



**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, 20th November 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 6<sup>th</sup> November 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 4<sup>th</sup> December 2023.

**PLANNING COMMITTEE Meeting, 20th November 2023**  
**Schedule of planning applications**

<p><b>Item 5.1</b> Land At Corner Of Premier Road And Mooragh Promenade Premier Road Ramsey Isle Of Man</p> <p><b>PA22/01340/B</b> <b>Recommendation : Approve subject to Legal Agreement</b></p>	<p>The development of eight townhouses and associated car parking and landscaping</p>
<p><b>Item 5.2</b> 19 - 20 Ballastroan Colby Isle Of Man IM9 4NR</p> <p><b>PA23/00784/B</b> <b>Recommendation : Permitted</b></p>	<p>Construction of proposed detached garage</p>
<p><b>Item 5.3</b> Taxi Booking Office 31 Christian Road Douglas Isle Of Man IM1 2QJ</p> <p><b>PA23/01020/C</b> <b>Recommendation : Permitted</b></p>	<p>Change of use from taxi booking office to dog grooming salon</p>
<p><b>Item 5.4</b> Unit 2 Spring Valley Industrial Estate Douglas Isle Of Man IM2 2QR</p> <p><b>PA23/01021/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of a mezzanine floor to be used as a veterinary practice, pet care, treatment, and grooming facility; installation of nine external air-conditioning units, a gas bottle storage unit, fire exit door with external staircase, and amendments to existing roller shutter door</p>
<p><b>Item 5.5</b> Corlea Farm Corlea Road Ballasalla Isle Of Man IM9 3BA</p> <p><b>PA23/01022/B</b> <b>Recommendation : Permitted</b></p>	<p>Enlargement of horse riding arena and change of use of fields 435361 and 435344 from agricultural to equestrian.</p>
<p><b>Item 5.6</b> Unit 48A,48B,48C,48D &amp; 48E Spring Valley Industrial Estate Cooil Road Braddan IM2 2QS</p> <p><b>PA23/00868/B</b> <b>Recommendation : Permitted</b></p>	<p>Use of part of Unit 48a as sales/retail; use of part of Unit 48e as staff facilities; new first floor offices with Unit 48e. Installation of 12 new windows on north east elevation; installation of rain screen canopy over main customer entrance in Unit 48b; changing of colour of existing windows and pedestrian doors</p>
<p><b>Item 5.7</b> Adjacent To 2 Rheast Lane Peel Isle Of Man IM5 1BE</p>	<p>Construction of a replacement building to form a one-bedroom apartment on the ground floor and a three-bedroom</p>

<p><b>PA23/00574/B</b>  <b>Recommendation : Permitted</b></p>	<p>apartment on the first floor with a two-car garage on the ground floor .</p>
<p><b>Item 5.8</b>  Land West Of Jurby Medical Centre (Former Jurby Camp) Jurby Industrial Estate Jurby Isle Of Man IM7 3BZ</p> <p><b>PA23/00988/B</b>  <b>Recommendation : Permitted</b></p>	<p>Installation of service reservoir and connecting pump station with associated access, boundary fencing and landscaping</p>

## PLANNING AUTHORITY AGENDA FOR 20th November 2023

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### Item 5.1

**Proposal :** The development of eight townhouses and associated car parking and landscaping  
**Site Address :** Land At Corner Of Premier Road And Mooragh Promenade  
Premier Road  
Ramsey  
Isle Of Man  
**Applicant :** Seymar Developments Ltd  
**Application No. :** [22/01340/B](#)- click to view  
**Planning Officer :** Mr Hamish Laird

**RECOMMENDATION:** To APPROVE the application subject to a legal agreement

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

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

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

C 2. The development hereby approved shall not be occupied or operated until the parking, garages, layout and proposed footway on the frontage of the site have been implemented before first occupation of the dwellings. The parking and turning areas shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles prior to the first occupation of the dwellings in the interests of highway safety, with such provision, thereafter, being maintained for the lifetime of the development.

C 3. No development shall take place until full details of soft landscaping and hard landscaping works have been submitted to and approved in writing by the Department which have also been considered and assessed by an arboriculturist in terms of their suitability for this coastal location and these works shall be carried out as approved. Details of the soft landscaping works include planting to all the roadside boundaries and the car park/area to rear of apartments. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the hereby approved extension, whichever is the sooner. Any trees or plants which die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species. Details of the hard landscaping works include footpaths and hard surfacing materials. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of any apartment hereby permitted.

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

C 4. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 5. Prior to the commencement of any works a botanical survey is required to be submitted and approved by the Department which is required to identify areas of interest and a plan for their protection or translocation. The development shall not take place unless in accordance with the approved details.

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

C 6. At least 4 swift nest bricks shall be incorporated into the northern, side elevation of the northern building. The swift boxes shall thereafter be retained and maintained for the lifetime of the development.

Reason: Swifts are a species in need of conservation action that are entirely reliant on buildings for nesting in the Isle of Man, and which are known to nest locally. The height and location of this building is ideal for swifts, as would the northern elevation, because they are prone to overheating in nests which are located facing south. Swift nest bricks should be placed high up under the eaves, with at least a 40cm gap between entry holes.

C 7. Prior to the commencement of the development, hereby permitted, the foul drainage proposals for the development must be illustrated on a drawing showing the connection(s) into the 1050mm diameter sewer within Park Road. Any connection should be made into the MH sewer ref SC45950004 as shown on the plan attached to MU's comments on the application. Any adoptable drainage must be constructed in accordance with Manx Sewers for Adoption.

Reason: To ensure that the foul drainage connection to serve the proposed development is sufficient and to avoid any potential for groundwater and surface water pollution.

C 8. In order to minimise the potential from flood risk, the threshold of any door or opening shall be sited a minimum of 600mm above flood level as per the design Flood Risk Assessment accompanying the application. Flood resilient doors must be installed prior to the first occupation of any dwelling, hereby permitted, especially in the garage area, with all such measures and doors, thereafter, be maintained for the lifetime of the development.

Reason: To minimise the risk from flooding.

C 9. Prior to the commencement of the development, hereby permitted, a plan shall be submitted to and approved in writing by DEFA Planning showing areas marked out for Machine access. Areas designated for storage of materials, and waste or discharge of any compounds deleterious to plant or animal life shall not to be permitted in the marked off areas to avoid damage to vegetation and compaction of the topsoil.

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

#### N 1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

N 2. The decision to grant planning approval, subject to a Section 13 agreement, was made by Planning Committee on the 20th November, 2023. The issue of the decision notice has been triggered by the Section 13 Agreement having been concluded. The 21 days for appeal (for those with Interested Person Status) runs from the date of the decision notice.

Reason for approval:

The proposed development accords with the provisions of Strategic Policies 1, 2 and 5; General Policy 2; Housing Policies 1, 4, and 5; Environment Policy 42; Transport policies 4 and 7; and Recreation Policy 3 in the Isle of Man Strategic Plan 2016. It further complies with Policy R/R/P2/C of the Ramsey Local Plan; and is recommended for approval.

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

It is recommended that the owners/occupiers of the statutory consultees and 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 mentioned in Article 6(4):

Manx Utilities  
DOI Housing  
DOI Flood Team, and,  
Manx National Heritage

- 1 Lakeside Apartments, Ramsey, IM8 3AR
- 2 Lakeside Apartments, Ramsey, IM8 3AR
- 3 Lakeside Apartments, Ramsey, IM8 3AR
- 4 Lakeside Apartments, Ramsey, IM8 3AR
- 5 Lakeside Apartments, Ramsey, IM8 3AR
- 6 Lakeside Apartments, Ramsey, IM8 3AR
- 7 Lakeside Apartments, Ramsey, IM8 3AR
- 8 Lakeside Apartments, Ramsey, IM8 3AR

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (2021).

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

THIS APPLICATION IS RECOMMENDED TO BE CONSIDERED BY THE PLANNING COMMITTEE AS AN AMENDED SECTION 13 LEGAL AGREEMENT IS REQUIRED

1.0 SITE

1.1 The application site comprises a parcel of land mostly laid to grass, albeit with an area of hardstanding located to the corner of Park Road and Premier Road to the east and south; and, to the west of Mooragh Promenade.

## 2.0 PROPOSAL

2.1 The application seeks approval for the development of eight townhouses comprising two house types and associated car parking and landscaping. The front elevations (east) of the terrace of houses would face towards Mooragh Promenade, the rear elevations (west) would face towards the Ramsey Park Hotel and the recently completed Apartment building along Park Road.

2.2 The House type 1 dwellings have traditional form, with a pitched roof, and projecting gable end features spanning the four storeys including the roofspace. The window fenestration and balconies are contemporary in design, with the first and second floors having Juliet balconies, and full-height inward opening glazed doors, whilst the 3rd floor balconies have recessed full-height glazed doors providing an outdoor, covered seating area under the pitched dormer roof of the front projecting gables.

2.3 Following the receipt of amended plans on 5th October, 2023, The House Type 2 dwelling is proposed to be sited on the corner of the site at the junction of Park Road with Mooragh Promenade. This would be a storey height lower than the House Type 1 dwellings, and would not have a 2nd floor balcony providing the outdoor covered seating area of the House Type 1 dwellings facing Mooragh Promenade. The House Type 2 dwelling would have a corner turret at 2nd floor level with a cone shaped roof. They would be smaller and narrower in size and scale with windows on their side elevations acting as secondary windows serving the ground floor lounge; first floor lounge/kitchen/dining area; and as a main obscure glazed window serving the second floor en-suite bathroom. The curved glazed window serving the turret would serve bedroom 1 in these dwellings.

2.4 All the dwellings would have ground floor integral double garages accessed from the rear, with each garage containing space for cycle storage; first floor rear balcony areas accessed from the first floor kitchen/dining areas that would face towards the hotel; and, second floor windows serving bedrooms 2 and 3, with bedroom 1 windows facing Mooragh Promenade.

2.5 Besides the 2 No. car spaces per dwelling contained within the integral garages, parking for a further 12 cars is shown in plan as being provided adjacent to the eastern site boundary closest to the Hotel. All of the car parking would be accessed via a shared private drive derived from Premier Road. Access would be via an existing entrance onto Premier Road, which was approved for the recently completed apartment building on Park Road.

## 3.0 DEVELOPMENT PLAN POLICIES

3.1 The Ramsey Local Plan designates the application site as being Mixed Use - (Residential/Office). The site is not within a Conservation Area. Due to the zoning of the site and the proposed works the following policies contained in the Adopted Isle of Man Strategic Plan (2016) are of relevance in the determination of the application:-

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

- (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;
- (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and
- (c) being located so as to utilise existing and planned infrastructure, facilities and services."

3.3 Strategic Policy 2 states: "New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions (2) of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3."

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

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

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

3.6 Housing Policy 1 states: "The housing needs of the Island will be met by making provision for sufficient development opportunities to enable 6000 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2001 to 2016."

3.7 Housing Policy 4 states: "New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions(1) of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:

- (a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;
- (b) conversion of redundant rural buildings in accordance with Housing Policy 11; and
- (c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14."

3.8 Housing Policy 5 states: "In granting planning permission on land zoned for residential development or in predominantly residential areas the Department will normally



require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more."

3.9 Environment Policy 42 states: "New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans."

3.10 Recreation Policy 3 states: "Where appropriate, new development should include the provision of landscaped amenity areas as an integral part of the design. New residential development of ten or more dwellings must make provision for recreational and amenity space in accordance with the standards specified in Appendix 6 to the Plan."

3.11 Policy R/R/P2/C of the Ramsey Local Plan - Mooragh Promenade  
"Dwellings should be of a high standard, and should be designed to acknowledge the architectural style, scale and massing of the adjacent Victorian buildings, particularly on sites which face the Promenade and the Harbourside. Heights of dwellings should be stepped down from the Promenade to the Harbourside and Old River Road and design and scale should be appropriate to a Harbourside location. On the Peveril plot and the Manor House site, there could be included office use with on-site parking space and open space provision; these particular development should be undertaken after consultation with the Department of Agriculture, Fisheries and Forestry (DAFF) and should include appropriate measures to identify and transplant rare plants."

3.12 Other policies of relevance, including elements of those outlined above within the Isle of Man Strategic Plan - 2016, are as follows:

- o Strategic Policy 1(a) - reusing building materials
- o Strategic Policy 4(b) - protect and enhance landscape and nature conservation value
- o Strategic Policy 5 - new development (including individual buildings) should be designed so as to make a positive contribution to the environment (and in some cases a Design Statement will be required)
- o General Policy 2(d) - incorporates existing landscape features (m) - designing out crime (n), reducing energy consumption
- o Community Policy 7 - designing out crime
- o Community Policy 11 - prevention of outbreak and spread of fire
- o Infrastructure Policy 5 - water conservation and management measures
- o Energy Policy 5 - Energy Impact Assessment (over 5 dwellings/100 sqm commercial development)

3.13 In addition, the Isle of Man Residential Design Guide (July 2021) is of relevance in respect of considerations such as design and the potential for overlooking and protection of the residential amenities of existing residents and future occupants of the development.

#### 4.0 PLANNING HISTORY

4.1 The previous planning application is considered relevant in the assessment and determination of this application:

4.2 Demolition of existing two bungalows and development of site to provide a hotel with function and conference facilities, and 96 residential apartments - 07/01790/B - APPROVED.

4.3 Erection of a block of seventy four apartments with car parking and landscaping - 03/01110/B - APPROVED.

4.4 Approval in principle for erection of apartment block with car parking - 96/01121/A - APPROVED.

Relevant applications on the adjacent sites are:

4.5 Erection of a four storey block comprising of eight residential apartments with associated car parking and landscaping, comprising amendments to PA 15/01141/B (part retrospective) - 17/01066/B -APPROVED.

4.6 Erection of an extension to provide function suite and 30 additional bedrooms, alterations to existing car parks and creation of an additional car park access - 17/00026/B - APPROVED.

4.7 Demolition of existing bungalow and erection of a four storey block comprising of eight residential apartments with associated car parking and landscaping - 15/01141/B - APPROVED.

4.8 Construction of a 30 bed hotel development with a retail unit and 45 cover restaurant & bar with associated parking provision - 09/01400/B - APPROVED.

4.9 Erection of two 6 storey apartment buildings containing 23 apartments in total, and associated parking - 17/00870/B - APPROVED - 23.01.2019.

4.10 Variation of condition 2 of PA 17/00870/B, Erection of two 6 storey apartment buildings containing 23 apartments in total and associated parking, to amend the car parking provision - 21/00144/B - Application Withdrawn - 12.03.2021.

4.11 Erection of five detached dwellings with associated garages, parking and external works - 21/00600/B - Application Withdrawn - 6.9.2021.

## 5.0 REPRESENTATIONS

5.1 Highway Services (received on 15.09.2017 and 13/10/2023) make the same following comments:

"After reviewing this Application resubmission dated 5th and 13th October 2023 online, Highway Services HDC finds it to still have no significant negative impact upon highway safety, network functionality and /or parking, subject to parking, garages, layout and proposed footway on the frontage of the site being implemented before first occupation of the dwellings. The Applicant is advised to consider installing electric vehicle charging points for occupants.

A s109 Highway Agreement may be required for the footway works if to be adopted."

5.2 Ramsey Commissioners have no objection (received on 9.1.23), and no further comments were received in respect of the amended plans received on 5th October, 2023.

5.3 The Ecosystems Policy Officer (DEFA) makes the following comments (received on 14.12.22):

"As is stated within the Ecology and Trees section of the Planning Statement, we spoke to the Dr Philippa Tomlinson today (the Ecologist responsible for undertaking the clover translocation) and can confirm that the translocation of the rare clovers previously found on site has now taken place. Therefore, contrary to MNH's response dated 23/11/22, we do not believe that a botanical survey and translocation plan is required. However, Section 7 of the

amended Ramsey Clover Method Statement, which deals with management and monitoring of the receptor site, is still relevant, so we recommend that this method statement, or specifically section 7 of this statement, is secured as a condition on approval.

Additionally, there will still be rare clover seed present in the soil at this development site, which may continue to flower, and therefore it would be valuable for Dr Philippa Tomlinson to be able to retain access to the site, to collect any additional plants and soil to boost the translocation effort, recognising that once the building working is taking place, it may not be possible, practical or safe to access this area. We don't know if a specific condition is required or can be implemented, or this can just be agreed informally with the developers?

In regards to the plans for the new townhouses, I don't believe that a landscaping plan has been provided with this application, but note that landscaping is proposed for the front gardens, which are to be located only 30m away from Ramsey Mooragh Shore Area of Special Scientific Interest (ASSI). This ASSI is already suffering declines in its quality and extent due to coastal erosion and invasion by some non-native plant species, and therefore it is extremely important that inappropriate planting on the development site, which could spread to the ASSI, is avoided. Therefore we request that a condition is secured for a landscaping plan to be provided to Planning for written approval, which contains details of the species to be planted on site.

We also request that at least 4 swift nest bricks are incorporated into the northern, side elevation of the northern building, as further ecological mitigation. Swifts are a species in need of conservation action that are entirely reliant on buildings for nesting in the Isle of Man, and which are known to nest locally. The height and location of this building would be ideal for swifts, as would the northern elevation, because they are prone to overheating in nests which are located facing south. Swift nest bricks should be placed high up under the eaves, with at least a 40cm gap between entry holes."

5.4 Manx Utilities Drainage (14/12/22) comments that:

Foul Drainage

"...the above planning application the proposal in its current format lacks drainage detail for full consideration. Foul Drainage. The foul drainage proposals for the development must be illustrated on a drawing. It is stated that they will be connecting into the 1050mm dia sewer within Park Road, Manx Utilities will require any connection should be made into the MH highlighted below (ref SC45950004). Does the applicant wish for this section of drainage to be publically adopted by MU, if so any adoptable drainage must be constructed in accordance with Manx Sewers for Adoption.

