



**Isle of Man
Government**

Reiltys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

TOWN AND COUNTRY PLANNING ACT 1999

TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2019

Agenda for a meeting of the Planning Committee, 10th June 2024, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Please note that participants are able to attend in a public meeting in person or virtually via Microsoft Teams. For further information on how to view the meeting virtually or speak via Teams please refer to the Public Speaking Guide and 'Electronic Planning Committee – Supplementary Guidance' available at www.gov.im/planningcommittee. If you wish to register to speak please contact DEFA Planning & Building Control on 685950.

1. Introduction by the Chairman

2. Apologies for absence

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the May 20th 2024.

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 24th June 2024.

PLANNING COMMITTEE Meeting, 10th June 2024
Schedule of planning applications

<p>Item 5.1 Field No. 414697, Ballaman, Ballnahowe Road, Port Erin, IM9 6JF</p> <p>PA23/00750/B Recommendation : Permitted</p>	<p>Erection of two wind turbines</p>
<p>Item 5.2 Capital House, 16 - 18 Circular Road, Douglas Isle Of Man IM1 1AG</p> <p>PA24/00142/C Recommendation : Permitted</p>	<p>Change of use of ground floor restaurant and café spaces from Class 1.3 (Food and Drink) and 1.4 (Hot Food Takeaway) to Class 2.1 (Office)</p>
<p>Item 5.3 Site Of Former Ben My Chree, Queen's Promenade, Ramsey IM8 1BH</p> <p>PA23/01433/B Recommendation : Permitted</p>	<p>Use of the site for the installation and operation of a mobile sauna</p>
<p>Item 5.4 Land Off Stanley Mount, Stanley Road, Peel Isle Of Man IM5 1NY</p> <p>PA23/01452/B Recommendation : Permitted</p>	<p>Creation of two light industrial units, creation of car parking, widening of entrance and landscaping</p>
<p>Item 5.5 Field 434112, Douglas Road, Ballasalla</p> <p>PA23/01364/B Recommendation : Permitted</p>	<p>Proposed erection of three pole-mounted photovoltaic trackers with associated equipment, containers and parking (part retrospective)</p>
<p>Item 5.6 Sea Court, Victoria Road, Douglas</p> <p>PA23/01424/B Recommendation : Permitted</p>	<p>Replacement of existing, derelict three apartment building with a block of six apartments, together with associated parking and facilities and public highway improvements.</p>
<p>Item 5.7 Braddan Parish Commissioners, Close Corran, Union Mills, Isle Of Man IM4 4LZ</p> <p>PA24/00121/B Recommendation : Permitted</p>	<p>Removal of condition one of PA 92/1210 which restricts the use of the property to being only a Commissioners Office</p>
<p>Item 5.8 22 - 28 Riverbank Road, Ramsey , IM8 3PR</p> <p>PA24/00258/B Recommendation : Permitted</p>	<p>Installation of three 9-metre wooden telegraph poles with associated overhead wires</p>

<p>Item 5.9 Thornhill Park, Ramsey PA24/00259/B Recommendation : Permitted</p>	<p>Installation of four 9-metre wooden telegraph poles with associated overhead wires</p>
<p>Item 5.10 The Grange, Clypse Moar Road, Onchan Isle Of Man IM4 5BG PA24/00459/B Recommendation : Permitted</p>	<p>Proposed detached double garage, new driveway and extension to existing residential curtilage</p>

Item 5.1

Proposal : **Erection of two wind turbines**
Site Address : **Field No. 414697**
 Ballaman
 Ballnahowe Road
 Port Erin
 IM9 6JF
Applicant : **Mr Adam Cooke**
Application No. : **23/00750/B- [click to view](#)**
Planning Officer : **Hamish Laird**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The development hereby approved shall be carried out in accordance with the following approved plans;

Ballaman Wind Site Layout Plan - date 03.05.24@ Scale 1:500 - received on 8 May 2024
Drawing No. SD1-06-TW-09-214 SD6 9m ARE Tower System - received on 23 June 2023

Reason: In the interests of visual amenity and nature conservation and to safeguard protected species to accord with the requirements of Environment Policy 1 and 4 in the Isle of Man Strategic Plan 2016.

C 3. Prior to the erection of the wind turbine details of the colour and finish of the tower, rotor and blades shall be submitted to and approved in writing by the Department. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of visual amenity.

C 4. No advertising may be displayed on any of the turbines.

Reason: In the interests of the visual impact of the turbines.

C 5. The permission hereby granted shall be limited to a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid (the 'First Export Date'). Written notification of the First Export Date shall be given to the Department no later than 14 days after the event.

Reason: To ensure that the installed wind turbines and associated equipment, which has a design life of 25 years, remains fit for purpose, and that any new equipment or time

extension for the use of the facility for electricity generation is considered by DEFA Planning in the interests of technological change and visual amenity.

C 6. Within 12 months of the point where the wind turbine permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the wind turbine and its ancillary equipment and infrastructure shall be removed, and the land restored, in accordance with a decommissioning and site restoration scheme which shall first submitted to, and approved in writing by, the Department. The scheme shall be implemented in accordance with the approved details.

Reason: To protect the visual amenities of the area.

C 7. Prior to the erection of the 2 No. wind turbines, a scheme for the monitoring of the impact of the turbine on bats and birds shall be submitted to and approved by the Department. The scheme shall include details of the timetable for the checking surveys and submission of a report detailing detailing the results of the survey. A report detailing the survey results and identifying any mitigation measures required and identifying any mitigation measures required.

Reason: Notwithstanding that the turbines have been re- sited and moved further away from the cliff and hedgerows further details of any potential impact in the interests of nature conservation and to safeguard protected species to accord with the requirements of Environment Policy 4 in the Isle of Man Strategic Plan 2016.

C 8. Prior to the commencement of the development, hereby approved, a specialist technical safeguarding assessment shall be undertaken by and at the cost of the applicant to prove that the proposal has no effect on the navigational aids and operating systems used at and relied upon by the main Isle of Man Airport, Ronaldsway, Isle of Man.

Reason: In the interests of air passenger safety as required by Policy T10 in the Isle of Man Strategic Plan 2016.

C 9. No development shall take place until a cable routing plan has been submitted to and approved in writing by the Department. The route shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and nature conservation and to safeguard protected species to accord with the requirements of Environment Policy 1 and 4 in the Isle of Man Strategic Plan 2016.

Reason for approval:

It is considered that the environmental benefits of the proposed scheme outweigh the limited identified harm to the countryside and to the nearby ancient monument. As such, the proposed erection of erection of 2 No. horizontal axis wind turbines, where the turbines would have a hub height of 9.0 metres, and a maximum tip height of 11.8 metres comply with the Energy Policy 4 and Environment Policy 2. In addition, it is considered that the proposed development would not result in an unacceptable level of harm to the residential amenities currently enjoyed by any nearby dwellings occupants. As such, it accords with the provisions of Policies ST1, ST2, ST3, ST4 c), ST5, SP5, GEN2, ENV1, ENV22, ENV23, T4, T7, and T10 in the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of none of the following properties should be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

Camelot 8 Tromode Close Douglas

The Hon. Juan Watterson BA(Hons) BFP FCA CMgr FCMI FRSA SHK Speaker of the House of Keys.

28 Erin Way, Port Erin

Sea View Bradda Glen Port Erin

5 Bradda Glen Close Port Erin

20 Royal Shore Apartments Promenade Port Erin

Appt 1, Bradda Court, Port Erin

Appt 5, Bradda Court, Port Erin

Baycliffe, Tower Road, Bradda west, Port Erin

17 Royal Shore Apartments Promenade Port Erin

1A Princess Towers Promenade Port Erin

Manchester House Bradda West Road Port Erin

7 Cronk Y Thatcher, Colby, IM9 4LN

167 Clapham Road, London SW9 0PU

Lhie ny Greiney, the Darragh, Port Erin

Ballaqueeny Cottage, Four Roads, Port St Mary - Bay Estates Ltd, owner of Car-Y-Touree, Balnhowe

Whindyke Bradda West Road, Port Erin

Shilley Ny Marrey, Castletown Road, Port St Mary

The Coote Ballnhowe Road Port Erin

Car-Y-Touree Cottage, Balnhowe

Shilley ny Marrey Castletown Road Port St Mary

Brook Cottage, Bradda Road, Port Erin

9 Aigh Vie, Main Road, Colby

The above persons, therefore, do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

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

Manx Natural Heritage

Department of Infrastructure, Airfield Operations, Isle of Man Airport, Ballasalla, IM9 2AS

Planning Officer's Report

THE APPLICATION IS BEFORE COMMITTEE DUE TO THE NUMBER OF REPRESENTATIONS RECEIVED

1.0 THE SITE

1.1 The site comprises part of Field No. 414697 at Ballaman, Ballnhowe Road, (known as Darragh on Google Street View and Mull Road on the submitted turbine location plan). It is located on high ground in the countryside on the south side, and outside the settlement boundary of Port Erin. It lies close to and to the west of a cluster of buildings which accommodates Ballaman. The main house on the holding is substantial originally having been a prominent house and then extended significantly over time. To the rear (south) of this are

farm cottages, farm offices and a helicopter hangar. The site lies approx. 800m south of Port Erin Harbour; and, 400m to the west of the Irish Sea on the south west coast of the Island.

1.2 The land in this area rises up from sea level at Port Erin with the highest point being Meayll Circle 600m to the south, before dropping back down to Spanish Point which is the most southerly point on the Island, with the Calf of Man located approx. 2km to the south-west of the site.

1.3 The site is visible from a very wide area, from Bradda Head through Surby, Ballafesson to Port St. Mary including a view downwards from the Meayll Circle Ancient Monument which is a prehistoric burial of late Neolithic or early Bronze Age.

2.0 THE PROPOSAL

2.1 The full application is for the erection of 2 No. horizontal axis wind turbines. The turbines would have a hub height of 9.0 metres, and a maximum tip height of 13 metres. They would be mounted on tubular steel towers without guy wire supports. The spacing between the two turbines would be no less than 25 metres. The wind turbines would be for the provision of electricity to Ballaman only, and would be connected by a cable running from Turbine 2 (T2) to the house's plant room, for an approximate distance of 90 metres. The cable would be laid below ground at a depth of not less than 1 metre.

2.2 The wind turbines would be grey in external colour, in common with most commercial wind turbines, but could - subject to imposition of a planning condition - be repainted with any external finish. They would typically have pad foundations measuring approximately 2.6m × 2.6m × 0.9m depth, although a 'root' or piled foundation option is also available. Ground conditions at the site indicate that a 'pad' foundation would be adequate. The turbines would be sited at an elevation of approx. 97m AOD, and sited approx. 100m west of Mull Road.

2.3 The applicant advises that a range of wind turbine models may be suitable for the Site, and the final choice of turbine model would be selected through a competitive procurement process. This means that no actual design details of the actual turbines to be erected, details of their electrical output, and no assessment of their actual noise output have been provided. The design life of the turbines sought is at least 25 years. This is standard for small-scale wind turbines. After this period, the turbines can be decommissioned and the land reinstated to its original condition, or a further application for 'repowering' could be submitted to the Department.

2.5 Subsequent to comments received from DEFA Ecosystems Policy Officer, an assessment of the possible or likely impact on birds has been provided to accompany the application.

2.6 The application is supported by a full set of plans and drawings; a Preliminary Ecological Appraisal Report by Atmos Consulting Ltd dated January, 2024; A Shadow Flicker Plan; Noise Contour Plan; A Terrain Section to the Airport; Planning Statement; Constraints Plan; and, a Ballaman Potential development Areas Plan; plus various Viewpoints (16 in total) and a Viewpoints Plan.

2.7 The Site Layout Plan was amended on 8th May, 2024, to reflect comments received from DEFA Ecosystems Policy Officer. The proposed site of the wind turbines was shown as being moved slightly away from the sites boundary hedges with no changes to the area of the site edged red. The change reflects the 30m standoff from hedges that Ecosystems Policy Officer requested.

3.0 PLANNING HISTORY

3.1 The site has been the subject of a number of applications which have sought and gained approval for alterations and extensions of the house and the creation of storage and hangar facilities for the applicant's helicopter all of which have increased the impact of the development albeit arguably improved the quality and character of the buildings on the site.

Alterations have also been approved to the two entrances to the site from the Balnahowe Road. None of these are considered relevant to the consideration of the current application. What has approval is what can be seen on site or thereabouts.

3.2 PA 14/00632/B for the erection of three 10 Kw wind turbines in Field 414526 at Ballaman Refused for the following reasons:

1. It has not been demonstrated that the installation will not adversely affect the operation of the Isle of Man Airport with a resultant potential significant harm to aircraft safety, contrary to Transport Policy 10 of the Strategic Plan.

2. The visual impact would be so harmful on the surrounding environment, from Port Erin and its surrounding hinterland and particularly as viewed from the coastal footpath and the higher perspective from the Mull Circle as not to be outweighed by the environmental benefits of the scheme and would therefore be contrary to Environment Policies 1 and 2 and General Policy 3 all of the Strategic Plan and Landscape Proposal 10 of the Area Plan for the South.

3.3 The Decision Notice was dated 06.04.2017. No appeal was received.

3.4 22/00397/B - Installation of ground mounted solar array at Ballaman - site to south of Ballaman House - permitted - 7/9/22. This site lies adjacent, to the west and north of the current 23/00750/B application site for 2 No. Wind Turbines.

4.0 PLANNING POLICY

4.1 The application site is not within an area designated for development, under the Isle of Man Development Plan Order 1982. The site is not within a Conservation Area; but is within an area zoned as High Landscape or Coastal Value and Scenic Significance.

4.2 Under the Landscape Character Assessment the site falls within F7 The Lhen undulating lowland plain, which is characterised as 'an area of predominantly arable farmland, which comprises a mixture of small to medium, relatively regular rectangular fields... The landscape is flat to gently sloping and falls from north to south towards the sea. At the western end of the area, a low ridge (or spur) rises to meet the coast, and overlooks Cronk y Bing, within the adjacent area of Smooth Coastal Strip (at which point, the coastline falls more steeply down towards the sea than within shallower areas of foreshore further to the east)... Settlement pattern is scattered and relatively isolated, with several single farmsteads and houses (many in traditional vernacular style). Other than these buildings, there are few vertical elements within the area. Open and glimpsed views, northwards to the sea (and of areas of adjacent Smooth Coastal Strip) can be gained from several locations along the A10, and views southwards are framed by a distant backdrop of Upland horizon...'

4.3 The Strategic Plan contains advice on the installation of renewable energy facilities as follows:

Paragraph 12.2.8: "The Department is fully supportive of the need to secure greater energy efficiency in new and existing development and has recently introduced additional energy efficiency requirements in the Building Regulations 2003."

4.4 In the strategic Plan 2016, the following Policies are of relevance:

General Policy 2 indicates that:

"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, 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."

Environment Policy 1 states:

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

Environment Policy 2 states:

"The present system of landscape classification of Areas of High Landscape or Coastal Value and Scenic Significance (AHLV's) as shown on the 1982 Development Plan and subsequent Local and Area Plans will be used as a basis for development control until such time as it is superseded by a landscape classification which will introduce different categories of landscape and policies and guidance for control therein. Within these areas the protection of the character of the landscape will be the most important consideration unless it can be shown that:

- (a) the development would not harm the character and quality of the landscape; or
- (b) the location for the development is essential."

Energy Policy 4 states "Development involving alternative sources of energy supply, including wind, water and tide power, and the use of solar panels, will be judged against the environmental objectives and policies set out in this Plan. Installations involving wind, water and tide power will require the submissions of an Environmental Impact Assessment."

4.4 Environment Policy 24: "Development which is likely to have a significant effect on the environment will be required:

- i) to be accompanied by an Environmental Impact Assessment in certain cases; and
- ii) to be accompanied by suitable supporting environmental information in all other cases."

4.5 Appendix 5 sets out further information and lists developments which will automatically require an Environmental Impact Assessment, including:

- (c) Energy industry
 - o Thermal power stations and other thermal installations
 - o Surface storage of natural gas
 - o Underground storage of combustible gases

- o Surface storage of fossil fuels
- o Industrial briquetting of coal and lignite
- o Installations for the harnessing of wind power for energy production

4.6 The means of assessing the impacts (good and bad) of a proposed development on the environment, prepared by, or on behalf of, the developer/applicant. An EIA should aim to ensure that the planning decision is made in the knowledge of all the likely environmental effects of the development, and of the proposals for mitigating adverse effects and enhancing positive effects.

4.7 Transport Policies T4 and T7 relating to access to the site from the road network; and, on-site parking and turning provision, are of relevance. Transport Policy T10 relates to the location and nature of development in and around the Island's airports, airfields, and air traffic control sites will be controlled in a manner which ensures that the safe and efficient use of these facilities by aircraft is not compromised.

4.8 Other relevant policies and strategies;

Climate Change Act 2021 completed its passage through Tynwald in April 2021 and subsequently received Royal Assent in December 2021. The Act requires a statutory five-year Climate Change Plan to be in operation at all times, ensuring a clear direction for the Island to achieve net zero carbon emissions by 2050.

The Climate Change Action Plan 2022-2027 was subsequently produced and published in July 2022 and outlines the actions Government must take to cut emissions over the next five years, so the Island remains on track to be net zero by 2050. The plan assigns a percentage emission reduction target to six policy areas, including energy, transport and agriculture that must be met.

Some of the major actions include:

- o The provision of carbon neutral electricity supply by 2030
- o Bringing forward building regulations to ensure 97% energy efficiency in new buildings
- o Seeking to bring forward a ban on fossil fuel heating systems in new builds to 2024
- o The installation of 20MW of local renewables by 2026
- o Future introduction of further support for homeowners and tenants to aid the transition
- o The setting of a new interim emissions target of 35% by 2030.

5.0 REPRESENTATIONS

5.1 Arbory and Rushen Parish Commissioners (24/7/23) comments:

"In relation to the following application for wind turbines at Ballaman, the Commissioners felt this was overdevelopment of an already highly developed site. It was further felt that the development would have a visual impact so harmful on the surrounding environment as not to be outweighed by the proposal's environmental benefits and be contrary to the relevant Environmental and General Policies and the relevant Landscape Proposal of the Area Plan for the South."

5.2 Port Erin Commissioners (9/8/23) comments:

"The Board of Port Erin Commissioners considered the above application at its meeting held on 8 August 2023 and has resolved to request interested party status due to the proximity and potential impact to the village district of Port Erin. The Board will also seek to consult with residents prior to submitting a formal view on the proposals."

5.3 No further comments had been received from Port Erin Commissioners by the Report drafting stage (29/5/24).

5.4 DOI Highways Services (14/7/23) comments:

"23/00750/B - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and /or parking, subject to a construction traffic management plan being agreed before construction outlining routing, manoeuvring and access of large vehicle construction traffic."

5.5 DEFA ecosystems Policy Officer (24.3.24) comments:

"The Ecosystem Policy Team currently object to this application.

There is a significant amount of scientific evidence that shows that poorly positioned and inappropriately-sized wind turbines, even relatively small turbines, can have hugely detrimental impacts on wildlife, particularly to birds and bats from collision deaths. As such, ecological reports and assessments should typically form a fundamental component of planning consents involving wind turbines. However, this consideration does not appear to have been undertaken for this application.

The Ecosystem Policy Team understand the importance of, and is very supportive of utilising renewable energy sources as part of the solution for climate change, which in itself will continue to have devastating impacts on wildlife. However, this does not negate the need to make thorough considerations into the potential impact of local wind turbine installation and the requirement to mitigate any impacts to ensure that installation will not result in a net loss for biodiversity on site.

The importance of ecological surveys is even more important due to the proximity of the site to cliffs used by nesting seabirds, use of the site by choughs, likely use of the site by birds of prey, the proximity to Port Erin Bay Marine Nature Reserve (MNR), proximity to Meayll Coast Wildlife Site, and relative proximity to the Calf of Man Bird Observatory which is a site of importance for birds, particularly migrating birds, on the Isle of Man.

Marine Nature Reserves are designated under the Wildlife Act 1990 for the purposes of conserving marine flora, fauna, geological or physical features of special interest, or providing opportunities to study or research such features. Port Erin Bay MNR was designated in 2018 with a list of conservation features (habitats and species) which form the basis of the individual MNR designation. For Port Erin MNR, these conservation features included the birds shag, fulmar, gannet and gulls. Gulls in particular from this list, are mostly likely to be impacted by wind turbines in this area, as they often forage and roost on coastal grassland areas. Some species of gull are Red listed on the Birds of Conservation Concern on the Isle of Man, and are therefore are of greatest conservation concern.

It was acknowledged in the 2014 Planning application for Ballaman that 2 pairs of chough regularly bred within 500m of the proposed turbine site, that there is also a significant chough population in the wider area, and that the fields within the site are likely to be used by feeding and commuting chough. As such, it was determined that they could be at significant risk from collision with turbine blades.

The Ecosystem Policy Team does not currently have possession of the bird data for this area, but we are aware anecdotally that large numbers of chough are still present in the local area and it is likely that chough are still breeding in the vicinity and therefore they will need to be thoroughly considered. Red-billed Chough are listed on Schedule 1 of the Wildlife Act 1990, and amber listed on the Birds of Conservation Concern on the Isle of Man. It is also important to note that the Isle of Man is a stronghold and home to a significant proportion of the UK's Chough population, which is extremely limited in its range.

Looking at the previous application for the turbines at Ballaman, it seems that chough were the only bird species given consideration, but we now deem this inadequate and believe that much greater bird consideration is required, including use of the site and likely impacts upon birds of prey. Meayll Coast Wildlife Site is located around 300m away from the proposed turbine site. Wildlife sites, though not statutorily designated or recognised by law, are nonetheless sites of high wildlife value which should be recognised through the planning system (see Environment Policy 4 below). More information about Wildlife Sites can be obtained from the Manx Wildlife Trust. Wildlife sites are selected on the basis of a set of criteria and in the case of Meayll Coast, the criteria which the site fulfilled included the following:

C10. All stretches of maritime hard cliff that supports important colonies of seabirds.

B1. All important Manx sites for all bird species (seabirds excluded, see below) for which the Island is known to hold, or has recently held, at least 0.5% of the British Isles breeding and/or wintering populations, ie:

- Hen Harrier
- Curlew
- Peregrine
- Whooper Swan
- Chough

We therefore request that a Preliminary Ecological Appraisal (PEA), adhering to CIEEM (2017) Guidelines for Preliminary Ecological Appraisal (2nd edition), be undertaken by a suitably qualified ecological consultancy and a report be submitted to Planning prior to determination of this application. The PEA must incorporate breeding, wintering and commuting bird surveys and bat activity surveys.

Should the PEA and surveys determine that habitats and species of importance are present and will be negatively impacted by the installation of the wind turbines then a mitigation plan for their protection during and after the development, as well as any necessary avoidance and compensation measures, must be submitted to the Department for written approval prior to the determination of the application. Surveys should be undertaken in line with best practice guidelines. The recommended mitigation measures may include the relocation of the turbines on site.

Submission of reports prior to determination of this application is in line with UK best practice guidelines, as referred to in Section 9.2.4 of the British Standard Biodiversity - Code of Best Practice for Planning and Development (BS 42020:2013). Which states: "The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances, such as where original survey work will need to be repeated because the survey data might be out of date before commencement of development, etc."

Further relevant information in relation to ecological surveys on the Isle of Man, and DEFA Policies can be found here;

Isle of Man Strategic Plan 2016

Strategic Objective 3.3

- (b) To protect, maintain and enhance the built and rural environment (including biodiversity)
- (i) To protect the countryside and coastal areas for their own sake.

Strategic Policy 4:

Proposals for development must:

(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations;

General Policy 2:

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:

(d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;

Environment Policy 4:

Development will not be permitted which adversely affect:

(b) species and habitats of national importance:

(i) protected species of national importance or their habitats;

(ii) proposed or designated National Nature Reserves, or Areas of Special Scientific Interest; or

(iii) Marine Nature Reserves

(c) species and habitats of local importance such as Wildlife Sites, local nature reserves, priority habitats or species identified in any Manx Biodiversity Action Plan which do not already benefit from statutory protection, Areas of Special Protection and Bird Sanctuaries and landscape features of importance to wild flora and fauna by reason of their continuous nature or function as a corridor between habitats.

Environment Policy 5:

In exceptional circumstances where development is allowed which could adversely affect a site recognised under Environment Policy 4, conditions will be imposed and/or Planning Agreements sought to:

(a) minimise disturbance

(b) conserve and manage its ecological interest as far as possible; and

(c) where damage is unavoidable, provide new or replacement habitats so that the loss to the total ecological resource is mitigated.

Managing our Natural Wealth, The Isle of Man's First Biodiversity Strategy 2015

Strategic Objective 2

By 2025 Government will lead by ensuring biodiversity conservation is being considered in all relevant areas of policy and decision-making, actively encouraging good practice and adopting all appropriate incentives to support biodiversity.

Government leading by example Action 7

By 2022 embed proper consideration of biodiversity and ecosystem services in all relevant policy and decision-making to facilitate Government's commitment to biodiversity.

Site protection Action 19

From 2016, when assessing developments on or adjacent to protected sites, there will be increased consideration of biodiversity and environmental sustainability.

Habitat loss action 21 DEFA will continue to promote a policy of 'no net loss' for semi-natural Manx habitats and species and ensure that unavoidable loss is replaced or effectively compensated for.

5.6 Manx Natural Heritage (19/7/23) comments:

"I write on behalf of Manx National Heritage ('MNH'), whose statutory responsibilities pertaining 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.

Having read through the briefing notes made in the ecological mitigation strategy which was submitted in January 2017, in order to support a previous application for wind turbines at Ballaman, it is clear that the area of proposed development is important to bird life, particularly red billed choughs. This ecological mitigation report proposes a small number of strategies that will deter red billed choughs from the immediate area surrounding the turbines which we would like to see incorporated into any future approval.

We also have further concerns that the application does not consider an up to date appraisal of bird migratory routes for the site, especially as it is in such close proximity to the Calf of Man which is a known migration hot spot for birds. We would also like to see that correspondence with the Manx Bat Group has taken place in order to rule out any potential effects on bat feeding or migratory routes.

Whilst MNH support the principle of renewable energy we would like to see further information requested above, regarding avian and bat migration routes, in order to be able to make an informed decision about this application. We very much urge the applicant to contact the relevant organisation on the Island such as Manx Bat Group and Manx BirdLife before proceeding with this proposal."

