It follows, though, that the increase in tent numbers from 60 to 120 would equate to a 100% increase of the number of people using the site to some 400 people at any one time.

### 3.0 PLANNING HISTORY

3.1 Planning approval was granted in 2007 under PA 06/01967/B for the laying out of sports pitches and associated car parking. Aside from the similar application at the Corinthians and Douglas Royal Football Club, no other applications are considered material to the assessment of this current application, though it is to be borne in mind that a number of similar uses are proposed, and generally approved, across the Island. This does not mean that additional such sites, or the more intensive use of already approved sites, are necessarily acceptable, but it does point to a wider trend servicing a particular and defined need.

3.2 Variation of Condition 5 of planning approval granted under 15/01302/C to allow 60 temporary camping pitches at any one time was APPROVED under PA 16/00912/B.

3.3 Variation of condition five of PA 16/00912/B, Variation of Condition 5 of planning approval granted under 15/01302/C to allow 60 temporary camping pitches at any one time, to increase the number of camping pitches to 120 was APPROVED under PA 19/00238/B. The approval was for the use in 2019 only.

3.4 Temporary use of rugby pitch and facilities as a camp site for TT Practice and Race Weeks was APPROVED under PA 19/01332/C. Condition 7 states: "The maximum number of pitches to be available for use shall be restricted to 60 other than for TT 2020, 2021 and 2022 where the maximum number of pitches shall be 120." The reason for this condition is "In the interest of public and private amenity and highway safety."

### 4.0 PLANNING POLICY

## Local Plan

4.1 The site is within an area designated as Open Space (Sports Pitches) in the Area Plan for the East. The site is also within an area designated as Green Gap.

## Strategic Plan

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 Spatial Policy 3
- o Strategic Policy 2, 3, 5, 8, 10
- o General Policy 2 (b) (c) (g) (h) (i) (j) (k) (m)
- o Environment Policy 22
- o Transport Policy 1, 7
- o Paragraph 9.5.3
- o Business Policy 11
- o Community Policy 7, 10 and 11

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

## 6.0 REPRESENTATIONS

6.1 Braddan Parish Commissioners has no objection to this application (08.03.2023)

6.2 DoI Highway Services does not oppose this application (08.03.2023). The comment states that there is no significant negative impact upon highway safety, network functionality and /or parking.

6.3 Owners/Occupiers of 19 Ballamillaghyn Estate wrote in objection of this application (28.02.2023). The comment states that the camp site produce loud noise until midnight and disturb sleep schedule of the nearby residents.

## 7.0 ASSESSMENT

### Elements of Assessment

7.1 There are no specific policies in the Development Plan which relate to camping uses. The application therefore needs to be judged on its own merits, having regard to the visual impact of the proposed campsite, whether the camp site can provide the adequate facilities, the impact upon highway safety, and finally the impact upon the operation of Nobles Hospital.

### Visual Impact

7.2 The site is visible from Ballafletcher Road due to the site being set above the highway. The site is viewed as a sports ground given the existing paraphernalia and clubhouse building.

7.3 Some campsites can be something of a blot on landscapes, particularly where they are prominent and subject to limited natural or other screening. In this instance, though, the fact that the proposal is temporary in nature, and given no permanent new built development on the site is proposed, it is not considered the proposed development would have a significant impact upon the visual amenity of the area. Furthermore, from a tourism perspective, and from the supporting statement submitted by the applicant, there is a significant demand for

camping sites during the TT fortnight and additional camping facilities would aid in the growth of the tourist economy.

#### Impact of Doubling in Capacity

7.4 Even though this application seeks only the variation of a condition, this condition pertains to a key element of the acceptable use of the site in doubling the number of pitches available during the TT fortnight and, as such, goes to the heart of the acceptability of that use. This therefore means it is appropriate that the use should be assessed afresh, with particular regard required in respect of whether or not the increase of the tent pitches by 100% to 120 pitches would be acceptable in terms of the impact upon the operation of the hospital; neighbouring living conditions and also highway safety.

7.5 In support of this application, it is argued that the increase in pitch numbers sought would better utilize an underused site in which the 60 authorised pitches occupy approximately 50 per cent of its area. This application therefore seeks to more fully utilize the available space within the red line area of the site for the positioning of 120 pitches each capable of accommodating up to four persons each together with their bikes.

7.6 All pitches would be 'glamping' in that they would be laid out and ready to use and no self-camping 'scout style' using their own tents or walk-ins would be allowed with the occupation of the site being strictly controlled by pre-booking .

#### Traffic and Parking

7.7 In the previous application, a letter from the General Manager of Nobles Hospital had expressed concerns that the applicant has indicated, as part of his submission that the hospital reduces clinical activity during the TT fortnight thus reducing the hospital demand for the overflow car park during this period. The Hospital General Manager has indicated that this assertion is incorrect as clinical activity is not reduced significantly during this period and therefore requests that his concerns be taken into account when making the planning decision.

7.8 The applicant maintains that the majority of the users to the campsite would arrive on foot from the airport or the ferry or travel to the site by bikes that can usually be accommodated either on the site or efficiently within the hospital overflow parking area without too much disruption to the function of their car park. However, the applicant has not supported this assertion with sufficient evidence to support this claim in the form of, say, a parking plan relying instead on anecdotal comments to support his claim of minimal impact upon the overflow car park to the hospital. This approach is unlikely to be acceptable in terms of evidential justification when seeking to double the number of pitches from 60 to 120.

7.9 In this respect, the applicant maintains that the site would operate at a similar density to the football clubs on neighbouring site with many of the occupants availing themselves of public transport which would continue to pass through the hospital site to main destinations on the Island. However, given the concerns of the hospital on this matter, any disruption to the hospital overflow car park is a material consideration that requires to be addressed before this application can be progressed and may, in itself, form a reason to refuse the application.

7.10 Other information submitted in support of the application in respect of visitors, vehicle numbers and how they arrive is also anecdotal and would need to be supported by more evidence within the form of a more thought out and considered application with analysable data and plans showing how the site would be laid out in terms of pitches as well as parking for bikes as well as cars. If this were to be done, the Department would be in a better position to assess the impact the proposed camping site.



7.11 Highway Services has not object to this proposal. Given there are no information regarding traffic problems created during TT 2022, it is considered that there is no additional concern on Highway efficiency or safety.

#### Neighbouring Impact

7.12 A comment has been received regarding the noise generated during TT 2022 and how it affect the sleep schedule of neighbouring residents. It is acknowledge that the campsite is for TT and given the nature of the event, the number of people temporary occupied at the site and the different life pattern a tourist would have when compared to that of a resident, a degree of disturbance will be generated to neighbouring properties. This is an island wide situation and what the comment describe is no worse than the general situation around settlements across the island.

#### 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.