Surface Water

Surface Water It is suggested that the current empty plot naturally drains to ground, whilst this may be correct it is not known how efficient this percolation is especially given the close proximity of the sea which is known to surcharge the ground in this location. MU will require the applicant to provide percolation test results to demonstrate such soakaways are suitable."

5.5 The DOI Highways Drainage (5.1.22) comment that:

"Allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads.

Recommendation: Please demonstrate that surface water run-off from the site will not be discharged onto the public highway."

5.6 The DoI Housing Division (13.11.2023) commented that:

"We refer to the aforementioned planning application, and we can confirm that we have looked at the detail of the application and have considered the provision of a 25% Affordable Housing requirement.

Current data drawn from Housing Division records for the North of the Island indicates that there are 63 persons on the general public sector waiting list for affordable housing to rent in the north.

There are 47 persons on the First-time Buyers Register seeking to purchase a first home in the north of the Island. Of this number, 41 are on the Active Purchaser List seeking to purchase a home within the next 12-18 months. This figure is not indicative of likely final purchases as the ability to progress to completion would depend upon personal circumstances and mortgage ability at point of allocation.

The dwellings included in this application are by their size and type not suitable for sale as affordable housing and therefore the Department requests that in this case the Committee approves the inclusion of a Commuted Sum to be paid by the applicant in lieu of two (2) affordable units, should the application receive approval. The applicant should agree the quantum of the Commuted Sum with the Department as soon as possible."

5.7 DoI Flood Risk Management Team (23/1/23) - comments: "Do not oppose subject to condition(s).

FRM suggest that the threshold is 600mm above flood level as per the design FRA and that flood resilient doors are installed, especially in the garage area."

5.8 Manx National Heritage (23/11/22) advises that its statutory responsibilities pertain to the protection of the cultural and natural heritage of the Isle of Man are defined under the terms of the Manx Museum and National Trust Act; and, comments:

"The application site supports a number of rare clovers which depend on specialised conditions such as the disturbed light sandy soils, usually with a coastal influence as is the case here. A recent survey, undertaken by Dr Philippa Tomlinson, on behalf of Seymar Developments, highlights the rarity of the clovers, including species which are protected under the IOM Wildlife Act 1990. The report puts forward a number of suggestions for the translocation of the plants in order to ensure their conservation.

Dr Tomlinson recommends that a botanical survey of the site should be undertaken prior any works and the positions of any individual clover plants marked to allow individual translocation if deemed appropriate. Consideration should also be given to lifting and potting on/heeling in and protecting individual plants, pending translocation if the chance of success of this operation justifies.

Seed is also to be collected from the clovers growing on site and made available for sowing in suitable areas or for cultivation of plants for plug planting in subsequent years. Areas of sand and gravel to be translocated are also to be identified and marked. Machine access, except for the operations listed, storage of materials and waste or discharge of any compounds deleterious to plant or animal life is not to be permitted in the marked off areas to avoid damage to vegetation and compaction of the topsoil.

We support the recommendations of Dr Tomlinson and would like to see them made a condition of this application should it be permitted."

### THIRD PARTY REPRESENTATIONS

5.9 A joint letter has been received (12/12/22) from the owners/occupiers of the following properties:

- 1 Lakeside Apartments, Ramsey, IM8 3AR
- 2 Lakeside Apartments, Ramsey, IM8 3AR
- 3 Lakeside Apartments, Ramsey, IM8 3AR
- 4 Lakeside Apartments, Ramsey, IM8 3AR
- 5 Lakeside Apartments, Ramsey, IM8 3AR
- 6 Lakeside Apartments, Ramsey, IM8 3AR
- 7 Lakeside Apartments, Ramsey, IM8 3AR
- 8 Lakeside Apartments, Ramsey, IM8 3AR

A summary of its contents are:

They object to the planning application stating they cannot contest the building of properties on designated land although when they purchased their properties it was on the understanding that any development would be no more than 2 -stories in height with the developer making it clear that that the buildings would be low-lying and non-intrusive in direct contrast to the 3-storey monstrosities now proposed.

We have bought these properties for our retirement with our life savings and were assured of peace. We were never given an indication that they would be living next to a public thoroughfare serving 16 garages. Many of the residents are frail and have mobility issues, and if the plans go ahead residents would have enormous difficulties accessing their private garages. Our private car park would become a public one and a general thoroughfare with workers and construction vehicles being on site for months on end.

Thereafter, the new premises would have would have cars passing through daily and in the early morning hours causing noise and disturbance from drunken revellers when there are functions at the Hotel. It would become a children's playground with bikes, ball games and constant disturbance. Our car park is already showing signs of settlement from the hotel delivery lorries, causing a ceiling/floor crack on one of the garage walls.

The planning notice should be visible from the highway in this case it was placed on Mooragh Promenade with no footpath on this side of the road to enable passers-by to read them also the signs were set at a low level requiring you to crouch down to read them. The application was advertised in The Examiner on 22/11/22, and there was not enough time in which to comment. We should be grateful if all of these points could be taken fully into account in deciding the application. In its current form it is unreasonable, unfair and a source of considerable distress among residents here.

5.10 A letter has been received from the owner/occupiers of Apartment 2, Lakeside Apartments, Park Road, Ramsey, comment (original scheme design only) (28/11/22 and 29/11/22) that they recently bought their property, stating:

"We pay maintenance charges on the property which includes the private car park for the residents of the Apartment Block.

When we were going through the sale, it was pointed out to us that there may be future buildings built where the planning is now. We gave this a lot of thought and came to the conclusion that it would not bother us as our patio and lounge overlook Mooragh Lake.

What is very concerning is that at no time were we informed that Seymar Developments are intending using the entrance to our Apartment Block, through the private car park for access to the new site. My wife and I feel this will impose on us in a negative way giving the amount of new traffic and the damage that it might make to the block paving, the bin wagon for example would have to use this access to empty their bins. This will only increase the owners of Lakeside Apartments maintenance fees as the Apartments are Leasehold. This will also lead to congestion with more vehicles coming into and exiting Premier Road.

The proposed access road could also cause a collision with residents of Lakeside Apartments reversing out of their garages that the access road runs past.

Looking at the submitted plans, there is ample space on the Northern perimeter of the proposed building plot to make an access road through the Hotel carpark which Seymar Developments owns. This would be more fitting with the Plans and would not put any more traffic into Premier Road."

5.11 The owner/occupier of Apartment 2, Lakeside Apartments, Park Road, Ramsey, comment (amended scheme design) (23/10/23), stating:

"I would like to make an objection to the plans regarding the access road through the car park of Lakeside Apartments.

The Residents of Lakeside Apartments pay rates for the car park and Maintenance charges for the upkeep. The paving is not designed for heavy use and extra traffic. The bin wagon has already caused damage to the paving which will need rectifying.

I would imagine if these plans are passed, heavy-building vehicles will also be using the car park to deliver their goods which will cause more damage.

Nothing in my Lease states that any future building on the site will require access through the car park. There is plenty of room for an entry and exit road at the North end of the site and straight onto Mooragh Promenade leaving Premier Road and Park Road clear of extra traffic.

I hope Planning refuses access through Lakeside Apartments Car Park."

5.12 In response to the amended plans residents were re-consulted and the owners/occupiers of 1, 3, 6, 7 and 8 Lakeside Apartments raise similar concerns to those raised in the residents' joint letter and to those received from the occupants of Apartment 2. Full details of the representations made are available to view on the DFA Planning Government website. See:

<https://services.gov.im/planningapplication/services/planning/planningapplicationdetails.iom?ApplicationReferenceNumber=22/01340/B>

## 6.0 ASSESSMENT

6.1 Given the land-use designation and the type of development the following elements are relevant to consideration in the determination of this application; (a) principle of developing the site for residential purposes; (b) potential impact upon highway safety/parking provision; (c) potential impact upon the visual amenities of the street scenes; (d) potential impact upon neighbouring amenities; (e) affordable housing provision; (f) Open space provision; and (g) Potential flooding issues

### PRINCIPLE OF DEVELOPING THE SITE FOR RESIDENTIAL PURPOSES

6.2 The first issue to consider is the general principle of residential development within the application site. In this respect, as stated earlier, the application site is located within a wider area designated as predominantly residential/office use under the Ramsey Local Plan. Of material planning weight are the previously approved planning applications for residential apartments on this site. As such the general principle of residential development is concluded to be acceptable, again. The primary purpose of the planning application is therefore to assess site specific impacts and acceptability.

#### POTENTIAL IMPACT UPON HIGHWAY SAFETY/PARKING PROVISION

6.3 As for highway safety and car parking provision, it can be seen that the proposed development proposes to utilise a recently approved vehicular access onto Premier Road which Highway Services have no objection to.

6.4 In terms of parking provision, the Isle of Man Strategic Plan 2016 generally seek 2 spaces per unit for Residential Terraces within the curtilage of the dwelling where they would not result in a poor outlook for residents. In this case would be sited to the rear of the terrace and would not be readily visible from the front aspects of the dwellings which face out onto Mooragh's Promenade. Each unit is to be provided with internal garages with sufficient space to park 2 cars, plus secure bins and cycle storage. In addition, a parking area for 12 cars is proposed to be sited to the rear of the dwellings. This gives a general provision of 28 car parking spaces, plus on-site turning space for both the garages and the 12 'outdoor' parking spaces.

6.5 It is considered that overall, the proposal would provide sufficient off road parking spaces and turning facilities within the site to serve the development and the level of car parking meets the minimum requirements of the Isle of Man Strategic Plan 2016. Visibility from the application site onto the lane has been assessed by the Department of Infrastructure Highways Services and concluded to be acceptable. Furthermore, Highways Services have considered the impact on the highway network and raised no objection. It is also noted again, that PA 07/01790/B approved the demolition of the two then existing bungalows to the rear of this particular site and development of the site (including the current application site) to provide a hotel with function and conference facilities, and 96 residential apartments, which arguably would have created a greater level of traffic movements onto and off the highway network. Accordingly, given these reason it is considered the proposal would be acceptable from these respects.

#### POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE AREA

6.7 This is potentially the key issue with the proposed development. The primary view is from Mooragh Promenade and how the proposal would fit with the existing properties along the Promenade. As indicated earlier in this report Policy R/R/P2/C of the Ramsey Local Plan states that designs should be of a high standard, be designed to acknowledge the architectural style, scale and massing of the adjacent Victorian buildings, particularly on sites which face the Promenade and the Harbourside. Additionally, General Policy 2 paragraph (b) states that the design should respect the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them. Whilst it is accepted that the design of developments is subjective, it is considered that subsequent to the receipt of the amended plans showing conical roofed corner elements to each of the end terrace properties, the design picks up on and reflects the Victorian terraces to the south fronting Mooragh's Promenade and which also front onto Premier Road directly opposite the site's southern boundary. The dwellings are considered to provide a modern reflection compared to nearby Victorian properties. This complies with the relevant policies, particularly with regard to scale, form, finish and siting.

6.8 The Appeal Inspectors report in relation to the previous application (PA 03/01110/B) commented on the design of the previous application, and stated:-

"...The proposed development will be constructed to the building line that has been established by the existing buildings facing Mooragh Promenade, thus emphasising the strong and definite interface with the promenade and providing visual continuity. However it is not a case of simply trying to recreate the architecture of the adjacent Victorian buildings, but to fuse the best elements of nineteenth century proportion and scale with a modern sensibility."

6.9 The previous approved design (03/01110/B) was more traditional; with a similar form as the current proposal, however, the fenestration proposed now has a more contemporary feel, albeit retaining the traditional form and vertical emphasise which are key in respect of the character and appearance of the street scene which is made up of Victorian terraced properties in the main.

6.10 The proposal is more traditional in design/appearance compared to the last approved scheme on this site (07/01790/B) which had a more contemporary design.

6.11 Overall, it is considered that the design proposed represents a modern interpretation of Victorian architecture, reflecting the detailing and the vertical proportions of the terraces along the Promenade. The design, it is considered provides a more contemporary and modern approach whilst avoiding Victorian pastiche which it is considered has worked less successfully within the immediate area.

6.12 Views of the development would also be apparent from Park Road, Premier Road and from the Mooragh Park/rugby pitches and beyond. However, the vertical emphasises and the design approach on the front elevation (except external balconies) has been replicated to the rear to ensure the quality for the design and overall approach is replicated as the rear elevation is considered just as important as the front elevation, given the public views that would be achieved. It is clear that visiting the area of Park Road and Premier Road there is a distinct variety of building sizes, styles, finishes and designs along the two roads. The properties along Park Road are characterised by semi-detached two storey Victorian properties, two 1960's detached bungalows, two pairs of two storey semi-detached 1930's styled properties, the adjacent four story Ramsey Park Hotel and the four storey apartment building which has recently been constructed. Premier Road consists of a six storey building (Premier Court); a three storey, Mansard roof design block of Mews type houses (2, 3 & 4 Premier Road) and a two storey detached dwelling (1 Premier Road). Accordingly, it is clear there is a distinct mixture of properties within the immediate area which have been constructed over a number of years. However, it is again considered the proposed development read in conjunction with the existing properties in the area, as well as the rear elevations of the existing Victorian terraces along the Promenade, would be an appropriate form of development as well.

6.13 Overall, it is considered the proportion, form, design and finish is appropriate on this site and would respect the site and surroundings and therefore comply with General Policy 2 of the Isle of Man Strategic Plan and Policy R/R/P2/C of the Ramsey Local Plan.

#### POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES

6.14 The part of the development which may impact upon residential amenity would be the three storey south-eastern corner of the development which corners Mooragh Promenade and Premier Road, which is to the north of and directly opposite Premier Court, which accommodates a number of residential apartments. Loss of light, overbearing impact, light pollution and/or loss of privacy are all areas which all require consideration.



6.15 In assessing the current application, consideration needs to be given to applications PA 07/01790/B & PA 03/01110/B which approved development on a scale and similar footprint, in fact the previous application 03/01110/B had a greater level of development which ran further down Premier Road than the current scheme which is three stories and not six as previously approved.

6.16 First, with regard to potential loss of light, it is considered that the development would have little impact through loss of light, taking account of the sun's orientation (east to west) of the proposed development with the neighbouring properties. The development would be located to the north of these properties and therefore the proposed development would not block any direct sunlight. Additionally, the whole southern elevation of the development would be approximately 19 metres from the properties along Premier Road which would reduce any loss of light resulting from the development.

6.17 Secondly, "the overbearing aspect of the development", the proposal will have an impact upon the outlook from the properties within Premier Court. Any development would be on this site. However, as indicated previously, it is similar to that which was approved in the previous applications. Consideration must therefore be given to the fact that a structure with similar height and massing has been approved and that the main difference between the two applications relates to design. Notwithstanding this, it is considered that due to the distance of approximately 19 metres from the proposed southeast wing to Premier Court (this being the closest neighbouring structure); the development would not have a significant overbearing impact sufficient to warrant a refusal on these grounds.

6.18 The final issue is the potential for overlooking resulting in a loss of privacy. There are a total of six windows (one on each floor) within the south elevation which would look towards Premier Court. This window serves the open plan kitchen/living/lounge which also benefits from its main source of light and outlook from the six windows to the front elevation. Accordingly, these side windows are not the primary windows to these rooms. These windows would be 19m+ of the windows within Premier Court. These would be slightly below the 20m general guide of directly facing windows. However; given the above, it is not considered the proposal from this respect would significantly adversely overlook to the properties within Premier Court to warrant a refusal. It is also noted that the previously approved schemes would have windows closer than this, being 17.4 metres (03/01110/B) and 07/01790/B had windows between 18.4 metres and 19.2 metres.

6.19 Balconies are proposed to the front elevation of the building, they would not wrap around the south-eastern corner of the building as per the previous approval. This represents an improvement in respect of the amenity impacts of the scheme relating to the windows to Premier Court. It is also considered that the amount of time such balconies would be in use due to the Manx weather and given the size of the balconies, is small and is unlikely to result in an insignificant level of overlooking.

6.20 Overall, it is considered the distance between the proposal and the existing residential properties, would not result in a significant level of overlooking, resulting in a loss of privacy.

#### AFFORDABLE HOUSING PROVISION

6.21 The proposed development is for 8 residential units. In this regard, Housing Policy 5 of the Strategic Plan requires consideration. This requires that 25% of provision should be made up of affordable housing where the development proposes 8 dwellings or more. The Housing Division have sought provision via a commuted sum rather than physical units within the new building for the reasons indicated in their representation. A Section 13 Agreement is required to be undertaken and agreed with the Planning and Building Control Directorate.

## OPEN SPACE PROVISION

6.22 The applicant's submissions silent on Open Space Provision. The site is immediately adjacent to Mooragh Park, playing fields and Mooragh Promenade; it is not considered that provision on site is required. Recreation Policy 3 in the Strategic Plan indicates that new residential development of ten or more dwellings must make provision for recreational and amenity space. It is considered that the amenity space proposed around and to serve the development is acceptable. Given that the scheme is for 8 units, no commuted sum is required to be made in respect of recreational provision via a Section 13 Legal Agreement.

## POTENTIAL FLOODING ISSUES

6.23 In respect of the previously approved application, Manx Utilities (MU) had sought a Flood Risk Statement due to the site being with a flood zone. This has been provided with this application. The ground floor finished floor levels are considered to be acceptable in providing a sufficient freeboard against potential flooding. The Flood Risk Management Team has raised no objection to the current proposals which show no ground floor sleeping accommodation. The points raised by DOI Highways Drainage are noted. It is considered unlikely that surface water would run-off onto the public highway as this would be channelled into the surface water drainage arrangements for the scheme. This potential can be controlled by condition attached to any planning permission granted.