5.7 Isle of Man Airport - Airfield operations (3/8/24) comments:

"We would like to register the Airport's formal interest in this proposed development on the grounds of flight safety.

We have been working in conjunction with the developer. We have undertaken a physical safeguarding assessment and are satisfied that the current proposal does not penetrate any of our protected surfaces.

We would, however, require a specialist technical safeguarding assessment undertaken at the cost of the applicant to prove that the proposal has no effect on our navigational aids as a condition of any planning consent."

5.8 THIRD PARTY REPRESENTATIONS

PA23/00750/B - 2 Wind Turbines at Ballaman, Third Party Representations

SUPPORT

o Camelot 8 Tromode Close Douglas - I own a flat on Port Erin prom ,Ocean castle drive , Imperial heights . I have no objection

OBJECT

o Car-Y-Touree Cottage, Balnhowe - 220 metres to the south-east of the proposed site.

No EIA

Noise from turbines will be 40dB(a) at Car-y-Touree

Visual impact

Several footpaths used by ramblers whose visual experience would be negatively impacted by the visibility of the turbines and noise emissions therefrom

Negative impact on birds from the Turbines

The negative aspects of the development would outweigh the low level, intermittent power generated by the turbines.

o Car-y-touree Cottage, Ballnahowe, Port Erin

1. Threat to Birds on the Red List:

2. Impact on Birds on the Amber List:

3. Impact on Bats:

4. Environmental Concerns: disrupting cherished landscapes and causing harm to local flora and fauna.

5. Impact to Views: The proposed wind turbines would dramatically alter the character of the area and may diminish the natural charm that draws people to this rural countryside. ... It is

imperative that such initiatives never come at the expense of our local wildlife, environment, and community. I trust that the Planning Committee will give these concerns the careful consideration they deserve before making any decisions on this application. The environment, wildlife, and community's well-being should be paramount in all planning decisions and remain our top priority.

o 28 Erin Way, Port Erin - What and who and how many local people will these two eyesores benefit? Not convinced of any beneficial value to port Erin residents.

o Sea View Bradda Glen Port Erin - Wind turbines would be an eyesore and may also have a serious effect on bird life. They would also be between the Calf of Man bird observatory and the main island and there could be danger to the migratory birds.

o 5 Bradda Glen Close Port Erin - This will be very unsightly in an area of outstanding natural beauty - Port Erin is already becoming very overdeveloped.

o 20 Royal Shore Apartments Promenade Port Erin -

1. Approval is likely to create a precedent and other property owners may follow suit.

2. Even more danger to birds.

3. Possible distraction for approaching planes

4. The property is often floodlit in evenings and at night time. The potential flickering of the lights due to the proposed turbines would be most unpleasant.

o Appt 1, Bradda Court, Port Erin - Ballaman is a blot on the lands cape with or without planning permission. The turbines rea a step too far.

o Appt 5, Bradda Court, Port Erin - I object to the wind turbines for the following reasons:- The visual impact these will have on an area of outstanding beauty which needs protection, being home to the ancient burial ground at Meayll Hill and a UNESCO World Heritage Site. The severely detrimental effect on wildlife, flora, fauna and bird life. A severely negative contribution to the environment, being visible and dominating the sky line, from Bradda Head, Port Erin, Cregneash, the Coastal Path, The Sound and The Calf. If this application were to be approved a precedent would be in place for every household in the Island to install wind turbines on their properties. Totally ruining the feel of an Island that prides itself on its beautiful, historic links with the past - for example, would Laxey Wheel be as charming, backed by a sea of wind turbines? I realise I am past the deadline for my objection, I have been off Island. However, please may I ask that you could consider my objections?

o Baycliffe, Tower Road, Bradda west, Port Erin

1 Damage to landscape Character and visual impact

2 Inappropriate over development.

3 Long term damage to the local economy due to fewer tourists coming to the area because 1 of the 2 headlands framing Port Erin would be despoiled and would reduce Port Erin's visitor appeal.

4 Adverse cultural impact - Impact on Bronze Age circle at Meayll Hill and views from Meayll Hill are uninterrupted and spectacular, towards the green Bradda Headland , across Port Erin Bay.

5 Safety issues regarding helicopter movements

6 Precedent - would lead to further wind turbine development

o 17 Royal Shore Apartments Promenade Port Erin -

(1) Impact to Wildlife We learned that there's far less Seagulls over the years in Port Erin and we should protect their existence by not interfering with their nesting sites near Ballaman. We should work together by giving birds space to breed and not putting up wind turbines that could kill them.

(2) View destruction and degradation putting up wind turbines will be an eyesore and visual pollution on the natural beauty of Port Erin. This would degrade the landscape aesthetically. We should not spoil the beautiful hill along the bay. We should restrict wind turbines in imposed areas like Port Erin which is UNESCO Biosphere that's protected in law.

o 1A Princess Towers Promenade Port Erin -

"This installation would spoil a protected scenic area and culturally important landscape. Adversely affect wildlife both directly via collision as well as indirectly due to changes in noise pollution and air pressure causing habitat loss and reduce survival rates. We as an island are trying to attract and increase the recovery of vulnerable species, numbers are down due to various reason, this I fear will only help continue this trend. The island is one of the few places that has no pylons or wind turbines which attracts tourism and benefits residents. I appreciate the need for clean energy but this installation seems to benefit just one person, the applicant."

o Manchester House Bradda West Road Port Erin

- same concerns as Baycliffe above expressed in context of Strategic Plan policies and Landscape Character Assessment "Cregneash and Meayll Peninsula (H4)"

o Lhie ny Greiney, the Darragh, Port Erin

Our main reason is the visual impact and amenity in an area of outstanding beauty and huge historic significance for the Isle of Man. One of the greatest assets of the Isle of Man from both a quality of life and visitor economy is the appeal of our natural and unspoilt environment, especially coastal aspects. Ballaman's location is coastal and highly visible from a wide area in the south and siting these turbines will create a significant and negative visual impact.

The Meayll Circle is one the Islands most outstanding Neolithic sites. The chambered cairn is recognised as one of the most exceptional within the British Isles. Its openness and rugged appearance is of vital archaeological importance and should be conserved in its most natural environment.

We also have concern regarding the noise element that is generated from turbine activity and believe consideration must be given to the potential change in flight path for the personal helicopter housed at Ballaman. Not to mention potential effect on Ronaldsway flight radar and navigation.

One final point of concern is birdlife. The area is awash with numerous varieties of seabirds. One tourist recently told me they spotted some 27 different types within one day. Just the other day I spotted two Ravens with a chick that was a joy to view soaring above Port Erin bay and then seen them head to a nest near Ballaman. Turbine's are an inherent danger to any birdlife.

Lastly we noted previous similar application of April 2017 and decision notice to refuse was based on two issues. Namely Transport policy 10 and Environment Policies 1 and 2 and General Policy 3 all of the Strategic Plan and Landscape Proposal 10 of the Area Plan for the South. According to your Senior Planning Policy Officer "since this (2017) determination there have been no changes in planning policy in either the (Southern) Area Plan or Strategic Plan that would constitute a change in policy regarding wind turbines". Therefore we respectfully believe this application should also be refused

o Ballaqueeny Cottage, Four Roads, Port St Mary - Bay Estates Ltd, owner of Car-Y-Touree, Balnhowe - 220 metres to the south-east of the proposed site.

No EIA

Noise from turbines will be 40dB(a) at Car-y-Touree

Visual impact

Several footpaths used by ramblers whose visual experience would be negatively impacted by the visibility of the turbines and noise emissions therefrom

Negative impact on birds from the Turbines

The negative aspects of the development would outweigh the low level, intermittent power generated by the turbines.

o Whindyke Bradda West Road PORT ERIN

1. Unacceptable Visual & Noise Impact

The landscape of Port Erin is valued by many people as an important economic asset and something that greatly contributes to the quality of life on the Island, as evidenced by the numerous photographs used by the IoM Tourist Board of the Port Erin bay & towards the Calf of Man. Two 12m wind turbines will have a significant visual impact on this sensitive coastal location, and they would be visible from an extensive area of Port Erin and Bradda Head and the Coastal Path.

In addition, new studies find that night-time 'swoosh' sound from wind turbines is also likely to be heard by neighbouring residents up to five times more often than during day-light hours, depending on wind direction, season and wind farm distance. When coupled with the night time light pollution from the constantly changing coloured floodlighting of the house the visual appearance & tranquil nature of this rural location is being significantly compromised.

2. Impact to Wildlife

The turbine blades would be a great danger to the many sea birds which nest in the nearby cliffs.

3. Misleading Green Claims

The Applicant seeks to emphasise the "Green Credentials" of the Application, however from the information provided I believe the proposed turbines will not be feeding into the national grid however instead they will be for the benefit of just one individual, sadly at the expense of the whole community.

An overall view is that the visual, audible impact on the countryside and the impact on the local birdlife, I believe this proposal would potentially impact the viability of the IoM continuing as a UNESCO site.

o Manchester House Bradda West Road Port Erin -

1. Unacceptable Visual Impact in Open Countryside

2. Potential Impact on Local Seabird Population

3. Unacceptable Impact on the Setting of Archaeological Remains on Mull Hill and Meayll Peninsula

4. Potential Impact on the Air Navigation Radar for the Isle of Man (Ronaldsway) Airport

5. Safety Concerns about Operation of Helicopters from Ballaman Currently the private helicopters regularly using Ballaman usually approach the helipad from the coastal side. If the wind turbines are erected, I believe that more flights will approach over Port St Mary and Port Erin to avoid the turbines - this will result in an increase in the noise and disturbance from the helicopters already being experienced by the residents of Port St Mary and Port Erin. Our concerns are further heightened by recent plane crash at Bradda Head. 6. Precedence Created for Onshore Wind Farms in the Isle of Man

6. Precedence Created for Onshore Wind Farms in the Isle of Man

7. Concerns about the Information Supplied with the Planning Application

a) The wind turbines are described as being 13m in height, this is 43 feet high or thereabouts, yet the drawings of the wind turbines show different dimensions.

b) How many wind turbines are proposed - the application form states two yet the planning statement says three.

c) Using the above measurements, the visual impact drawings from selective viewpoints appear to be inaccurate. The wind turbines appear to be too small when compared to the existing buildings at Ballaman. Also their visual impact is diminished as they are shown as faint images which blend into the background. The applicant should be asked to prepare new accurate visual drawings and photomontages.

d) Due to the nature and location of the proposal an Environmental Impact Assessment should have been submitted with the Planning Application in accordance with Strategic Plan Environment Policy 24:- "Development which is likely to have a significant effect on the environment will be required:

i) to be accompanied by an Environmental Impact Assessment in certain cases; and
ii) to be accompanied by suitable supporting environmental information in all other cases." The accompanying list of proposals requiring an Environmental Impact Assessment is set out in the Strategic Plan Appendix 5, which states:- "It is proposed that the following types of development would require EIA in every case:.....Installations for the harnessing of wind power for energy production".

As there is no Environmental Impact Assessment, the applicant has failed to demonstrate which alternative sites have been considered. I do not believe that the planning statement and accompanying documents satisfies the legal requirement for an Environmental Impact Assessment.

In addition, I understand that the planning application site notice has been placed behind one of the statues in the grounds of Ballaman and is not clearly visible from the public highway on Ballnahowe Road.

Given the numerous contradictory errors within the planning application and documents, and the failure to display the yellow site notice correctly, I would like to query whether this is a valid planning application and request that the contradictions highlighted should be clarified and the 21 day consultation period should be extended.

o Brook Cottage, Bradda Road, Port Erin -

The site has been the subject of a number of planning applications over the years, including for wind turbines, and is now a massive complex of buildings, including a helicopter hangar and heliport.

Previous applications 14/00632/B for wind turbines submitted 21/4/14, and a slightly amended one in September, 2016, have previously been refused.

The proposed wind turbines on the Mull Peninsula in an area of exceptional natural beauty would be visible from many angles and for several miles, and would dramatically alter the character of the area and may diminish the natural charm that draws people to this rural countryside.

The turbines will only provide power for the applicants home and not for any communal benefit via the national grid

Endorse Arbury and Rushen Commissioners view that this is an overdevelopment of an already highly developed site, and the visual impact vis so harmful on the surrounding environment that its environmental benefits do not outweigh the visual harm that would be caused as a result of the development.

o The Coote Ballnahowe Road Port Erin -

1. Previous applications

We have reviewed the previous applications and objections for similar proposals at the site. The objections made previously have not been fully addressed and remain just as relevant to this application.

2. Adverse impact on nature conservation interests

The area surrounding Ballaman is that of great natural beauty of which the proposed development will have a great detrimental impact, and on that of the local wildlife. While the planning and design statement suggests that Ballaman will provide some shelter, the proposed height of 12m and span of 5.6m would clearly still be visible from many vantages and will alter the landscape from Meayll Hill ancient burial grounds across to Bradda head.

3. Noise pollution.

We have attached a map of the area produced using the IOM Government mapping system. This shows the proposed development site marked in red, our property 'The Coote' and the distance between the two. Living in a rural location is generally peaceful and we have great concerns about noise pollution; a constant noise from the turbines when operating. On the Noise Contour plan provided within the application (document ref 2300750B APL Noise Contour Plan), our property is situated within the band of 40 to 45dB range.

We are not against the use of renewable energy providing it is not to the detriment of the local area. Please accept our apologies for what we consider a later than ideal submission to the department with the closing date for representations being only a couple of days away.

We only became aware of the planning application on 31/07/2023 when somebody made comment about it. We pass Ballaman daily and had not seen the notice. Upon inspection of the notice it became apparent that the notice is not clearly visible from the highway as it should be in-line with the Operational Policy on Publicity of Planning Applications, Jan 2023. Please see enclosed photographs for your information.

- o Shilley Ny Marrey, Castletown Road, Port St Mary -
Site of Great Natural Beauty - The turbines pose a threat to the Islands status as a UNESCO Site;
Wildlife and Seabirds - the blades will pose a threat being so close to the calf of man and disturbance arising from construction;
Over development of the site
Historic and Archaeological impact - Views form Mull Hill Stone Circle and Meayll Peninsula would be significantly disrupted
Safety issues regarding helicopter movements
Precedent
Contrary to government Policy
Unnecessary - they would only serve Ballaman which already has an electricity supply and electricity usage can be controlled would be a waste of valuable resources

- o Shilley ny Marrey Castletown Road Port St Mary -
The site is not remote, it is an area of outstanding natural beauty and is enjoyed by residents and tourists alike. The island is a Unesco site.
It is close to a Historical and Archaeological site - Mull Hill stone circle and Meayll Peninsular are significantly important.
There will be a negative impact on wildlife and birdlife, both resident and migratory species. Both by the building works and the blades of the turbine. The site is already vastly overdeveloped, impacting on beautiful costal views, dark skies tourism, noise and UNESCO status.
This planning application is not in line with Government policies and strategies or the Southern Plan.
Precedent.
Once allowed it will be difficult to prevent other developments in sensitive areas. The turbines are non-essential, as Ballaman has electricity supply and is another example of superfluous waste at this site.
The planning application contains many inconsistencies eg heights of turbines and the drawings and images are imprecise and unreliable.
The Planning application notice was badly displayed. The notice could not be read from a public highway.

- o 9 Aigh Vie Main Road Colby -
Threat to birds and bats Over time, Meayll Hill has become a habitat for several bird species listed on the Red and Amber List, these include gulls, kestrels, linnets, and meadow pipits.
Environmental Concerns and cultural heritage - disrupting cherished landscapes and causing harm to local flora and fauna.
Power from the turbines would only benefit Ballaman and would not be for any communal benefit via the national grid
Previously this application has been made and rejected. I trust that the Planning Committee will, again, carefully consider the submissions. The environment, wildlife, and community's well-being should be paramount in all planning decisions and remain our top priority.

- o 7 Cronk Y Thatcher, Colby -
The turbines would have a detrimental visual impact on an area of outstanding natural beauty and would significantly impair a lovely landscape. The Meayll peninsula is a lovely area and should be protected against further development, particularly as it is not zoned for development.

This application is contrary to many of the policy principles laid out in the Strategic Plan including the policies regarding development on unallocated sites, the protection of the open countryside, the harm it would do to the character and quality of landscape as well as the disruption that would be caused environmentally.

There would be significant levels of both noise and light pollution.

The turbines would also have a detrimental impact on both bird and wildlife in the area due to noise and turning blades.

I cannot believe that the benefit of the very limited amount of power generated by two turbines could in any way outweigh the negative impacts that such an unneighbourly, unsightly and noisy could have on a beautiful and peaceful area enjoyed by many walkers, cyclists and visitors, including myself.

From further afield

- o The Hon. Juan Watterson BA(Hons) BFP FCA CMgr FCMI FRSA SHK Speaker of the House of Keys - Object.

Please note my correspondence of 2014 and 2016 regarding similar applications at Ballaman. Having reviewed the planning application, I believe the points made then are every bit as applicable as they are now and I would appreciate these being taken into consideration in determining this application.

I should point out that I would be more sensitive to this proposal if the turbines were feeding into the national grid creating communal benefit, rather than for one individual. However, I do not believe this is the case.

- o 167 Clapham Road, London SW9 0PU - frequent visitor and a part time resident of Port St Mary

1. The view and visual impact these would make would be substantial. Plus there are footpaths close by used by locals and visitors.

2. They would affect the local wildlife. Plus they are high-up and bird flights to and from The Calf might be affected.

3. The noise pollution they would create for the neighbours in an area of historic significance and natural heather and gorse.

6.0 ASSESSMENT

6.1 The key issues are whether there are any adverse environmental impacts from the turbines and their operation on the visual character and appearance of the area, the local ecology, the living conditions of those in any dwellings in the area, the safety of the operation of the Island's principal Airport or any site of archaeological interest or importance and if so, whether the environmental benefits of harnessing renewable energy in this case, outweigh these concerns. These are dealt with in turn as follows:

- o Environmental Impact Assessment (EIA)
- o Visual character
- o Ecology
- o Impact on the living conditions of those in any dwellings in the area
- o Impact on the safety of the operation of the Island's Principal Airport
- o Impact on any site of archaeological interest or importance
- o Whether the environmental benefits of harnessing renewable energy in this case, outweigh these concerns
- o Conclusion

Environmental Impact Assessment (EIA)

6.2 The question of whether a formal Environmental Impact Assessment (EIA) is required to inform the application is raised. Nowhere in the applicant's submission has this prospect been covered.

6.3 Strategic Plan Environment Policy 24 indicates that EIA will be required in certain cases. Paragraph 7.18.2 of the main text of the SP clarifies that in some cases EIA will be required in every case (Paragraph A.5.2 of Appendix 5 sets out the cases) and in other cases will be required depending on the nature of the proposal/area (thus paragraph A.5.2 of Appendix 5 is akin to "Schedule 1" development in the UK). This indicates under Section (c) Energy Industry, (inter alia) that:

- o Installations for the harnessing of wind power for energy production require an EIA.

6.4 However, an important distinction between the Isle of Man and UK is that in the Isle of Man, the requirement for EIA comes from policy rather than legislation. A proposal which is listed under A.5.2 and does not have an EIA would not be in accordance with Strategic Plan Environment Policy 24. Therefore, in theory, a planning application could be submitted without an EIA for a type of development listed in A.5.2 and still be validated/processed. A judgement on the validity of the application is, therefore, required.

6.5 In this case, if this were the UK, the proposed development would not constitute a schedule 2 development as defined by Regulation 2(1) (3)) as it is not on a site measuring more than 0.5 hectare, it does not have 2 or more turbines, and the wind turbines do not have a hub height of 15 or more metres.

6.6 In making a judgement, which is allowable in the Manx Planning System and current legislation, the proposed development is not considered to be formal EIA development due to its limited size. Overall, the easternmost part of field 414697 is estimated to constitute 7,000m²; the estimated land required for wind turbine foundations is 13.52m² based on two 6.76m² foundation pads, or 0.19% of the total area. If the land required for the approved solar panels is also included (754.82m²), then the combined land required to deliver the approved solar panels and wind turbines will be 10.97% of the total area. This is less than the 0.5ha threshold for Schedule 2 EIA development in the UK. The small area of the site, the relatively small-scale (2 No. wind turbines of 9.0m hub height and a max. 11.8m high to the turbines blade tip), represents a small-scale development. Furthermore, the applicant has submitted a considerable amount of information that would be required as part of any EIA in order to inform the application, and this is judged to be of an acceptable standard. Therefore, a formal EIA is not required for the application to be considered and determined as submitted.

Visual character

6.7 The site forms part of a field located to the west of Ballnahowe Road, (also known as Darragh) and to the south of the entrance drive to Ballaman. The land holding at Ballaman extends to the west to a headland which overlook a populated bay at Port Erin which provides a range of facilities for residents and visitors alike. It is screened from the roadside by the existing entrance walls to the drive serving Ballaman and by the roadside gorse hedge and Manx sod bank boundary. The road is set at a lower level to the site. The site also, forms a relatively shallow sloping plateau in this location, and is screened by mature hedging along its southern boundary. In terms of wider views, the site is also looked down upon from public footpaths and an Ancient Monument, Meayll Circle. In addition, the site is not completely visible from the public footpath which skirts the coast, linking Port Erin with The Sound. The site can, therefore, be seen from a number of public and private vantage points, with the impact of the proposal differing depending upon the position and level of the viewpoint and its distance from the site. It is also subject to distant views being capable of observation from the northern side of Port Erin Bay at south Bradda and Bradda Head.

6.8 There is correspondence from residents of Port Erin, Port St. Mary as well as from as farther afield in Douglas, Onchan and Santon on the Island, as well as off-Island. These viewpoints are at a considerable distance - 1.3km to Bradda, 2.3km to Surby and around 1km to the lower part of the upper promenade. Whilst the higher part of the Promenade, Bradda and Spaldrick all have views in this direction, it is not considered that the distance enables

such a clear view of the proposed turbines that they would be so discernible as to warrant a visual impact so significant as to warrant refusal for reasons relating to the outlook from these properties. The impact on a private view is not a material planning consideration. It is of course the case that there are also public views from Spaldrick, Bradda and the higher part of the promenade but again, the distance from these vantage points is considered to be such that a clear view would not be available which would so adversely affect the general landscape sufficient to refuse the application. This is confirmed by the 16 viewpoints submitted with the application produced using LIDAR (Light Detection and Ranging) DSM (Digital Surface Model) Terrain data from the IoM Infrastructure Dept. which in effect represent a Landscape Visual Impact Assessment (LVIA).

6.9 The viewpoints are listed as follows:

Viewpoint 1 - Milners Tower - located at Bradda Head - Very distant view of the wind turbines - nearest turbine is 1648m

Viewpoint 2 - Tower Road - on N side of Port Erin bay - Very distant view of the wind turbines - nearest turbine is 1609m

Viewpoint 3 - Bradda East - Very distant view of tops (rotors) of wind turbines - nearest turbine is 1917m

Viewpoint 4 - Shore Road, port Erin - Wind turbines not visible - nearest turbine is 751m

Viewpoint 4b - Shore Road North - Distant view of tops (rotors) of wind turbines - nearest turbine is 954m

Viewpoint 6 - The Castles - Wind turbines not visible - nearest turbine is 455m

Viewpoint 7 - Darrag - Wind turbines not visible - nearest turbine is 751m

Viewpoint 7b - Breagle Glen - Distant view of tops (rotors) of wind turbines - nearest turbine is 584m

Viewpoint 8 - St Mary's Road - Distant view of tops (rotors) of wind turbines - nearest turbine is 659m

Viewpoint 9 - Port Erin Bay - Medium distance view of wind turbines - nearest turbine is 394m

Viewpoint 10 - Truggan Road - Distant view of tops (rotors) of wind turbines - nearest turbine is 823m

Viewpoint 11 - Mull Road - Close view of upper part of wind turbines including rotors - nearest turbine is 112m

Viewpoint 12 - Bay Fine - Wind turbines not visible - nearest turbine is 804m

Viewpoint 12b - Near Bay Fine - Distant view of tops (rotors) of wind turbines - nearest turbine is 569m

Viewpoint 13 - The Howe - Distant view of tops (rotors) of wind turbines - nearest turbine is 1247m

Viewpoint 14 - Meayll Circle - Distant view of wind turbines - nearest turbine is 581m

Viewpoint 15 - Mull Road Southbound - Closer distance view of wind turbines - nearest turbine is 260m

Viewpoint 16 - Track Near Ballahowe - Closer view of wind turbines - nearest turbine is 202m

6.10 Within Port Erin, as the promenade descends, the view of the turbines will become closer but towards the lowest point, the topography of the site will prevent a view of them. There is also a view of the turbines which is available from the sea when viewed from within the bay although the site is one small part of a much wider landscape and with much of that view having a backdrop of the surrounding hillside. From few places to the north and north-west will the turbines be visible on the skyline. It is also relevant that there is already a line of overhead power cables which ascend the same hillside.

6.11 As one ascends Balnahowe Road, the turbines will be screened by the distance from the road and the high roadside hedges as well as the existing buildings at Ballaman. The turbines will start to become visible with a backdrop of the sea and sky as one proceeds higher up Balnahowe Road. As one reaches the brow of the hill, the turbines will be visible but in a wider panorama and one will look down on them with Ballaman and its entourage sitting alongside. From the Mull Circle, the turbines will be clearly visible within an impressive

panorama of Port Erin, Milner's Tower and Bradda Head right around to Port St. Mary. Unlike the previous application for three turbines (PA 14/00632/B in Field 414526 closer to the sea) any view from the coastal footpath would be minimal.

6.12 Simply being able to see something does not necessarily make it objectionable. It is the impact on the character and appearance of that landscape which is the critical assessment and the Landscape Character Assessment 2008, and the submitted viewpoints are helpful in this respect. The Landscape Character Assessment 2008 identifies the character of the area as being the dramatic views of rising uplands to the north and across Port St. Mary Bay to the northeast, the dramatic views across the Sound to the Calf of Man, the panoramic, open views across the Peninsula and extensive, panoramic, open views across ever-changing sea and sky engulfing the character area on three sides and the overall strategy being to conserve the strong sense of openness of this rugged area, its expansive and dramatic views and to conserve the setting of the numerous archaeological features and Cregneash village and the surrounding traditional field pattern as well as the wartime structures on Meayll Hill. Most importantly, this has translated into Landscape Proposal 10 which states: "Any additional new built development on the Meayll Peninsula, other than very limited development near its northern edge at the former Marine Biological Station, should be avoided as such development would adversely affect the largely unspoilt character and appearance of the Peninsula and/or would diminish its role in providing a vegetated, undeveloped backdrop to Port Erin, Port St Mary and Cregneash." Furthermore, Landscape Proposal 11 states: "Should the opportunity arise, the radio beacon on Cronk ny Arrey and other communications apparatus on the Meayll Peninsula should be removed or, if necessary, replaced by more modest and less intrusive structures."

6.13 It is very difficult to reconcile a proposal for two new vertical, moving structures with these policies within such a landscape and particularly where other apparatus is recommended for being removed (albeit at a considerably larger scale than the current proposal) particularly when considering the view from Mull Circle. Whilst the applicant has considered other sites within his land holding such as that of the previously refused PA 14/00632/B proposal for three wind turbines of a similar size and scale, it is likely to be inevitable that such structures will be considered to have an adverse visual impact which it is considered in this case, that they will.

Ecology

6.14 The Ecosystems Policy Officer and others have raised concerns regarding the impact of the turbines on wildlife, particularly birds and most specifically red billed choughs which are protected under the Wildlife Act. In considering the previous application it is noted that the Manx Chough Project was in operation in 2014, and which at that time had identified 2 breeding pairs of Manx Choughs being seen on several occasions within the vicinity of the site. The risk to birds from turbines is generally twofold - they can be killed or injured through coming into contact with the blades and they can also be prompted to relocate due to the turbines deterring them from visiting the area which may be used for foraging or in some cases (but not believed to be this one) breeding. The availability of good quality foraging areas in the vicinity results in the concern about relocation of the species. There remains a concern about bird strike. The applicant's additional Preliminary Ecological Appraisal by Atmos Consulting attempts to address this and following discussions with the Ecosystems Policy Team, resulting in the re-siting of the 2 turbines away from boundary hedges, this objection has been withdrawn. It is relevant that DEFA's Ecosystems Policy Officer does not object to the application on these grounds although did raise caution regarding the impact on bats and recommended that this further distance between the turbines and any hedging would assist in minimising the impact on bats.

6.15 The absence of any firm objection from a qualified authority on ecology provides less scope for an objection on these grounds, and in particular, Manx National Heritage in their latest communication note: " This ecological mitigation report proposes a small number of

strategies that will deter red billed choughs from the immediate area surrounding the turbines which we would like to see incorporated into any future approval". MNH concludes its comments by advising: "Whilst MNH support the principle of renewable energy we would like to see further information requested above, regarding avian and bat migration routes, in order to be able to make an informed decision about this application. We very much urge the applicant to contact the relevant organisation on the Island such as Manx Bat Group and Manx Bird Life before proceeding with this proposal."

Impact on the living conditions of those in any dwellings in the area

6.16 The closest property to the turbines is Ballaman itself, the applicant's own property. Those further from the site are some distance away - approx. 200m and as such, it is not considered that the turbines would have such an impact on local residents as to warrant refusal for reasons relating to impact on their living conditions. The turbines are small - 9 metres hub height, and 11.8 metres maximum height to the rotor tip. Noise impacts would be minimal, and shadow flicker from such a small installation is unlikely to occur. In terms of impacts on residential amenities no-one else who has written objecting to the application would be directly affected. In this regard, the proposal accords with Policy GEN 2 (g) ENV22 iii) and ENV 23 in the Strategic Plan.

Impact on the safety of the operation of the Island's Principal Airport

6.17 The Isle of Man Airport Operations Manager at Ronaldsway has indicated that there is no risk of the turbines interfering with the operation of the Airport, advising: "We have been working in conjunction with the developer. We have undertaken a physical safeguarding assessment and are satisfied that the current proposal does not penetrate any of our protected surfaces". The Airport manager has, however, requested that they would, require a specialist technical safeguarding assessment undertaken at the cost of the applicant to prove that the proposal has no effect on our navigational aids as a condition of any planning consent. This can be conditioned. As such, it is considered that the proposal accords with the provisions of Policy T10 of the Strategic Plan.

Impact on any site of archaeological interest or importance

6.18 The Mull Circle is not itself affected by the turbines and as such the setting of the monument and the provisions of Strategic Plan EP 40 cannot be said to be compromised as a result. Whilst the enjoyment of this site of archaeological importance would involve the turbines being directly visible when viewing the wider landscape panorama from Bradda Head to Port St. Mary, this is a concern in respect of the impact of the turbines on the character and appearance of the area rather than an impact on the monument itself.

Whether the environmental benefits of harnessing renewable energy in this case, outweigh these concerns

6.19 Renewable energy developments are generally encouraged as the Department and Government in general are committed to the steps as outlined in the approved Climate Challenge Mitigation Strategy 2020-2020 adopted June 2016 (GD 2016/0031). This outlined measures to be taken towards the 2050 target to reduce greenhouse gas emissions by 80% compared to 1990 levels. Government is now consulting on the options for inclusion in a new climate change mitigation strategy for 2020-2030 and interim targets. The approved Climate Challenge Mitigation Strategy 2020-2020 requires the Island to reduce greenhouse gas emissions, deep electrification of the energy system and promoting the use of sustainably sourced biomass and improvements to some land use practices. In particular that total greenhouse gas emissions from electricity generated on the Island will be close to zero by 2050. This will clearly necessitate the introduction of renewable energy harnessing developments as well as reducing total energy consumed and improving energy efficiency. The document includes specific references to wind power, amongst other renewables, acknowledging that the intermittent nature of some renewable energy resources, such as solar radiation, wind and wave generation, has led to questions regarding the viability of harnessing them as means of generating electricity. Fortunately, a range of options, from

domestic to industrial scale, for storing electricity are already commercially available and this technology continues to evolve rapidly.

6.20 The approach by the planning authority to balancing the impact of the benefits of renewable energy against any environmental impact have varied, depending upon the nature of the impact. For example, a number of turbines have been approved - PA 14/00117/B for two turbines the same height as those now being proposed at Bay View Farm. These are now in situ and at Bride (PA 16/00033/B) and is the same height as that now proposed. A more recent application for a turbine of the same height as is now proposed, was at Ballacallin Farm in Gordon on the west coast of the Island, although this was refused for reasons relating to both visual impact and a lack of information on ecological impact (16/00902/B). This application was subsequently dismissed at appeal.

6.21 In this case, there is more independent information available to assess the acceptability of the visual impact of the development. This is provided in the Landscape Visual Impact Assessment submitted with the application as discussed in paragraph 6.4 above. In terms of the Area Plan and Landscape Character policies and proposals and it is clear that the overriding characteristic of the area is its openness and the quality of its views across to the sea at Port Erin, Port St. Mary and around the Sound. It is also clear that it is a long term policy objective of the Landscape Character Appraisal as outlined in Landscape Proposal 10 which states: "Any additional new built development on the Meayll Peninsula, other than very limited development near its northern edge at the former Marine Biological Station, should be avoided as such development would adversely affect the largely unspoilt character and appearance of the Peninsula and/or would diminish its role in providing a vegetated, undeveloped backdrop to Port Erin, Port St Mary and Cregneash."

6.22 As stated before, it is difficult to reconcile this objective with a proposal which will introduce a moving, vertical development into this landscape although it is accepted that from many viewpoints, the turbines will not create an unacceptable visual impact, or in fact will be barely discernible in the wider landscape. However, the adverse visual impact of the development compared to that refused/dismissed on appeal PA 14/00632/B proposal for three wind turbines of a similar size and scale, when viewed from the coastal footpath, has now been addressed with this particular site, and the 2 No. Turbines would be hardly visible from views from the coastal footpath. Views downwards from the Mull Circle, whilst obtainable, are not considered to be unacceptable because they would only relate to views from the Circle and whilst visible from the Circle, would not impact on the character of the Circle itself. It is considered that any identified harm is outweighed by the acknowledged benefit to the environment of the harnessing of renewable energy in general in line with Government objectives. Whilst there are other ways of harnessing environmental energy which would not have such visual impacts - for example solar energy which generally involves fixed equipment in the form of Solar Panel arrays, which the applicant has received approval for (See PA 22/00397/B - Installation of ground mounted solar array at Ballaman - site to south of Ballaman House - permitted - 7/9/22. This site lies adjacent, to the west and north of the current 23/00750/B application site for 2 No. Wind Turbines, and the two developments would form part of an overall renewable energy scheme to serve Ballaman. Whilst the energy generated by the scheme would only benefit Ballaman, it would mean a reduction in what Ballaman and its attendant facilities and structures currently draws from the grid, which is considered to be beneficial in the islands drive towards achieving net zero.

6.23 The application is recommended for approval on the grounds as outlined above. It is considered that the visual impact would not be so harmful when viewed from the higher perspective at the Mull Circle as to be outweighed by the environmental benefits of the scheme and would therefore be contrary to Environment Policies 1 and 2 and General Policy 3 all of the Strategic Plan and Landscape Proposal 10 of the Area Plan for the South. Any issues relating to Airport Safety can be resolved by the imposition of a planning condition; and, the impact of the proposals on Protected Species (Manx Choughs) other birds and Bats have been

considered and mitigated for in the revised siting of the turbines away from the sites boundary hedges, which has met with the withdrawal of the Biodiversity Teams initial objection. In this regard, it is considered that this proposal overcomes the previous reasons for refusal attaching to the previous PA 14/00632/B application.

Conclusion

6.24 Strategic planning policies together with other government policies and strategies provide a positive framework for encouraging renewable energy developments, where appropriate. It is considered that the proposed 2 No. wind turbines would occupy a small portion of an open landscape and views of the turbines would be limited due to the topography in the area, the scale of development and existing vegetation.

6.25 It is considered that the environmental benefits of the proposed scheme outweigh the limited identified harm to the countryside and as such the proposed 2 No. wind turbines would comply with the Energy Policy 4 and Environment Policy 2. In addition the proposed wind turbines are not considered to unduly harm the residential amenity of the occupants of the nearby dwellings.

7.0 RECOMMENDATION

7.1 For these reasons set out above the proposal would be appropriate in this location and therefore the recommendation is for an approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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 : Change of use of ground floor restaurant and café spaces from Class 1.3 (Food and Drink) and 1.4 (Hot Food Takeaway) to Class 2.1 (Office)

Site Address : Capital House
16 - 18 Circular Road
Douglas
Isle Of Man
IM1 1AG

Applicant : Mill Yard Services Limited

Application No. : 24/00142/C- [click to view](#)

Planning Officer : Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The use hereby approved is for Class 2.1 Office as set out in the Town and Country Planning (Use Classes) Order 2019.

Reason: the application has been assessed on this basis as requested in the application content.

Reason for approval:

The proposed change of use from restaurant and café (use class 1.3 and 1.4) to office (Use Class 2.1) is considered acceptable. The site is designated as mixed use and is capable of accommodating the proposed office use and therefore accords with Mixed Use Area 4 and paragraph 9.10.6 of The Area Plan for the East 2020, and with Strategic Policies 1, 2 and 9 and Spatial Policy 1 of the IOM Strategic Plan 2016. The existing use is not a community facility as listed in the IOMSP and so minded of the 'mixed use' town centre location does not undermine those community policies protecting community facilities. There are to be no visual or amenity impacts as a result of the proposal meeting with the tests of Strategic Policies 4 and 5, General Policy 2 (b, c, g) and Environment Policy 23, and given the highly sustainable location in the centre of Douglas the proposal poses no highway issues meeting with the tests of General Policy 2 (h and i), Strategic Policy 10 and Transport Policy 1 of the Isle of Man Strategic Plan (2016). The application is therefore recommended for approval.

Interested Person Status – Additional Persons

It is recommended that the 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 mentioned in Article 4(2):

- o The occupiers of Thai Thai Restaurant (restaurant owners), 16-18 Circular Road, Douglas (letter address 'Carrera', St Georges Bridge, Abbeylands, Onchan)
- as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

It is recommended that the 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 Representative of Blue Café, Capital House, 16-18 Circular Road, Douglas
- o Representative of the Thai-Thai Restaurant Staff, Capital House, 16-18 Circular Road, Douglas
- whilst they identify the land occupied by them, they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and 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 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 4 Park Road, Douglas
- o The Old Parsonage Barn, St Judes
- o Hillside, Ballacraigne, St Johns
- o 31 Arbory Street, Castletown
- o 28 Bennett Park, London
- o 5 Smithy Fold, Preston
- o Robinsons, Ballapaddag, Cooil Road, Douglas
- 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 and they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Planning Officer's Report

THE APPLICATION IS BEFORE COMMITTEE AS THE APPLICATION IS RECOMMENDED FOR APPROVAL AND THERE HAVE BEEN MORE THAN 4 OBJECTIONS RECEIVED FROM THE PUBLIC WHICH RAISE MATERIAL PLANNING ISSUES IN ACCORDANCE WITH 2(1)(A) OF THE PLANNING COMMITTEE STANDING ORDERS 2023_02

1.0 SITE

1.1 The site relates to Capital House, Circular Road, Douglas. The site building is a large 6 storey (including basement) property containing mixed uses including a restaurant, deli and offices. There is a car parking available and associated to the building accessed via Princes Street Lane to the rear of the building.

2.0 THE PROPOSAL

2.1 Proposed is the conversion of the restaurant and deli into multifunction space to be used by the office. The floor plan provided shows a large open reception area featuring a staff coffee bar from which are a number of various open and closed meeting rooms and access to toilets, shower rooms and lockers.

3.0 PLANNING HISTORY

3.1 The site has been subject to a number of previous applications most recent approval of 19/00339/B for a flue for the restaurant.

3.2 Historically the building was Post Office HQ, and this changed following PA 10/00382/B when approval was granted for alterations and extensions to provide additional office floor space and creation of café bar and restaurant and later PA 10/01784/B was approved for further extension to provide sandwich bar and deli.

4.0 PLANNING POLICY

4.1 The application site is identified in the Area Plan for the East as falling within Mixed Use Area 4 - St Georges. The site is not within any Conservation Area and is not recognised on any map as being any primary retail or office frontage. The site is not recognised as being at any flood risk. In the assessment consideration shall be given to the following parts of the local Area Plan for the East as well as the IOM Strategic Plan 2016.

4.2 The Area Plan for the East 2020:

- o Paragraph 9.10.6 Mixed Use Area 4 - St George's - This is the business district of Douglas and is characterised by offices, many serving financial institutions. Athol Street is notably the core of this area and is representative of the economic well-being of the Island. There is a smattering of food and drink uses supporting the area. The primary office frontage along Athol Street is notated by the hatched line on Map 5.

- o Town Centre - Mixed Use Proposal 4 There will be a presumption in favour of offices and financial and professional services along Athol Street. Within the area, but outside of Athol Street, offices, financial and professional services, food and drink and some residential uses will also be acceptable. Uses which conflict with these will generally not be supported. As this area lies partly within a Conservation Area, development plans should pay regard to the Conservation Area Character Appraisal for Athol Street and Victoria Street

4.3 The IOM Strategic Plan 2016:

PRINCIPLE

- i. Strategic Policy 1: Development should make the best use of resources
- ii. Strategic Policy 2: Development located within existing towns and villages
- iii. Strategic Policy 4: no unacceptable environmental pollution or disturbance.
- iv. Strategic Policy 5: New development to make a positive contribution to the environment
- v. Strategic Policy 9: All new office development located in town centres
- vi. Strategic Policy 10: promote a more integrated transport network
- vii. Spatial Policy 1: Development in Douglas
- viii. Spatial Policy 6: principal gateways to the Island will be protected and enhanced.
- ix. Community Policy 1: Where relevant and appropriate, provision of neighbourhood centres.
- x. Community Policy 2: New community facilities should be located to serve the local population and be accessible to non-car users, and should where possible re-use existing vacant or underused buildings.
- xi. Community Policy 3: loss of a local community facility
- xii. Community Policy 4: loss of local shops or public houses.

IMPACT OF DEVELOPMENT

- i. General Policy 2: general standards towards development
- ii. Environment Policy 23: consideration to potential adverse impact changes to existing neighbours.
- iii. Transport Policy 1: located close to existing public transport facilities
- iv. Transport Policy 4: highways designed to be capable of accommodating associated journeys.
- v. Transport Policy 7: parking in accordance with standards.

vi. Appendix 7: parking standards - Neighbourhood shops = Spaces for staff, customers, and service vehicles will be required.

5.0 REPRESENTATIONS

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

5.1 Douglas Borough Council - no objections (23/02/2024).

5.2 Department of Infrastructure Highway Services - Do not oppose (23/02/2024 and 29/02/2024) - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as the site is in a sustainable location in Douglas City Centre and the proposals provide facilities for staff active travel.

5.3 The owners of the 6 following properties submitted OBJECTIONS similar in nature which have been summarised in bullet points below:

- 1) 4 Park Road, Douglas (01/03/2024)
 - 2) The Old Parsonage Barn, St Judes (28/02/2024)
 - 3) Hillside, Ballacraigne, St Johns (04/03/2024)
 - 4) 31 Arbory Street, Castletown (04/03/2024)
 - 5) 28 Bennett Park, London (29/02/2024)
 - 6) 5 Smithy Fold, Preston (01/03/2024)
- o Douglas needs more restaurant venues like this rather than more offices
 - o Proposal will increase demand for day time parking and cause daytime traffic congestion
 - o The current restaurant is very popular and its size is suitable for larger parties
 - o Would result in the loss of a facility which contributes to local community

5.4 The current occupants of the restaurant at 16-18 Circular Road wrote in OBJECTION, they current reside at Carrera, St Georges Bridge, Abbeylands, Onchan (letter dated 01/03/2024) their comments have been summarised below:

- o They currently lease the restaurant.
- o They established their business here after two previous companies failed to operate a restaurant in the same location
- o They have occupied the restaurant for 7 years and employ 12 staff
- o They have high reputation within the community including with supply chains
- o They provide day time and night time public trade and bring vibrancy to the area
- o The proposal increases office space and requires additional parking to be provided
- o Their restaurant links with Buck Road and is in keeping with the policies that are trying to achieve a balance between different use classes to achieve vibrant town centres
- o Proposal leaves use class 1.3 and still being mixed use and difficult to determine parking
- o The petition demonstrates how popular the restaurant is.
- o The change to an office would have negative impact on the area plan particularly parking and night-time vibrancy
- o As occupants of the building we request interest person status.

5.5 Robinsons, Ballapaddag, Cooil Road, Douglas OBJECTION - 04/03/2024 their comments have been summarised below:

- o The current restaurant purchases a large value of products from their business.
- o The restaurant is thriving and offers sit in, take away and coffee shop and offering high end hospitality to the Island.
- o Its unique selling point is its large size offering capability to cater large parties

- o Closing restaurants is concerning and there is huge cost in relocation and set up
- o The proposal will impact Robinsons as a supply chain.

5.6 The restaurant team occupying the unit also wrote in OBJECTION (04/03/2024) their objections have been summarised below:

- o Loss of the restaurant would be seriously impactful as demonstrated by the 130 signatures of the petition
- o The town has a dearth of office space and brownfield and redundant buildings should be prioritised for regeneration first and where it can be demonstrated that office space is needed
- o The loss of the restaurant will result in a displacement of staff and would be a loss to patrons and the general public.
- o Staff are at risk of losing their jobs and some staff also at risk of losing their accommodation which the restaurant currently provides for them
- o The office already has adequate office space and already have a coffee bar for their own staff.
- o Douglas is better served by having a restaurant for use by locals and visiting members than the creation of more empty office space.

5.7 A petition has been received stating an objection but no material planning matters states and the signed petition only containing names, signatures and contact phone numbers and there are no postal addresses given and therefore IPS cannot be considered for any individuals stated on that petition.

5.8 A representative of Blue Café - objection (04/03/2024) their comments have been summarised as:

- o They currently lease the café from the owner of the restaurant.
- o The café is demonstrating positive growth
- o Loss of the restaurant may have repercussions on their café operation.

5.9 As part of the consultation process, comments were also sought from Manx Utilities dated 14/02/2024 but no response received as of 03/06/2024:

5.10 The applicants provided a response to objections dated 05/04/2024 and these are summarised as follows:

- o They indicate that discussions regarding the conversion of the ground floor in excess of 12 months and they have already extended their agreed relocation date.
- o They understand that the restaurant owner intends to relocate the restaurant and not close it and so there would be no adverse effect to their customers or suppliers
- o The proposal is for additional support space for existing staff and to host meetings the change of use will not be creating additional permanent desks and therefore no increased people in the building and therefore not necessary to increase parking provision.
- o Their office business employs almost 200 people and their intention to create a reception and client meeting area to support the expanding business operations on the Island.
- o The restaurant lease expired in 2021 and will not be renewed.
- o They do not believe that any of the representations meet the definition of IPS and they feel it disingenuous that the restaurant team suggest they are victim in this matter.

6.0 ASSESSMENT

6.1 The key matters to consider in the assessment of this application are the principle of development, whether there would be any unacceptable loss of the Use Class 1.3 and 1.4 restaurant cafe, whether there would be any physical changes resulting in any visual or amenity impacts to the area, whether there would be any highway safety issues and whether there would be any other matters.

6.2 Principle

6.2.1 The site falls within the centre of Douglas and in particular within the defined Mixed Use Area 4 - St George's which is recognised as being the business district of Douglas mostly characterised by offices but with a smattering of food and drink uses supporting the area and it recognises Athol Street as the core and having the main primary office frontage. Mixed Use Proposal 4 states that Athol Street should be maintained for offices, financial and professional services, but that outside of Athol Street a mix of offices, financial and professional services, food and drink and some residential uses will be acceptable. The proposal would result in the re-use of an existing ground floor as office within a building predominantly occupied by existing office and in a wider mixed use area outlined as being predominantly offices in the centre of Douglas and therefore the principle of the proposal would not undermine those policies directing such office development to key centres and would not undermine Mixed Use Proposal 4 of The Area Plan for the East (TAPE) and this weighs in favour of the application.

6.3 Loss of Use Class 1.3 and 1.4

6.3.1 Both TAPE and IOMSP set out objectives to help promote sustainability and best maintain and improve the viability, vitality and diversity of town centres by ensuring a mix of uses which interplay together and provide both daytime and night time economy. TAPE recognises that restaurants contribute to the tourism economy as well as for local residents to enjoy, and one of its town centre objectives is to allow small scale development which maintains the viability of local services and attractiveness of those localities as a place to live and fostering sustainable communities and their identity.

6.3.2 The proposal would result in the loss of a restaurant facility which currently contributes to both the night and day time economy including at weekends, and whose services are currently available for all visiting members of the public. Whereas the proposed office use it expected to be mostly active during the day and only available to those specifically working or visiting for business purposes and therefore not be available to the wider public but still contributing to the economy and vitality of the area.

6.3.3 Section 10.6 of the IOMSP sets out the nature of community facilities and these being facilities which people are dependent upon such as shops, post offices, off licenses, newsagents, grocery stores, pharmacies, doctors surgeries, hairdressers and other small shops of local nature and allied to this also community centres, all of which can be easily accessed on foot and without relying on public or private transport and can serve as a focus of community life and help sustain a small community. Community Policy 4 (CP4) indicates that development which involves the loss of local shops and public houses will only be permitted if it can be demonstrated that it is no longer or cannot be made commercially viable. The paragraph preceding CP4 elaborates that "loss of facilities such as neighbourhood shops in towns and or village shops and public houses reduces customer choice and can also necessitate people travelling further to meet their needs. This is a particular problem in rural areas where village shops, post offices and public houses can be central to village life. It would be preferable to retain viable facilities, or those that can be made viable and where a change of use or re-development is proposed developers will be expected to show evidence of attempts to market the property as a business in these areas." Restaurants are not specifically referenced and this site is not in a rural location and so it would be unreasonable to apply CP4 in this case.

6.3.4 And so, whilst it is accepted that the proposal will result in the loss of a restaurant and café facilities which contributes to the town centre, in terms of policy the 'Mixed Use' land use designation allows for such a chopping and changing between uses and with a principle in favour of office uses just as much as restaurant uses and so the proposal in this case is unobjectionable.

6.4 Visual and Amenity Impact

6.4.1 The identity of the area is recognised as mostly offices with some food and drink places. The proposal to convert the ground floor to further office space might take away some degree of active frontage compared to the current situation but this is not expected to

unbalance the overall characteristic or identity of the area which is already predominantly offices as recognised in Mixed Use Area 4.

6.4.2 This site and area is already subject to a level of activity given its town centre location and being along a main road and so there are no amenity impacts beyond the current arrangement expected on any neighbouring properties.

6.5 Highway Safety

6.5.1 The application is provided with information showing the existing parking arrangements and cycle parking associated with the existing building and available for use. The site is situated within a highly sustainable location and the proposals provide facilities for staff active travel. The site is well served by existing bus routes and with high levels of public car parking available within nearby town centre car parks. No concerns have been raised by Highway Services and in this respect the proposal is considered acceptable in terms of highway safety.

6.6 Other matters

6.6.1 There are objections raised by the current restaurant tenants and the proposal having impact on their staff working and living arrangements. It is noted that the response from the applicants indicates that the restaurant lease has already expired and shall not be renewed. It is important to reiterate that land ownership matters and any leasing contracts are a civil matter outside of the remit of the planning process and the application has been assessed on the policy testing and taking into account the 'mixed use' land use designation of this site in the middle of Douglas.

7.0 CONCLUSION

7.1 The proposed change of use from restaurant and café (use class 1.3 and 1.4) to office (Use Class 2.1) is considered acceptable. The site is designated as mixed use and is capable of accommodating the proposed office use and therefore accords with Mixed Use Area 4 and paragraph 9.10.6 of The Area Plan for the East 2020, and with Strategic Policies 1, 2 and 9 and Spatial Policy 1 of the IOM Strategic Plan 2016. The existing use is not a community facility as listed in the IOMSP and so minded of the 'mixed use' town centre location does not undermine those community policies protecting community facilities. There are to be no visual or amenity impacts as a result of the proposal meeting with the tests of Strategic Policies 4 and 5, General Policy 2 (b, c, g) and Environment Policy 23, and given the highly sustainable location in the centre of Douglas the proposal poses no highway issues meeting with the tests of General Policy 2 (h and i), Strategic Policy 10 and Transport Policy 1 of the Isle of Man Strategic Plan (2016). The application is therefore recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

Item 5.3

Proposal : Use of the site for the installation and operation of a mobile sauna
Site Address : Site Of Former Ben My Chree
Queen's Promenade
Ramsey
IM8 1BH
Applicant : Mr Michael Howland
Application No. : 23/01433/B- [click to view](#)
Planning Officer : Lucy Kinrade

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The operation of the sauna hereby approved must cease 365 days (consecutive days) after its first coming into use on the site, after which the sauna and any associated trailer and fixtures shall be removed from the site within 2 weeks of the date of its last use.