6.24 In regard to potential flooding issues, the proposals are considered to be acceptable and accords with the provisions of General Policy 2 (l) of the Strategic Plan.

## ECOLOGY

6.25 The comments received from the Ecosystems Policy Officer and Manx National Heritage (MNH) are both noted. It is considered that as requested by MNH, a botanical survey of the site should be undertaken prior any works and the positions of any individual clover plants marked to allow individual translocation if deemed appropriate; and, that consideration should also be given to lifting and potting on/heeling in and protecting individual plants, pending translocation if the chance of success of this operation justifies. The requirement for these works can be covered by condition.

6.26 A further condition should be attached to mark out areas for Machine access, except for areas designated for storage of materials, and waste or discharge of any compounds deleterious to plant or animal life should not to be permitted in the marked off areas to avoid damage to vegetation and compaction of the topsoil.

6.27 The requirement for a landscaping plan should be conditioned and a condition should be attached requiring the provision of a minimum of 4 Swift nest bricks to be incorporated into the northern, side elevation of the northern building which should avoid overheating of the nests and maximise the survivability of any offspring the swifts may produce. The swift boxes should be retained for the lifetime of the development.

6.28 It is considered that the above measures and proposed conditions are acceptable and should assist in preserving and enhancing the ecological offering of the site and development. This accords with the provisions of General Policy 2 (d) of the Strategic Plan.

## OTHER MATTERS

6.29 In addition, no other concerns or impacts particularly those outlined in policies within the plan which support elements of Sustainable Construction applicable to this proposal are identified with regards to other material considerations which would justify refusal.

6.30 A Boiler Ban Alert Notice should be added to any planning permission that may be granted.

## 7.0 CONCLUSION

7.1 Overall, it is considered the proposal would be an appropriate level of development which would have no significant impacts upon the visual amenities of the area, impacts upon neighbouring amenities, or result in significant impact upon the on street parking in the area. It is therefore recommended that the application be approved.

## 8.0 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 Planning Committee 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.

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

**Item 5.2**

**Proposal :** Construction of proposed detached garage  
**Site Address :** 19 - 20 Ballastroan  
Colby  
Isle Of Man  
IM9 4NR  
**Applicant :** Mr & Mrs Glenn Richards  
**Application No. :** 23/00784/B- click to view  
**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The garage and driveway layout works must be constructed and carried out in full accordance with the details shown on drawing numbers 110 Rev B and 113 Rev B and retained as such thereafter.

Reason: The application has been assessed on this basis In the interests of highway safety.

Reason for approval:

Subject to a suitably worded conditions relating to the works being undertaken in full accordance with the details approved, the proposal is considered acceptable and to accord with General Policy 2(b, c, g, h and i) of the Strategic Plan 2016 and with the principles of the Residential Design Guide and Manual for Manx Roads.

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**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):

- o No. 21 Ballastroan, Colby
- o No. 18 Ballastroan Colby
- o No. 17 Ballastroan, Colby

as they are all within 20m of the application site and satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

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

- o Builders Yard, Main Road, Colby
- o No. 5 Ballastroan, Colby

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

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

THE APPLICATION IS BEFORE COMMITTEE DUE TO THE NUMBER OF OBJECTIONS RECEIVED AND THE RECOMMENDATION TO APPROVE - IN LINE WITH REQUIREMENTS OF 2(1)(A) OF THE PLANNING COMMITTEE STANDING ORDER NO. 2023 02.

#### THE APPLICATION SITE

1.1 The site relates to 19 Ballastroan, Colby an existing detached dwelling sitting within a cluster of dwelling running parallel to Colby Glen Road.

1.2 The dwelling sits down a smaller side road on the western side, and behind No. 21 Ballastroan and also behind a number of houses lining the Colby main road.

1.3 The dwelling has an existing driveway providing off road parking.

#### THE PROPOSAL

2.1 Proposed is the erection of a detached garage within the existing garden space between the dwelling and No.21. The garage is proposed to be accessed from the smaller side road and works also including a widening to the existing driveway entrance and driveway area.

2.2 The garage proposed is to be 6.62m x 6.62m and with an eaves 2.25m and a ridge 5m. The garage is to be finished in white painted render and brown concrete roof tiles, with a large grey garage door.

#### PLANNING HISTORY

3.1 A new dwelling was refused under 94/01144/B on land between No. 19 and the rears of No. 21, 22 and 23 Ballastroan, the address for this application was 'Plot 20 Ballastroan'.

- 3.2 After the 1994 refusal there has been three other applications:
- o 99/01607/B alterations and extensions to existing house - approved
  - o 22/01562/B erection of detached garage - approved
  - o 23/00693/MCH - relocate and rotate approved garage - refused.

3.3 The conclusion of the MCH was that the works to the garage would go beyond minor in terms of neighbour and highway impact and required full assessment.

#### PLANNING POLICY

4.1 The site lies within an area zoned as "Predominately Residential" on the Area Plan for the South. The site is not within a Conservation Area nor a Flood Risk Zone. There is a general presumption in favour of development to existing dwellings in residential areas as set out in 8.12.1 of the Isle of Man Strategic Plan 2016, and corresponding General Policy 2

contains the general standards towards acceptable development including visual and neighbouring amenity and highway safety (b, c, g, h and i).

4.2 Isle of Man Strategic Plan 2016 Appendix 7 also sets out parking space standards and the Manual for Manx Roads setting parking space size standards. The recently released Residential Design Guidance 2021 also offers advice on the design of works to dwellings (section 4.0) and how to assess works on the impact of adjacent neighbours and surroundings (section 7.0). The guide also provides advice on changes to the wider site such as boundary treatments and front gardens and driveways (Section 6).

## REPRESENTATIONS

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

5.1 Arbory Commissioners - in support (24/07/2023 and 22/08/2023).

5.2 Department of Infrastructure Highway Services - initially stated in comments 14/07/2023 that garage frontages should be at least 6m away from the public highway to allow vehicles to stop off the highway and allow up and over garage doors to not impact off street stopping/parking. DOI requested additional information to demonstrate 6m.

5.2.1 Updated drawings showing 6.7m were submitted and circulated and DOI Highway Services confirmed the alterations to be acceptable and Do Not Oppose subject to Condition that the works are carried out in accordance with the plans 110 Rev A and 113 Rev A.

5.3 Manx Utilities - objection (21/08/2023) - the application form indicated surface water will be via storm drain but there is no storm drain in the vicinity and surface water will not be allowed into the foul sewer. A soakaway is advised and they would require a percolation test be submitted so they can support the application.

5.4 18 Ballastroan, Main Road, Colby - objections (25/07/2023 and 06/09/2023) - they state concerns in relation to 5 key matters;

- i. highway safety lack of driveway - distance in front of garage is insufficient and the road is maintainable at public expense having being used for in excess of 21 years by the public, and raise concern for inaccurate highway plans.
- ii. highway safety lack of visibility - no visibility from proposed garage
- iii. highway safety parking issues - parking will obstruct road and block turning area, there is inconsistent parking space details given by the agent
- iv. trees - conflicting information between this application and 22/01562/B
- v. neighbouring amenity - impact on outlook

5.5 Builders Yard, Colby - Objections (31.07.2023 and 22.08.2023) - no objection to principle of a garage, but it should be positioned further back from the road so to not impact the turning circle. The applicants only moving the garage so it doesn't block their windows but they should have considered this before converting their existing garage.

5.6 5 Ballastroan, Colby - Objection (31/07/2023) - insufficient parking space in front of garage and blocking the turning circle will increase vehicles reversing out onto the main estate road and impact road safety for all users.

5.7 21 Ballastroan, Colby - Objection (07/08/2023) - proposed location is overbearing on their property especially with its elevation being 5m and over shadowing their curtilage. The proposed location is too close to the highway and would impact the turning circle.

5.8 17 Ballastroan, Colby - Objections (14/08/2023) - any proposal that impacts the accessibility and safety of the turning area or impacts visibility is of concern. If the turning area becomes a parking area due to lack of driveway space this will increase vehicles having to reverse onto the main estate road causing highway safety issues.

5.9 The agent and applicant provided responses to each of the points raised in objections in correspondence dated 25/07/2023 and 03/08/2023 indicating the garage is set further back and more than 6m from the road, the un-adopted area was the original access into plot 20, the works will require only removal of one apple tree, there will be no impact on No. 18 and there are no windows on the lower ground floor on No. 21 facing the garage and there is an existing boundary between the two properties already.

## ASSESSMENT

6.1 The application seeks approval for the creation of a new detached garage and the existing driveway widened. The general principle of having a garage within the grounds of an existing house in an existing residential area and of an appearance that is in keeping with the general appearance of the existing house and surrounding estate is acceptable here. From review of the objections submitted the key tests of the application falls to i) impact on highway safety; ii) impact on neighbouring amenity; iii) impact on surface water drainage and iv) impact on trees.

### i) Highway Safety

6.2 There have been a number of objections from neighbours and properties within the estate and close by raising concern about the proximity of the garage to the main road and the potential for the turning circle in front of the garage to be adversely affected as a result of garage.

6.3 There is a difference of opinion between local residents and the DOI Highway Services team. Whilst neighbours have implied that all of the area in front of the proposed garage forms part of the road and turning circle, evidences indicates that there is an area between the garage and the road which is 'un-adopted' and therefore is not considered part of the highway. Submitted drawings show 6.7m between the road edge and the front of the garage and visibility onto the main roadway remains unchanged. Highway Services have indicated that 6m in front of the garage was required, and now that this is provided have indicated 'do not oppose subject to condition' requiring the development to be finished in accordance with the submitted plans.

6.4 Given the professional comments made by the DOI Highway Services it would be difficult to reach any other reasonable conclusion of the highway safety matters in this case and so accepted in this case subject to necessary planning condition for the works to be done in accordance with the submitted plans. Also being mindful of the anticipated low traffic levels given the low density of housing at this end of this side road, and the 6.5m distance at the widest point between the edges of the road allowing some turning space.

### ii) Impact on Neighbouring Amenity

6.5 The siting of the garage will result in development closer to the boundary with No. 21. The orientation of two dwellings is as such that the front elevation of the application dwelling faces the side gable of No. 21. On visiting the site it was noted that the side gable of No.21 has no ground floor windows and one first floor window. No. 21 has a small garden along the side gable which wraps around to both the front and back of the property.

6.6 By the very nature of siting development in a currently open garden space will result in a notable visual change to that area, and this will be particularly noticeable from this side garden of No.21, however given the single storey design of the garage, the pitched roof

which slopes away from their boundary, the gap between the boundary coupled with the existing boundary treatment and minded that there are no existing ground floor windows in the nearest side gable and the orientation and siting not significant impact sun path, that the proposed garage would not result in such an overbearing impact as to unacceptably harm the general enjoyment or living conditions of No.21's dwelling or its garden space.

6.7 There are no unacceptable outlook impacts on No. 18 expected given the single storey design and scale of the proposed garage and particularly minded of the distance between it and No.18's dwelling.

#### iii) Surface Water Drainage

6.8 This has been raised as a concern by MU given the agent marked in the application form that this was to be dealt with via 'existing storm drain system'. However such a facility does not exist in the area and MU explicitly state that there shall be no surface water discharge into the main foul system. Revised drawing were received showing the garage surface water discharging into the existing soakaway in the garden. Whilst no updated comments have been received from MU at the time of writing this report it is considered the revised route has acceptably demonstrated how surface water will now be dealt with without impact on the mains systems.

#### iv) Impact on Trees

6.9 After visiting the site it was noted that the trees in question were fruit trees and the proposal requiring the removal of at least one of these trees to site the garage. Fruit trees within gardens do not require a felling licence to be removed or pruned, and so there are no concerns in this respect.

### CONCLUSION

7.1 Whilst neighbours have raised concerns in respect of turning circle issues and highway safety impacts as a result of the proximity of the garage to the road, evidence suggests that there is a section of un-adopted highway between the garage and the adopted road and on a technicality this results in their being over 6m between the front of the garage and the main adopted roadway and as such there are no highway safety issues raised from DOI Highway Services subject to the garage being carried out in accordance with the approved details.

7.2 The siting, scale, single storey design and with a roof pitch sloping away from the neighbours presents an acceptable amenity impact on the living conditions of the immediate neighbour's No. 21 and for the same reasons and particularly the distance there are no amenity impacts on No. 18. There are no objections in respect of surface water or trees.

7.3 The proposal is therefore considered acceptable and to accord with General Policy 2(b, c, g, h and i) and with principles of guidance with Residential Design Guide and Manual for Manx Roads. In response to those comments from DOI suitably worded conditions will be added in respect of works being carried out in accordance with the approved plans and retained as such thereafter.

### 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 20th November 2023

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### Item 5.3

**Proposal :** Change of use from taxi booking office to dog grooming salon  
**Site Address :** Taxi Booking Office  
31 Christian Road  
Douglas  
Isle Of Man  
IM1 2QJ  
**Applicant :** Miss Sharon Bell  
**Application No. :** 23/01020/C- [click to view](#)  
**Planning Officer :** Mr Hamish Laird

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. The development, hereby permitted, shall be carried out during the following hours of operation, only:

08:30 - 18:00 Mondays to Fridays;  
08:30 - 13:00 on Saturdays, and,  
at no time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of occupants of adjoining and nearby residential properties.

Reason for approval:

The proposal is considered to accord with the requirements of General Policy 2 g) and h); and, Environment Policies 35 and 36; and, is acceptable.

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

None.

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

THIS APPLICATION IS REFERRED TO COMMITTEE GIVEN THE LAND USE ZONING

1.0 THE APPLICATION SITE

1.1 The application site is the commercial premises at 31 Christian Road, Douglas, a ground floor, flat-roofed, single storey, corner shop unit formerly used as a taxi booking office with residential uses in the two and three storey dwellings to the side and rear at 78 and 80, Bucks Road. The ground floor of No. 80 Bucks Road which is attached to the premises is also a shop unit. It stands on the corner of Christian Road with a rear access road immediately to the east. The site lies within the settlement boundary for Douglas and within the designated Town Centre as shown on Proposals Map 5 Douglas Town Centre in the Area Plan for the East (2020), where the site and surroundings are designated as 'Predominantly Residential'. It adjoins the boundary of the Douglas (Windsor Road) Conservation Area which lies immediate to the east of the site.

1.2 The ground floor of the property comprises a waiting/reception room; office; back room; toilet and kitchen. On street parking in the form of Disc Parking is available and public car parks are located close by at M&S car park, and Chester Street car park, and is close to a bus route along Bucks Road.

## 2.0 THE PROPOSAL

2.1 This current planning application seeks approval for the change of use of the taxi booking office to a dog grooming salon.

2.2 In a covering letter submitted with the application, the applicant advises:

"The Intended use of 31 Christian Road, Douglas, IM1 2QJ is for it to be converted from a former office space to a Dog groomers - All changes to be made will be Superficial and no changes will be made to the building's structure. The biggest change to be made will be fitting a new boiler and updating the electrics, also looking to replace windows within the building.

At its full capacity the building can fit 5 dogs per day and 1 member of staff (when business improves, looking to hire another member off staff) - with the exception of dog owners coming to drop off and collect their dogs. Please note that this is an example of the building at its full capacity and will most likely be lower than this projection.

As the Building is located just off a main road leading towards the town centre, there is a lot of passing footfall with people walking into town and commuting to work. Because of this, I predict that a lot of clients will be walking to their appointments, reducing the need for parking in the area. Although there is various parking surrounding the building such as M&S car park, Chester Street car park and numerous park and disc zones surrounding the area."

## 3.0 PLANNING HISTORY

3.1 There three previous planning applications relating to the property:

09/00069/D - Erection of signage associated with the use as a taxi booking office - Approved - 06.03.2009.

07/02149/D - Retention of signage associated with the use as a taxi booking office - Refused - 04.02.2008. Appeal dismissed - 09.06.2008.

91/00992/A - Approval in Principle to demolish buildings and construct new at rear of No80, Bucks Road, Douglas. Site at Taxi Booking Office, Christian Road, Douglas - Permitted - 01.01.1994.

## 4.0 PLANNING POLICY

4.1 In terms of local plan policy, the application site is within an area recognised as being 'Predominantly Residential' in the Area Plan for the East (2020). The site lies just outside and

on the boundary of the Douglas (Windsor Road) Conservation Area, with the Conservation Area located to the east of the site commencing on the other side of the rear access road.

4.2 Due to the zoning of the site and the proposed works the following policies are relevant in the determination of the application:-

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

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

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

4.5 Environment Policy 36 states: "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."

## 5.0 REPRESENTATIONS

5.1 Douglas Borough Council - no comments had been received by the Report drafting stage (7/11/23).

5.2 DOI Highways - - no comments had been received by the Report drafting stage (7/11/23).

5.3 Third party representations - no Third party representations had been received by the Report drafting stage (7/11/23).

## 6.0 ASSESSMENT

6.1 Environment Policy 35 sets out the policy in regards to development within a Conservation Area. The policy states that development would only be permitted within a Conservation Area if the development would preserve or enhance the character or

appearance of the area and the area is protected against inappropriate development. The site lies immediately adjacent to the Conservation Area boundary. Environment Policy 36 sets out the policy in regard to development proposed outside of, but close to, the boundary of a Conservation Area. This Policy indicates that applications for development will only be permitted where the proposal would not detrimentally affect important views into and out of the Conservation Area."

6.2 In this case, the proposal is for a change of use of the existing Taxi Booking Office to a Dog Grooming Salon, with no alterations proposed. The question therefore, is whether the proposed use is appropriate in this location. The applicant has advised that: "All changes to be made will be Superficial and no changes will be made to the building's structure. The biggest change to be made will be fitting a new boiler and updating the electrics, also looking to replace windows within the building." Matters such as signage would be the subject of a separate application, as would any detail changes to the external appearance of the building, including any new external windows.

6.3 This application is solely for the change of use of the premises, and given the sites location on a corner plot with no built forms above at first floor level, and being adjacent to a ground floor shop unit at 80 Bucks Road, it is considered that the proposed use would not have an unduly adverse impact on the character and appearance of the site and surroundings, or the Conservation Area. Hours of operation can be controlled by condition and the proposed dog grooming use would provide a beneficial a use of the premises that would support local commerce and add to the variety of uses in this edge of town centre location.

6.3 Whilst no on-site parking is available to the premises, it is noted that on street parking in the form of Disc Parking is available and public car parks are located close by at M&S car park, and Chester Street car park, and is close to a bus route along Bucks Road.

6.4 It is likely that dog grooming services will be by appointment and the premises are small relatively small. Therefore, it is unlikely that more than one of two dogs would be groomed at a time and noise from barking dogs is unlikely to prove problematical for residential neighbours amenities in conjunction with hours of operation being limited to 08:30 - 18:00 Mondays to Fridays; 08:30 - 13:00 on Saturdays, and at no time on Sundays, Bank or Public Holidays.

6.5 The proposed use falls within 'Class 1.1 Shops' as outlined in the Town and Country Planning (Use Classes) Order 2019. Other permitted uses within Class 1.1 include uses for comparison goods shopping, a post office, travel agency, sandwich shop, hairdressing salon, a florist, or for the display of goods for sale. It does not include a hot food takeaway or public house or restaurant. Given the property's location to the rear of existing ground floor shop units on Bucks Road, and that it is a single storey unit which is separated from neighbouring dwellings in Christian Road by the rear access road, it is considered unlikely that any such permitted uses within Class 1.1 would give rise to an unacceptable level of noise and disturbance or other loss of amenity that occupants of neighbouring and nearby residential properties currently enjoy.

6.6 Overall, it is considered that the proposal is acceptable in that it does not detract from the existing appearance and character of the ground floor shop/office unit or of the adjoining Douglas (Windsor Road) Conservation Area, nor would it be harmful to resident's amenities. The proposal is considered to accord with the requirements of General Policy 2 g) and h); and, Environment Policies 35 and 36; and, is acceptable.

## 7.0 RECOMMENDATION

7.1 On the basis of the above it is recommended that the planning application be permitted.

#### 8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

**Item 5.4**

**Proposal :** Installation of a mezzanine floor to be used as a veterinary practice, pet care, treatment, and grooming facility; installation of nine external air-conditioning units, a gas bottle storage unit, fire exit door with external staircase, and amendments to existing roller shutter door

**Site Address :** Unit 2  
Spring Valley Industrial Estate  
Douglas  
Isle Of Man  
IM2 2QR

**Applicant :** Pets At Home Limited

**Application No. :** 23/01021/B- [click to view](#)

**Planning Officer :** Mr Hamish Laird

**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 pet care / veterinary surgery / treatment and grooming facilities hereby approved shall only be used and operated in connection with the main retail use of the unit and shall not at any time be operated as an independent business.

Reason: The uses hereby approved relate to the main and existing use, and have been found acceptable because they are ancillary to that use. Any sub-division of the unit would be contrary to adopted planning policies and also to previously determined planning applications of this site, and any changes to this would need to be assessed through the submission of a fresh planning application.

C 3. Any retailing undertaken from the mezzanine floor space hereby approved shall be ancillary to that of the main unit.

Reason: The uses hereby approved relate to the main and existing use, and have been found acceptable because they are ancillary to that use. Any sub-division of the unit would be contrary to adopted planning policies and also to previously determined planning applications of this site, and any changes to this would need to be assessed through the submission of a fresh planning application.

C 4. Notwithstanding the provisions of Article 6 of the Town and Country Planning (Permitted Development) Order 2012, or any other order revoking and re-enacting that Order with or without modifications, the goods to be sold within the unit hereby approved shall not include food, pet food, pet supplies and pets.

Reason: In the interest of placing appropriate controls with respect to the use of the site.

C 5. The mezzanine floor hereby approved shall be laid out in full accordance with the drawing no. 6834/14, date-stamped as having been received 6th September 2023.

Reason: In the interest of placing appropriate controls with respect to the use of the site.

Reason for approval:

It is considered that the proposal complies with General Policy 2; Environment Policies 1, 2, and 21; Business Policy 1; and, Transport Policies TP4 and TP7, of the Isle of Man Strategic Plan 2016, and is acceptable as it would not result in any adverse environmental impact and there is considered to be sufficient justification for it.

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

In this instance, it is recommended that the following persons do not have sufficient interest and should not be awarded the status of an Interested Person:

26 Ballachrink Drive, Onchan, Isle of Man  
Flat 6, 3 Windsor Terrace, Douglas, Isle of Man  
38 Ballakermeen Drive, Douglas, Isle of Man

As they raise a number of issues, some of which are material planning considerations, but their material interest in the proposal is such that they could not be said to be significantly affected by the proposal.

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

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

#### 1.0 THE SITE

1.1 The application site is the curtilage of Unit 2, Spring Valley Trading Estate, Cooil Road, Braddan, which is a retail unit currently operated by Pets at Home.

#### 2.0 THE PROPOSAL

2.1 Full planning approval is sought for the 'Installation of a mezzanine floor to be used as a veterinary practice, pet care, treatment, and grooming facility; installation of nine external air-conditioning units, a gas bottle storage unit, fire exit door with external staircase, and amendments to existing roller shutter door'. This follows on from a previous Committee refusal of PA 15/01063/B for various external alterations (the installation of: eight air conditioning units, a gas bottle storage unit, a fire door and external staircase, along with amendments to the existing roller shutter door) along with the installation of a mezzanine floor within the unit for use in connection with veterinary services and animal grooming. This application was refused on 17 February, 2016.

2.2 The proposed development also includes the installation of nine no. external air conditioning units, a gas bottle storage unit, a fire exit door, external staircase and amendments to the roller shutter door. The introduction or additional cooling provision and gas storage is primarily associated with the proposed pet care and treatment facility. The



mezzanine floor would measure roughly 304sqm net, and the proposed floorspace is intended to be used as a 'pet care, treatment and grooming facility'. It would be physically and functionally linked to the existing floorspace at the site which is occupied by Pets at Home for the sale of pets and pet related products and services. The proposed floorspace at mezzanine level would be accessible via a staircase and lift, and would accommodate consulting rooms where general pet care advice is given, animals receive basic preventative medicine and treatments (such as worming or flea treatments), and small scale procedures such as spaying and X-raying. Grooming and other 'day to day' care and treatment will also be provided.

2.3 In respect of this part of the proposal, it is relevant that, under the provisions of the Town and Country Planning Act 1999, the creation of a mezzanine floor within an existing building that is entirely internal to that building and does not involve any external alterations does not constitute 'development', and therefore consequently does not require planning approval. However, in this instance, the planning application is required due to the mezzanine floor resulting a greater level of retail floorspace than was allowed by a condition attached to a previous planning application on this site, PA08/02135/A, which granted Approval in Principle for an overall retail floorspace of 1,672sqm on the application site.

### 3.0 PLANNING HISTORY

3.1 The site and wider environment has and have been the subject of a number of previous applications, five of which in this case are considered to be relevant to the current proposal.

3.2 Planning application 08/02135/A sought Approval in Principle to demolish the existing unit and erect retail units with ancillary car parking and servicing. The planning application was refused though a subsequent appeal against that refusal was upheld by the Minister, in accordance with the recommendation of the appointed Planning Inspector, with the result that the application was approved on 23rd February 2010. Nine conditions were attached to this planning approval, of which the following three are worth noting:

Condition 6 stated: "This permission shall provide for a maximum retail floorspace of 1672m2."

Condition 7 stated: "The permission shall provide for a maximum of 2 units and there shall be no further sub-division."

Condition 9 stated: "Notwithstanding the provisions of article 4 of the Town and Country Planning (Permitted Development) Order 2005, or any other order revoking and re-enacting that Order with or without modifications, the goods to be sold within the units hereby approved shall not include food and shall consist primarily of building, decorating and home-improvement materials and equipment, furniture and floor coverings, garden goods and equipment, car parts, spares, maintenance goods and equipment, camping equipment, boats, quad bikes, bicycles, electrical goods and equipment, light fittings, pet food, pet supplies and pets."

There was no condition specifying opening hours for the approved units.

It is worth noting that the application was originally refused by the Planning Committee for the following reason:

"The proposed development is contrary to the aims of the Isle of Man Strategic Plan 2007 to direct all new retail development to existing shopping centres. It has not been adequately demonstrated that the proposed development would not detract from the vitality and viability of existing centres, nor has it been adequately demonstrated that the proposed goods could

not reasonably be sold from an existing centre because of their size or nature. For these reasons the proposal is contrary to Business Policy 5 and Business Policy 10."

3.3 Following this, PA 10/01384/REM sought and gained Reserved Matters planning approval for the demolition of existing unit and erection of two retail units with ancillary car parking and servicing. Seven conditions were imposed on this planning approval, but the only two of which are relevant to the assessment of the current application were copies of conditions 7 and 9 as outlined above. Again, there was no condition specifying opening hours for the approved units.

3.4 Subsequently, PA 11/01726/B was submitted seeking approval for the installation of a mezzanine floor for retail purposes within Unit 1, which was and is operated by Dixons Retail plc and is the sister Unit to that which is the subject of the current proposal. The case officer's assessment ran in part as follows:

"It is also relevant to note that both Unit 1 and Unit 2 could be legitimately occupied and used by any retailer without any further planning approval provided they accord with the provisions of condition no. 9 of previous planning application 08/02135/A and condition no. 7 of previous planning application 10/01384/B accordingly. Both of these conditions, which are identical, set out the range of goods that can be legitimately sold from the application site. This condition was originally imposed by the then Minister when he accepted the recommendation to allow the appeal against the refusal of previous planning application 08/02135/A. Whilst planning conditions can control what is sold from a site the planning system cannot control who sells those items. It should also be noted that should they decide to go ahead without the mezzanine floor the current applicant (Dixons Retail Plc) could legitimately occupy and trade from Unit 1 without needing any further planning approval.

"As stated earlier, previous planning application 08/02135/A was approved subject to a condition stating that the permission shall provide for a maximum retail floorspace of 1672 square metres. Based on the existing retail floorspace within Unit 2 (Pets at Home) and the proposed retail floorspace within Unit 1 with the mezzanine floor the overall retail floorspace within the application site would be 1709 square metres. This equates to an additional 37 square metres of, or a 2.2% increase in, retail floorspace above the previously approved 1672 square metres of retail floorspace.

"Taking account of the planning application submissions and the representations it is considered that whilst the various concerns expressed are readily understood the principle of retailing from the application site has been established by the approval of previous planning application 08/02135/A. Whilst it is accepted that overall retailing from the application site will have an effect on existing retailers elsewhere it would be difficult, if not impossible, to reasonably refuse the current planning application on the basis of an additional 37 square metres of retail floorspace above the already established 1672 square metres of retail floorspace. The impact of the 37 square metres of retail floorspace is negligible in comparison to the already approved 1672 square metres of retail floorspace. It is also considered that the increased level of retail floorspace would be unlikely to materially increase the trip generation and parking requirement to any noticeable extent."

There were a number of objections received to the proposal, including one from the Minister who had accepted the Inspector's recommendation to uphold the appeal in respect of the original AiP on this site, who was concerned that the additional floorspace pushed the boundaries of what was an already finely balanced situation.

The Planning Committee refused the application for the following two reasons:

1. "The increase in floorspace greater than that conditioned in application 08/02135/A, would further undermine the aims of Strategic Policy 9 and Business Policy 5 of the Isle of Man Strategic Plan 2007 which seeks to direct all new retail to town and village centres in order to protect the vitality and viability of those centres."

2. "The proposal would result in an increased demand for parking on a site where the existing levels of parking provision are demonstrably inadequate, and which would therefore result in overspill to surrounding roads causing inconvenience to users of the highway."

No appeal was lodged.

3.5 Of less immediate relevance, but nevertheless worth noting, is the application (PA 11/01594/LAW) submitted seeking a Certificate of Lawful Use for the use of Unit 1 (which it is to be remembered is not the unit the subject of the current application) for retail sale by Next Plc for the sale of furniture, household goods and decorating items plus childrenswear. The application was seeking to establish whether the sale of those goods would comply with Condition 7 attached to 10/01384/REM and Condition 9 attached to 08/02135/A (both of which were the same and the wording of which has been outlined in this report at paragraph 3.2, above).

3.6 The application was refused on the 1st December 2012 for the following reason:

"The proposed use is not lawful and a Certificate of lawful use is declined as; The sale of goods from the site, as itemised in the application, would not be compliant with condition 9 of Planning Permission 08/ 02135/A or condition 7 of 10/01384/REM and would amount to the building not being used primarily for the sale of building, decorating and home-improvement materials and equipment, furniture and floor coverings, garden goods and equipment, car parts, spares, maintenance goods and equipment, camping equipment, boats, quad bikes, bicycles, electrical goods and equipment, light fittings, pet food, pet supplies and pets. Therefore Planning Permission would be required."

Again, no appeal was lodged.

3.7 From the applicants current submission, they advise: "On 17th February 2016, an application was refused for 'Alterations, creation of a mezzanine floor to provide a veterinary surgery, pet grooming and related facilities, installation of eight air conditioning units, gas bottle storage unit, fire door, external staircase and amendments to existing roller shutter door' at Pets At Home Unit 2 Spring Valley Industrial Estate Douglas Isle Of Man IM2 2QR (App Ref: 15/01063/B) (the '2016 Application').

The Decision Notice for the 2016 Application detailed two reasons for refusal. These reasons are set out below:

1. The application has failed to demonstrate that the proposal would not result in demonstrable harm in respect of the local highway network in respect of displaced parking and also the amount of parking that is available on the site at present. The proposal is therefore contrary to Transport Policy 7 of the Isle of Man Strategic Plan 2007.

2. The application has failed to demonstrate that there would be no harm arising from the proposed use and floorspace relative to existing retail / community centres. The site is zoned for industrial use, and the application has failed to demonstrate why the proposed use and floorspace could not be located in a town centre location. As such, the proposal is contrary to General Policy 2 and Business Policies 5, 9 and 10 of the Isle of Man Strategic Plan 2007.

The Applicant has provided additional evidence as part of this 23/01021/B resubmission to address the previous reasons for refusal."

#### 4.0 DEVELOPMENT PLAN POLICIES AND OTHER MATERIAL CONSIDERATIONS

4.1 In terms of local plan policy, the application site is located within a wider area of land that is designated as predominantly industrial under the Isle of Man Planning Scheme (Braddan Parish District Local Plan) Order 1991. Planning Circular 6/91, the written statement that accompanies the local plan, contains two policies that are considered specifically material to the assessment of this current planning application.

4.2 Policy 2.4 states: "In accordance with the adopted policy of Tynwald no retail developments will be permitted in the Parish District of Braddan with the exception of retail provision designed to serve the local neighbourhood requirements of existing and future communities."

4.3 Policy 2.5 states: "No development of retail use, nor conversion of existing buildings to retail use, will be permitted in existing or future industrial areas."

4.4 In terms of strategic plan policy, the Isle of Man Strategic Plan contains six policies that are considered specifically material to the assessment of this application.

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

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

4.6 Strategic Policy 9 states: "All new retail development (excepting neighbourhood shops and those instances identified in Business Policy 5) and all new office development (excepting corporate headquarters suitable for a business park location) must be sited within the town and village centres on land zoned for these purposes in Area Plans, whilst taking into consideration Business Policies 7 and 8."

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

4.8 Business Policy 5 states: "On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either:

- (a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or
- (b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business;

and, in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area."

4.9 Business Policy 9 states: "The Department will support new retail provision in existing retail areas at a scale appropriate to the existing area and which will not have an adverse effect on adjacent retail areas. Major retail development proposals will require to be supported by a Retail Impact Assessment."

4.10 Business Policy 10 states: "Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas and those instances identified in Business Policy 5."

4.11 From the previous Officers Report to the planning Committee in respect of PA 15/01063/B, the following comments (in italics) remain relevant to the current application. These are:

Reference has been made in representations to the Employment Land Review of June 2015 (amended January 2017). This reflects primarily on the availability of land for office or industrial purposes, and not for retail specifically. In acknowledging that what is proposed does not readily fall within definitions of either 'retail' or 'employment land', it is perhaps worth noting the following relevant extract:

"With limited demand, some of the areas Isle of Man Employment Land Review Final Report June 2015 allocated for industrial use have witnessed pressure from retail, retail services, showroom, community services and other uses. As these values generally command higher rents than industrial and storage uses, where such development has taken place, it has tended to influence value expectations and generate continued pressure for uses not covered by the original allocation. In some cases, different customer access, loading, delivery and parking requirements have created use conflicts and created capacity issues at some road junctions.

"While acknowledging that allocations should contain some flexibility to reflect the size of the economy and the changing nature of sector demand, care also needs to be taken to ensure land and premises are available to encourage the maintenance and expansion of particular employment uses in environments suited to their operation."

4.12 Similarly, reference has been made to the Retail Sector Strategy of 2013. Again, in view of the fact that the proposal does not readily fall within the definition of 'retail', the applicability of the Strategy to the proposal is somewhat limited although there are a few extracts that might be worth reflecting upon:

"3.10 Retailing is a dynamic sector. Whether through new formats and channels, product development, marketing or training, innovation in existing and new businesses should be promoted. Working with key retailers, the Chamber of Commerce and others, Government will encourage awareness of emerging trends and opportunities."