Reason: the application has been assessed for a 1 year period only as requested in the application documents and supporting statements.

C 3. Customers and users shall only be allowed in the sauna between the following hours:

- o Monday to Friday between 0830 - 1130 hrs and then 1600 - 1700 hrs
- o Saturday and Sunday between 0800 - 1200 hrs and then 1600 - 2000 hrs

Reason: The application has been assessed on this basis as requested in the application content and on which basis the application has been viewed and considered by the public.

C 4. The sauna shall be positioned as shown on drawing numbers MH-03 and MH-04 and shall not at any time be positioned any further back into the site towards 'The Bungalow' or 'Barrack Lane'.

Reason: The application has been assessed on this basis as shown on the plans and for the consecutive 365 day period.

Reason for approval:

The proposed sauna is considered to be acceptable on this specific site and in the selected location nearest the road edge. The proposal is within the mix use land use zoning and would make best use of a currently underused town centre site in line with Strategic Policy 1. The proposal is not considered to harm the Conservation Area which is to be preserved in line with Environment Policy 35, Section 18 of the Act and to meet with those principles of PPS 1/01. Given the siting and distance from the neighbours and given the open aspect of

the immediate surroundings the proposal is considered to have an acceptable impact on the amenity and living conditions of the neighbours in line with General Policy 2 (b, c, g) and Environment Policy 22. The location of the site within the town centre where there is already high levels of activity and which is in easy walking distance and close to existing public parking that the proposal is not expected to result in any unacceptable impact in terms of highway safety or through additional coming and goings of customers in line with General Policy 2 (b, c, g, h and i), Strategic Policy 10, Spatial Policy 5 and Transport Policy 1. The proposed sauna is to sit on top of a trailer which makes it easily removal should the site be at risk of any flooding as to not undermine Environment Policies 10 and 13, and the removability means it does not prejudice any longer term future development of the site in line with General Policy 2 (k). The proposed sauna is expected to positively contribute to the recreational use of the beach following with the intention of Policy R/E/P2 of the Ramsey Local Plan and not to present any unobjectionable issues in terms of risk of fire or increased criminal activity in line with Community Policies 7 and 11 due to the accessibility of the site from the road and minded of neighbouring and public surveillance. Overall the proposal is considered to be acceptable and suitably worded conditions will be added to reflect the 1 year temporary nature of the proposal, the hours of opening to customers to match those as requested in the application as specified in the supporting statement.

Interested Person Status – Additional Persons

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

- o DOI Flood Risk Management
-

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT AS PER 2(1)(j) OF THE PLANNING COMMITTEE STANDING ORDER 2023_02.

1.0 THE SITE

1.1 The site sits along Ramsey South Promenade near to the lifeboat station and between Blue Skies and The Bungalow. Barrack Lane runs along the rear.

2.0 THE PROPOSAL

2.1 The application seeks approval for the siting of a sauna and change of use of the site to operate a sauna business.

3.0 PLANNING HISTORY

3.1 The site has not been subject to any previous planning applications, but a property 4 Barrack Lane situated at the rear was approved for a flue under PA 23/00696/B. The flue sat at ridge level

4.0 PLANNING POLICY

4.1 It must be noted at the time of writing, the draft Area Plan for the North and West has not been formally adopted and is only, at this stage, a broad direction of how planning policy is reviewing the areas. Their proposals can still be challenged at public enquiry where an inspector could reach a different opinion to the drafts. The final draft would also need to be ratified by COMIN. This means that the Ramsey Local Plan 1998 remains the correct document to determine land use designation and no material weight is to be given to the draft area plan for the North and West.

4.2 The site is designated as "Mixed Use - Town Centre" under the Ramsey Local Plan 1998 and within the Ramsey Conservation Area. The site is also recognised as being at high tidal flood risk.

4.3 In terms of planning policy the following of the Isle of Man Strategic Plan 2016 are most relevant:

- o Strategic Policy 1 - optimised use of land
- o Strategic Policy 2 - new development directed to towns
- o Strategic Policy 3 - individual character protected or enhanced
- o Strategic Policy 4 - protect or enhance conservation areas and not lead to unacceptable environmental pollution or disturbance
- o Strategic Policy 5 - new development should make positive contribution
- o Strategic Policy 10 - promote integrated transport network
- o Spatial Policy 2 - recognises Ramsey as Service Centre
- o Spatial Policy 5 - direct development to settlements
- o General Policy 1 - regard to Development Plan and other materials considerations
- o General Policy 2 - general standards towards acceptable development (a, b, c, d, e, f, g, h, I, j, k, l, m)
- o Environment Policy 10 - need for a flood risk assessment and details of mitigation
- o Environment Policy 13 - risk of flooding will not be permitted
- o Environment Policy 22 - development not permitted if it harms environment in terms of pollution of sea, emissions of airborne pollutants, vibration, odour, noise, lights.
- o Environment Policy 23 - potential adverse impact on existing neighbours.
- o Environment Policy 35 - preserve or enhance character and appearance
- o Environment Policy 42 - new development designed to take account of particular character and identity
- o Business Policy 1 - growth of employment opportunities
- o Recreation Policy 3 - development should include landscaped amenity areas.
- o Community Policy 2 - new community facilities located to serve population and non-car users
- o Community Policy 7 - prevent criminal and antisocial behaviour
- o Community Policy 10 - proper access for fire fighting vehicles and adequate water supply for firefighting purposes
- o Community Policy 11 - designed to reduce outbreak or spread of fire.
- o Transport Policy 1 - close to existing public transport
- o Transport Policy 4 - capable of accommodating vehicle and pedestrian journeys
- o Transport Policy 7 - parking standards (linked to Appendix 7)

4.4 There are no specific policies within the Ramsey Town Local Plan but the following may be considered relevant:

- o R/E/P2 Ramsey Beaches - seeks to prevent pollution and to promote leisure uses
- o R/TC/P5 East Quay and South Promenade - north west area or Neptune Street to be for harbour related purposes only. Retention of frontages of Brookdale and Mezeron buildings and prohibition of portacabins and other temporary buildings.

4.5 Other material considerations:

- o Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man.

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

5.0 REPRESENTATIONS

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

5.1 Ramsey Town Commissioners - in support (18/03/2024).

5.2 Department of Infrastructure Highway Services - Do not oppose (09/02/2024) no significant negative impact upon highway safety, network functionality and/or parking, due to the sustainable location of the proposals and the site being in a town centre location with available public parking.

5.3 DOI FRM - do not oppose (14/03/2024)- but would like to ensure that the Applicant is aware that the site is subject to overtopping which is exacerbated by the RNLI access ramp which cannot be barriered. They request the FRA be conditioned.

5.4 Comments were sought from EHU on 17/01/2024 but nothing was received as of 30/05/2024.

5.5 No comments received from neighbouring properties.

6.0 ASSESSMENT

Clarification of Proposal

6.1 The provided supporting statement seeks approval for the temporary installation and operation of a mobile sauna on the site for 1 year. The sauna is to be open for hire 7 days a week between 0830 - 1130hrs and then 1600 to 1700hrs with slightly longer periods on Saturdays and Sundays - 0800 - 1200hrs and 1600 - 2000hrs. The sauna is a cylindrical timber unit which sits on top of a trailer, 4m in length and accommodating up to 10 persons at any one time.

Key Issues to Consider

6.2 The main issues to consider in the assessment of this planning application are;

- i. Statutory test for works in a Conservation Area
- ii. Impact on character and appearance of the Conservation Area
- iii. Impacts upon neighbouring amenities
- iv. Flood risk
- v. Impact on highways
- vi. Impact on recreational use of the beach
- vii. Prejudice future use of land
- viii. Any other matters

6.3 i) Statutory test for works in a Conservation Area

6.3.1 It is necessary to apply the Conservation Area statutory test as referenced in section 4.5 of this assessment on whether the proposal would preserve or enhance the Conservation Area. The full assessment for this is contained at the next section but is concluded as being acceptable and thus passing the statutory test in this case.

6.4 ii) Impact on character and appearance of the Conservation Area

6.4.1 The site is within a fairly active mixed use area wedged between Ramsey Harbour and Ramsey South beach. The area comprises a mix of uses including commercial shipping and logistics companies, recreation and leisure, religious, community and residential.

6.4.2 The area is predominantly characterised by those features typically found in quay side maritime locations including sailing vessels, dinghies, shipping containers, goods vehicles, traditional warehouse and storage buildings, and these are intertwined by traditional properties made up of small residential cottages like those along Barrack Lane, converted stone buildings and larger converted Victorian hotels such as the Prince of Wales. The RNLI

station faces onto south beach and out towards the pier and has a slip way access over the road and onto the beach.

6.4.3 The site subject to this application faces onto south beach and where once stood, until its emergency demolition, a two storey building adjoining 'Blue Skies', the site has been vacant ever since. Along the southern edge is residential property 'The Bungalow' which is set back around 19m from the road and has tall timber fencing and gates along its roadside boundary.

6.4.4 The proposal seeks to place the proposed timber sauna and its trailer within the site and nearest the boundary with the road. While such timber sauna structures are not common in this area nor in the wider Conservation Area, there is large areas of timber fencing immediately surrounding the site and the area is characterised by structures and features which have a similar nature of being moved such as those shipping containers, dinghies and sailing boats nearby and the Lifeboat which is often on its trailer being wheeled into and out of the RNLI building and shed.

6.4.5 It is considered that the specific character and appearance of this part of the Conservation Area is capable of accommodating the proposed sauna on this vacant site without resulting in any harm to or detracting from the overall character and appearance of the area which is to be preserved in line with Environment Policy 35 and Section 18(4) of the Act 1999.

6.5 iii) Impacts upon neighbouring amenities

6.5.1 There are a few key issues to consider in this respect; a) outlook from neighbouring properties, b) potential privacy impact, c) potential impact of smoke from the proposed sauna flue and d) impact of any coming and goings from customers.

a) Outlook from neighbours

6.5.2 The sauna will be visible to those immediate neighbours 'The Bungalow' and along Barrack Lane particularly from upper floor windows, however given the distance between them, the position and orientation of the sauna coupled with the existing boundary treatments the proposal is not expected to result in any overbearing or adverse impacts on their general outlook.

b) Overlooking and privacy impact on neighbours

6.5.3 Again due to the low sauna level and upper floor windows there will be visibility and overlooking between the site and neighbouring dwellings and vice versa to users of the sauna. The proposal will undoubtedly increase the level of activity at the site and with it there will be an increased level of overlooking and feeling of being overlooked compared to the existing vacant and underused site situation. The majority of ground floor windows are not visible due to existing boundary treatments and so views limited more-so first floors expected to be secondary bedroom spaces and not primary habitable rooms like kitchens and living rooms. On visiting the site there are already public views towards the front of 'The Bungalow' and reviewing the plans the distances between the sauna and the neighbours is between 13m - 24m and taking the foregoing into account and the distances between the site and the already close knit arrangement where there are some existing public views and on the basis that the majority of the upper floors are likely to be secondary habitable rooms that the proposal would not be considered so harmful or adverse as to warrant a significant concern in respect of overlooking or privacy impact in this case and is considered within the bounds of acceptability.

c) Smoke and smell impact on neighbours

6.5.4 The proposed sauna is to operate 7 days a week and the hours of operation for hire are split between morning sessions (approx. 0800 - 1200hrs) and late afternoon sessions (approx. 1600-2000hrs). Details in the submission indicate that the sauna is to be wood fired and having a short flue protruding above its roof. It is likely that the fire would need be lit

before public hiring to allow the sauna to reach optimal temperatures and so it's expected there will be smoke and smells beginning earlier than the hours stated and possible a little after closing to allow cool down periods.

6.5.5 The area is recognised as being a shipping and maritime area and of course next to the sea where there can be a level of accepted associated sea front smells including from residential fires. The initial concern for this application was the low level design of the sauna and its flue and being clustered amongst neighbouring residential properties.

6.5.6 When visiting the site there was a number of residential chimney stacks and flues but these were much taller and dispelling at much higher levels. The most recent flue being that on No. 4 Barrack Lane. The flue at 'The Bungalow' is also notably taller than the bungalow itself and this is likely because of the original surrounding developments being considerably taller than the bungalow and the need for any flue to be tall enough to enable suitable draw.

6.5.7 The situation now is that the Ben-My-Chree has since been demolished and this has opened up the site. When visiting the area the combined open frontage of 'The Bungalow' and the vacant application site creates a fairly open feeling frontage to the road. There is also a fairly open rear arrangement to the back of Blue Skies, where there is only a single storey outbuilding. The Bungalow is low level as are the traditional two storey cottages along Barrack Lane and again this low level arrangement helps to create an open feeling to the site and immediate surroundings and this is further benefited by the open aspect out over the road and towards the beach.

6.5.8 The wind rose for the Isle of Man indicates that the prevailing wind direction is coming from a southerly and westerly direction and blowing towards a northern and easterly direction. Whilst it is expected that the installation of a sauna here and with a low level flue will likely introduce lower level smoke and smells where currently there are none, minded of the distance between the site and the nearest neighbours, coupled with the prevailing wind directions and mindful of the fairly open aspect of the area given the vacant site, the neighbours open frontage and the low heights of immediate neighbours and open aspect out to sea which is expected to help dissipate any smells and smoke from the proposed sauna and not resulting in any significant adverse impacts on the amenity of the adjacent neighbours as to harm their general living conditions to an unacceptable degree in this case. Also taking into consideration that the proposal is only to be for a year and should any smoke or smell issues arise in this time that should any subsequent application be submitted that additional/further assessment can be undertaken at that stage. The proposal is considered within the bounds of acceptability in this case.

d) Coming and going of customers

6.5.9 The area is recognised as already being in active use with comings and goings of users of the beach, sailing clubs, working in the area, general public walking or running and including attendants of the RNLI or those people visiting church. The additional persons coming to and from the sauna will result in a notable increase compared to the existing vacant site, however minded of the existing situation of this specific town centre location and alongside the beach the proposal is not considered to be unacceptable nor resulting in any new or adverse amenity impact on the neighbours.

6.6 iv) Flood risk

6.6.1 The applicants have provided a flood risk assessment that recognises the flood risk potential and provides some mitigation measures and they have also indicated that the very nature of the sauna being on a trailer means that its slightly higher than ground level but also that its easily removable especially when there might be periods of inclement weather. DOI FRM have confirmed that they do not oppose the application. Minded of its easy removal the proposal is not considered to result in an unacceptable risk from flooding, either on or off-

site and would be unobjectionable in this case, also noting that it would be in the applicant's best interest to remove the sauna to reduce any risk of damage by coastal overtopping.

6.7 v) Impact on highways

6.7.1 In the supporting statement the agent states "5.7 The sauna will generate additional parking demand although this part of the promenade is already very busy from traffic associated with the various properties sitting alongside the road (including the bowling alley a little further south) and those who come to visit the beach. The sauna accommodates up to ten people at a time with each session lasting 30 minutes to one hour. Customers will be advised to avoid parking such as to prevent access to the lifeboat station or the nearby businesses. 5.8 Given the amount of traffic already associated with the promenade it is not anticipated that this temporary facility will create such a requirement for parking which will result in an adverse impact on the highway network nor the amenities of those who live, work and visit here", these views are concurred with and also noting DOI Highway Services do not oppose the proposal echoing similar conclusions being in a town centre and sustainable location. The proposal is considered acceptable in respect of highways.

6.8 vi) Impact on recreational use of the beach

6.8.1 The agents supporting statement states at paragraph 5.3 "Its proximity to the popular beach is relevant in that it could be used in conjunction with sea bathing. This part of the promenade is popular with bathers as well as those using kayaks, surf boards, paddle boards as well as walkers, with the slipway across the road from the application site. 5.4 Seaside structures such as huts are becoming more common on the Island and are adding to the character of our seaside towns and villages, including those which are designated Conservation Areas. In this case, the site is not publicly owned so there will be no loss of public space..." whilst a sauna might not be for everyone, the proposal is expected to positively contribute to the overall recreational use of the beach area by offering a new user experience service in the area. The proposal is considered to be acceptable in this respect.

6.9 vii) Prejudice future use of land

6.9.1 As recognised in the agents supporting statement, the proposal will occupy a presently vacant site and which could be argued to make better use of it than at present. The nature of the sauna not being a fixed structure and easily removable means that the works are reversible and this not prejudicing any future potential development. The proposal is considered acceptable in this respect.

6.10 viii) Any other matters

6.10.1 There is a potential for increased risk of fire due to the nature of the proposed sauna operation, however given distances this is not considered to adversely affect neighbouring properties to an unacceptable degree and minded that the site can be easily reached by firefighting appliances and is acceptable in this respect.

6.11.2 The siting of the sauna is alongside the main road which is frequented by many members of the public and surrounding residents. The proposal is not expected to result in any new or increased criminal activity beyond the existing situation and would be unobjectionable in this respect.

7.0 CONCLUSION

7.1 On the basis of the above assessment the proposed sauna is considered to be acceptable on this specific site and in the selected location nearest the road edge. The proposal is within the mix use land use zoning and would make best use of a currently underused town centre site in line with Strategic Policy 1. The proposal is not considered to harm the Conservation Area which is to be preserved in line with Environment Policy 35, Section 18 of the Act and to meet with those principles of PPS 1/01. Given the siting and distance from the neighbours and given the open aspect of the immediate surroundings the proposal is considered to have an acceptable impact on the amenity and living conditions of

the neighbours in line with General Policy 2 (b, c, g) and Environment Policy 22. The location of the site within the town centre where there is already high levels of activity and which is in easy walking distance and close to existing public parking that the proposal is not expected to result in any unacceptable impact in terms of highway safety or through additional coming and goings of customers in line with General Policy 2 (b, c, g, h and i), Strategic Policy 10, Spatial Policy 5 and Transport Policy 1. The proposed sauna is to sit on top of a trailer which makes it easily removal should the site be at risk of any flooding as to not undermine Environment Policies 10 and 13, and the removability means it does not prejudice any longer term future development of the site in line with General Policy 2 (k). The proposed sauna is expected to positively contribute to the recreational use of the beach following with the intention of Policy R/E/P2 of the Ramsey Local Plan and not to present any unobjectionable issues in terms of risk of fire or increased criminal activity in line with Community Policies 7 and 11 due to the accessibility of the site from the road and minded of neighbouring and public surveillance. Overall the proposal is considered to be acceptable and suitably worded conditions will be added to reflect the 1 year temporary nature of the proposal, the hours of opening to any customers and users of the sauna to match those as requested in the application as specified in the supporting statement.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

Item 5.4

Proposal : Creation of two light industrial units, creation of car parking, widening of entrance and landscaping
Site Address : Land Off Stanley Mount
Stanley Road
Peel
Isle Of Man
IM5 1NY
Applicant : Mr Neil And Mrs Maureen Crompton
Application No. : 23/01452/B- [click to view](#)
Planning Officer : Hamish Laird

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The units, hereby approved, shall be used for light industrial purposes or research and development only, as outlined in Part 2, 6, Class 2.2 - Light industry and Research & Development in the Schedule attached to the Town and Country Planning (Use Classes) Order 2019; and, for no other purposes.

Reason: In the interest of maintaining the residential amenities enjoyed by occupants of adjoining dwellings.

C 3. 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 workshop buildings, 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 4. Prior to the first occupation of the development, hereby approved, a Landscaping Scheme shall be submitted to and approved in writing by DEFA Planning. The Landscaping Scheme shall include details of all planting and sowing, including size, species and numbers of trees and plants, ground preparation, management and maintenance, and measures to encourage and enhance the biodiversity of the site. All planting, seeding or turfing comprised in the approved details of landscaping as shown by drawing 49.3.07, must be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the development provides an attractive environment in accordance with Policy GP2 b) c) and d); and, Environment Policy 35 in the Adopted Isle of Man Strategic Plan (2016).

Note: The applicant is advised to consult with the Fire Safety Department to discuss fire safety measures.

Reason for approval:

On balance, and bearing in mind the changes since the originally refused PA Ref: 06/01658/B scheme was considered; the approval of PA Ref: 07/02225/B for the same scheme as that currently proposed; the adoption of the Manual for Manx Roads in June, 2021; and, the coming into force of the Isle of Man Strategic Plan in 2016; it is considered that the proposal would not result in any adverse impacts to the surrounding area so as to warrant refusal. The visual improvements to the site would enhance the Conservation Area. Overall, it is concluded that the planning application is in accordance with Policies SP3, SP4, SP7, GEN2, ENV7, ENV10, ENV22 iii), ENV35, T4 and T7 of the Isle of Man Strategic Plan 2016 and is recommended for approval.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are mentioned in Article 4.2:

8 Stanley Mount, Peel
25 Bridge Street, Peel
20 Bridge Street, Peel
22 Bridge Street, Peel
24 Bridge Street, Peel
12 Stanley Road, Peel - on behalf of occupants (parents) of dwelling next to site in Bridge Street

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

It is recommended that the owners/occupiers of none of the following properties should be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

9 Beach Street, Peel

The above persons, therefore, do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

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

Manx Utilities Drainage

Planning Officer's Report

THE APPLICATION IS PRESENTED TO THE PLANNING COMMITTEE DUE TO NUMBER OF OBJECTIONS RECEIVED

1.0 APPLICATION SITE

1.1 The application site comprises a vacant plot on varying land levels adjoining an existing stone built, double pile roofed, workshop building, and separate garage, immediately adjoining its NE boundary. These structures derive vehicular access from Stanley Road to the north of the site. The site also adjoins a Meeting Hall located immediately to the north, and residential dwellings to the east fronting onto Bridge Street; and, to the south and east in Stanley Mount. Vehicular access is derived via an existing gated access set in a 1.5m high Manx Stone wall on Stanley Mount with a ramped access track contained within the site allowing vehicles to reach the its lower level areas, and the rear of the existing workshop building. A heating oil tank adjoins the south side of the workshop adjacent to a pedestrian access door. A detached garage building is located on the site in the southern corner where it adjoins dwellings at the rear aspects and amenity areas of dwellings at 18-22 Bridge Street to the west; and, 1 - 5 Stanley Mount to the south. The site is presently unkempt with no trees on it.

1.2 The site lies within the Settlement Boundary for Peel and is classified as being within a Mixed Use Area as shown on the Inset Map for the Peel Local Plan 1999. In the Draft Area Plan for the North and West on Draft Proposals Map 7 Peel Town Centre, the site is shown as being located in a 'Predominantly Residential' area. The site is located in the designated Peel Conservation Area. There are no Registered Buildings on or around the site.

THE PROPOSAL

2.1 Proposed is the erection of a pair of a workshop buildings both contained within a single structure measuring 17.0m wide x 10.0m deep x 3.6m high to the eaves and 6.5m high to the ridge. The south facing frontage elevation would have 3.2m wide roller shutter door to the western element and a 6.9m wide roller shutter door to the eastern workshop. It would be constructed from blockwork which would be timber clad to the external elevations, under a grey metal profile sheet roof. Each roof slope would contain 4 No. translucent, non-opening, roof lights. Internally, the units would provide 80.5m² each of open floor-space at ground floor level, and would have 1 No. WC's and a canteen area, each. No first floor or mezzanine level accommodation is proposed to be provided.

2.2 Outside the pair of buildings would be served by the existing access track serving the site from Stanley Mount. Parking spaces for 7 cars including one disabled space are shown as provided as is a van space directly in front of the eastern units' roller shutter door. Cycle parking can be provided against the access ramp's retaining wall.

2.3 The application also proposes to widen the existing entrance onto Stanley Mount and to provide landscaping for the site to assist in assimilating the development into its surroundings.

PLANNING HISTORY

3.1 This application site has not been the subject of any previous planning applications that are considered specifically material to the assessment of this current planning application.

3.2 Within the immediate area/ estate there have been a number of approvals for the erection of light industrial buildings.

07/02225/B - Erection of two light industrial units, creation of additional car parking, turning area, widening of entrance and landscaping at: Land Off Stanley Mount, Peel, Isle of Man. Permitted 3/3/2008.

06/01658/B - Construction of two single storey light industrial units, creation of additional car parking, landscaping and widening of site entrance - Refused at Appeal 7/6/2007.

04/02282/A - Approval in principle for a residential development of six town houses on derelict land, and garage - Refused on Review 4/11/2004. Refused at Appeal 7/6/2007.

96/01596/B - Erection of seven lock up garages and installation of W.C. to existing workshop, on site behind Stanley Road, off Stanley Mount, Peel. Permitted 1/3/97.

91/00343/B - Construction of new vehicular store, land at Stanley Mount, Peel. Refused 1/9/94.

DEVELOPMENT PLAN POLICIES

4.1 In terms of local plan policy, the site lies within the Settlement Boundary for Peel and is classified as being within a Mixed Use Area as shown on the Inset Map for the Peel Local Plan 1999. In the Draft Area Plan for the North and West on Draft Proposals Map 7Peel Town Centre, the site is shown as being located in a 'Predominantly Residential' area. The site is located in the designated Peel Conservation Area. There are no Registered Buildings on or around the site.

4.2 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 contains policies that are considered materially relevant to the assessment of this current planning application:

Strategic Policy 3: Proposals for development must ensure that the individual character of our towns and villages is protected or enhanced by:

(b) having regard in the design of new development to the use of local materials and character.

Strategic Policy 4: Proposals for development must:

(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2) , buildings and structures within National Heritage Areas and sites of archaeological interest;

(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and

(c) not cause or lead to unacceptable environmental pollution or disturbance.

Strategic Policy 7: Undeveloped land which is zoned in Local or Area Plans for industrial, office, or retail purposes will be retained and protected for such uses, except where those uses would be inappropriate or incompatible with adjoining uses.