"3.25 While out of centre units may help to keep consumer spending here which would otherwise go elsewhere, they do little to support town centres. In town centres: costs (redevelopment, rents and occupation) tend to be high; ownership of potential premises is complex; the age and layout of retail premises may not be flexible; and parking, which often attracts a charge, serve the centre as a whole rather than individual stores. Other non-retail uses also compete for a limited supply of suitable and available sites."

It is clear from its overriding aim, though, that key to the Strategy is its focus on ensuring high quality town centres as opposed to out-of-town offer:

"To promote competitive and accessible retail and leisure environments in our town centres, which offer choice and convenience for consumers, improve the economy and enhance residents' quality of life."

## 5.0 REPRESENTATIONS

5.1 Highway Services of the Department of Infrastructure (10/10/23) comments: "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking due to the off-street parking available within the site and TRO parking restrictions on the public highway in the vicinity of the proposals."

5.2 Braddan Parish Commissioners (18/9/23) offered no objection to the proposal.

5.3 DEFA Chief Veterinary Officer Animal Health, Regulation Directorate (17/10/23) comments:

Please would you kindly add the below email trail to the PA Ref: 23/01021/B file as a consultee comment from the Animal Health Team.

(16/10/23) "I have discussed with the other government vet and we don't have any comments."

5.5 Third party representations - Three representations have been received - all raise objection to the proposals as outlined below:

26 Ballachrink Drive, Onchan, Isle of Man

Before accepting this application I would like the committee to understand the affect that this application will have on other local businesses. Pets at home were previously declined planning for a dog groomers and vets due to the affect it would have on similar local businesses.

Since pets at home have opened over 10 local pet shops have had to close their doors. The Isle of Man states freedom to flourish but this only seems to be for UK companies that want the monopoly on the Isle of Man.

Accepting this planning application would put local dog groomers and vet practices at risk of closure due to their ability to offer cheap prices because they have so many other income streams to depend on.

Local companies put all of their proceeds back into the economy on the Isle of Man. By accepting this application and possibly forcing the closure of local businesses you are losing money from local tax payers.

Please support local businesses at this hard time and refuse this planning application.

Flat 6, 3 Windsor Terrace, Douglas, Isle of Man

I hereby express my passionate objection to this current planning application. This proposal, if approved, threatens to undermine the already fragile ecosystem of local sole proprietor groomers and pet care providers, which forms the essence of our community.

At a time when our Peel commissioner, Hazel Hannan is ardently advocating for bolstering local commerce owing to a spate of business closures, it's disheartening to witness attempts to further entrench large-scale corporate interests on the Isle of Man. The previous

application was rightly declined to shield similar local businesses from undue competition. However, after the establishment of Pets at Home, a disconcerting trend has emerged with all other local pet shops having shut their doors.

The unique skill, creativity, and craftsmanship honed by our local groomers will end up on the verge of extinction if this application is passed. The livelihoods that depend on these small-scale operations stand at a perilous juncture. The corporate encroachment envisaged by this application will exacerbate this dire situation, gradually annexing the grooming market, and systematically building out a chain that stifles local entrepreneurship through a race to the bottom on prices, devaluing our skill set.

The grave reality is that as they expand, the fabric of our community contracts, culminating in a loss of personalized service, and erosion of local economic circulation while destroying relationships within the community.

I request the planning committee to consider the long-term repercussions this application could have on our local business and on future local businesses. Upholding the ethos of community and local enterprise is crucial for the sustained economic and social vitality of the Isle of Man.

I am hopeful that the committee will act judiciously in reviewing this application, prioritising the interests of the local community and economy.

38 Ballakermeen Drive, Douglas, Isle of Man

I would like to express my objection to this proposed planning application. When Pets at Home first opened, various small local pet shops were heavily affected by this and were forced to close their shops due to not being able to compete with a corporate business. These local companies lost their source of income because a UK corporate store was allowed to move over here.

As a local dog groomer, I think it's appalling that we are potentially going through all this again with Pets at Home applying to expand into dog grooming. They originally applied to have a dog grooming salon on their first application, along with a veterinary practice which was rightfully declined to protect local businesses.

I have personally spent a lot of time and effort to build up my local business and find it extremely worrying that a corporate business may be allowed to set up here and therefore take away business from not only myself as a local dog groomer, but other dog groomers based all over the island.

My business is located in the Eden Park Industrial Estate which is in close proximity to the proposed application site and this will without a doubt affect my business even more than other dog groomers based on the island. The Isle of Man Government through the Department of Enterprise itself provides a scheme encouraging local businesses to start up and grow yet by approving this application, the exact opposite will happen.

We have recently seen an increase of other local businesses having to close down across various sectors due to not being able to compete with other corporate businesses that are across the island.

I implore you to take my points made into consideration and object to this planning application."

## 6.0 ASSESSMENT

6.1 The key points as set out in the case officer's report in respect of the proposed mezzanine floor at Unit 1 remain matters of importance for this assessment. That being said, it is not ignored that the Planning Committee disagreed with the officer's recommendation. It is perhaps worth noting these reasons again which were:

1. "The increase in floorspace greater than that conditioned in application 08/02135/A, would further undermine the aims of Strategic Policy 9 and Business Policy 5 of the Isle of Man Strategic Plan 2007 which seeks to direct all new retail to town and village centres in order to protect the vitality and viability of those centres."

2. "The proposal would result in an increased demand for parking on a site where the existing levels of parking provision are demonstrably inadequate, and which would therefore result in overspill to surrounding roads causing inconvenience to users of the highway."

6.2 However, this application is different to that refused in 2016. Firstly, the space proposed would provide for veterinary and related uses, and any retailing undertaken would be (or could be controlled to be) ancillary to the approved and existing use of the unit on the lower level, which is intended to be retained. While the previous concerns raised by the objectors in respect of the impact the new mezzanine would have on Douglas town centre is readily understood, it must be remembered that what is here proposed does not readily fall within the definition of 'retail'. In any case, as they rightly point out, the additional floorspace proposed is well below the threshold required for a formal Retail Impact Assessment.

6.3 That being said, the concerns in respect of what is considered to be an intensification of retail use in an area not zoned for it, and which was approved on balance and also contrary to the land use zoning, is not unfounded. Even if it is accepted that the proposal does not relate to retail space at all, the history on the site in terms of the original approval and also refused 2011 and 2016 applications is such that the concern should not be dismissed, and this in many ways goes to the heart of the acceptability of what is now being proposed. There are clearly competing arguments and both have a certain logic.

6.4 On the one hand, the proposed use would normally be expected to be found in town centres. The Business Policies of the Strategic Plan, along with the 2013 Retail Sector Strategy and 2015 Employment Land Review, supports this conclusion. The Strategic Plan generally presumes that retail, or retail-related, uses should be found within town centres in order to protect the vitality and viability of those centres. The Island's Development Plan has consistently presumed against such uses being found outside of town centres as a general rule, and this is perhaps one reason why there are very few large-scale retail units outside of existing centres, and also is perhaps why the definition between settlements and the countryside remains so distinct on the Island.

6.5 On the other hand, veterinary surgeries are often not found within town centres as nearby parking, which is often crucial for users of the service, is not always possible. Veterinary surgeries can be noisy and encourage vehicular movements at all times of the day and night (even if what is proposed would not be used during evenings). As such, they often do not sit well in residential environments. Moreover, the importance of providing clear and easy vehicular access to users of the service - which is often, for the users and their animal(s), perceived as an emergency - is clearly going to be of benefit.

6.6 Going on from this, another of the reasons why there is a general presumption to retain retail uses within defined areas relates to ease of access for all the associated uses. Firstly, users - whether in an emergency or not - will not generally be going to a veterinary surgery as well as making a trip to go shopping: they will be making a unique use to a veterinary surgery. Secondly, trips to the veterinary surgery generally rely on private car (or



taxi) rather than other, more sustainable forms of transport. The fact that the site is neither nearby other town centre users nor benefits from good public transport connections is therefore not, in this instance, considered to be reason enough to object to the proposal. Indeed, the easy access that the site and the availability of car parking on site could well be seen as beneficial.

6.7 It is perhaps worth asking the question of what location would be more appropriate. Generally, town centres would be strongly preferred for retail uses and for other, non-retail but clearly complementary uses such as that proposed, but the reasons why this would not necessarily always be ideal have been outlined above. Similarly, residential areas are, again, not ideal even though it is noted that some surgeries do exist in such areas. Providing the floorspace as additional to an existing, complementary use might well be the next best location as a general principle. A new unit outside of a town centre would raise a number of concerns, both in terms of principle and detail. It is not easy to come to a definitive conclusion but clearly there are some notable benefits to this location. Unlike the previously refused application, no concerns have been raised about the quality of the care that would be provided.

6.8 As indicated, the concerns of the objectors in respect of the location and the impact the proposal could have on existing dog grooming businesses are understood. The fact that the unit is already existing, however, and in view of the benefits that could result from the proposal balanced against the dis-benefits and also the adopted Business Policies, is such as to mean that the principle of the proposal is acceptable. As in the case of the 2016 application, this is a very finely balanced conclusion. As such, the second reason for refusal issued in respect of the 2016 application is not considered to apply in this case.

6.9 Turning to the first reason for refusal of the 2016 application, which was on highway grounds, DoI Highways Services has raised no objection to the proposals. The applicants have provided a parking survey with Island Highway & Transport Consultants having been commissioned to undertake a parking survey to establish the level of parking capacity during peak hours.

6.10 The applicants advise that the report "identifies that the Site shares its parking facilities with an adjacent unit which comprises: 76 customer parking spaces and 10 segregated spaces for staff within a controlled service area at Spring Valley Industrial Estate.

Island Highway & Transport Consultants consulted the Engagement Manager for Highway Services at the Isle of Man Government prior to the application being submitted. Both parties agreed that the applicant would undertake a 24 hour automatic classified count of vehicles entering / leaving the site for a nine day period to include two weekends supported with a simple manual count of available parking spaces at the beginning, middle and end of each working day.

The report found that the peak weekday, customer parking accumulation was observed to be 28 vehicles on Thursday 20th July with the peak weekend accumulation being 41 vehicles observed on Saturday 22nd July. This means that the Site has a minimum reserve capacity of 48 spaces on weekdays and 35 spaces at weekends. Therefore, the report concludes that the existing parking capacity serving the Site is sufficient to accommodate the additional parking demand generated by the proposed development. It follows that the proposal would not raise any risk of 'displaced parking' and accords with Policy 7 of the IOMSP."

6.11 Officers consider that given the above the application is acceptable on highway safety grounds and sufficient parking spaces would be provided to serve the proposed use. This accords with the provisions of Transport Policy 7 of the Strategic Plan."

6.12 In view of the above it is considered that the refusal reasons issued to the 2016 application do not apply with respect to this application, which is different in two crucial ways as discussed. It has been concluded that the site offers a not unacceptable location for the service proposed, and would not result in demonstrable harm to highway safety or parking provision. The proposal does not propose retail as it might normally be defined, but the Business Policies referred to remain the most appropriate against which to assess the proposal. In this regard, while the proposal might not meet all the tests, it is not concluded to be so harmful or to present such a clear precedent for other uses elsewhere as to warrant a refusal to the current application. Irrespective of this, the conclusions outlined above have been reached having had regard to the particular circumstances of the site and what is proposed for it, and the likely level of harm that the grant of planning approval would have. Conditions relating to the specific nature of the proposal and the issues it raises would not be inappropriate.

6.13 It remains to be considered whether or not there are any other issues raised by the current proposal.

6.14 In this respect, it is not considered that the proposal raises any specific concerns from a Planning point of view that warrant an objection to the proposal. The previous concerns raised by other services on the Island, and the users of those services, with regards the level and quality of care and economic competition are understood but, equally, are not material planning considerations.

6.15 That being said, it remains appropriate to consider whether or not the issue of 24/7 care represents a significant issue in terms of the operation of the uses proposed. There exists no condition relating to time limits and so, were there a compelling legal or ethical reason that the veterinary surgery proposed within the mezzanine floor must be open for 24 hours in a day, there is no Planning reason why this could not occur.

6.16 Concerns with regards the level of care and quality of experience that the proposal would result are understood to a point, but it must be concluded that the quality of animal care sought by people must remain the responsibility of those people rather than the Planning System. It is noted that DEFA's Chief Veterinary Officer for Animal Health has raised no concerns.

6.17 The physical changes proposed are fairly small scale and are of a type of construction, and in locations, that are such as to be fairly unobtrusive and, moreover, of the kind of alteration that might normally be expected to be found in out of town retailing and industrial areas. Indeed, most of these proposed changes are in any case located in the service yard and behind the wall separating that yard from the car park and would scarcely be seen in any case.

6.18 The previous objection from the MUA in respect of the proposed location of the air conditioning units was not fully understood since, as noted, they offered no objection to the proposal to construct the buildings in the first place. However, this did not seem to be reason enough to object to the proposal especially since in the same objection letter the MUA also advise that it sought to open a dialogue with the applicant to ensure those works were undertaken appropriately.

#### Other Matters

6.19 The comments received in the form of third party representations relating to the impact that the proposed development may have on their existing Dog Grooming businesses and closures of pet shops, are noted. In such instances the planning system examines

applications for land use, and does not necessarily examine issues where competing land uses/operations may arise.

6.20 A Google search of Isle of Man Dog Grooming Businesses indicates that there are 25 such businesses located across the Island, although these are predominantly in the Douglas/Onchan area, with some located in close proximity to each other. DEFA Planning is presently considering a separate application for a dog grooming parlour in Christian Road, Douglas - PA 23/01023/C - which is recommended for approval. In all other respects, the proposed development is considered to be acceptable, and any issues relating to the potential for commercial competition are a matter for the market to decide as such concerns lie outside the control of the planning system.

## 7.0 CONCLUSIONS, RECOMMENDATION AND CONDITIONS

7.1 In view of the above, it is considered that the proposal would not be so harmful to the vitality of character of local town and village centres, and nor would the impact on parking provision be sufficiently significant, as to warrant this application's refusal. The physical changes proposed are appropriately limited in scale and hidden from view. The information accompanying the application is considered to have overcome the previous reasons for refusal in respect of the impacts on the local highway network, on-site parking provision and displaced parking. There has been no comment received from MUA who had previously raised unspecified concerns relating to nearby underground 11kv cables regarding the siting of the air conditioning units as a result of which the applicants held discussions with MUA to resolve any issues. The proposal would not result in any undue adverse impacts on to existing retail and uses and community centres. DEFA's Chief Veterinary Officer for Animal Health has raised no concerns. Having considered all the other issues raised by this proposal, the application is considered to be acceptable and is recommended for approval.

7.2 A Condition limiting the use of the mezzanine floor as being ancillary to the retail space below, and also requiring that the new floorspace is not sub-divided from the same existing retail space, is recommended to be attached to any approval notice that may be forthcoming.

7.3 Other conditions restricting the use of the site and also requiring the mezzanine floor to be laid out exactly as shown on the submitted drawing are also appropriate to attach.

## 8.0 INTERESTED PERSON STATUS

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

- o The applicant, or if there is one, the applicant's agent;
- o 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;
- o Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material, which in this case includes the Highways Division of the Department of Infrastructure, and
- o The local authority in whose district the land the subject of the application is situated.

8.2 In addition to those above, article 6(3) of the Order 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 20th November 2023

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### Item 5.5

**Proposal :** **Enlargement of horse riding arena and change of use of fields 435361 and 435344 from agricultural to equestrian.**

**Site Address :** **Corlea Farm  
Corlea Road  
Ballasalla  
Isle Of Man  
IM9 3BA**

**Applicant :** **Mrs Julie Walker**

**Application No. :** **23/01022/B- [click to view](#)**

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

**RECOMMENDATION: To APPROVE the application**

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### Recommended Conditions and Notes for Approval

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

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

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

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

C 2. The extended arena hereby approved must be used only for equestrian purposes in association with Corlea Farm and shall not be used for any commercial use or commercial purposes.

Reason: The application has been assessed on this private use only as requested in the application.

C 3. In the event that the extended arena hereby approved is no longer used or required for the exercising of horses, the arena and any associated hardstanding shall be removed and the ground restored to its former condition within 24 months of the date the use ceased.

Reason: In the interest of ensuring no unwarranted arena's in the countryside.

C 4. The change of use of land to private equestrian use relates only to the area outlined in red as shown on drawing number 23/17/01 Site Location Plan received 19/09/2023.

Reason: The application has been assessed on this area only for private equestrian use.

C 5. In the event that the extended arena is removed in line with C3 above, the equestrian use of the land must also cease.

Reason: the equestrian use of the land is considered on an exceptional basis for the need for horse grazing and in the event that need ceases the land shall also revert to its original use and purpose.

C 6. For the avoidance of doubt there shall be no permanent siting or any external storage of any horse jumps, horse boxes or any other associated equestrian paraphernalia within field numbers 435361 and 435344 as shown on drawing number 23/17/01 Site Location Plan received 19/09/2023

Reason: The application has been assessed on the change of use of the fields for general exercise and grazing only and not for any other use. In the interest of ensuring no overspill of equestrian equipment over the fields in the interest of visual amenity.

C 7. There shall be no external lighting of the extended arena unless full lighting plan details have been first submitted to and approved in writing by the Department, such details shall include position of lights, level of illumination and cowl details. Any external lighting shall then only be installed in full accordance with the approved lighting plan and retained as such thereafter.

Reason: For the avoidance of doubt and to ensure no harm to the dark skies.

Reason for approval:

The proposed works to create an extended arena are not considered to make significantly worse the overall appearance of the site in the landscape or to harm the countryside character beyond the existing arrangement, and the grazing of horse on the adjacent fields is also considered to be acceptable and not so different to the grazing of any agricultural animals, and for these reasons the proposal is not considered to conflict Environment Policies 1, 14, 19 and 21 of the Strategic Plan 2016.