Policy GEN 2 (in part)

b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the space 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 adverse effect on road safety or traffic flows on the local highways."

j) can be provided with all necessary services;

(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;

4.3 Environment Policy 7: Development which would cause demonstrable harm to a watercourse, wetland, pond or dub, and which could not be overcome by mitigation measures will not be permitted. Where development is proposed which would affect a watercourse, planning applications must comply with the following criteria:

- (a) all watercourses in the vicinity of the site must be identified on plans accompanying a planning application and include an adequate risk assessment to demonstrate that works will not cause long term deterioration in water quality;
- (b) details of pollution and alleviation measures must be submitted;
- (c) all engineering works proposed must be phased in an appropriate manner in order to avoid a reduction in water quality in any adjacent watercourse; and
- (d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species.

4.4 Environment Policy 10: Where development is proposed on any site where in the opinion of the Department of Local Government and the Environment there is a potential risk of flooding, a flood risk assessment and details of proposed mitigation measures must accompany any application for planning permission. The requirements for a flood risk assessment are set out in Appendix 4.

4.5 Environment Policy 22: Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:

- i) pollution of sea, surface water or groundwater;
- ii) emissions of airborne pollutants; and
- iii) vibration, odour, noise or light pollution.

4.6 Environment Policy 35: 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.

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

4.7 Transport Policy 7: 'The Department will require that in all new development, parking provision must be in accordance with the Department's current standards.' The standard in respect of light industrial requires there to be one parking space per 30 sq m of floor space for light industrial use, one per 50 sq m of industrial floor space and 1 per 100 sq m of storage and distribution floor space.

REPRESENTATIONS

5.1 Peel Town Commissioners (29/2/24) comments: "The Commissioners believe the planning application will cause vehicle movement and parking problems on the surrounding streets particularly Stanley Mount and Circular Road. The Commissioners believe the access including visibility and the space for manoeuvring on the site is substandard and represent a road safety risk."

5.2 Highway Services (4/1/24) Comments:

"The proposal would see the erection of two light industrial units on an existing site with mixed garage and vehicular use. The existing site entrance onto Stanley Mount will be used and car parking internally within the site will be formalised.

The existing site entrance onto Stanley Mount will be utilised for access/egress for the proposal, resulting in intensification of use. Stanley Mount is a narrow local access road. At the location of the access there is a sharp bend that provides no forward visibility for either

direction. As a result, vehicle speeds would be low and in this instance a 2m setback would have been acceptable. The applicant's statement notes that frequent on-street parking is present along Stanley Mount. This is supported by historic street imagery from google and more recent internal department footage of the street. As a result, vehicle speeds will be further reduced due to weaving and crossing over carriageway required. Visibility splays of 19m to the left on exit and 14m to the right on exit have been provided from a 2.4m setback. The splay to the right is not drawn to the nearside edge of carriageway, however due to the narrow width of the lane and the favoured side for on-street parking, the drawn splay is accepted. The distance achieved to the left is suitable for speeds up to 15mph and to the right up to between 10-15mph. Due to the reduced speeds caused by the road alignment and on-street obstacles mentioned above, the visibility splays presented are acceptable to Highways, including the intensification of use the development will create.

The access is not aligned perpendicular to the highway, with an acute angle favouring access/egress in a north/eastbound direction. This could cause some access/egress issues for vehicles approaching from or exiting to the southern/western side. In order to make this manoeuvre easier, the proposal will also include widening of the existing access. This is welcomed by Highways to improve access. Due to the size of the units proposed, it is unlikely that long-wheel-based or heavy goods vehicles will be accessing the site. The alteration to the access and the highway, in the form of widening the access and dropped kerbs, will require a Section 109(A) Highway Agreement to be made post planning consent. Internally, the only development comes in the form of the erection of the two industrial units in the north-west corner of the plot.

Internally, each unit measures approximately 9.4m by 8m. The floor plans show gaps in the walls indicating access spaces. One unit has a single access of width approx. 3.2m, with the other unit showing a double access of approx. 6.9m width. Both accesses meet the Manual for Manx Roads requirement for vehicular access/garage width, in addition a separate pedestrian access is provided. The floor plans and the block site plan on the drawing 'Plan as Proposed' do not match. The floor plans indicate a double access on one unit, whereas the block plan shows both units to have a single access only. Whether the access on the unit in question is single or double does not bare significance to Highways, as the access is away from the highway and does not impact on internal movement or parking, but clarification may be sought by Planning or Building Control.

Light industrial units require one parking space per 30sqm of net floor space according to the Strategic Plan parking standards. With the units measuring approx. 75-80sqm (allowing for measurement inaccuracy), parking require would be three spaces per unit. The block plan has provided indicative locations of this parking requirement with three spaces aligned horizontally along the western boundary, and another three aligned vertically along the eastern boundary. Spaces aligned vertically in this location could cause access and egress difficulties, however, if assigned to one unit management of the spaces can be easily achieved. There is further space adjacent to the existing garage along the southern edge of the site to provide parking for the existing garage and use.

The proposal raises no significant road safety or highway network efficiency issues. Accordingly, Highway Services Development Control raises no objection to the proposal subject to all access arrangements to accord to Drawing titled 'PLAN AS PROPOSED'. The Applicant is advised that a S109(A) Highway Agreement is needed after the grant of planning consent.

Recommendation: DNOC Code definition DNOC - Do not oppose subject to condition"

5.3 Manx utilities Authority (MUA) (15/2/24) Comments:

"Planning Department - we are satisfied with the percolation test."

5.4 THIRD PARTY REPRESENTATIONS

Representations have been received in the form of seven letters from the occupants of dwellings in the locality namely Beach Street, Bridge Street, Shore Road, Stanley Mount and Stanley Road, Peel. Concerns raised are summarised as follows;

- o Light industry could mean anything from a cheese factory to a crematorium;
- o The elevation plan is meaningless as the elevations are not shown in context with surrounding properties;
- o Access: this is an awkward siting on a tight right angled bend and closely opposite to a house and with a lot of parked cars - as it is, residents cars are often damaged by passing traffic;
- o Traffic: this proposal will increase traffic in an already congested area with narrow streets and limited residents parking. Larger Vehicles e.g. vans SUVs sometimes have to mount the pavement to drive along Stanley Mount particularly affecting the property opposite the site access as they can be only 18" or less away from the house windows. Extra workers or company vehicles will only exacerbate this already difficult situation;
- o The access to the site along Stanley Mount from Bridge Street requires driving on the pavement to ensure no damage to parked cars. There are always cars parked along there.
- o Parking provision for 7 vehicles is shown - would these be for cars, vans, lorries? There is an acute parking problem in the Peel area and this proposal would make the situation worse;
- o As the proposed units will be over 6 metres it would considerably affect the outlook and light to houses particularly in Bridge Street;
- o My parents live at the bottom of Bridge Street. Their property, as well as their neighbours properties, back directly onto this site. Their yards are lower than the level of the proposed building site. The drawings suggest that the new industrial units will be in the region of 6.5 meters at the peak of the ridge. This will have an incredibly negative impact on those properties in terms of losing direct and natural sunlight;
- o Part of the planned structure overhangs our garden and would result in a loss of privacy;
- o What is acceptable in terms of height approximation 5%, 10%, 50% variation?
- o This appears to be a little Lego building with skylights of natural timber cladding and a metal roof which is featureless and not in keeping with the Conservation Area and Peels architectural integrity;
- o No dimensions are given between the walls of the new building and adjacent properties. These gullies will become traps for industrial and domestic rubbish and be occupied by vermin;
- o No indication of acoustic absorption material required to minimise sound outbreak from the buildings;
- o No extractor fan outlets are shown;
- o No knowledge of who tenants would be and whether their activities are appropriate in a residential area;
- o Small industrial areas have already been developed eg Mill Road and the Ramsey Road to meet this sort of requirement and as there are generally vacant units on those sites so this would appear to be a superfluous proposal and not needs led;
- o Where will surface water go if the soakaway clogs especially during periods of torrential rain;
- o The existing Stanley Mount drains cannot cope during increasingly regular periods of torrential rain, this could lead to a hidden accumulation of water in the soil beneath neighbouring properties which could prove catastrophic;
- o Drainage: the proposal states that foul drainage would be accessed via existing drains. What would be going into these bearing in mind the serious pollution issues there are already in Peel Bay, the site is very close to the beach and tourist areas and could therefore increase this problem;
- o Unacceptable noise levels from construction workers, and subsequently cars, vans and lorries;

- o There should be reduction in property taxes if this Light Industrial proposal goes ahead;
- o Light pollution - at present there is no lighting in the area , so there is no intrusion from unwanted light at night;
- o There would be issues of access and security - would the site be secured at night?
- o Any landscaping would be of limited use;
- o The land is derelict at present - any landscaping that is visually attractive and in keeping with the Conservation Area would be welcomed;
- o Very concerned about fire brigade access re nature of units and close proximity of residential properties.

6.0 ASSESSMENT

6.1 In assessing this application, the main issues to be considered are whether the previously approved proposal for the same scheme (see PA Ref: 07/02225/B - for the erection of two light industrial units, creation of additional car parking, turning area, widening of entrance and landscaping - Permitted 3/3/2008), remains acceptable and/or whether there has been any material changes in circumstances - such as to the site and surroundings; or, to adopted planning policy that would dictate otherwise.

6.2 The site is within a Mixed Use area, although surrounding land uses are predominantly residential. As such, the use of the site for light industry is considered to be acceptable in principle. The issues to be considered therefore are access, parking arrangements, the manoeuvring area and impact on residential amenity as a result of the former issues. In order to make an accurate assessment of these issues, each will be considered in turn.

Access

6.3 The application proposes to widen the existing access to 6.5 metres which is the same width as previously proposed. 7 No. parking spaces are shown as being provided, this is the same number as per the previously approved PA Ref: 07/02225/B scheme. Since the previous approval was granted, the Manual for Manx Roads 2021, has been adopted by the Department of Transport Highways Division. Bearing in mind this update, DoI Highways has advised in its comments that it does not oppose this application.

Parking arrangements

6.4 The previously refused scheme (See PA Ref: 06/01658/B) proposed a total of 12 parking spaces, two of which were to be "tandem spaces", essentially blocking in two vehicles when all spaces were being used. Now, and as previously approved, proposed is a total of 7 spaces which would have the effect of allowing more space for both access and manoeuvring in and around the site. The Parking Standards as set out within the adopted Isle of Man Strategic Plan require sites used for light industrial use to have a parking provision of 1 space per 30 sq. m of floor space. This would result in a parking requirement of 5-6 spaces and as such the proposed provision of 7 spaces is acceptable. All 7 spaces would be accessible with none being blocked in. As such, the proposed parking arrangements are considered be an improvement over the previous scheme and are acceptable.

6.5 Whilst no specific cycle parking facilities are proposed, cycles could be parked against the retaining wall of the access ramp, or within the units, if required.

Manoeuvring

6.6 Clearly there is quite a history to this site resulting in the previously approved PA Ref: 07/02225/B scheme. The reduction in parking spaces within the site in comparison to the previously refused PA Ref: 06/01658/B scheme should improve the ability for vehicles to manoeuvre in and around the site. There was also a reduction in size of one of the proposed light industrial units which again left more manoeuvring space. The application shows the 2 industrial units as being the same as previously approved. Whilst it does not provide tracking

drawings to indicate how larger vehicles may turn within the site, the submitted site layout plan shows the provision of a hard standing area with a maximum width of approx. 12 metres compared to approximately 6.5 metres as proposed by the previously refused scheme.

Impact upon residential amenity

6.7 The current proposal would result in improved access to, and manoeuvring and parking arrangements, on the site. As a result of this the associated impact of the proposal upon the residential amenity of neighbouring properties would be reduced compared with the previously refused scheme. What is currently proposed has previously been accepted (See PA Ref: 07/02225/B) The comments received from neighbours raising concerns regarding the proposed development are noted. It is considered that the properties which border the site, particularly 1 to 9 Stanley Mount are adequately protected from the application site by existing boundary walls and that the proposed development would not result in increased activity above and beyond what is current site activity so as to warrant refusal. Of greater concern is the issue of increased congestion that could result from the development which in turn could impact negatively upon residential amenity. This issue formed part of the reason for refusal of the previous PA Ref: 06/01658/B scheme. However, it is considered that the revisions which are comprised within this scheme as now proposed would collectively result in significantly less impact to residential amenity as the site arrangement would allow better access, manoeuvring and parking. The proposal would also serve to enhance the character and appearance of the Conservation Area by improving the derelict condition of the site and through the provision of landscaping. As such, it is considered that these proposals would be beneficial to neighbouring residents.

Conclusion

6.8 On balance, and bearing in mind the changes since the originally refused PA Ref: 06/01658/B scheme was considered; the approval of PA Ref: 07/02225/B for the same scheme as that currently proposed; the adoption of the Manual for Manx Roads in June, 2021; and, the coming into force of the Isle of Man Strategic Plan in 2016; it is considered that the proposal would not result in any adverse impacts to the surrounding area so as to warrant refusal. The visual improvements to the site would enhance the Conservation Area. Overall, it is concluded that the planning application is in accordance with Policies SP3, SP4, SP7, GEN2, ENV7, ENV10, ENV22 iii), ENV35, T4 and T7 of the Isle of Man Strategic Plan 2016 and is recommended for approval.

RECOMMENDATION

7.1 Overall, it is concluded that the planning application is in accordance with aforementioned General Policies and Policies SP3, SP4, SP7, GEN2, ENV7, ENV10, ENV22 iii), ENV35, T4 and T7 of the Isle of Man Strategic Plan 2016 and is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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 5.5

Proposal : Proposed erection of three pole-mounted photovoltaic trackers with associated equipment, containers and parking (part retrospective)

Site Address : Field 434112
Douglas Road
Ballasalla
Isle Of Man

Applicant : Dr John Taylor OBE

Application No. : 23/01364/B- [click to view](#)

Planning Officer : Hamish Laird

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the erection of the solar trackers details of the colour and finish of the stem and solar PV panels shall be submitted to and approved in writing by the Department. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of visual amenity.

C 3. The applicant shall notify DEFA Planning on writing of the date of the first export of electricity generated by the site. Operations for the export of electricity using the equipment installed on the site as hereby approved, shall be time limited for a period of 25 years, only.

Reason: To ensure that the installed equipment, which has a design life of 25 years, remains fit for purpose, and that any new equipment or time extension for the use of the facility for electricity generation is considered by DEFA Planning in the interests of technological change and visual amenity.

C 4. If the 3 No. solar trackers, data centre and WC, hereby approved, become redundant or are no longer in operational use, they must be removed from the site within three months of their last use.

Reason: To protect the visual amenities of the area.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no plant, equipment, structure, garage, car port, gate, fence, wall, or other means of enclosure, or hardstanding area shall be erected or installed within the curtilage of the application site hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

C 6. Prior to the commencement of any development on the site a Precautionary Working Method Statement for common lizards shall be submitted to and approved in writing by DEFA Planning. The development shall not be commenced until all the requirements of the approved Precautionary Working Method Statement have been implemented.

Reason: In order to protect the habitat of and minimise harm to any common lizards that may be found on the site.

Reason for approval:

It is considered that the environmental benefits of the proposed scheme outweigh the limited identified harm to the countryside and as such the proposed three pole-mounted photovoltaic trackers with associated equipment, containers and parking would comply with the Energy Policy 4 and Environment Policy 2. In addition, it is considered that the proposed development would not result in an unacceptable level of harm to the residential amenities currently enjoyed by the occupants of the nearby dwelling at Arborfield. As such, it accords with the provisions of Policies ST1, ST2, ST3, ST4 c), ST5, SP5, GEN2, ENV1, ENV22, ENV23, T4, T7, and T10 in the Isle of Man Strategic Plan 2016.

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 mentioned in Article 4.2:

Arborfield, Douglas Road, Ballasalla, Isle of Man, IM9 3AD

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021), in that the property is sited within 20 metres of the site (access track); and, the occupants raise planning related points regarding these proposals.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN

1.0 THE SITE

1.1 The site is part of a field which sits one field in from the south-west side of the A5 Castletown Road on its approach into Ballasalla, and to the south west of a lane which links the A5 with the steam railway line. The first part of this lane serves an existing residential property, Arborfield, which is not within the applicant's ownership, and sits on the corner of the lane and the A5 and is part of a public footpath: the southern spur off the lane is a private road which serves the former Ballawoods Gatehouse. The proposed development site extends to approximately 0.49 hectares and consists of grassland.

1.2 Ballawoods Gatehouse was approved for redevelopment in the form of a completely new house further into the field, together with the replication of the original gatehouse on the other side of the railway line (17/01076/B, 18/00197/B and 23/01498/B which is pending

consideration). These works have not been completed and the new house is not yet occupied. The gatehouse which is a relatively small structure located opposite the site on the south-east side of the railway, is as existing.

1.3 A borehole has been installed some way up the field towards the A5 and pipework is has been laid in the field between it and the cottage.

1.4 The site of the works is screened from the main road by existing roadside hawthorn hedging and although there are gaps therein, the site of the proposed works has a backdrop of existing trees with more to be planted as part of the approvals for the new dwelling.

2.0 THE PROPOSAL

2.1 The full application is for the erection of three pole-mounted photovoltaic trackers with associated equipment, containers and parking, and is in respect of the containers and parking, retrospective. The scheme will be used to power the Gatekeepers Cottage and the rest of the site, in order to meet the Net Zero targets outlined in the Isle of Man Climate Change Action Plan. The development consists of 3no. photovoltaic trackers and associated infrastructure which includes a data centre (7.4 x 2.75m Container), W.C. (3.7 X 2.7m Container), access road for maintenance and car parking facilities.

2.2 The Planning Statement accompanying the application advises:

"3.4 The photovoltaic trackers are partial retrospective as the groundworks for the trackers have been installed. Each tracker is made up of 36 panels. The panels measure 1.82sqm each, in total each tracker has a total area of 65.52 sqm. The erection of the solar panels is required, this will take 7 days to complete. The trackers will produce 50,989 KW/Hrs per year.

3.5 The data centre will deliver information on the energy being produced by the solar trackers. The data centre will also enable the control of the trackers. Incidentally, this information will enable the site to be used for educational purposes.

3.6 The data centre and W.C are containers in vertically hung natural timber cladding and will weather naturally. Windows and doors are white UPVC double glazed units.

3.7 8 no. parking spaces are also provided for onsite using "Grasscrete" paving to allow grass to grow through the parking. The area is to be screened with native planting.

3.8 The development will ensure that the site is powered by 100% renewables, this will include the Plant building and data centre. This will also provide power to the nearby Gatekeepers Cottage."

2.3 In respect of de-commissioning, the Planning Statement advises:

"3.9 When the solar trackers come to the end of their operational life, estimated to be 30 years, the Development will require decommissioning. All solar PV array infrastructure would be removed from the site and recycled or disposed of in accordance with good practice and market conditions at that time.

3.10 Decommissioning would be expected to take approximately 3 months.

3.11 Notice will be given to the council in advance of commencement of the decommissioning works, with all necessary licenses or permits being acquired. The applicant will follow best practice when following through the decommissioning procedure."

2.4 The three pole-mounted photovoltaic trackers would be sited to the south of the car park, WC, and data centre, and would comprise flat solar PV panels measuring approx. 8.65m

long x 5.5m wide, mounted on a stem which would have a 'hub' height of approx. 2.65m and would track the sun's movement where they would appear at varying heights of approx. 3.5m when laying in a flat, horizontal position; approx. 6.0m when tracking the sun at an angle of 40o; and approx. 6.6m when tracking the sun at an angle of 70o.

2.5 The flat-roofed Data Centre container would measure approx. 2.5m high x 2.85m wide x 7.5m long with a window in each end elevation, and access door in the centre of the SE facing elevation. The flat-roofed WC would measure 3.8m wide x 2.85m deep x 2.5m high, and would have access doors located in the SW and SE facing elevations. They would be sited close to the boundary hedge marking the NE site boundary.

2.6 The car parking area would provide spaces for 8 cars.

2.7 The application originally proposed the erection of a wind turbine located to the west of the 3 No. solar trackers. It was to have had a single three-blade, rotor with a hub height of 12.0m and a maximum tip height of 15.0m (6.0m diameter rotor). This element of the proposals was withdrawn from the application on 22/3/24.

2.8 The application is supported by a full set of plans and drawings; a Preliminary Ecological Appraisal Report by Fromanteel Ltd dated March 2024; A Glint Assessment; Environmental Impact Assessment Screening Letter dated November, 2023; Planning Statement; Baseline Viewpoint Panorama and, Photomontage; Location Plan Viewpoint;

2.9 In terms of the potential for an Environmental impact assessment being required, an Environmental Impact Assessment Screening letter has been submitted by the applicant. The letter's summary advises as follows:

"7.3 This screening assessment has considered the cumulative impact of whether the proposed development of 3 no. ground mounted photovoltaic trackers, wind turbine and associated infrastructure at Field No 434112, Malew, Isle of Man, IM9 3AD would result in likely significant effects on the environment.

7.4 The proposed development would not constitute an EIA development within Schedule 2 of the EIA regulations as the development is not large enough. The site does not include any ecological or landscape designations and is made up of agricultural land and is not considered a sensitive site. A screening letter has been produced in line with Energy Policy 4 of the Strategic Plan. As set out above we do not consider the proposals would give rise to any significant environmental effects.

7.5 The proposed development would NOT constitute a schedule 2 development as defined by Regulation 2(1) (3)) as it is not on a site measuring more than 0.5 hectare, it does not have 2 or more turbines, and the wind turbine does not have a hub height of 15 or more metres.

7.6 The proposed development is therefore NOT considered to be formal EIA development as defined by the EIA regulations."

PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South as not designated for a particular purpose and with no specific constraints. The site lies within an area on the Isle of Man Planning Scheme (Development Plan) Order 1982 as of high landscape value and scenic significance. The site is also part of a wider area of Incised Slopes where the following guidance is provided:

Ballamodha, Earystane and St Marks (D14)

The overall strategy is to conserve and enhance the character, quality and distinctiveness of the area, with its wooded valley bottoms, its strong geometric field pattern delineated by Manx hedges, its numerous traditional buildings and its network of small roads and lanes. The strategy should also include the restoration of landscapes disturbed by former mining activities.

Key Views Distant views prevented at times by dense woodland in river valleys and by the cumulative screening effect of hedgerow trees, which tend to create wooded horizons.

Open and panoramic views out to sea from the higher areas on the upper western parts of the area where there are few trees to interrupt views.

Objectives include:

- i. To protect and enhance the identity of Ballasalla by conserving the rural character of the adjacent landscape.
- ii. In terms of Langness, to resist any development that would detract from the unspoilt character and appearance of the rugged coast or from the sense of openness in the area.
- iii. Protection of the tranquil, rural character of the area with its open views.
- iv. Sensitive location of new buildings and the use of screen planting.
- v. Avoidance of physical or visual amalgamation of roadside housing.

3.2 The Strategic Plan presumes against development which would have an adverse impact on the character or appearance of the countryside (Environment Policies 1 and 2) but supports development which would harness renewable energy and reduce environmental impact.

3.3 Transport Policies T4 and T7 relating to access to the site from the road network; and, on-site parking and turning provision, are of relevance. Transport Policy T10 relates to the location and nature of development in and around the Island's airports, airfields, and air traffic control sites will be controlled in a manner which ensures that the safe and efficient use of these facilities by aircraft is not compromised.

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

3.5 Environment Policy 24: "Development which is likely to have a significant effect on the environment will be required:

- i) to be accompanied by an Environmental Impact Assessment in certain cases; and
- ii) ii) to be accompanied by suitable supporting environmental information in all other cases."

3.6 Appendix 5 sets out further information and lists developments which will automatically require an Environmental Impact Assessment, including:

(c) Energy industry

- o Thermal power stations and other thermal installations
- o Surface storage of natural gas
- o Underground storage of combustible gases
- o Surface storage of fossil fuels
- o Industrial briquetting of coal and lignite
- o Installations for the harnessing of wind power for energy production

3.7 The means of assessing the impacts (good and bad) of a proposed development on the environment, prepared by, or on behalf of, the developer/applicant. An EIA should aim to

ensure that the planning decision is made in the knowledge of all the likely environmental effects of the development, and of the proposals for mitigating adverse effects and enhancing positive effects.

4.0 PLANNING HISTORY

4.1 In respect of the application site, PA 19/00450/B permitted on 29.05.2019 the "Creation of a borehole (retrospective) and erection of plant building associated with Gatekeeper Cottage, Ballawoods Halt, Ballasalla (PA 17/01076/B)".

4.2 As referenced above, PA's 17/01076/B and 18/00197/B relating to Ballawoods Gatehouse were approved for redevelopment in the form of a completely new house further into the field, together with the replication of the original gatehouse on the other side of the railway line.

4.3 PA 23/01498/B - Amendment to PA 18/00197/B - Erection of replacement dwelling and new access drive and associated landscaping incorporating part Field 434112 and associated works to existing access lane. Amendments to provide additional underground clock room area to lower ground floor - pending consideration.

5.0 REPRESENTATIONS

5.1 Malew Parish Commissioners 10/1/24 have no objections to the proposal.

5.2 DEFA Ecosystem Policy Officer's originally comments received on (15/1/26) are as follows: "The Ecosystem Policy Team have read through Wardell Armstrong's Preliminary Ecological Appraisal report for Ballawoods dated October 2023 and though we do not object to the general principle of the use of the site for a wind turbine and PV trackers, we are a bit conflicted with the assessment, mitigation recommendations and site design. Bearing in mind that the Isle of Man does not currently have policy guidance on micro-turbines and wildlife, please can Wardell Armstrong be requested to provide details of the UK guidance that was followed to determine the level of assessment required.

Our concerns relate to the following:

Wardell Armstrong have assessed the habitats within the red line boundary of the application and concluded in Table 3 that "There is negligible suitable habitat on site for bats. The distance of the site from a suitable bat feature (hedgerow, mature tree, building etc.) means that it is unlikely bats will be utilising the site for foraging or commuting." However, when assessing wildlife impacts with wind turbines it is important to take account of other commuting, foraging, nesting and roosting habitat outside of the red line boundary which are likely to bring bats and birds on to the site and therefore into conflict with turbines. In this case, the surrounding hedges/hedge banks and mixed plantation woodland, including hedges which are immediately adjacent to the red line boundary - a hedge bank approx. 30 m to the north of the turbine and adjacent to the site compound, a hedge bank approx. 40m to the west of the turbine and a mixed woodland hedge approx. 100m to the east of the turbine. We are currently not confident in the assessment because the site's surroundings have not been at all taken into account or characterised. It would also be useful if exact measurement could be provided to show the distance between the turbine and surrounding habitat features.

A precautionary approach is recommended for free standing micro-turbines and it is the Ecosystem Policy Teams recommendation that they should not be located within 30-50m of known bat flyways in order to reduce the collision risk to bats from the rotor blades. As stated above, the turbine is located 30m and 40m away from 2 different hedge banks and so bat activity effort is required in order to determine whether the surrounding hedges are used as bat flyways and therefore whether a lower 30m buffer between the turbine blades and hedge bank is appropriate.

Scottish Natural Heritage Micro renewables and the natural heritage: Revised guidance (Jan 2016) states - We recommend siting micro turbines at least 30m away from potentially suitable bat habitat, especially in landscapes with little suitable habitat. Give careful consideration to roof mounted and free standing turbines installed:

- o On buildings known, or suspected, to contain bat roosts
- o Within 30m of a known bat roost
- o On buildings where bats are frequently observed
- o On known bat flyways (commonly along watercourses, hedges, woodland edges)

Bearing the above in mind, it is concerning that Wardell Armstrong's recommendations include the incorporation of nest boxes (including house sparrow and swift) and bat boxes on site, which will actually encourage bats and birds into the area and therefore increase the risk of collisions and barotrauma (an even larger buffer distance is required between bat roosts and turbines). Furthermore, the mitigation for the visual impact includes tree planting in close proximity to the turbine which in time is likely to encourage further use of the site by bats and birds. These mitigation recommendations seem inappropriate. Again, measurement would be useful to determine the exact distance between turbine blades and proposed tree planting."

5.3 DEFA Ecosystem Policy Officer's further comments received on (18/1/24) are as follows: "Forward to the below, we now understand that in addition to the hedges adjacent to the 5.4 DEFA Ecosystem Policy Officer's comments received on (5/2/24): in the same field as the wind turbine is to be located. In the area approximated in red below. Meaning that even more habitat suitable for bats and birds, and which will bring them in close proximity to the turbine blades, is now present. More information about this tree planting should be provided prior to determination and the Ecosystem Policy Team re-consulted on the application, as this may make the location of the turbine unsuitable."

5.4 DEFA Ecosystem Policy Officer's comments received on (5/2/24): "Correspondence has now been received by the Planning Department which details that there is an active bat maternity roost in Arborfield, Douglas Road. This roost is unknown to the Ecosystem Policy Team and therefore we cannot confirm its presence - site visits and bat surveys would be required. However, the presence of an active maternity roost in Arborfield, which is located approx. 200m to the north east of the turbine site, emphasises the need for the applicants to obtain bat surveys prior to granting of Planning permission for a wind turbine in this location because bats, including young bats which are learning to fly and feed themselves at certain times of the year, will be present in the local area and using the fields around the wind turbine, particularly the woodland and hedge banks, for feeding and commuting. The Ecosystem Policy Team currently object to this application because of the lack of bat survey effort."

5.5 DEFA Ecosystem Policy Officer's comments received on (12/4/24): "The Ecosystem Policy Team can confirm that we have no objection to this application in regards to potential impacts on bats, now that the wind turbine has been removed. We can also confirm that we content with Wardell Armstrong's Preliminary Ecological Appraisal Report dated March 2024.

Should this application be approved we request that a condition is secured for no works to commence unless a Precautionary Working Method Statement for common lizards has been submitted to Planning and approved in writing.

We note that the Agent's response to our previous comments states that bat surveys are to be undertaken prior to the submission of a separate application for a wind turbine, and we are content with the bat survey effort suggested for the habitat as it is currently. However, we don't yet see that our comments regarding recent tree planting within field 414112 have

been taken into account. The newly planted trees won't at the moment be providing good habitat for bats. However, they will do in years to come when they are more grown and so increased bat activity in proximity to the wind turbine should be expected and considered in any future ecological assessment."

5.6 DoI Highways Services 22/12/23 advised:

"o 23/01364/B - 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 it being an existing driveway, as the access is suitable for the proposals and the turbine is relatively small to be delivered."

5.7 DoI Highways Services 11/4/24 advised:

"Highways HDC has reviewed the updated information for application 23/01364/B dated 22 Mar 2024 online and have no further comments to make."

5.8 Manx Utilities (MUA) requested an extension time in which to comment owing to the Christmas period. MUA subsequently advised (11/1/24):

"From a gas infrastructure perspective, there is a gas pipeline in close proximity of the proposed development - in particular the loading on the proposed access route from the lane to the carpark during construction may compromise the gas transmission system. In order to ensure there is no impact on our infrastructure, a Quantitative Risk Assessment will need to be undertaken to consider loading on the pipeline both during and after construction, and to ensure sufficient mitigation is in place to protect the pipeline from activities at the site. From an electricity network perspective, Manx Utilities requests that the applicant clarifies whether it is their intention to run a totally separate system from the Manx Utilities' electricity supply, whether it is intended to run in parallel with the Manx Utilities' electricity supply or whether it is intended to run as a switched alternative to the Manx Utilities' electricity supply. This is not currently clear from the application. If it is one of the latter two items then the applicant will need to engage further with us as to how the proposed system will be connected and operate."

Manx Utilities has no concerns about installations which are not connected to the network. There does not appear to be an application for a grid disconnection currently. Before planning permission is granted, we advise that this is submitted if the applicant intends to operate a fully off-grid energy system as appears to be the case from the planning application, before any new generation equipment is commissioned. If instead the intent is to retain the domestic supply to Gatekeeper's Cottage, Manx Utilities will still need to carry out a detailed network study to ensure that there is no risk that the generators could back-feed the network in the event of a fault at the property. This will be required even if the intent of the applicant is to use all electricity generated at the site itself.

Manx Utilities is also unable to commit to provide any back-up supply for this property given the proposed modifications without carrying out a detailed grid modelling study. Manx Utilities would like to draw the applicants' attention to the requirement to contact Manx Utilities in relation to operating private generation in parallel with the public electricity supply network and will also need to comply with Engineering Recommendations G99 and G100. Finally, Manx Utilities notes that drawing 3 of the planning application appears to include a building/object with reference "H2", but with no further details or reference to this within the wider application. We would like to request further details are provided on this building and its use given "H2" is the chemical formula for Hydrogen and its proximity to critical national infrastructure will need to be assessed should that be its intended use."

5.9 In an email received 28/5/24, MUA, in response to the applicants' letter of 20/3/24, MUA advises as follows:

"Thank you for forwarding your response onto us."

I've included your direct response for the benefit of my colleagues, cc'd in:

From the applicant's letter of 20/3/24:

"Our response:

The intention of the site is to run as a switched alternative to the Manx Utilities' electricity supply. The applicant is happy to arrange a meeting to ensure the procedure for implementing a switched system is followed correctly and to ensure that all parties are satisfied with the works.

As mentioned in the response above, the solar tracker and wind turbine foundations are constructed. The Manx Utilities (MU) pipeline engineers visit on a regular basis to inspect the pipeline route and as far as the applicant is aware have viewed all works undertaken to date. At no point has the applicant been made aware of any issues, to their knowledge the MU engineers have been happy with works, it would be expected that if anything had been of concern it would have been brought to the applicant's attention. The foundations are approximately 30 meters from the pipeline.

The applicant would like to confirm that any reference to H2 on the drawing refers to a concrete base provision for the potential to store external H2 cylinders. Nevertheless, any future work relating to H2 will be submitted in a separate application. A section of the Plant building and Site showing the gas main near the plant room has been submitted alongside this letter to give further context.

The proposal is in accordance with the Isle of Man Development Plan, the applicant will ensure that Manx Utilities also have no objections to the proposal."

MUA continues its comments:

Based on your updated information it is not currently possible for us to comment on whether or not the proposal is acceptable from a Utilities perspective as there is potential to impact our power system. In order for us to progress, could you please submit an Electrical Network Enquiry to our Design team - <https://www.manxutilities.im/your-home/electricity/electricity-network-enquiry/>

Once the form has been located by your electrical team supporting the proposal, it will help us understand your plans and it would be sensible to have a meeting. I will leave Jason's team to follow up with this aspect.

In addition, it may still be necessary to carry out a Risk Assessment for our gas pipework in the vicinity. The potential for hydrogen storage in the future (and its location) may need to be given some thought at this stage. I will leave Chris' team to follow up with this aspect."

5.10 In a further email received via the applicant from MUA's Design Services Manager, dated 28/5/24, MUA advises:

"Further to the comments from Lizzie (28/5/24), I don't think there is any need to submit an Electricity Network Enquiry form at this stage. You have made a clear statement that the intention is to run the site as a switched alternative to the electricity network which I think covers the situation. The form will be more relevant to submit when you get into the detailed electrical design and know the make / model / electrical design of the switching arrangement. Provided that the installation meets the requirements of the BS7671 wiring regulations then from a planning perspective I have no issues with the proposal."

5.11 The Airfield Operations Manager at Ronaldsway Airport was consulted on the application on 4/3/24. No comments had been received by the Report drafting Stage.

REPRESENTATIONS

5.12 One letter of representation has been received objecting to the proposals from the occupants of Arbourfield, Douglas Road, Ballasalla, which is the neighbouring property located to the north-west of the site and adjoins the access track leading to it from the A5 Douglas Road. Full details of the representation and all other application details are available to view on the Government's website. Concerns raised are:

"Background:

We purchased Arbourfield in 2013 as a property to be developed. It took us five years to find a bungalow on flat land that had space for adaptations to be made and land to provide accessible exercise space. We have made considerable adaptations to the property to make the property 'house for life'. Adapted kitchen, adapted bathrooms, hydro therapy pool, carers accommodation, ceilings strengthened to allow for hoists in her later life.

Due to our large investment in the property we are not able to 'move' out of the planning applicants proposed change of use from agricultural field to 'Energy Centre' - with its associated noise, visual impact and traffic movements- the noise would continue twenty four hours every day, every year- indefinitely for Arbourfield and our daughter if the application is allowed to go ahead.

History of the Applicants Planning.

When the applicant filed for the Gatekeepers Cottage to be built in his planning application 18/00197/B in 2018 we made comment to the application, but after meeting with the applicant, he calmed our fears with it being his exciting Cottage venture for residential use. Meaning the traffic flow, noise and disruption past our property and down the country lane would be minimal when the building was complete. There was no mention of an 'Energy Centre'.

We then came to the Restaurant application for Ballawoods - recently withdrawn.

Now we find an Energy Centre with sixteen-metre-high wind turbine with a five and a half metre wingspan running continuously. And three solar panels 6 metres by 8 metres viewable in the Manx countryside.

What is to stop the Applicant increasing the amount of wind turbines and solar panels if planning grants permission for one (setting a precedent in Manx countryside)- is this why it is being called the 'Energy Centre'.

It does seem that the Application is not showing the full picture/plan and Manx Utilities fears about where the generated electricity is going and how is correct - is the 'Energy Plant' (with its own water well/pumping station) going to be used for something else.

No plans are properly showing that the site has a fresh water well and pumping station installed.

What plans does the applicant have for producing hydrogen at the site? Can planning ascertain what is to be proposed and how safe this would be - having seen that the applicant stated in the newspaper that he proposed to run the IOM steam railway trains on hydrogen.

If we Google Hydrogen Gas production we get:

How do you turn water into liquid hydrogen?

Luckily water (H₂O) contains hydrogen and we can use water to produce hydrogen gas (H₂). Splitting water molecules into oxygen gas and hydrogen gas using electricity is called "electrolysis". Through electrolysis, we convert electrical energy into a storable fuel namely hydrogen gas.

If this is the case this would then turn the change of use in the planning application into Industrial/Commercial - which is not what they have stated in this application.

Where would this fuel be stored?

Vans or lorries would have to collect the nitrogen - or tankers would be filled and the lane to the field is not large enough for this - as pointed out in our objection to the Restaurant application for Ballawoods.(23/01498/B)

This would then make a Highways Issue - and they have not objected to the proposal.

We will try and show planning how this Planning Proposal is not feasible, fair, safe or good for the Manx countryside, bats and wild birds.

How the applicants Proposal does not comply with the Isle of Man Strategic Plan (2016) and the Ballasalla 1982 Development Plan.

The Ballasalla 1982 Development Plan has Ballawoods situated in an area zoned to be 'Predominantly Agricultural/Residential' use.

The proposal for a change of use from agricultural field to industrial power plant use does not fit this zoning.

Environment: Policy 23 "When considering alterations and improvements to existing facilities the Department will require that consideration be given to potential adverse impact of the proposed changes to existing neighbours"

This Proposal will have a detrimental impact on our property and amenity due to the change of purpose from agricultural to industrial linked to the amount of noise and disruption caused by a sixteen metre high wind-turbine running continuously and the possibility of a hydrogen making plant.

Development within land-use zones.

General Policy 2

"Provided that the development"

(g) does not affect adversely the amenity of local residents

(h) has appropriate safe and convenient access for all highway users

(i) does not have an unacceptable effect on road safety or traffic flows on local highways

The change of planning use from agricultural field to industrial venture would not fulfil these points noted from the Strategic Plan. The noise generated would adversely affect us at Arborfield.

Proposed impact of 45 decibels continuously heard - to put this into perspective:

Taken from DEFRA comment:

'Bearing in mind that the Isle of Man does not currently have policy guidance on micro-turbines placement' If you read UK guidance on the placement of micro turbines and their proximity to local residents - their placement has to take into account the recipient / benefactor of the energy/electricity being generated and how close it can be to other properties who will not benefit in any way from the proposed turbine placement.

If we consider the site plans and Viewpoint panorama D810 submitted we can see the the applicant has placed the turbine and solar panels as far away as possible from the Ballawoods dwelling - closer to other properties who do not benefit from the turbine.

Is the proposed 'Energy Centre' not just for Ballawood's - but an 'Energy Centre Commercial Venture' - not just linked to Ballawoods property.

Noise from the wind turbine will affect Arborfields but not Ballawoods which is the sole recipient of the generated power.

The proposals will affect the Manx Utilities High Pressure Gas pipeline which serves the whole of the Island and runs adjacent to the northern site boundary and down the lane serving the site and Arborfields.

DEFA Concerns for Bats and Birds. The submitted Wardell Armstrong Ecological (desk study) report is not factual or accurate as bats are in the area.

From Wardell Armstrong ecological report:

In conclusion, it is not considered that there are any significant potential ecological constraints to the proposed development. Not Correct

It is understood that the client has undertaken pre-application consultation with the IoM Department of Environment, Food & Agriculture (DEFA). The response from the Ecosystem Policy Team highlighted several potentially sensitive ecological receptors both on-site, and within the wider landscape.

There are bats that use the hedges and we have a 'nursery' roosting bat colony in our manx stone gable-end wall and loft at Arborfield. This is used by the bats each spring/ summer to raise young.

The bats from this colony do fly around the surrounding hedges and we feel this would need an Environmental Impact Survey carried out. The siting of the turbine does not follow the UK Bat Conservation Trust guidelines.

Concern over the (Part Retrospective) implications of the planning application.

If we made the planning process aligned to the highway code -

Mirror, Signal, Manoeuvre. It does seem that there has not been a look in the Mirror or a signal - but there has been a manoeuvre.

The Energy Centre building is sited in the field, as is the toilet block. The foundations and bottom fixing poles have all been built and installed on site for both the solar panels and the wind turbine.

This is perhaps showing little regard for Manx Planning law.

Potential for noise Nuisance and Flicker

'Flicker can be a real nuisance and can affect people with epilepsy. It is caused by the blades passing in front of the sun and making the sunlight appear to flicker to anyone 'downstream' of it. To avoid it, the turbine needs to be positioned so that it is not directly between the sun's path and any neighbouring properties.' Quote from Homebuilders turbine siting guide.

This could be a problem for our property as the sun does track behind the siting of the wind turbine and our property.

UK Planning guidance on wind turbine siting

Planning Practice Guidance: Noise (PPGN) In March 2014, the Government released the PPG on noise, revised July 2019. This document sets out a number of principles and reinforces the guidance set out in the NPPF and NPSE. Paragraph 001 of PPGN notes that: "Noise needs to

be considered when new development may create additional noise and when new developments would be sensitive to the prevailing acoustic environment."

Noticeable and intrusive Noise can be heard and small changes in behaviour and/or attitude, e.g. turning up volume of televisions; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the areas such that there is a perceived change in the quality of life.

We are downwind from the development and siting of the wind turbine and the prevailing south westerly wind will increase the sound carry towards our property - we will be adversely affected by the wind turbine's siting position. The Britwind R9000 creates 88.8 decibels at source - we fear this will carry towards our property especially at night and will adversely affect our quality of life.

The report submitted to show sound Levels is under the instruction of the of the Applicant and there needs to be an independent background noise survey and then an independent noise modelling created.

The report submitted does not take into account prevailing wind directions and the affect this has on sound travel. We believe the proposed development will adversely affect the countryside, due to the height.

We believe that noise will be a prohibitive factor in the determination of this planning application.

'The proposed development as stated above will support the overriding national need '- This is not the case and is just for the applicant, yet he has placed the turbine furthest away from his own development when he is the sole recipient of the electricity.

A lot of the Hedley Planning statement is speculative and personal views as to whether the proposal will or will not stand out in the countryside - it is 15/16metres high and we have no electricity pylons that high."

REPRESENTATIONS ON BEHALF OF THE APPLICANT

5.11 In a letter dated 20 March, 2024, the PPLIOC/NAT RESPONDED TO POI/INTS AND CONCERNS RAISED FLOWING ION FROM THE CONSULTATION PROCESS ADVISING AS FOLLOWS;

"Applicant's Response to Consultee Comments in Relation to 23/01364/B | Erection of three pole mounted photovoltaic trackers with associated equipment, containers and parking (part retrospective)

Summary

To summarise, the applicant has reviewed all comments from the consultees and is willing to proactively engage further with officers to come to positive solutions. Both DEFA Biodiversity and the Ecosystem Policy officer have requested that bat surveys are undertaken prior to the determination of the application. With this in mind the applicant has made the decision to withdraw the wind turbine from the application and submit this at a later date when bat surveys have been completed.

The description of development is: Proposed Erection of three pole-mounted photovoltaic trackers with associated equipment, containers and parking (part retrospective)

Introduction

On 14 December 2023 the above application was submitted to the Local Planning Authority for consideration. Following formal consultation with the statutory consultees including those with Interested Person Status, several comments have been uploaded. This letter summarises

the additional work that has and will be undertaken on behalf of the Applicant to address the consultee comments in relation to the above application. All plans and documents have been updated where necessary to reflect the proposed changes to the previously submitted scheme.

A list of the revised plans and documents and those which are superseded is provided.

Arborfield - Interested Person Status Residents from the Arborfield dwelling have objected to the application, their comment is summarised below:

- o Concerns regarding potential for H2 production on site.
- o Collection of Nitrogen via vans and lorries on an unsuitable road.
- o Proximity to gas pipe.
- o Impact on amenity due to noise and disruption.
- o Proximity of the wind turbine to Arborfield.
- o Wind turbine flicker.
- o Concerns regarding bats and birds.
- o Change in land use from agricultural field to industrial venture

Our response:

The applicant would like to confirm that any reference to H2 on the drawing refers to a concrete base provision for the potential to store external H2 cylinders. Nevertheless, any future work relating to H2 will be submitted in a separate application. Therefore, the collection of Nitrogen also mentioned is not a consideration at this time.

We can confirm the solar tracker and wind turbine foundations are constructed. The Manx Utilities (MU) pipeline engineers have visited and continue to visit the site on a regular basis to inspect the pipeline route and, as far as the applicant is aware, have viewed all works undertaken to date. At no point has the applicant been made aware of any issues, to their knowledge the MU engineers have been happy with works, it would be expected that if anything had been of concern it would have been brought to the applicant's attention. The foundations are approximately 30 meters from the pipeline.

This application has removed the proposed wind turbine. However, to address the comments received:

A Noise Assessment was submitted in support of the application. Prior to the completion of the assessment the methodology was agreed with the Department of Environmental, Food and Agriculture (DEFA) Isle of Man via email in July and August 2023. The methodology was agreed with DEA and the submitted report demonstrates that noise levels at Arborfield resulting from the now removed wind turbine would be 28 dBA which is considered to be very low.

Shadow flicker is the flickering effect caused when rotating wind turbine blades periodically cast shadows through constrained openings such as the windows of neighbouring properties. Within the UK and Isle of Man there has not been much guidance submitted on the matter. However, the Scottish Government has published guidance on measuring flicker when the matter should be considered. The Scottish Government states:

In most cases however, where separation is provided between wind turbines and nearby dwellings (as a general rule, 10 rotor diameters), 'shadow flicker' should not be a problem.

The rotor diameter is 5.5m, therefore, properties within 55m may require a shadow flicker assessment. There are no properties within 55m of the wind turbine outside of the control of the applicant, Arborfield is approximately 200m from the site, thus demonstrating that shadow flicker will not impact on residential amenity and is therefore in keeping with Environment Policy 22 which restricts development which would be unacceptably harmful to the environment and/or amenity of nearby properties.

In line with the comments from DEFA biodiversity and the Ecosystem Policy Officer, the PEAR has been updated to reflect these comments and recommends:

that one bat activity survey visit is undertaken on site per season (Spring; April/May, Summer; June-August, Autumn; September/October), alongside the deployment of a static bat detector for 10 consecutive nights in accordance with current best practice guidelines.

Bat surveys are currently being scheduled in to be undertaken in line with best practice as recommended in the PEAR.

In line with Environment Policy 1 the land use itself will not change, the site is agricultural in nature and will continue to be once the site is completed, by allowing sheep to continue to graze. The installed groundworks for the trackers are minimal. Nevertheless, Strategic Policy 2 and General Policy 3 states that development outside of areas zoned for development will only be permitted in exceptional circumstances within the listed exceptions a-h. The proposal accords with paragraph g. as the proposed development will support the overriding national need to support renewable energy generation. The chosen location is near to the built form, whilst ensuring that no residential amenity is lost. The proposal will ensure the development is energy secure and will also provide valuable data for future proposals.

The proposal accords with Strategic Policy 2, General Policy 3, Energy Policy 4 and Environment Policy 22. The chosen location of the site is acceptable in terms of location and will not cause unacceptable harm to amenity to the surrounding area.

Manx Utilities

MU have requested further information, their comment is summarised below:

The MU gas pipeline is in close proximity to the proposal.

A Risk Assessment will need to be undertaken to consider loading on the pipeline both during and after construction, and to ensure sufficient mitigation is in place to protect the pipeline from activities at the site.

Manx Utilities requests that the applicant clarifies whether it is their intention to run a totally separate system from the Manx Utilities' electricity supply, whether it is intended to run in parallel with the Manx Utilities' electricity supply or whether it is intended to run as a switched alternative to the Manx Utilities' electricity supply. This is not currently clear from the application. If it is one of the latter two items then the applicant will need to engage further with us as to how the proposed system will be connected and operate.

Manx Utilities notes that drawing 3 of the planning application appears to include a building/object with reference "H2", but with no further details or reference to this within the wider application. We would like to request further details are provided on this building and its use given "H2" is the chemical formula for Hydrogen and its proximity to critical national infrastructure will need to be assessed should that be its intended use.

Our response:

The intention of the site is to run as a switched alternative to the Manx Utilities' electricity supply. The applicant is happy to arrange a meeting to ensure the procedure for implementing a switched system is followed correctly and to ensure that all parties are satisfied with the works.

As mentioned in the response above, the solar tracker and wind turbine foundations are constructed. The Manx Utilities (MU) pipeline engineers visit on a regular basis to inspect the pipeline route and as far as the applicant is aware have viewed all works undertaken to date.

At no point has the applicant been made aware of any issues, to their knowledge the MU engineers have been happy with works, it would be expected that if anything had been of concern it would have been brought to the applicant's attention. The foundations are approximately 30 meters from the pipeline.

The applicant would like to confirm that any reference to H2 on the drawing refers to a concrete base provision for the potential to store external H2 cylinders. Nevertheless, any future work relating to H2 will be submitted in a separate application. A section of the Plant building and Site showing the gas main near the plant room has been submitted alongside this letter to give further context.

The proposal is in accordance with the Isle of Man Development Plan, the applicant will ensure that Manx Utilities also have no objections to the proposal.

DEFA - Biodiversity and Ecosystem Policy Officer

DEFA have requested further information, their comment is summarised below:

A precautionary approach is recommended for free standing micro-turbines and it is the Ecosystem Policy Teams recommendation that they should not be located within 30-50m of known bat flyways in order to reduce the collision risk to bats from the rotor blades. As stated above, the turbine is located 30m and 40m away from 2 different hedge banks and so bat activity effort is required in order to determine whether the surrounding hedges are used as bat flyways and therefore whether a lower 30m buffer between the turbine blades and hedge bank is appropriate.

More information about the tree planting south of the site should be provided prior to determination and the Ecosystem Policy Team re-consulted on the application, as this may make the location of the turbine unsuitable.

The Ecosystem Policy Officer currently objects to the application stating:

Correspondence has now been received by the Planning Department which details that there is an active bat maternity roost in Arborfield, Douglas Road. This roost is unknown to the Ecosystem Policy Team and therefore we cannot confirm its presence - site visits and bat surveys would be required.

The Ecosystem Policy Team currently object to this application because of the lack of bat survey effort.

Our response:

The PEAR has been updated to reflect these comments and recommends:

that one bat activity survey visit is undertaken on site per season (Spring; April/May, Summer; June/August, Autumn; September/October), alongside the deployment of a static bat detector for 10 consecutive nights in accordance with current best practice guidelines.

As mentioned above, bat surveys are currently being scheduled in to be undertaken in line with best practice as recommended in the PEAR. In light of this information, the applicant has removed the wind turbine element from the application. The applicant intends to resubmit an application for the wind turbine when the appropriate surveys have been completed in line with the PEAR. Nevertheless, the applicant is happy to discuss the scope of the surveys with DEFA Biodiversity and the Ecosystem Policy Officer to produce a scope of survey which is deemed acceptable to all parties prior to a future application.

The proposal accords with Environment Policy 4 and Energy Policy 4 and will not have an adverse effect on the environment.