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

None

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

THE APPLICATION IS BEFORE COMMITTEE AS THE LAND IS NOT DESIGNATED FOR ANY USE AND THE PROPOSED EQUESTRIAN USE MAY BE CONSIDERED CONTRARY TO THE LAND USE DESIGNATION AND RELEVANT DEVELOPMENT PLAN POLICIES PROTECTING THE COUNTRYSIDE FOR ITS OWN SAKE.

1. SITE

1.1. The site relates to an existing outdoor arena and two sloping fields forming part of Corlea Farm, Corlea Road, Ballasalla.

2. PROPOSAL

2.1. Permission is sought to create an extended outdoor arena measuring 30m x 60m and the change of use of fields 435361 and 435344 to equestrian use.

3. PLANNING HISTORY

3.1. The wider site has been subject to a number of previous planning applications although not relevant to the current application. The stables alongside the arena were approved under 05/02077/B.

4. PLANNING POLICY

4.1. The site is not designated for development on the Area Plan for the South 2013. The site is not within a Conservation Area nor recognised as being at any flood risk. The Soil Map Classification recognises the area as Class 3 soil.

4.2. There is a general presumption against any kind of development across the countryside and in AHLV's as outlined in established policies within the IOM Strategic Plan 2016 (Environment Policies 1 and 2, and General Policy 3), however the same plan also contains a number of paragraphs and policies that explicitly relate to, and offer support to, the development of new equestrian-related development (Paragraph 7.15.1 and Environment Policies 19, 20 and 21) as long as they do not result in the loss of any high quality agricultural land, harm highway safety or by reason of their design detriment the character, appearance and quality of the countryside. These policies also state that cavity wall construction should not be used for buildings and that there will be a presumption against large scale equestrian development including new buildings and external arena's in AHLV unless there are exceptional circumstances. Environment Policy 14 seeks to ensure no loss of high quality agricultural land.

## 5. REPRESENTATIONS

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

5.2. Malew Commissioners - no comments received at the time of writing the report 13/11/2023

5.3. Department of Infrastructure Highway Services - No highways interest (08/09/2023).

## 6. ASSESSMENT

6.1. General Policy 3 resists development out with those areas zoned for development other than in specified exceptional circumstances.

6.2. Environment Policy 1 confirms that the countryside and its ecology will be protected for its own sake. Development that would adversely affect the countryside is not permitted unless there is an overriding national need in land use planning terms and for which there is no reasonable alternative.

6.3. Equestrian pursuits are addressed at section 7.15 of the Strategic Plan. Paragraph 7.15.1 recognises that equestrian activities are becoming increasingly popular and may have an adverse impact on the character and appearance of the countryside. Among other things, sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such impacts. Environment Policy 19 allows for the development of equestrian activities in the countryside where there would be no loss of local amenity, no loss of high-quality agricultural land and where there would be no highways issues and Environment Policy 20 indicates that there will be a presumption against large scale equestrian developments, which includes new buildings and external arenas, in areas with High Landscape or Coastal Value and Scenic Significance unless under exceptional circumstances.

6.4. The main issue in the assessment of this application relate to the extension to the existing arena and the change of use of the fields and how both of these would impact on the character and appearance of the rural landscape.

### Extension to Arena

6.5 The proposal seeks to make the existing arena longer and wider totalling 30m x 60m. Given the scale of the existing arena and its established impact in the landscape, it is not

expected that the proposal to extend this will make significantly different this impact nor to significantly detriment the wider countryside. The clustering of the development around the existing building and arena helps to limit any significant spread of development and the distance from the road and sloping nature of the site helps to further limit any views from the main road also minded of the existing roadside boundary hedging. On this basis the proposed extension is considered to be acceptable.

#### Change of Use of Fields.

6.6 Equestrian use of land is not an agricultural use, thus constitutes development requiring an application. Equestrian use of the land in this instance would provide suitable grazing area for the keeping of any horses and without loss of any high quality agricultural land. Minded that reverting back agricultural could happen at any time given agriculture use does not constitute development and can be undertaken without the need for a planning application in line with The Act 1999. For the avoidance of doubt a condition revoking any external storing of horse jumps or any other similar horse exercising equipment is necessary given the application has not sought approval for any of these within the fields.

### 7. CONCLUSION

7.1. The proposed works to create an extended arena are not considered to make significantly worse the overall appearance of the site in the landscape or to harm the countryside character, and the grazing of horse on the adjacent fields is also considered to be acceptable and not so different to the grazing of any agricultural animals, and for these reasons the proposal is not considered to conflict Environment Policies 1, 14, 19 and 21 of the Strategic Plan 2016.

7.2 Suitably worded conditions will be added in the avoidance of doubt to ensure no external lighting to the extended arena, no horse jumps in the fields and in the event that the extended arena and fields are no longer required the arena removal and the field use ceased.

### 8. 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 5.6**

**Proposal :** Use of part of Unit 48a as sales/retail; use of part of Unit 48e as staff facilities; new first floor offices with Unit 48e. Installation of 12 new windows on north east elevation; installation of rain screen canopy over main customer entrance in Unit 48b; changing of colour of existing windows and pedestrian doors

**Site Address :** Unit 48A,48B,48C,48D & 48E  
Spring Valley Industrial Estate  
Cooil Road  
Braddan  
IM2 2QS

**Applicant :** Motaworld Ltd

**Application No. :** 23/00868/B- [click to view](#)

**Planning Officer :** Miss Lucy Kinrade

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The only sales that may take place from the premises shall be within the areas annotated as 'Sales Area' or 'Retail Area' on Drawing 1078/05 and those sales shall be restricted to the sale of motor parts, motor accessories, motor maintenance equipment, motor health and safety equipment and motor diagnostic equipment.

Reason: In the interest of controlling the use of the building given its position on an industrial estate.

C 3. The office and staff facilities hereby approved shall be for the sole use of the primary occupier of the building and shall not be sub-let to any separate business operation.

Reason: The application has been assessed on this basis only and to avoid any subdivision of the units to any other user.

Reason for approval:

The application is considered acceptable and not at odds with Business Policies 1, 5, 9 and 10 of the Isle of Man Strategic Plan 2016.

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**Interested Person Status – Additional Persons**



None

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

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

#### 1.0 THE APPLICATION SITE

1.1 The application relates to an existing block of 5 units within Spring Valley Industrial Estate No's 48A, 48B, 48C, 48D and 48E and the surrounding parking apron.

1.2 The units are finished in a mixture of red brick at ground floor and metal cladding above, whilst there are a number of windows throughout all the elevations of the building it retains a very much industrial appearance.

1.3 Three of the five units were approved in 2016 for use by 'Motaworld' (the same applicant as now) for use as "display, distribution, warehousing and sales of industrial / automotive products". The approved 2016 application also included parking and access works.

#### 2.0 THE PROPOSAL

2.1 Full planning approval is now sought for the expansion of the operation into the remaining two units 48D and 48E and a reconfiguration of the units to accommodate an increased ground floor only retail area into unit 48A and associated staff and office facilities within until 48E split over the existing ground and mezzanine levels already within the unit.

2.2 Proposed is also the installation of 12 new windows across ground and first floor within Unit 48E at the northern end of the building, as well as a new covered canopy over the customer entrance at unit 48B.

#### 3.0 PLANNING HISTORY

3.1 The most relevant application in this case is 16/00290/B which was approved for the use of three units by 'Motaworld' for sales, distribution and warehousing. The officer report for that application made reference in 3.0 about other units within Spring Valley being subject to a number of planning applications also including some retail elements and those applications raising concerns about the extent of the sales areas, the nature of products sold and the consequential impact on existing town centres. Many of these applications being subject to conditions controlling the extent of sales areas, nature of products sold and revoking any internal mezzanine works.

3.2 The officer report for 16/00290/B also outlined the history of the applicant 'Motaworld', already operating from another unit within the industrial estate and the nature of their business requiring them to stay within an industrial estate environment, and essentially in relocating within the industrial estate was unlikely to affect the vitality and viability of town centres as it already operates out of town. The officer report made clear that there would be a percentage increase in the area of sales but that this was unlikely to be materially different (or harmful) relative to the existing situation in what is a very similar geographic location.

3.3 The officer for 16/00290/B concluded that "7.1 It is true that the application may well raise understandable concern with respect to out of town retailing. However, the continued operation of the self-same business from the same industrial estate, albeit in a slightly manner in proportional terms, is considered a strong, if not overwhelming, material

consideration in favour of the current application. Accordingly, and bearing in mind Business Policy 1 as well, it is considered that the application is acceptable in this context."

3.4 The application was approved with three conditions requiring the parking area to be provided, the use of the building area to match the areas outlined on the submitted drawings and the nature of sales items being related to motor vehicles only.

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

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

3. The building shall be used only for the purposes as identified on Drawings 857/007 and 857/008, both date-stamped as having been received 8th March 2016. No part of the building shall be used for a different purpose unless written consent of the Department has been first obtained.

Reason: In the interest of controlling the use of the building given its position on an industrial estate.

4. The only sales that may take place from the premises shall be within the area annotated as 'Sales Area' on Drawing 857/007 (date-stamped as having been received 8th March 2016) and those sales shall be restricted to the sale of motor parts, motor accessories and motor maintenance equipment

Reason: In the interest of controlling the use of the building given its position on an industrial estate."

#### 4.0 THE DEVELOPMENT PLAN

4.1 The application site is located within a wider area designated as 'Industrial' under the Area Plan for the East 2020. Employment Proposal 1 specifically refers to existing industrial land and states:

4.2 "Employment Proposal 1: The development of existing industrial land, including the following sites, will be supported for the following uses only: manufacturing; warehousing and distribution; office accommodation (subject to compliance with Strategic Plan Business Policy 7); or retail outlets (subject to compliance with Strategic Plan Business Policy 5). For the purposes of this policy, existing industrial land excludes those sites named under Employment Proposals 2, 3, 4 and 5"

4.3 The Strategic Plan contains a number of policies and paragraphs considered specifically material to the assessment of this current planning application:

4.4 General Policy 2 sets out the general standards towards acceptable development taking into account visual and amenity impact as well as highway safety.

4.5 Business Policy 1 supports the growth of employment opportunities

4.6 Strategic Policy 9 states: "All new retail development (excepting neighbourhood shops and those instances identified in Business Policy 5) and all new office development (excepting corporate headquarters suitable for a business park location) must be sited within the town and village centres on land zoned for these purposes in Area Plans, whilst taking into consideration Business Policies 7 and 8."

4.7 Paragraph 9.2.6 sets out the growing pressure for the inclusion of retail uses in industrial areas and those successful ones falling into two typical categories; items which cannot generally be sold from a high street or town centre such as motor cars, builders materials and agricultural equipment etc., and developments which in themselves are not retail but comprise elements of retail inextricably linked to the primary use of the building or site. The reasons for which not only to keep town centres viable but to ensure industrial land is kept available for industrial purposes and that most industrial estates are unsuitable as environments for shoppers.

4.8 Business Policy 5 follows and states: On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either:

(a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or

(b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business;

and, in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area."

4.9 Business Policy 9 states: "The Department will support new retail provision in existing retail areas at a scale appropriate to the existing area and which will not have an adverse effect on adjacent retail areas. Major retail development proposals will require to be supported by a Retail Impact Assessment." (Appendix 1 = RIA required for those over 500m sq of floor space measured externally)

4.10 Business Policy 10 states: "Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas and those instances identified in Business Policy 5."

## 5.0 REPRESENTATIONS

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

5.1 Braddan Parish Commissioners - no objections (11/08/2023).

5.2 Department of Infrastructure Highway Services - Do not oppose (11/08/2021) no significant negative impact upon highway safety, network functionality and /or parking.

5.3 Douglas City Council - Do not oppose subject to condition (18/08/2023) - The applicant proposes to create some new first floor office space as well as increase the size of the ground floor area. Although the Council is not raising an objection we would ask that any approval granted should be conditional that the office space is for the sole use of the occupier of the building and that these offices should not be rented out to other businesses that could easily locate within the town centre.

5.4 No comments received from neighbouring properties.

## 6.0 ASSESSMENT

6.1 The physical changes proposed in relation to new windows and a new covered canopy are considered to be unobjectionable relating to the use of the building and not adversely impact the overall appearance of the building which remains industrial in appearance. It is however the internal reconfigurations resulting in an increased sales area and new office and

staffing facilities which are the key issues for assessment in this case, and with review of any consequential parking needs as a result of the proposed changes.

#### Increase in Retail Area

6.2 In terms of the use, it is quite clear the business is an established operation and its evolution requiring increased facilities over many years which is demonstrated through their planning history. The proposal now seeks to further expand the business operations to occupy all of the five industrial units within this block increasing its storage space, staff offices and facilities, and an increased sales area. Given the size of the block, the single operator of the site and the size of the operation it would not be unreasonable to have the office and staff room facilities as proposed in order to support the operation of the business. Ensuring these remain as part of the single operator is fundamental to the assessment with a condition added in this respect especially minded that planning policy only tolerates exceptions to retail and office developments outside of the town centre if they're inextricably linked to an acceptable primary use. This matter is also raised in comments from Douglas City Council who state that the office should be for the applicant only and any separate office user should be prevented. The staff facilities and staff offices are considered acceptable in this case.

6.3 It is clear that the extent of the businesses sales retail area has increased through each application, and again this application proposes an increased retail sales area into 48A where currently is approved for storage only.

6.4 The floor areas of 16/00290/B Units 48A, 48B and 48C were:

Total floor area = 1075sq m = 100%

Retail = 430sq m (ground floor and mezzanine in 48B) = 40%

Storage = 475sq m (unit 48A and 48C) = 44.2%

Office and staff facilities = 170sq m = 15.8%

6.5 The red line and proposal now encapsulates all 5 units 48A, 48B, 48C, 48D and 48E and the proposed areas are:

Total floor area = 1943sq m = 100%

Retail= 641sq m = 33%

Storage= 810sq m = 41.7%

Office and staff facilities = 492sq m = 25.3%

6.6 Noting the above calculations, the 2016 retail floor area occupied 40% of the overall 1075sq m business floor area, and the proposed retail floor area is now 33% relative to the increase in floor area to be occupied by the business 1943sq m. So yes it is agreed with the agent that there will be an overall reduction in terms of comparative floor areas but it is matter of fact that the retail sales floor area is getting bigger, to the extent that it is now considered a 'major retail development' as per Business Policy 9 and Appendix 1.

6.7 Anything over 500m sq a Retail Impact Assessment is to be provided in accordance with BP9. This need was expressed to the agent and an RIA was submitted 13/11/2023.

6.8 It is clear that the nature of the items to be sold within the building remain in connection with the primary use being a motor parts trader distributing to motor garages and including moto workshop equipment. . The expanded area now allowing additional space from which to display and demonstrate garage workshop health and safety equipment and diagnostic equipment to enable their customers to keep up to speed with all the latest electric vehicle technology of the future and expand on the existing ranges already provided.

6.9 The fact remains that the kind of goods sold - such as they are - largely fit within, or at least reflect, the list of goods that will be considered acceptable for retail sale outside of

established commercial centres outlined in (a) of Paragraph 9.2.6 of the Strategic Plan, and would help the continued growth of the business without any unacceptable impact on town centres. Accordingly, it is concluded that the proposal is not at such significant odds with the Strategic Plan's Business Policies 5, 9 or 10.

#### Increase in Office and Staff Facilities

6.10 The office and staff facilities remain ancillary to the primary use of the building and are unobjectionable in this instance. In line with those comments from Douglas City Council a suitably worded conditions will ensure that these remain by use of the primary user and not sub-let to any other separate users which would undermine those policies which seek to direct development to existing centres including office space.

#### Parking

6.7 The business now occupies all of the units in this building as well as all of the associated parking. No issues have been raised by DOI Highway Services and the proposal is not considered to result in any significant adverse highway safety issues beyond the existing operation and is considered acceptable in this case.

#### 7.0 CONCLUSION

7.1 It is true that the application may well raise understandable concern with respect to out of town retailing. However, the continued operation of the self-same business from the same industrial estate, albeit with an increased retail floor area although in a manner perhaps considered proportional in terms of the increased occupation of the additional industrial units in this specific case. Accordingly, and bearing in mind Business Policy 1 as well, it is considered that the application is acceptable

7.2 Conditions restricting the use of the 5 units to the manner defined on the submitted plans and in line with the 2016 approval conditions is necessary, as well as another condition making clear no separate occupation of the office space by any separate user.

#### 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 5.7**

**Proposal :** Construction of a replacement building to form a one-bedroom apartment on the ground floor and a three-bedroom apartment on the first floor with a two-car garage on the ground floor .

**Site Address :** Adjacent To  
2 Rheast Lane  
Peel  
Isle Of Man  
IM5 1BE

**Applicant :** Mr Roy Hall

**Application No. :** 23/00574/B- [click to view](#)

**Planning Officer :** Mrs Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. The vehicle parking spaces shown provided for the development, hereby permitted, within the garage on Drawing No.23/3186/02 B - dated received and dated 30th October 2023; shall be provided prior to the first occupation of the apartments and shall thereafter be retained and made available for vehicle parking at all times.

Reason: To ensure that sufficient on-site parking is provided to serve the development in order to avoid unnecessary on-street parking as per the requirements of the Manual for Manx Roads and Transport Policy 7 in the Adopted Isle of Man Strategic Plan (2016).

C 3. The garage to the ground floor level must only be used as a garage/store and not as additional living accommodation. For the avoidance of doubt, no approval is granted nor should be inferred to the use of the garage as permanent occupation.