Summary

To summarise, the applicant has reviewed all comments from the consultees and is willing to proactively engage further with officers where necessary to come to positive solutions. With this in mind the applicant wishes to withdraw the wind turbine from the application, the description of development is:

Proposed Erection of three pole-mounted photovoltaic trackers with associated equipment, containers and parking (part retrospective)

The applicant is happy to discuss the scope of the assessment with DEFA Biodiversity and the Ecosystem Policy Officer prior to surveys being undertaken. Nevertheless, the PEAR has now been updated for the current scheme which has removed reference to the wind turbine.

As mentioned above the intention of the site is to run as a switched alternative to the Manx Utilities' electricity supply. The applicant is happy to arrange a meeting to ensure the procedure for implementing a switched system is followed correctly and to ensure that all parties are satisfied with the works.

The applicant also welcomes the comments from Highways and Malew Parish Commissioners who raised no objection to the application.

Conclusion

In conclusion, Hedley Planning Services (The 'Agent') have submitted a partial retrospective planning application on behalf of Dr. John Taylor OBE (The 'Applicant') for the Erection of 3no. Pole Mounted Photovoltaic Trackers at Field No 434112 Ballasalla, Malew, Isle of Man, IM9 3AD.

Planning applications relating to solar and wind energy are judged against the environmental objectives and policies set out within the Strategic Plan (2016) in line with Energy Policy 4. This planning application robustly demonstrates that the development fully accords with the environmental objectives, policies and criteria set out within the Strategic Plan.

It has been demonstrated that the proposed development accords with both national and local planning policy, as well as other material considerations. The application should therefore be granted with planning permission."

ASSESSMENT

6.1 The main issues with the application are the visual impact upon the surrounding landscape; the impact on neighbour's residential amenities (occupants of Arborfield); the potential impact upon the bats and birds (protected species) in the area, noise, traffic generation and energy generation. Other issues that have been raised through representations including precedent, these along with the consideration of any requirement for an EIA, will be dealt with under other matters.

6.2 The proposal is for an energy generation scheme associated with the previously approved PA Ref: PA 19/00450/B permitted on 29.05.2019 for the "Creation of a borehole (retrospective) (on this site) and erection of plant building associated with Gatekeeper Cottage, Ballawoods Halt, Ballasalla (PA 17/01076/B - permitted the re-building of this property)" to power the applicant's domestic property. It is sited outside the residential curtilage of Ballawoods Gatehouse and is located approx. 300m to the south-west where it abuts the railway track. The proposed use of the site for energy generation purposes would be a 'sui generis' use, (a use on its own) and would not fall within any of the Use Classes as outlined in the Isle of Man Town and Country Planning (Use Classes) Order 2019.

Visual Impact

6.3 The scheme originally included the siting of a wind turbine, however, this element of the proposals has been deleted, and the application now relates to the consideration of the visual impacts of the three pole-mounted photovoltaic trackers with associated equipment, containers housing the Data Centre and WC and parking area (part retrospective) will clearly

contribute to energy generation and a reduction in CO2 emissions in line with Government Policies and aims. The main sources of visual effects would arise from the pole-mounted photovoltaic trackers and the containers housing the WC and Data Centre. Bearing in mind that the site is located in the open countryside, and the provisions of Policy ENV1 which seeks to protect the countryside for its own sake, and the requirements of Policies GEN2 b) and c) which require new development to blend in with the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them; and, not to adversely impact on the quality of the local townscape and/or landscape.

6.4 It is noted that the mound on the site is connected with the previously approved application for a Borehole and its visual impact on the character of the site and surroundings is limited by its position behind existing hedging which screens it from the highway both down the access lane leading to the site and alongside the A5. It is considered that this, with the backdrop of the existing trees will lead to there being a minimal adverse visual impact from the proposed works on the character of the suite and surroundings. In respect of the solar PV arrays, these would track the movement of the sun and their height would vary from a 'flat' array at approx. 3.5m high above ground level when laying in a flat, horizontal position; approx. 6.0m when tracking the sun at an angle of 40o; and approx. 6.6m when tracking the sun at an angle of 70o. As has been the case in other applications for wind turbines, which at small scale have a hub height of 9.0m and turbine blade tip height of approx. 11.5m high, it is unusual if such structures cannot be seen from anywhere. In this case, where no wind turbine is involved, the maximum height of the proposed development would be approx. 6.6m, which is significantly lower than the height of the above example of a working wind turbine.

6.5 An important consideration is how visible the solar tracker array's would be and particularly if they would represent new skyline development. In this case, the site is set back from the main A5 road, with 2 intervening hedges between it and the roadway which would restrict the views of the site across the intervening field between it and the A5. The maximum 6.6m height of the solar arrays, which in real time appear static, but which like a clock face, would vary during the day whilst tracking the sun's path, is considered to be acceptable as the likely magnitude or level of change in the view is considered in relation to the sensitivity of the visual receptor to the porta cabin structures and solar arrays.

6.6 The Strategic Plan makes it clear that renewable energy sources are to be encouraged but will be subject to the other controls and policies of the Plan. As such an assessment is required to assess whether the arrays and structures would have an adverse impact on the amenities of the countryside.

6.7 The magnitude of visual effects will vary according to a range of factors, including the proportion of the 3 No. solar arrays and 2 porta cabin structures that may be visible and their position in the view, the presence of other features in the view that draw the eye, and the extent to which views of the arrays and cabin structures from the viewpoint in question are obstructed or filtered by intervening landform or by landscape elements such as trees, woodlands, hedgerows or by built structures. In this case, the porta cabin structures and solar arrays would be visible but for the most part it is considered that they would be absorbed into the landscape, especially when viewed from the south as they would be read against the background of a wooded area to the north, and would in part be screened from the east and west by hedgerows. The other factor at play is distance decay whereby the visual impact of the structures in question decays the further the distance away from them from which they are observed. It is likely that they will be visible for a short section of the A5, and from close to the junction of the newly installed Ballasalla bypass, on the approach to the site in both directions and with the intervening mound associated with the previously approved borehole application, intervening buildings etc. However, the eye is more naturally drawn to the wider landscape which is extensive and panoramic, particularly the view from the south and to where the viewer would more naturally be looking.

6.8 In respect of highly sensitive receptors (i.e. residents) it is considered that, except at very close range, the small scale nature of the 3 No. solar arrays and the 2 No. porta cabin structures would not dominate views of the landscape and that limited but noticeable changes may occur in some existing views of high sensitivity visual receptors. The nearest residents at Arborfield are between 130m from the nearest porta cabin and 150m away from nearest solar array. The access track to the site passes by Arborfield, and the site entrance is some 65.0m from the dwelling. There would be an angled view of the site from the side/rear of their property of the solar arrays, although the existing mound would screen a large proportion of any such views. The 2 No. porta cabins would be visible from the neighbours property. The nearest residents elsewhere are those at Glashen Farm on the north-east side of the A5 approx. 180 m from the site; and, those on the northern edge of Ballasalla where the new bypass would screen some of the views of the site from the main Dandara development at Rearyt Mhie, with only limited views available at a distance of approx. 500m.

6.9 It is concluded that although some adverse effects on the landscape and on existing views will inevitably occur, that due to its scale, design and location it would not have a significant adverse impact to the detriment of the visual appearance of the surrounding countryside and would not harm the character and quality of the landscape to such a degree to warrant refusal and therefore accords with the provisions of Policies ST1, ST4 c), ST5, GEN 2 b) and c) and ENV1.

Noise and disturbance

6.10 This aspect of the proposals is covered by the provisions of Policies GEN2 g); ENV 21 and ENV22 iii). The comments received from the occupants of the nearby dwelling at Arborfield have been noted. These concerns with the Case Officer's responses as outlined below, relate to:

- o Concerns regarding potential for H2 production on site.

Hydrogen (H2) production does not form part of this application and permission for such a process has not been applied for.

- o Collection of Nitrogen via vans and lorries on an unsuitable road.

Nitrogen (N) production does not form part of this application and permission for such a process has not been applied for. There would be no deliveries/collection of Nitrogen by vans and lorries from the site.

- o Proximity to gas pipe.

Noted - MUA has raised no objections (see comments above)

- o Impact on amenity due to noise and disruption.

Noted - there would be some additional vehicle movements arising from operations on the site. Noise generation from the operation of the Data Centre; WC, and, Solar arrays would be negligible.

- o Proximity of the wind turbine to Arborfield.

Not an issue - the wind turbine has been deleted from the proposals.

- o Wind turbine flicker.

Not an issue - the wind turbine has been deleted from the proposals.

- o Concerns regarding bats and birds.

DEFA Biodiversity Team has raised no objections - see comments in section on Bats and Birds below.

- o Change in land use from agricultural field to industrial venture.

Noted this has been covered elsewhere in this Report.

6.11 It is considered that in terms of the impacts of the proposals on the residential amenities of occupants of the adjoining dwelling at Arborfield, the proposed development would not give rise to any issues whereby a refusal of planning permission would be warranted. These above aspects of the proposals accord with the provisions of Policies GEN2 g); ENV 21 and ENV22 iii) in the Strategic Plan.

Birds and Bats

6.12 Regarding the impact upon the bats in the area, following comments from the Biodiversity Officer and the Ecosystems Policy Team, the proposed wind turbine was deleted from the application. The Ecosystem Policy Team subsequently confirmed that it had no objection to this application in regards to potential impacts on bats, now that the wind turbine has been removed. They also confirmed that they were content with Wardell Armstrong's Preliminary Ecological Appraisal Report dated March 2024, which considered that the scale of the project was unlikely to produce a significant risk to populations but requested its repositioning. Therefore, it is considered that this has allayed their concerns.

Access and traffic generation

6.13 Highway Services HDC commented that it found that the proposals would have no significant negative impact upon highway safety, network functionality and/or parking, due to it being an existing driveway, as the access is suitable for the proposals and the turbine is relatively small to be delivered. The wind turbine was subsequently deleted from the proposals and when consulted, Highway Services advised that it had no further comments to make. It is considered that the proposed access onto the A5, use of the track, on-site parking provision; and on-site turning areas are acceptable and accord with the provisions of Policies T4 and T7 of the Strategic Plan.

Other Matters

6.14 With regards to precedent, each application is assessed on its own merits and may not necessarily result in further applications for similar developments being approved. The land take for the proposed use is less than 0.5 ha and is considered that this does not represent a large scale change of use of land away from agriculture.

6.15 The Airfield Operations Manager at Ronaldsway Airport, Isle of Man, was consulted on the application on 4/3/24. No comments had been received by the Report drafting Stage. Given the lack of any comments, it is considered that the installation will not adversely affect the operation of the Isle of Man Airport with a resultant potential significant harm to aircraft safety. The proposals therefore, accord with the provisions of Transport Policy 10 of the Strategic Plan.

Environmental Impact Assessment (EIA)

6.16 The question of whether a formal Environmental Impact Assessment (EIA) is required to inform the application is raised. In addition to their Planning Statement, an Environmental Impact Assessment Screening letter has been submitted by the applicant. Extracts from which are outlined in paragraph 2.9 of this report. As advised in the applicant's letter they considered that an EIA is not required for this proposal because the proposed development would not constitute an EIA development. The applicant considers that this is so because the proposals falls within Schedule 2 of the EIA Regulations (2017), however, these EIA Regulations apply to the UK (England) only, and do not apply in the Isle of Man. The proposed single wind turbine has been deleted; and, the proposed development is on a site which does not measure more than 0.5 hectare. As such, the proposed development accords with the provisions of Environment Policy 24, Energy Policy 4 and the advice contained in Appendix 5 of the Strategic Plan. Furthermore, the applicant has submitted a considerable amount of information that would be required as part of any EIA in order to inform the application, and therefore, does not consider the proposals would give rise to any significant environmental effects.

6.17 Strategic Plan Environment Policy 24 indicates that EIA will be required in certain cases. Paragraph 7.18.2 of the main text of the SP clarifies that in some cases EIA will be required in every case (Paragraph A.5.2 of Appendix 5 sets out the cases) and in other cases will be required depending on the nature of the proposal/area (thus paragraph A.5.2 of Appendix 5 is akin to "Schedule 1" development in the UK).

6.18 However, an important distinction between the Isle of Man and UK is that in the Isle of Man, the requirement for EIA comes from policy rather than legislation. A proposal which is listed under A.5.2 and does not have an EIA would not be in accordance with Strategic Plan Environment Policy 24. Therefore, in theory, a planning application could be submitted without an EIA for a type of development listed in A.5.2 and still be validated/processed. A judgement on the validity of the application is, therefore, required.

6.19 In this case, if this were the UK, the proposed development would not constitute a schedule 2 development as defined by Regulation 2(1) (3)) as it is not on a site measuring more than 0.5 hectare, it does not have 2 or more turbines, and the wind turbine does not have a hub height of 15 or more metres. Given the deletion of the wind turbine, EIA is not required for the 3 No. Solar Trackers or for the Data Centre and WC porta cabins.

6.20 In making a judgement, which is allowable in the Manx Planning System and current legislation, the proposed development is not considered to be formal EIA development as solar is not included in the relevant appendix. Furthermore, the applicant has submitted a considerable amount of environmental information that would be required as part of any EIA in order to inform the application, and this is judged to be of an acceptable standard and in accordance with EP 24.

Conclusion

6.21 Planning Policies together with national energy policy provide a positive framework for encouraging renewable energy developments, where appropriate. It is considered that the proposal for the erection of three pole-mounted photovoltaic trackers with associated equipment, containers and parking (part retrospective) would occupy a small portion of an open landscape and views of the solar PV arrays, and built structures would be limited due to the topography in the area, the scale of development and existing vegetation.

6.22 It is considered that the environmental benefits of the proposed scheme outweigh the limited identified harm to the countryside and as such the proposed three pole-mounted photovoltaic trackers with associated equipment, containers and parking would comply with the Energy Policy 4 and Environment Policy 2. In addition, it is considered that the proposed development would not result in an unacceptable level of harm to the residential amenities currently enjoyed by the occupants of the nearby dwelling at Arborfield.

7.0 RECOMMENDATION

7.1 For these reasons set out above the proposal would be appropriate in this location and therefore the recommendation is for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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 5.6

Proposal : Replacement of existing, derelict three apartment building with a block of six apartments, together with associated parking and facilities and public highway improvements.

Site Address : Sea Court
Victoria Road
Douglas
Isle Of Man

Applicant : ASAP Ltd

Application No. : 23/01424/B- [click to view](#)

Planning Officer : Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The development hereby approved shall not be occupied/brought into use unless the bat and bird boxes, have been installed/constructed in accordance with details submitted.

The mitigation bat and bird boxes are to be erected on site as detailed in the Proposed Bird & Bat Box Location & type Plan (Drawing No. 10-29) and Proposed Site Plan (Drawing No. 10-22 Rev E).

The bird and bat boxes shall be retained thereafter.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

C 3. Prior to commencement of works on the building, Nesting bird and roosting bat surveys carried out by a suitably qualified ecologist shall be submitted to and approved in writing by the Department. The development shall not be carried out other than in accordance with the submitted Nesting bird and roosting bat survey report.

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

C 4. Prior to any works (including site clearance) commencing on the site, a Precautionary Working Method Statement for nesting birds, roosting bats and Wildlife Act Schedule 8 plants; shall be submitted to and approved in writing by the Department. The development shall not be carried out other than in accordance with the submitted Method Statement.

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

C 5. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing No. 10-22 Rev E) must be carried out in the first planting and seeding seasons

following the completion of the development or the occupation of the apartments, whichever is the sooner.

Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

C 6. Notwithstanding the details that have been submitted, the development hereby approved shall not commence until a detailed hard landscaping plan has first been submitted to the Department in writing to be agreed.

The detailed hard landscape plan shall include a details of hard surfacing materials, external lighting, a space-sharing strategy, public seating and details of all ramps and steps within publicly accessible areas of the development.

The hard surfacing plan shall also include details of planters and samples showing the texture and colour of the materials to be used and information about their sourcing/manufacturer.

The lighting details shall include detailed drawings of the proposed lighting columns and fittings, information about the levels of luminance and daily duration and any measures for mitigating the effects of light pollution.

The development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter.

Reason: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm, and that the lighting regimes avoids impacts on terrestrial ecology.

C 7. Prior to the commencement of the development hereby approved, an Updated Tree Protection Plan shall be submitted to and approved in writing by the Department. This plans shall clearly mark out the tree protection zones on the site. Within the Construction Exclusion Zones identified on this Plan, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, without prior written consent of the Department.

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

C 8. The development hereby approved shall not be brought into use unless the vehicular and pedestrian access, visibility, and all parking and turning areas, have been provided and surfaced in accordance with the details shown on the approved plans (Drawing Nos. 10-31 and 10-22 Rev E). Once provided, all access, parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access, parking and turning space to an adequate standard in the interests of road safety.

C 9. Prior to the occupation of the development hereby approved, the secure bin/bicycle storage areas shall be provided in accordance with the approved plans (Drawing No. 10-22 Rev E and 10-23 Rev B) and shall be permanently retained thereafter and solely for the purpose of refuse/cycle storage.

Reason: In the interests of the appearance of the development and of the amenities of the area, and to promote sustainable travel in the interests of reducing pollution and congestion.

C 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2012 or any order amending, revoking or re-enacting that Order, no means of enclosure, structures or other free standing buildings, other than that shown on the approved plans and other documents listed on this decision notice, and any drawings approved subsequently in writing by the Department pursuant to any conditions on this decision notice, shall be erected on the site without an express grant of planning approval from the Department.

Reason: In the interests of the character and appearance of the development.

Note: 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.

Reason for approval:

Overall, and for the for the reasons indicated within this report it is concluded the proposals align with the requirements of General Policy 2; Strategic Policies 1, 2, 3, 4, 5, and 10; Environment Policies 3, 4, 5 and 42; Housing Policies 1, 4, and 6; and Transport Policies 1, 4, 6 and 7; the Area Plan for the East 2020, and the Residential Design Guide 2021, as the principle of the development is in accordance with the land use designation and the wider policy framework, and the proposed building is of a good design and layout. Furthermore the proposal would not have significant adverse impacts upon public or private amenities, or parking and highway safety, and therefore would comply with the relevant planning policies listed.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 SITE

1.1 The application site is the residential curtilage of Sea Court, Victoria Road, Douglas, a two storey property, situated within its own large curtilage of mature gardens. The property which comprises three apartments, and which bears the semblance of a detached dwelling is enclosed on its entire boundary by mature landscaping comprising trees and shrubbery.

1.2 The existing building on site is characterised by its prominent chimney stacks, its hipped roof finish, painted render external walls, and a mixture of Georgian arched windows and casement windows, and three integral garages on its front elevation. From the highway the property is bounded by a Manx stone wall and mature planting above with bushes and trees effectively screening the property from the public highway. Access is from an existing gated driveway with pillars to each side and set back from the edge of the carriageway, with the boundary wall directly adjoining the highway and offering very limited visibility onto the highway.

1.3 The street scene of Victoria Road, particularly the western side of Victoria Road is characterised in terms of buildings and landscape character by large buildings laid out within large plots with mature landscaping. The northern end of Victoria Road where the property is situated is also characterised by mature trees and hedges along its roadside edge including small woodland groups which give a verdant nature to the street scene. To the west of the site, sits the St Georges AFC club grounds which includes banks of mature trees along its southern boundary which links through to the trees on the application site and are of some visual prominence and importance in the street scene.

1.4 Another key feature of the western part of Victoria Road is that all the dwellings/properties front onto the highway and there are no side-on or rear facing orientations, aside from Red House, Victoria Road which does not form a continuous group with the existing building group here and whose access is off a private lane shared with the Glenside Residential Home, Victoria Road.

2.0 PROPOSAL

2.1 Planning approval is sought for Replacement of existing, derelict three apartment building with a block of six apartments, together with associated parking and facilities and public highway improvements.

2.2 The proposed scheme would seek to replace the existing building on site with a new building that would house six new apartments, three two bedroom apartments on each floor. These apartments each have an open lounge/kitchen/dining area, two bedrooms (each with ensuite), a WC, store, and utility room, with sufficient circulation space within the flats. One of the apartments (Apartment 2) would have an ensuite attached to the bedroom. Two of the apartments situated to the right would have provision for a study.

2.3 The access to the units would be either via a lobby accessed via a stairway that leads to the hallway or via an elevator. All of the apartments will have two off road parking spaces, while access to and from the site will be via the widened driveway onto Victoria Road.

2.4 The proposed building would all have hipped roof over, whilst featuring two prominent front facing gables with pitch roof over. The building would integrate a combination of external finishes, combining painted render with horizontal plank cladding (Gray Brown), vertical plank cladding (Dark Oak), Rhinestone Oak cladding, artificial slate, dark grey PPC Aluminium or UPVC window and door units, and frameless glass balustrades.

2.5 The proposal would also include the following:

- i. Re-aligning the front boundary wall to create a wider entrance and pedestrian walkway in front of property.
- ii. Solar panels incorporated on the roof to assist with the heating and hot water load of each dwelling (No details of the power generation and type has been indicated).
- iii. A cycle storage rack which the applicant indicates would be provided to park and lock 12 bicycles is to be provided in front of the side on semi-detached building to the west, although no details of the type and design has been provided.
- iv. Removal of some trees on site, with new replaced planting re-integrated.
- v. Creation of Gabion fencing using locally sourced stones for bin storage area

- 2.6 The application is also supported by the following documents:
- i. Design and Access Statement.
 - ii. Drainage Statement prepared by BB Consulting and dated 31 January 2024.
 - iii. Arboricultural Impact Assessment Report prepared by Manx Roots Limited, and dated August 2022. The report is also accompanied by supporting tree plans.
 - iv. Protected Species Report prepared by Ecology Vannin and dated November 2023.
 - v. Road Safety Audit Report (Stage 1) and Road Safety Audit Designers Response, both prepared by Highway Mann Transport Consultancy.

3.0 PLANNING POLICIES

3.1 Site Specific:

3.1.1 The application site is within an area recognised as being an area of "Predominantly Residential Use" under the Area Plan for the East (Map 4), and the site is not within a Conservation Area. The site is not prone to flood risks, there are no registered trees on site and the site is not within a registered tree area, although it shares a boundary with the Glencrutchery Road Sports Field Registered tree area, with the trees within the site forming a congruent unit with the trees within the registered tree area.

3.2 Area: Area Plan for the East

3.2.1 Given the location of the site and the nature of the proposed development, the following parts of the Area Plan for the East Written Statement are considered relevant:

3.2.1 Section 6.5: Ensuring the efficient use of land and buildings

"6.5.1 The density of development should be in keeping with the character of the local area. Higher densities will be more appropriate in the central areas of Douglas, Onchan, Laxey and Union Mills. Much of Douglas' celebrated seafront contains four and five storey hotels and apartment blocks which provide a distinctive visual image of the Capital and a highly practical form of space conscious living for a modern town.

6.5.2 Lower densities may be considered more acceptable in instances where there are site specific constraints, a need to provide additional levels of infrastructure or where the current character or appearance of the area necessitates a development of a lower density.

6.5.3 The subdivision of buildings for residential use can provide an appropriate source of housing and can lead to the more efficient use of existing buildings. Subject to other Strategic Policies, as well as the Proposals in this Plan, particularly in relation to amenity and the design of any alterations to allow the subdivision, such proposals will be supported.

6.5.4 In recent years, the Douglas town centre in particular has lost some of its population. The town effectively empties after the working day. Historically, people lived above the work spaces of shops, offices and workshops in Douglas creating a vibrancy that is perhaps lacking today. This Plan encourages the reintroduction of people living in the mostly vacant floors above the town's shops and offices¹². More people living in the town will, it is hoped, create a more vibrant environment which will have a positive impact upon the day time and particularly, the night time economy within the town and will also enable us to respond to changes in new and emerging working patterns."

3.2.2 Section 6.6: Principles of good design

6.6.1 In the Strategic Plan, Strategic Policy 5 states that 'New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island'.

6.6.2 A positive contribution means making places which are attractive and safe areas to live, work and invest in. In order to achieve this, it is essential that detailed design proposals be based around an understanding of constraints and opportunities of the site and that the

proposal responds positively to local context, in terms of its scale, form, layout, materials, colouring, fenestration and architectural detailing.

6.6.3 This, in turn, depends on good understanding of the local character of the individual settlements in the East. Local character is defined by the natural and physical features of an area, including its topography, the pattern of streets and public spaces, the street scene, the density of development, the scale and form of buildings and the materials used in construction.

6.6.4 Housing developments have been criticised in recent decades for their uniform and standardised appearance. In order to avoid creating homogeneous and sterile neighbourhoods, developers will be encouraged to incorporate a mix of property types of a varying scale, utilising a range of complementary materials wherever possible.

6.6.5 Similarly, the layout of development should encourage integration with surrounding areas and not be inward facing. Regarding extensions, it is recognised that the use of alternative materials and detailing in extensions and alterations can, in some case, enhance the character of an existing building and/or the surrounding area.

6.6.6 The layout, orientation and design of buildings can reduce the need for energy consumption by maximising the potential to secure the benefits energy provides e.g. heating, lighting and cooling, through alternative means. Where layout, orientation and design is not constrained or dictated by other factors i.e. by the character of the surrounding area or the juxtaposition of adjacent buildings, applicants for planning approval will be encouraged to demonstrate how the design of the development has reduced the need for energy consumption.

3.2.3 Urban Environment Proposal 3:

"Development proposals must make a positive contribution to local character and distinctiveness. Traditional or contemporary approaches may be appropriate, depending upon the nature of the proposal and the context of the surrounding area."

3.3 National: STRATEGIC PLAN (2016)

3.3.1 Relevant Strategic Plan Policies:

- a. General Policy 2 - General Development Considerations.
- b. Environment Policy 3 - Seeks to prevent unacceptable loss of or damage to woodland areas.
- c. Environment Policy 4 - Protects ecology and biodiversity/important habitats.
- d. Environment Policy 22 - pollution.
- e. Environment Policy 42 - new development should be designed to take into account the character and identity of the area.
- f. Housing Policy 1 - Refers to housing needs which includes enabling 5,100 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2011 to 2026.
- g. Housing Policy 4 - New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages.
- h. Strategic Policy 1 - Efficient use of land and resources.
- i. Strategic Policy 2 - Priority for new development to identified towns and villages.
- j. Strategic Policy 3 - Development to respect the character of our towns and villages.
- k. Strategic Policy 4 - development proposals must protect or enhance the nature conservation and landscape quality of urban as well as rural areas.
- l. Strategic Policy 5 - Design and visual impact.
- m. Strategic Policy 10 - development should promote integrated journeys, minimise car use and facilitate other modes of travel.
- n. Spatial Policy 5 - new development will be in defined settlements only or in the countryside only in accordance with GP3.