Reason: To ensure that sufficient on-site parking is provided to serve the development in order to avoid unnecessary on-street parking as per the requirements of the Manual for Manx Roads and Transport Policy 7 in the Adopted Isle of Man Strategic Plan (2016).

C 4. The development for the replacement building to provide two apartments, hereby permitted, shall be constructed in accordance with the following approved details as outlined on the submitted Drawings - Drawing No. 23/3186/03 B. Namely:

- o slate or standing seam roof
- o velux rooflights;
- o grey zinc gutter and rainwater downpipes
- o anthracite grey aluminium framed windows

- o anthracite grey aluminium frames to the front glazing
- o glazed Juliet balcony
- o Manx stone to the ground floor level
- o timber cladding

unless otherwise agreed in writing with DEFA Planning.

Reason: To ensure that high quality materials are used for the replacement structure which will reflect and preserve the character of the surrounding area the nearby Conservation Area.

C 5. No work shall be carried out on in relation to the construction of any of the external surfaces of the dwelling hereby permitted unless details of the materials, colour and finish (including the provision of samples of the roofing, cladding and Manx stone) to be used for all external walls and roofs have been first submitted to and approved in writing by the Department. The development hereby permitted shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area, in accordance with policy General Policy 2 and Environment Policy 36 & 42.

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

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

C 7. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no satellite dish, or solar panels shall be attached to any building or erected within the site, other than that expressly authorised by this approval, without the prior written approval of the Department.

Reason: To safeguard the residential character and amenities of the area

C 8. All soft landscaping works shall be carried out in accordance with the Planting Maintenance and Aftercare Schedule, dated received 30th October 2023. The works shall be carried out in full accordance with the programme approved in writing by the Department and retained thereafter. Any plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other plants of a species and size to be first approved in writing by the Department.

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

C 9. The amenity space provided to the ground floor apartment, must be provided prior to occupation of the apartments and retained within the same ownerships as the ground floor apartment thereafter.

Reason: To ensure that the ground floor apartment is awarded acceptable amenity standards.

Reason for approval:

The proposed development has been designed to be of a high standard and would provide interest in Peel Town Centre due to its location within the overall streetscene. Whilst there is potential that the amenities of the ground floor apartment are of a substandard and could be tantamount to overdevelopment of the site, the proposal would meet all the other criteria's required of it under the Isle of Man Strategic Plan 2016 and as such is recommended for approval.

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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):

No.4 Rheast Lane as they do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status by being more than 20m away from the application site.

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

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

#### APPLICATION SITE

1.1 The site is within the curtilage of a garage/outbuilding, which is situated to the West of Rheast Lane, directly adjacent the entrance onto Tynwald Road. The existing structure has a pebble dashed finish and corrugated roof.

1.2 To the North of the site is "Woodlands," No.4 Tynwald Road, to the North East is No.9 Tynwald Road, to the South East is No.6 Tynwald Road, directly South is No.2 Rheast Lane (within the applicant's ownership) and to the North West are several garages, also within the applicant's ownership.

1.3 The surrounding area has a diverse building set, with there being the industrial feel of the existing structure coupled with the garages which can be seen fleetingly to the traditional feel of the traditional cottages along Tynwald Road to the 90's aspect of the bungalows situated along Rheast Lane.

#### PROPOSAL

2.1 The current planning application seeks approval for the complete demolition of the existing structure and re-building of the structure to create one, one bedroom apartment to the ground floor level and one three bedroomed apartment to the first floor level. There is also a shared two car garage to ground floor level.

2.2 The proposed structure is going to measure 6.63m by 12.830m with an overall height of 7.79m. The ground floor level is to be Manx Stone to match the existing with the first floor and above rendered with anthracite grey statement aluminium frames with Juliet balcony and timber cladding.



2.3 After discussions with the agent, a revised scheme with a small garden was supplied for the one bedroomed apartment.

#### PLANNING HISTORY

3.1 There are no previous applications relevant in the assessment of this application.

#### PLANNING POLICY

4.1 The site lies within an area zoned as Predominantly Residential on the Peel Local Plan 1989. The property is not within a Conservation Area and whilst road in front of the site is within a Flood Risk Zone, the site itself isn't.

#### 4.2 PEEL LOCAL PLAN 1989

4.2.1 The following recommendations within the Peel Local Plan 1989 written statement, are applicable in the assessment of this application;

5.2 The refurbishment and amalgamation of properties within the town will be encouraged.

#### 7.7 Future residential development

A minimum standard of 1.5 spaces per dwelling is applied at present. This space may include a garage. Dependent upon the layout of the area this parking may be required to be located behind the building line.

7.8 The above standard will however not necessarily be universally applied. In redevelopment and town centre locations, the car parking requirements will be determined with regard to specific cases on the basis of bed spaces and population generated.

#### 4.3 STRATEGIC PLAN

4.3.1 Given the nature of the application it is appropriate to consider the following Isle of Man Strategic Plan 2016 policies;

Strategic Policy 1 - development should be located to make best use of previously developed land, redundant and underused buildings and utilising existing infrastructure

Strategic Policy 2 - focuses new development in existing settlements unless it complies with General Policy 3

Strategic Policy 4 - (in part) proposals for development must protect or enhance the setting of Conservation Areas

Strategic Policy 5 - new development, should be designed to make a positive contribution to the environment of the Island

Strategic Policy 10 - development should promote integrated journeys, minimise car use and facilitate other modes of travel

Spatial Policy 2 - identifying Service Centres

Spatial Policy 5 - new development will be in defined settlements only or in the countryside only in accordance with General Policy 3

General Policy 2 - set out detailed 'development control' considerations

Environment Policy 36 - development close by Conservation Area must not have a detrimental effect upon the Conservation Area.

Environment Policy 42 - new development should be designed to take into account the character and identity of the area

Environment Policy 43 - (in part) the department will encourage the re-use of sound built fabric, rather than its demolition

Community Policy 7 - designed to prevent criminal and antisocial behaviour

Community Policies 10 & 11 - implement best practice so as to reduce the outbreak and spread of fire

Housing Policy 4 - new housing will be located primarily within the existing towns and villages

Housing Policy 17 - acceptable criteria of the conversion of buildings into flats

Transport Policy 1 - best located close to existing transport links  
Transport Policy 4 - safe and appropriate provisions for journeys  
Transport Policy 7 - set out parking standards in connection with Appendix 7  
Infrastructure Policy 5 - methods for water conservation.

#### 4.4 LOCAL DISTINCTIVENESS

4.4.1 The Strategic Plan (2016) states at paragraph 4.3.8,

"The design of new development can make a positive contribution to the character and appearance of the Island. Recent development has often been criticised for its similarity to developments across the Island and elsewhere - "anywhere" architecture. At the same time some criticise current practice to retain traditional or vernacular designs. As is often the case the truth lies somewhere between the two extremes. All too often proposals for new developments have not taken into account a proper analysis of their context in terms of siting, layout, scale, materials and other factors. At the same time a slavish following of past design idioms, evolved for earlier lifestyles can produce buildings which do not reflect twenty first century lifestyles including accessibility and energy conservation. While there is often a consensus about what constitutes good and poor design, it is notoriously difficult to define or prescribe".

#### 4.5 OTHER MATERIAL MATTERS

4.5.1 The Department has published the Residential Design Guidance (March 2021) which provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential property. This includes specific guidance on new houses, and impacts on Neighbouring Properties.

#### REPRESENTATIONS

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

5.2 Highway Services have considered the proposal and state in part, "The proposal does not give rise to significant road safety or network functionality issues, but does raise issues on practicality of two separate units using the proposed garage space. Whilst unusual it can be seen as analogous to communal undercroft/ underground parking albeit on a much smaller scale. Accordingly, HDC continues to raise no opposition." (21.06.23)

5.3 Peel Town Commissioners have considered the application and wish to defer the proposal awaiting further information. Further comments were requested on the 9th November 2023, with no response at the time of writing this report.

5.4 The Assistant Registered Buildings Officer has written in to state that they do not consider the proposal to have a negative impact upon the streetscene. (12.07.23)

5.5 The Owner/Occupier of No.4 Rheast Lane have written in to state that whilst they do not object to the proposal, there should be more provision for parking. (4.06.23)

#### ASSESSMENT

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

- Principle of development
- Potential impact upon the visual amenities of the streetscene
- Potential impact upon Highway Safety/parking provision.
- Potential impact upon neighbouring amenity
- Other matters

#### 6.2 PRINCIPLE OF DEVELOPMENT

6.2.1 Firstly when looking at the principle of the proposal, in terms of the land use designation and whether residential development is accepted, the application site is located within the wider area of Peel on the Peel Local Plan 1989. As such the site itself would comply with Strategic Policy 2 of the Isle of Man Strategic Plan which sets out that new dwellings must be located within existing sustainable settlements, with Peel being a service centre within Strategic Policy 2.

6.2.2 Accordingly, in terms of the principle of the development the site, given the land use designation of "predominantly residential," there is a presumption in favour of any residential development, However, this is not an automatic reason to allow developments as further material planning matters as indicated above need to be considered, to determine if the principle of the proposal on this site is appropriate.

### 6.3 POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE STREETSCENE

6.3.1 When looking at the impact of the proposal upon the overall streetscene, it is necessary to note that Strategic Policy 5, Environment Policy 36 and 42 state in parts that new development must make a positive contribution to the environment and must be designed to take into account the particular character and identity of a locality. This is also followed by Paragraph 4.3.8 of the Isle of Man Strategic Plan which discusses local distinctiveness.

6.3.2 As stated in part one of this assessment, this part of the Peel town centre has a very diverse building set, with there being no general overriding character, as such there is potential that a variety of approaches could be acceptable. The existing structure whilst it has an imposing place within the streetscene by being situated within the gap space where Rheast Lane meets Tynwald Road and as such it is very much in a public vantage point, the structure has no particular architectural or historic merit, which means its demolition and re-building is deemed acceptable.

6.3.3 When looking at the proposed structure, whilst it is larger by external floor area and also height, the proposal will add interest into the streetscene, by added a modern element. It is not expected that the overall height of the structure will assist the structure in having more of an impact within the streetscene, and as such is deemed acceptable.

6.3.4 The proposed material are of a high quality and due to the proposal being directly adjacent to a Conservation area, high quality materials are required, as such the timber cladding, the aluminium frames and the Manx stone cladding are required to be conditioned. Whilst the proposal does not supply whether a slate roof or a standing seam roof is to be used, due to the structures location within the streetscene, either roofing type would be acceptable and would match the surrounding streetscene.

6.3.5 Overall, when taking the above into account, the proposal is considered to constitute a high standard of design, which would not significantly material impact upon Rheast Lane, or the outward views of the streetscene, whilst resulting in a greater degree of visual interest, to the benefit of the character and appearance of the locality. Likewise, the development is considered to amount to a visual improvement relative to the existing structure and therefore should not detrimentally impact important views into and out of the adjacent Conservation Area. The proposal therefore complies with the principles of General Policy 2 b, c & e, Environment Policy 36 and Environment Policy 42 of the Isle of Man Strategic Plan 2016.

### 6.4 POTENTIAL IMPACT UPON HIGHWAY SAFETY/PARKING PROVISION

6.4.1 Turning towards Highway Safety, the structure is situated within Peel Town Centre which means in the first instance that it is close by to local transport such as the bus system and close by to a range of local shops which means that there would not be a need for the

amount of parking, as required under Transport Policy 7 in accordance with Appendix 7 of the Isle of Man Strategic Plan.

6.4.2 Whilst this is the case, there is a garage situated to the ground floor level which is to be split between both apartments and would have space for one car parking space and parking for bicycles. This is unusual in its separation, which was brought up with the architect, but they have decided to keep the parking spaces as one per apartment. It is also noted that whilst Highway Services have raised the query as well, they have not objected to the proposal as a whole.

6.4.3 With this in mind, the separation of the parking, would be a civil matter between both apartments and with a condition that the car parking within the garage is available at all times, the proposal would be deemed to meet the criteria of Appendix 7 and in turn Transport 7 of the Isle of Man Strategic Plan.

## 6.5 POTENTIAL IMPACT UPON THE PROPOSED OCCUPANTS AMENITIES

6.5.1 When looking at the potential impacts upon the proposed occupants, whilst for the conversion of buildings into flats and not for rebuilding, Housing Policy 17 is helpful in providing a guideline. The main aspects of Housing Policy 17 is that there is adequate space available for clothes-drying, refuse storage and general amenity, that the flats have a clear pleasant outlook from the principle rooms and that if possible there is car parking available.

6.5.2 The car parking part of Housing Policy 17 has been discussed above and deemed acceptable. With regards to whether there is acceptable space, both apartments are above the threshold of space requirements for flats, with both apartments providing the general amenity standards inside of an open plan kitchen, dining and living room, separate bathrooms and bedrooms. The architect has also provided the spacing for where washing and drying facilities would be placed and as such the proposal would comply with this aspect of Housing Policy 17.

6.5.3 Lastly turning towards whether the proposal has a clear pleasant outlook, the first floor apartment, has an open plan aspect from the main window and Juliet balcony and as such complies with this part of the proposal.

6.5.4 With regards to the one bedroomed apartment situated upon the ground floor level, this is where the proposal falls down. After several discussions with the agent, the final proposal has included a small rear garden, which is to be separated from the rear garden of No.2 Rheast Lane (within the applicant's ownership). This apartment has been hard to assess from a clear pleasant outlook, firstly because of where the proposal is situated, directly next to garages which are let out/owned by different people, where the front door is situated, which is to be glazed. Due to this being the only available window for the site in this elevation, there is potential that the occupants will feel enclosed in the space, depending on how much the garages are used. Whilst that is the case, this would be no different to any other ground floor room within a property in the town centre.

6.5.5 This would then bring you to the rear of the site, which now includes two windows and a door, into the rear garden area. This part of the site is situated to the South East and as such should be awarded a certain amount of light into the site, whilst the hedging is growing, the occupants of this ground floor apartment might have a feeling of overbearing/overlooking due to No.2 Rheast Lane's garden surrounding the site, again whilst this is the case, this would be no different to any new build's garden and how it would function.

## 6.6 POTENTIAL IMPACT UPON NEIGHBOURING AMENITY

6.6.1 With regards to neighbouring amenity, firstly there is potential that the large scale window and Juliet balcony to the front elevation could impact upon the neighbouring amenity of the surrounding properties. To the North of the site is "Woodlands," which is approximately 9m away from the proposed new front glazing. Whilst the proposal would mean that they would be awarded views directly into the front garden of the property, which is the only garden space available, this would be no different to anyone walking down Rheast Lane, which are already awarded views into the front garden.

6.6.2 Turning towards No. 9 Tynwald Road and No.1 The Grove which are situated to the North East, and directly straight across the road from the proposal, whilst the wall directly facing the roadside of No.9 Tynwald Road is approximately 16m away, the garden space of No. 1 The Grove is over 20m away, as such this is an acceptable standard, which in turn would reduce any overlooking perceived or actual in the garden spaces.

## 6.7 OTHER MATTERS

6.7.1 The proposed works comprise as a replacement structure, abide now a residential structure and is not considered to pose any issues with respect of criminal activity or spread of fire and will more than likely reduce any within the adjacent garage block area by the constant presence of people. Whilst the proposal will be increasing the overall floor area, the new apartments as stated upon the application form will have surface water runoff and foul drainage into the existing drainage system, and therefore no concerns are raised in this regard. Whilst the proposal will be increasing the water usage of the structure by adding in new water services, it is not expected that the water usage of the apartments would create an impact and therefore there are no new issues in this respect.

## CONCLUSION

7.1 The proposed development has been designed to be of a high standard and would provide interest in Peel Town Centre due to its location within the overall streetscene. Whilst there is potential that the amenities of the ground floor apartment are of a substandard and could be tantamount to overdevelopment of the site, the proposal would meet all the other criteria's required of it under the Isle of Man Strategic Plan 2016.

7.2 The proposals is therefore recommended for approval with conditions to make sure the space spaces with the garage are available at all times, to remove permitted development, landscaping and materials.

## INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and

o whether there are other persons to those listed above who should be given Interested Person Status

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

## PLANNING AUTHORITY AGENDA FOR 20th November 2023

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### Item 5.8

**Proposal :** Installation of service reservoir and connecting pump station with associated access, boundary fencing and landscaping

**Site Address :** Land West Of Jurby Medical Centre  
(Former Jurby Camp)  
Jurby Industrial Estate  
Jurby  
Isle Of Man  
IM7 3BZ

**Applicant :** Manx Utilities

**Application No. :** 23/00988/B- [click to view](#)

**Head of Development Management :** Mr S Butler

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

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

C 2. Prior to the commencement of the development hereby approved details of the security fencing shall be submitted to and approved in writing by the Department. No fencing/walling/gates shall be erected at the site other than in accordance with the approved details.

Reason: In the interest of visual amenity and for the avoidance of doubt.

C 3. Prior to the commencement of the development hereby approved full details of soft and hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of grassed areas and new planting showing, type, size and position of each. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwelling hereby permitted. No excavation works or changes to site levels shall be carried out other than in accordance with the approved details.

Reason: In the interests of visual amenity and ecology.

C 4. Prior to the commencement of development the following details shall be submitted to and approved in writing by the Department and the development shall not take place unless in accordance with those details:

- o a species-rich grassland translocation/re-use plan, written by a suitably qualified ecological consultancy, containing a methodology for the removal and re-use of the species-rich grassland turfs on top of the new service reservoir;
- o a species-rich grassland management plan written by suitably qualified ecological consultancy, detailing how the reservoir area is to be managed going forward for the benefit of its floral interest; and
- o a Construction Environmental Management Plan (CEMP) setting out Reasonable Avoidance Measures (RAMs) for common lizards written by a suitably qualified ecological consultancy, which details the measures that are to be put in place to protect the surrounding habitats from damage during construction and to ensure that lizards and breeding birds are not harmed by construction activities.

Reasons: In the interests of biodiversity, protected species and tree preservation.

C 5. The development hereby approved shall not be brought into use unless the mitigation measures are provided as set out in Section 5.3 of the Flood Risk Assessment by Aecom dated 15 September 2022 and retained as such thereafter.

Reasons: To ensure the flood risk mitigation is implemented

Reason for approval:

On balance it is considered that the proposal does not comply with the existing zoning or the detail of the exceptions in the Strategic Plan, but given the unusual planning policy situation for the site and need for the proposal it is not considered that this is in itself sufficient grounds for refusal. There is strong policy basis (including the Strategic Plan), for supporting housing and employment growth at Jurby, and infrastructure constraints have been identified which this application seeks to address. The potential visual/amenity, flooding and tree impacts have been sufficiently mitigated and no other reasons for refusal have been identified.

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

It is recommended that the owners/occupiers of the Motor Museum 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) as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

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:

- DOI (Flood risk); and
- CABO (Planning Policy) - if a formal response is received confirming their comments.

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



## THIS APPLICATION IS REFERRED TO COMMITTEE AS IT IS A DEPARTURE FROM THE LAND USE ZONING

### 1.0 THE SITE

1.1 The Site is a vacant parcel of land within the settlement and forms part of the former Air Base. It is approximately 5000m<sup>2</sup> in area and is located to the northwest of Jurby airfield along the Ballamenagh Road approximately 300m from the A10 Main Road in Jurby.

1.2 The site is relatively flat and fronts onto the A14 Ballamenagh Road opposite the Isle of Man Motor Museum which is located adjacent to an industrial estate containing a variety of commercial and light industrial uses.

1.3 The land surrounding the site is generally open grassland with scattered trees and vegetation and is currently void of built form but contains concrete slabs that form part of the historic airbase use with the wider site accommodating the parade grounds and the barracks associated with this use.

### 2.0 THE PROPOSAL

2.1 The application form indicates that Full Approval is sought and the proposed use is, "Water Reservoirs". The proposal does not involve the creation of floorspace or the creation/alteration of access. No new/amended services are proposed and one parking space is to be provided. There will be changes to site levels and there are trees/hedges on the site, but there is no watercourse within 9 metres.

2.2 The Planning Statement has been provided and is summarised below.

- o Section 1 - Introduction
- o Section 2 - The Development (Need, Development Description, Design & Access Statement)
- o Section 3 - Site and Surroundings
- o Section 4 - Legislative Requirements (including why no EIA)
- o Section 5 - Planning Policy Context
- o Section 6 - Proposed Mitigation
- o Section 7 - Policy Assessment
- o Section 8 - Conclusion
- o Appendix A - Strategic Plan 2016 Policy Assessment
- o Appendix B - Ecological Surveys and Assessments
- o Appendix C - Flood Risk Assessment
- o Appendix D - Sites Photos

2.3 The Planning Statement's description of the development clarifies that:

- o the proposed service reservoir would be of 750m<sup>3</sup> capacity (22.50m long x 15.50m wide comprising two water storage compartments each with internal dimensions of 14.0m x 7.0m wide comprising a total storage capacity of 750m<sup>3</sup> with average water depth in each compartment of 4.5m) with connecting mains and an integral booster pumping station;
- o it would be a fenced compound with associated hardstanding, access road, security fencing, landscaping and associated site works;
- o connection measures via A14 Ballamenagh Road;
- o there would be use of the existing access onto A14, with site roads to be extended to site;
- o initial high-level cut (approx. 1000m<sup>3</sup>) and fill (approx. 1600m<sup>3</sup>) is proposed - no removal of excavated material from site is anticipated;
- o once finished, the site will be unmanned except for inspection/maintenance visits
- o reservoir would have a total building footprint of 350m<sup>2</sup>, partially buried below ground and with a grass finish (3m above average ground level);

- o the reservoir would be constructed in reinforced concrete water retaining structure and will house two compartments for water storage, as above;
- o an additional service compartment would house pipework and fitting connections and include new booster pumps referred to as a valve gallery (14.50m long x 7.0m wide);
- o concrete hardstanding area is proposed between the reservoir and a new access road within the site, with bitmac access road within the site to connect to the existing developed road on the northeast side of the proposed development to provide internal site access;
- o a lockable kiosk for ancillary storage is proposed;
- o soakaway would be on the northeast corner of the site between the embankment and the access road
- o a 3m wide maintenance access path is proposed around the site perimeter, external to the security fence.
- o security fence would be around the perimeter of the site (1.8m high green welded mesh security fence with a double leaf paladin security access gate to the northeast of the site); and
- o landscaping includes retention of 1 tree within red line boundary, grass embankment and green roof, with 5m wide planting strip.

2.4 In terms of alternatives, limited information has been provided within the application but it is understood from discussion with the applicant that:

- o From technical, operational and cost perspective the site location for the Service Reservoir is in the optimum position, i.e. adjacent to the trunk water supply main which is located in the A14 Ballameanagh Road. The location site also has existing wide and safe vehicle access and egress from the Ballameanagh Road highway, into the ex-RAF Parade Ground.
- o With respect to locating a permanent Service Reservoir on the Industrial Estate, this was not a preferred Option from the Department of Infrastructure's 'Commercial' perspective as it would have utilised valuable future development land and space.
- o The objective of all development on the Industrial Estate is to create jobs for the local community and generate income to support it. A relevant fact in discussions with the Fire Authority, was that their major concern related to a potential Industrial Fire at the Motor Museum. The Department of Infrastructure's proposals for a temporary water tank storage farm which were submitted as part of their Planning Application acknowledged that fact. Manx Utilities Service Reservoir site location acknowledges the same concern.

2.5 Following a query about site address this was corrected and consultee/contributors notified.

### 3.0 PLANNING POLICY

#### 3.1 Site Designation

- o Jurby Aerodrome (1982 Development Plan).
- o No heritage, ecological or landscape designations affect the site.

#### 3.2 Strategic Plan (2016)

- o Strategic Policy 1 - Resources
- o Strategic Policy 2 - Environment
- o Strategic Policy 3 & Environment Policy 42 - Town & Village Character
- o Strategic Policy 4 - Heritage, Landscape, Ecology & Environmental Protection
- o Strategic Policy 5 - Design
- o Spatial Policy 3 - Service Villages (includes Jurby)
- o Spatial Policy 5 - Development outside settlement boundaries
- o General Policy 2 - Development Control Considerations
- o General Policy 3 - Development outside zoned areas
- o Environment Policy 2 - Landscape

- o Environment Policy 4 - Biodiversity
- o Environment Policy 7 - Watercourses
- o Environment Policies 10 & 13 - Flood Risk
- o Environment Policy 22 - Pollution Prevention (including light/noise/emissions)
- o Environment Policy 24 - Supporting environmental information (including Environmental Impact Assessments)
- o Environment Policy 26 - Contaminated Land
- o Business Policy 1 - Job Creation
- o Community Policy 7 - designing out crime
- o Community Policy 11 - prevention of outbreak and spread of fire
- o Transport Policy 2 - Layout
- o Transport Policy 4 - Safety
- o Infrastructure Policy 4 - Surface/Groundwater
- o Infrastructure Policy 5 - water conservation and management measures
- o Energy Policy 5 - Energy Efficiency

#### 4.0 OTHER MATERIAL CONSIDERATIONS

##### 4.1 Other Plans/Documents

- o Our Island Plan (2022) and the Economic Strategy (2022) both set out ambitions for population growth supported by job growth and infrastructure improvement
- o Draft Area Plan North & West (2022) - Limited weight but provides direction of travel - i.e. growth at Jurby supported but requires infrastructure - the principle of a service reservoir in Jurby is supported (10.10.1 - 10.10.4).
- o TAPNW Site Assessment JR011 for the wider area including the site, "Previously developed site (in part) containing remnants of the military parade ground, there are no buildings of any particular architectural merit and the site is without any mature trees. The site is wholly within the existing settlement boundary and any development on site would enhance the built environment of Jurby".
- o National Infrastructure Strategy (2017) states (2.7.9), "In some areas there is limited storage capacity of treated water and/or water transmission capability in the event of a major unplanned supply interruption. This risk will become increasingly critical as the population grows" (it is understood there have been subsequent monitoring reports to this).
- o Landscape Character Assessment (2008)
- o Jurby Village Study (1994) - Non-statutory but capable of being a material consideration. Recognises 1982 zoning out of date. Recommends the area zoned for 'Airfield' reduced in size and area north of the A14 formerly occupied by the army is suggested to be rezoned for residential. The A14 is recognised as a clear dividing boundary with the southern side all zoned 'airfield' and used as an industrial estate and the northern side for predominantly residential purposes and uses ancillary thereto.

##### 4.2 Legislation

- o Section 143 of the Equality Act (2017) places a duty on public bodies to promote equality, eliminate discrimination, advance equality of opportunity and foster good relations.
- o Section 68 of the Flood Risk Management Act (2013) indicates that any published Flood Risk Management Plan and the extent to which the proposed development creates an additional flood risk are material considerations.

#### 5.0 PLANNING HISTORY

5.1 No relevant applications for the site, although other approvals in the area are demonstrate the need for infrastructure improvements.

#### 6.0 REPRESENTATIONS

6.1 Representations are available in full via online services, but in summary:

- o Jurby Parish Commissioners have been consulted and made on comments
- o DOI Highways raise no objection and seek no conditions (30.10.23)
- o DOI Flood Risk raise no objection and seek no conditions (19.09.23)
- o DEFA (Ecosystems) raise no objection subject to conditions relating to site grassland translocation and management, protection of lizards and landscaping (03.10.23)
- o DEFA (Trees) have raised no objection and indicated a tree protection plan is not necessary (10.11.23).
- o An objection has been received from the Motor Museum which raises concerns about - incorrect site address/cost code, the proposal will be within the settlement boundaries and industrial in appearance which is not appropriate as it is on land reserved for residential, retail, community purposes. The Motor Museum was required to appear less industrial. Application is a sham (connections already installed etc.), potential for alternative site South of A14 not considered (there are more alternative sites) (28.09.23).

6.2 A formal response has been sought from CABO (Planning Policy) but it is understood that:

- o in light of the Site Assessment for the Area Plan N&W , they note an error in the referenced planning history and confirm that they consider the application site to be Previously Developed Land;
- o the site is not currently proposed for housing or employment development (no assessment has been made on whether a reservoir would be acceptable within the proposed open space);
- o there is a recognition of a need for a reservoir but no site identified;
- o the Area Plan is progressing and other than that, the existing Development Plan and the Village Study no other policy documents are identified;
- o work is to be undertaken on long term infrastructure planning including plans for the airport and the potential for a safeguarding area/possible runway extension; and
- o it may be appropriate to clarify whether MU and DOI have discussed/resolved issues relating to suitable locations for infrastructure in light of this.

## 7.0 ASSESSMENT

7.1 For the planning assessment the key issues are:

- o Principle of Development;
- o Landscape and Visual Amenity;
- o Transport & Access;
- o Ecology and Biodiversity; and
- o Flood risk.

### 7.2 Principle of Development

7.2.1 There is strong policy basis (including the Strategic Plan), for supporting housing and employment growth at Jurby, and infrastructure constraints have been identified which this application seeks to address.

7.2.2 Manx Utilities is a statutory board responsible for provision of (amongst other things) water supply. Concerns have been raised by IOM Fire & Rescue that the current water supply network may not be able to supply sufficient volumes from existing hydrant main connections to fight a large-scale industrial or warehouse type fire. The feasibility report also considered the need to improve the reliability, resilience and capacity of water supplies in Jurby to enable future residential and commercial development in the area. Therefore, the two main objectives of this project are: 1) To improve water supply volumes to ensure there is sufficient capacity for firefighting; 2) To improve reliability, resilience and capacity of water supplies for existing and proposed future development. The sizing of the service reservoir would give a minimum of 24h water storage (Planning Statement para 2.1).

7.2.3 It is therefore accepted that there is a need for this development somewhere in Jurby, however the question is whether the site is suitable. It is difficult to judge what is an acceptable use on the site as summarised below.

1. The site is not zoned for this development, but it is clear that the situation is now different from when that zoning was made as such the site is no longer needed for its previously intended use (Airfield).
2. The Jurby Village Study and draft Area Plan for the North and West (APN&W) are relevant. The Village Study proposes predominantly Residential with appropriate ancillary to the North and Industrial to the South. APN&W proposed similar approach, but with much of land to the immediately to the North (including the application site) as being open space. In terms of the former a judgement is needed as to whether the proposal could be judged 'ancillary' to housing and in terms of the latter whether it is compatible with open space - on balance it is considered not although the design and landscaping would help to reduce the visual impact. However both of these are of limited weight.
3. General Policy 3(g) could be applied, "development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative". Whilst it is questionable whether infrastructure which is required for one settlement is 'national', there is clearly a local need for the development. The information provided by the applicant to justify the site selection is noted, although limited.
4. If the site is accepted to be previously developed land, General Policy 3(c) may be relevant which supports the reuse of such land but where it, "...a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment". It is not considered that the application site would meet these tests.
5. There is a question of prematurity - is enough understood about co-ordination of land use/plans for the area? Is the Area Plan sufficiently advanced/this application sufficiently significant to mean applications which do not accord with the draft are premature and the case should be argued at the inquiry? Who/how/when should the airport be considered? On balance, given the need for the infrastructure, the limited size of the site and its location within existing settlement boundaries it is not considered that this application would create pressure for further development or raise issues that would justify refusal as premature or require its delay until work around the airport can be undertaken.

7.2.4 On balance it is considered that the proposal does not comply with the existing zoning or the detail of the exceptions in the Strategic Plan, but given the unusual planning policy situation for the site and need for the proposal it is not considered that this is in itself sufficient grounds for refusal.

### 7.3 Landscape and Visual Amenity

#### 7.3.1 The following is noted.

- o Key historical features in the immediate area of the site include: St. Patrick's Church and medieval crosses; St. Andrew's Church and medieval crosses; and Old airfields at Jurby. No cultural heritage designations affect the site.
- o The landscape character of this area is defined as an "undulating lowland plain" within the Isle of Man Landscape Character Assessment (2008) and the site falls within the Andreas and Jurby areas (F3). The strategy for Jurby is to conserve and enhance the character, quality and distinctiveness of this rural area. The site is not affected by any local landscape designations and is a vacant land parcel surrounded by a mix of urban land uses.
- o Jurby Airfield is designated as an Area of Special Scientific Interest (ASSI) but this overlay does not extend north of the A14, so does not directly affect the site.

#### 7.3.2 The applicant's statement includes:

o "2.18 The reservoir is designed to integrate into the modified grassed landform, obscuring the majority of the concrete structure from view, with the building largely reading as a well landscaped and green structure and this will inherently limit adverse visual impacts on visual receptors. When viewed within the wider site context of the urban environment and the neighbouring industrial uses, the Proposed Development would not be out of keeping with the local landscape character. 2.19 In addition, the form of the design of the development will reflect the existing World War 2 bunkers that are present within the wider site, therefore would be a consistent feature within the local landscape character".

o "7.12 The siting, layout, form and scale of the reservoir building have been designed to integrate into the site and surroundings with landscaping proposed to provide visual screening and enhancement of the service reservoir building and ancillary structures such as fencing. The design has been prepared to take account of identified environmental constraints and surrounding land uses to ensure the reservoir is sympathetic to the local environment".

o "7.20 Regarding visual amenity impacts on residents and properties closest to the site, the abovementioned mitigating factors would ensure that visual amenity is maintained as the design effectively integrates the built form into the landscape. At approximately 3m in height and with a small footprint, the reservoir building is low profile and will not read as a prominent development within this mixed use environment. Views would be very limited, due to its landscaped design with the site adequately distant from sensitive land uses to maintain the visual amenity for the residents".

7.3.3 Although the concerns raised by the objector are noted, it is not considered that the visual/amenity impact of the proposal is sufficient to justify refusal, subject to the mitigation (including landscaping).

#### 7.4 Transport and Access

7.4.1. The advice from DOI Highways is noted and relived upon.

#### 7.5 Ecology and Biodiversity

7.5.1. The advice from DEFA Ecosystems is noted and relived upon.

#### 7.6 Flood Risk

7.6.1. The advice from DEFA Ecosystems is noted and relived upon (although a condition may also be appropriate).

#### 7.7 Other Matters

7.7.1 Although the application is one where a full Environmental Impact Assessment (EIA) would be sought based on the specific wording of the Strategic Plan, given the nature/size of the proposal, site and surrounding area it is not considered that in this specific situation an EIA is required (the applicant's detailed argument in this regard is noted). It is considered that the application as submitted provides sufficient information to be assessed/determined.

7.7.2 The construction impacts/mitigation is noted, but these are not planning issues (other than matters relating to trees/protected species) and any amenity/highways from the construction phase would be a matter for DOI Highways or DEFA Environmental Health.

7.7.3 No other concerns or impacts are identified with regards to other material considerations which would justify refusal.

#### 8.0 CONCLUSION

8.1 On balance it is considered that the proposal does not comply with the existing zoning or the detail of the exceptions in the Strategic Plan, but given the unusual planning policy situation for the site and need for the proposal it is not considered that this is in itself

sufficient grounds for refusal. There is strong policy basis (including the Strategic Plan), for supporting housing and employment growth at Jurby, and infrastructure constraints have been identified which this application seeks to address. The potential visual/amenity, flooding and tree impacts have been sufficiently mitigated and no other reasons for refusal have been identified.

#### 9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

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