- o. Transport Policy 1 - Proximity to existing public transport facilities and routes, including pedestrian, cycle and rail routes important for new development.
- p. Transport Policy 4 - New and existing highways which serve any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan.
- q. Transport Policy 7 - Parking considerations/standards for development.
- r. Energy Policy 5 - require proposals for more than 5 dwellings or 100 square metres of other development to be accompanied by an Energy Impact Assessment.
- s. Community Policies 7, 10 and 11 provide guidance in respect of minimising criminal activity and reducing spread of fire, while Infrastructure Policy 5 deals with methods for water conservation.
- t. Paragraph 7.8.6:
 "Development which would affect any proposed or other recognised site of conservation value, including areas of ecological interest, will only be permitted where it can be demonstrated that:
 - o the proposed development will not compromise the conservation objectives of the site or unacceptably harm its conservation value and its overall integrity;
 - o there is proven public interest where safety or exceptional social or economic considerations outweigh the ecological importance of the site; and
 - o the need for the development cannot be met in other less ecologically damaging locations or by reasonable alternative means.

4.0 OTHER MATERIAL PLANNING CONSIDERATIONS

4.1 Residential Design Guide (2021)

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

4.2 The Isle of Man's Biodiversity Strategy (2015 - 2025)

4.2.1 The Department's Biodiversity Strategy is capable of being a material consideration. It seeks to manage biodiversity changes to minimise loss of species and habitats, whilst seeking to maintain, restore and enhance native biodiversity, where necessary.

5.0 PLANNING HISTORY

5.1 The site has been the subject of a previous planning application for Demolition of existing three apartments on site and erection of six replacement dwellings under PA 22/01114/B which was refused on 20th June 2023. This application was refused on the following grounds:

1. The proposed siting, layout, scale, and arrangement of the new buildings on the site, would fail to relate positively and appropriately to the site character as it does not take into account a proper analysis of site context in terms of siting, layout, scale, landscape features, and spaces between buildings, and would have a deleterious impact on the application site, by resulting in a particularly intrusive development within the site when viewed from the surrounding area. The proposal, therefore, conflicts with General Policy 2(b and f) of the Isle of Man Strategic Plan 2016, and Paragraphs 3.1.4 to 3.1.7 of the RDG 2021.

2. Due to the overall height, width, form and layout of the proposed development, the proposal would disrupt the general rhythm of the overall group of buildings, and result in an obtrusive built development within an area comprising mainly large houses within generous gardens associated with the dwellings. The development would also result in the removal of large areas of mature landscaping which contribute to the character of the locality and townscape, resulting in the decline of the landscape quality and nature conservation value of this urban area contrary to Strategic Policy 4(b), Environment Policy 42, and General Policy 2 (b, c and g), and the latter part of Strategic Policy 3(b) of the Strategic Plan.

3. The proposed second floor bedroom windows, by virtue of their proximity and height, would result in unacceptable levels of actual and perceived overlooking from the proposal site into 'West Hill', , to the detriment of the residential amenity. Likewise, the scheme, by virtue of its proximity, height which towers to three storeys, and overall mass, would have an adverse impacts upon the outlook of 'West Hill' resulting in an overbearing impacts, particularly as the existing mature landscaping which would serve to soften any overbearing impacts would be removed. In this respect, the proposed development is considered to be unacceptable when assessed against General Policy 2 (g) and the relevant sections of the Residential Design Guide.

4. The potential for the loss of biodiversity on site would adversely affect the site character, and would detrimentally affect the amenity value of the mature landscaping within the site. The proposal also has the potential to adversely impact on a variety of biodiversity such as feeding, sheltering and breeding birds, feeding and commuting bats, and invertebrates due to the loss of the mature garden habitats linked to an established wooded area which houses protected species, and there is insufficient information to clearly ascertain the resulting impacts on ecology or that the appropriate mitigation has been provided for ecological loss. Therefore, the proposal is contrary to General Policy 2 (d), Strategic Policy 4(b), Paragraph 7.8.6, and Environment Policy 4 of the Strategic Plan (2016), and the IOM Biodiversity Strategy 2015 to 2025.

6.0 REPRESENTATIONS

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

6.1 DOI Highways Division confirms that the proposal raises no significant road safety or highway network efficiency issues. Accordingly, they raise no objection to the proposal subject to all access arrangements according to drawing No. 10-22 Rev E and 10-31 (1 March 2024).

6.2 DOI Highways have stated 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. They advise the applicant that compliance with clause 3.1.1 of the Road Safety Audit is outstanding (5 January 2024).

6.3 DEFA Ecosystem Policy Team have made the following comments on the application (19 February 2024):

a. They note that they have considered the Proposed Bird & Bat Box Plan (Drawing no. 10-29) and confirm that they are content with the locations of the swift boxes and pole mounted bat boxes.

b. They note that there preference is for integrated swift bricks to be used, rather than external boxes, because external boxes will require upkeep and replacement.

c. They note that they have reviewed the Savage & Chadwick's email response to consultees dated 5th February 2024 and are content with the response.

d. The state that in order to ensure no net loss for biodiversity, conditions are secured on approval to cover the following:

o Nesting bird and roosting bat surveys to be carried out prior to commencement of works on the building;

o Submission of Bat and Bird Box Plan;

o Submission of a soft landscaping plan;

o External Lighting;

o Precautionary working method statements (PWMS) for nesting birds, roosting bats and Wildlife Act Schedule 8 plants;

o Implementation of The tree protection measures detailed in Manx Root's Outline Tree Protection Plan (Drawing No. OTP-160822) throughout construction; and

- o Replacement of any tree or shrub which dies or becomes damaged within 5 years from the date of planting.

6.4 DEFA Forestry have made the following comments regarding the application (

- o They state that the arboricultural impact is largely unchanged from the previous applications so they would revert back to my initial consultation (under PA 22/01114/B).

- o They note that the arboricultural information provided for this scheme is outdated as it is plotted against the layout from the previous application, but state that this is not a significant issue at this stage as the arboricultural impact is largely unchanged.

- o They request that a detailed tree protection plan, is sought as a pre-commencement condition.

6.5 Douglas Borough Council has no objection to the application (23 February 2024).

6.6 No comments have been received from neighbouring properties.

7.0 Assessment

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

- a. Visual Impact;
- b. Impact on Neighbouring Amenity;
- c. Impact on highway safety;
- d. Impact on Trees; and
- e. Impact on Biodiversity;

7.2 The site is zoned for residential use on the Area Plan for the East, with the site also situated within the settlement boundary of Douglas, and adjacent to and surrounded by existing residential dwellings. Likewise, the scheme seeks to locate new housing close to existing public transport facilities and routes, or where public transport facilities are, or can be improved, thereby reducing the need to use private cars and encouraging alternative means of transport. Therefore, it is judged that the redevelopment of this site for residential purposes is acceptable in principle.

7.3 VISUAL IMPACT (GP 2, STP 3, EP 42, Sections 6.5 & 6.6 of TAPE, & RDG 2021)

7.3.1 With regard to the visual impacts of the proposed scheme, it would be vital to consider the requirements of Environment Policy 42 which stipulates that 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, and General Policy 2 paragraph (b) which requires that new development should 'respect the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them'.

7.3.2 The current scheme would create a single building with footprint only slightly larger than the existing dwelling on site. The proposed dwelling has also been designed to respect the existing patterns in the neighbourhood in terms of the relationship with the spaces between the buildings which serve to define the character of the site, with the orientation also set to respect the dominant pattern in the neighbourhood.

7.3.3 Another factor that weighs in favour of the new scheme is the fact that the proposal would integrate the existing design pattern and materials on the buildings in the area such as the pitch and hip roof, inclusion of front facing gables, blend of material finish on the external walls (render and brick/stone/cladding), slate-like tile finish for the roof, and painted render finish, with modern features such as glazed balustrades, modern timber cladding also integrated as part of the external finish to reflect the its own time in line with Paragraph 6.8.3 of the Area Plan for the East which requires that "New development should not seek to mimic existing development but be of its own time."

7.3.4 It is perhaps also worth considering that the proposed building will be of similar scale to the large houses in the area, with the contemporary design also adding to the diversity in terms of overall design styles in the area, particularly as the traditional steeply pitched roof finishes and gable ends/hipped roofs would be included, and as the houses in the immediate locality have varied individual designs, with no overriding design type, even though most of them are finished in brick finish. Accordingly, the overall design, siting, layout, size, landscaping and finishes of the new building would be acceptable and would create a pleasant housing development, without having a significant adverse visual impact to the amenities of the street scene, site or area.

7.3.5 Overall, in terms of the impacts on the street scene, the design, layout, finishes and scale of the development would be appropriate. Accordingly, whilst there will be an impact to the visual amenities of the area over the current situation (with the site currently dominated by overgrown mature landscaping with limited views to the existing building on site), the impact to public views would not be such that would warrant refusal of the scheme. In fact, any visual impacts would be improved over the existing situation, as the works would tidy the site and the new modern design of the building would offer an improved appearance over the site in its dilapidated form. It is, therefore, considered the proposals would be acceptable and comply with the requirements of General Policy 2, Strategic Policy 3, and Environment Policy 42 of the IOMSP, as well as the principles advocated by the Residential Design Guide.

7.4 IMPACT ON NEIGHBOURING AMENITY (GP 2 & RDG 2021)

7.4.1 In terms of the potential impact upon neighbouring properties, the key concern with the previous scheme bordered on the potential for overlooking from the new first floor windows that were to be positioned very close to the neighbouring dwelling at West Hill situated directly south of the application site, and potential overbearing impacts from the three storey semi-detached block being situated about 3.9m from the boundary with this neighbour.

7.4.2 With the current scheme, every window situated on the first floor of the building with potential to overlook West Hill is either installed with obscure glazing or a high level window which would not enable overlooking of this neighbour. In terms of potential overbearing impacts, the new proposal would be set back by about 1m behind the building line of the previous proposal, with the bulk of the projecting section also set well behind the rear building line of West Hill, with the building height also reduced to two storey, such that any overbearing impacts would be significantly diminished.

7.4.3 Further to the above, the current scheme would also result in the removal of fewer trees on the boundary, with the retained trees serving to soften any impacts that could result on the neighbouring dwelling at West Hill. Moreover, the proposal would include a number of new tree planting that would serve to enhance the appearance of the existing boundary treatment, whilst serving as additional buffers between the new building and the adjacent neighbour.

7.5 IMPACT ON HIGHWAY SAFETY (GP2h & I, TP's 1, 4, 6, & 7, & SP 10)

7.5.1 In terms of impacts on highway safety, it is considered that the site entrance has been repositioned to be almost central on the site frontage, to achieve better visibility splays for the site with footpath added to the site frontage to further improve sightlines and safety for pedestrians. Therefore, it is considered that the proposed access alterations and sightlines would be an improvement over the current arrangement.

7.5.2 The new access arrangement and alterations to the site frontage would also facilitate safe access to the car park situated at the rear of the site and which serves the Braddan AFC Clubhouse as such is considered to be in the interest of highway safety for the general public.

7.5.3 In terms of off road parking, each dwelling would have at least 2 spaces provided within the site, with the proposal also seeking to provide cycle parking within the site which would be more than sufficient when compared with the requirements of Transport Policy 7. Besides, the site is within a public transport corridor which increases the public transport options available to future occupants.

7.5.4 Additionally, the applicants have provided a Stage One Road Safety Audit report and Road Safety Audit - Designers response which the DOI Highways raise no issues with. Moreover, Highway Services have assessed the proposal and consider that the proposal raises no significant road safety or highway network efficiency issues, subject to all access arrangements according to drawing No. 10-22 Rev E and 10-31 (1 March 2024), and these point to the acceptability of the proposal in highway safety terms.

7.6 IMPACT ON TREES (GP 2, EP 42, EP 3)

7.6.1 In considering potential impacts on trees on the site, it is noted that the current scheme would result in the removal of some of the trees on site. However, DEFA Arboricultural Team have advised that they do not object to the proposal as the trees being removed to facilitate the development are unsuited to the setting and thus unsuitable for retention in the long-term, due to their poor quality.

7.6.2 As such, it is considered that the removal of the trees proposed to be removed on site would be acceptable in arboricultural terms, although appropriate condition would be imposed to ensure that an updated trees protection plan is provided as a pre-commencement condition, given that the arboricultural information provided for this scheme is outdated as it is plotted against the layout from the previous application.

7.7 POTENTIAL IMPACT ON BIODIVERSITY (EP 4, 5 & GP 2)

7.7.1 In terms of the ecological impacts of the proposed development, it is considered that the application is supported by ecological information which assesses potential impacts and potential mitigation for biodiversity. The supporting ecological information has been commented on and accepted by DEFA Ecosystems Officer and in this respect it is felt that the application has satisfied the principles of Environment Policy 4. Conditions would, however, be imposed to ensure that the required mitigation measures are implemented on site.

7.7.2 Based on the foregoing, it is felt that the application has satisfied the principles of Environment Policies 4 and 5, and General Policy 2 (d) of the Strategic Plan.

7.9 OTHER MATTERS

7.9.1 Designing out Crime (CP 7 & GP2m)

7.9.1.1 In terms of designing out crime and antisocial behaviour, it is considered that the site has been laid out such that there are overlooking views from the apartments over the new outdoor spaces provided, which would serve to promote community surveillance. Also, no new confined spaces with easy access to those outside the site would be created, which would serve as easy hideouts for criminal activity or antisocial behaviour. Therefore, it is considered that the scheme meets the requirements of General Policy 2 (m) and Community Policy 7 of the Strategic Plan.

7.9.2 Fire Safety (CP10 & 11)

7.9.2.1 In terms of fire safety, it is considered that the site layout is such that would enable easy access into the site for fire-fighting vehicles should they be required. Likewise, the scheme provides sufficient offsets from the boundaries which would ensure that access to all parts of the building is not impeded in case of fire, and these would be sufficient to prevent easy spread of fire. As such, it is considered that these elements of the scheme aligns with the requirements of Community Policies 10 and 11.

7.9.3 No other concerns have been noted.

8.0 CONCLUSION

8.1 Overall, and for the for the reasons indicated within this report, it is concluded that the proposals align with the requirements of General Policy 2; Strategic Policies 1, 2, 3, 4, 5, and 10; Environment Policies 3, 4, 5 and 42; Housing Policies 1, 4, and 6; and Transport Policies 1, 4, 6 and 7; the Area Plan for the East 2020, and the Residential Design Guide 2021, as the principle of the development is in accordance with the land use designation and the wider policy framework, and the proposed building is of a good design and layout. Furthermore, the proposals would not have significant adverse impacts upon public or private amenities, or parking and highway safety, and therefore would comply with the relevant planning policies listed. Accordingly, the application is, recommended for approval.

9.0 INTERESTED PERSON STATUS

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

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

Item 5.7

Proposal : Removal of condition one of PA 92/1210 which restricts the use of the property to being only a Commissioners Office
Site Address : Braddan Parish Commissioners
Close Corran
Union Mills
Isle Of Man
IM4 4LZ
Applicant : Braddan Commissioners
Application No. : 24/00121/B- [click to view](#)
Planning Officer : Vanessa Porter

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

Reason for approval:

Overall the change of use from a Commissioners office to a generic office is deemed acceptable due to the principle of an office already existing upon the site, the fact that the site can be returned to a residential property if required and that there would be a limited impact upon neighbouring properties and parking. The application is deemed to comply with Strategic Policy 1, General Policy 2, Business Policy 1, Business Policy 8 and Transport Policies 1, 4 and 7 in accordance with Appendix 7 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS REFERRED TO PLANNING COMMITTEE AS THE DEVELOPMENT COULD BE CONSIDERED CONTRARY TO THE PROVISIONS OF THE DEVELOPMENT PLAN

THE APPLICATION SITE

1.1 The application site is the located to the North East of Close Corran and was the previous Braddan Parish Commissioners office. The office use of the site was originally approved under PA92/01210/B, of which the surrounding properties are all residential.

THE PROPOSAL

2.1 The current planning application seeks approval for removal of Condition 1 of PA92/01210/C which states, "The proposed building may be used for commissioner's office purposes only: no general office use will be permitted without the prior permission of the Committee. This permission for permanent office accommodation is granted on the basis that adequate car parking facilities are made available, as indicated on plan no. 3/7/9 received 21st May 1993."

2.2 No exterior alterations or other works are proposed as part of the application.

PLANNING HISTORY

3.1 There have been several applications upon the site of which the following are the most relevant;

PA92/01210/C - Change of design from 2 dwellings to local authority offices - Permitted

PA93/01122/B - Erection of 6 metre high flagpole, site of new Commissioners offices - Permitted

3.2 Whilst not on the site itself, it is necessary to note PA21/00106/B which was for, "Erection of 26 two bed apartments and 6 one bed apartments with associated car parking, vehicle access and landscaping," and was Permitted.

PLANNING POLICY

4.1 The site lies within an area zoned as "Predominantly Residential" upon the Area Plan for the East, Map 8 - Union Mills/Strang. The site is not within a Flood Risk Zone nor a Conservation Area.

4.2 In terms of Strategic Plan policy the following are considered relevant:

- Strategic Policy 1 - make best and efficient use of sites including underused buildings
- Strategic Policy 2 and Spatial Policy 3 - new development located in existing town centres, unless in line with GP3
- Strategic Policy 5 - new development to make positive contribution
- Strategic Policy 9 - all new offices must be sited within existing centres and on land zoned
- Strategic Policy 10 - new development located to promote integrated transport network
- General Policy 2 - general standards towards acceptable development
- Business Policy 1: The growth of employment opportunities to be encourage so long as accord with the policies in the plan
- Paragraphs 9.3.3 and 9.3.4 - office development in town centres and what exceptions have been considered
- Business Policy 7: New office floor space located within town and village centres unless in buildings of architectural and historic interest and office use would be the only or most appropriate way of securing its future.
- Business Policy 8: new office parking provided in accordance with standards
- Community Policies 7 and 11 - reduce chance of criminal activity and spread of fire
- Transport Policies 1, 4 and 7 - located close to existing infrastructure, designed to be capable of accommodating vehicle and pedestrian journeys and parking provided in accordance with standards.
- Appendix 7 - Out of town offices 1 space for every 15 square metres of nett floor space.

REPRESENTATIONS

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

5.2 No comments have been received from Highway Services at the time of writing this report.

5.3 Braddan Commissioners have considered the application and state no objection.

ASSESSMENT

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

- principle
- impact of proposed office use on town centres, future use and overriding need
- impact upon neighbours
- highway safety and parking

6.2 PRINCIPLE

6.2.1 Whilst the site is situated within an area zoned as "predominantly residential" on the Area Plan for the East, the site has been used as a commissioner's office since the change of use application in 1992. As such whilst the proposal does not meet the land zoning, the principle of the change from commissioner's offices into a generic office would be deemed acceptable.

6.3 IMPACT OF PROPOSED OFFICE USE

6.3.1 The Isle of Man Strategic Plan has established policies which seek to direct all new development to existing settlements, which includes offices, as such there is potential that the proposed office use could have an impact on the town centre.

6.3.2 It is noted that commissioners offices, by dint of what is required of their services and where they need to be situated (within the parish they are for), that the existing use as an office is acceptable. The change of use to a generic office and not a commissioner's office could potentially have issues arise. Whilst this is the case the proposed office is small in size, and as such would not be taking a large amount of office space away from the town centre and noting that the site is not going to be demolished or altered, the possibility is that the site could be returned back into a residential property in the future.

6.4 NEIGHBOURING AMENITY

6.4.1 When looking at neighbouring amenity, the most likely issue arising from the proposed use of the site as an office is a) parking (discussed below) and whether there would be a nice/disturbance to the neighbouring properties.

6.4.2 Generally the site in question is not attached to any dwelling and is separate within its own gardens, as such the closest property is to the South West of the site and approximately 6 metres. Due to the proposal as an office, it is unlikely that the site will be used much outside of the hours of 9am to 5pm, Monday to Friday, which is when the majority of home owners are at work.

6.4.3 It is further noted that we have not received any objections or comments from neighbouring properties which would have been received if there were any complaints from the existing use of the site. As such on balance, these aspects would be considered to be compliant with those sections of General Policy 2(g).

6.5 HIGHWAY SAFETY

6.5.1 Turning towards whether the site has enough parking for the proposed use, when looking at the Isle of Man Strategic Plan 2016, Appendix 7 in accordance with Transport Policy 7 states that for out of town offices, 1 space per 15sq metres of nett floor area is required. Having measured the overall nett floor area of the site it is coming out at 428sq m total, as such there would be a requirement of 28 spaces.

6.5.2 Confirmation was received from the applicants with regards to the parking available on site, of which there are 7 specific parking spaces that the site itself owns which are used by staff and are situated directly behind the site. There are also another 6 spaces to the rear of the site which are available for visitors to the site, this totals 13 car parking spaces.

6.5.3 This would leave 15 car parking spaces for the site, when noting that there are several car parks in the immediate area of the office block, there is a bus stop directly to the end of the estate and a public footpath/cycle path in close vicinity that these spaces would be encompassed via these other methods.

6.5.4 As such from a Highway Services point of view the proposal is deemed acceptable.

CONCLUSION

7.1 Overall the change of use from a Commissioners office to a generic office is deemed acceptable due to the principle of an office already existing upon the site, the fact that the site can be returned to a residential property if required and that there would be a limited impact upon neighbouring properties and parking.

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 5.8

Proposal : Installation of three 9-metre wooden telegraph poles with associated overhead wires
Site Address : 22 - 28 Riverbank Road
Ramsey
Isle Of Man
IM8 3PR
Applicant : Manx Telecom Ltd
Application No. : 24/00258/B- [click to view](#)
Senior Planning Officer : Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AT THE REQUEST OF THE DIRECTOR

THE SITE

1.1 The application site identified in red is concerned to the pavements of Riverbank Road, Ramsey. This site is broadly located to the north of Ramsey off the Jurby Road (A13) and Westlands Avenue and sits within a larger residential estate.

1.2 The site is located to the southern west part of the estate and is a cul-de-sac of approx. 14 properties and an empty building plot. The pavements here vary in width and connect all the properties in the wider estate and finished with tarmac with dropped kerbs to each residential property with street lighting (approx. 5m high) in strategic locations. This section of the estate is approx 135m long from the junction with Westlands Avenue.

1.3 The dwellings are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments.

1.4 It is noted within the wider streetscene of this estate the presence of wooden telegraph poles and suspended network cabling.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of three x 9m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The poles would be located within the footpaths and shown as being adjacent to the boundaries of and installed adjacent or as close as to the boundaries of the properties below. Off each pole would be a series of network cables that would criss-cross out to the respective properties requiring fibre internet connection. The poles would be sited near the following dwellings;

Pole 1 - OS The Jays & Caygill Riverbank Road

Pole 2 - West Of Watersmeet Riverbank Road

Pole 3 - OS no 19&28 Riverbank Road

2.3 The agent in their supporting statement notes; "Installation of the telegraph poles will allow the premises to become "Passed" and allow property owners to place orders with their chosen service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" ".

2.4 Premises eligible to be connected to the new telegraph pole are properties referenced; 22; 23; 24; 25; 26; 27; 28 Riverbank Road.

2.4 The application has been submitted by Manx Telecom Limited.

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note is a previous planning application referenced; 23/01236/B - 1-29 Ballamillagyh Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. All six poles have been included in this application as all poles will be required to provide an overhead fibre service to the properties. Approved 14th February 2024 at Planning Committee.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential Use" under the (Ramsey Local Plan) Order 1998, Map No.1 North. Within the written statement accompanying the plan, the statement is silent on telecoms and their inherent infrastructure.

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (c)
- 4 Protection of the landscape and biodiversity (b)

Spatial Policy

- 2 Named service centre (Ramsey)

General Policy

- 2 General Development Considerations (b,c,g,i,m)

Environment Policy

- 22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

- 3 Need for communications infrastructure versus environmental impacts

4.4 Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings; Class 10 - Electric Supply (a) electric line - which includes the supporting poles.
Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

4.5 Town and Country Planning (Telecommunications) Development Order 2019 (in part).
Schedule 1, General Conditions, paragraph 6;
Development on or adjacent to a pavement must not take place-
(a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or
(b) in any other case, if doing so would reduce that width to less than 1500mm.

Schedule 2, Part 2 Telecommunication Structures - Table 2;

Class 2 Telecommunications Structures on Land -

Conditions or limitations;

- 1 No part of the development may be within a conservation area.
- 2 No part of the development may be within 9 metres of a designated watercourse.
- 3 No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
- 4 No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter

OTHER MATERIAL CONSIDERATIONS

4.6 The Climate Change Plan 2022-2027 has an overarching series of strategies and policies that are considered materially relevant to the assessment of this application which promotes a more sustainable approach to living and working, one of which is remote / home working and learning.

4.7 National Telecoms Infrastructure committee report, September 2017 which concluded; "If the Island is to stay ahead of the curve and become a world leader in telecoms we will need appropriate sustained investment, an efficient shared infrastructure and the innovation and confidence to challenge barriers to deploying new technology. The importance of increasing the speed of broadband as a priority across the Island is clear".

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REPRESENTATIONS

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5.1 Ramsey Town Commissioners commented (on 14/05/24) "The Board considered these applications on the 17th April at their Board meeting. They wish to submit a comment in that they prefer to have communications in public between Manx Telecom and residents of the affected area before any applications are granted. They feel that the aesthetics have a large impact on the residents and their view should be taken into account."

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ASSESSMENT

6.0 The pertinent issues to consider in the assessment of this planning application are whether there is any adverse impact upon:

- Principle for development (Stp1c, SP2,)
- Necessity (IP3)
- Design and Siting (GP2b, IP3)
- Visual impact (GP2c)
- Residential amenity (GP2g)
- Highway Services (Gp2i)
- Public Health (EP22, Gp2m)
- Trees and Hedges (Stp4b)
- Other

PRINCIPLE

6.1 The general planning principle of development from a land use perspective would comply with Sp2 as Ramsey is a named village in the Strategic Plan and the site is identified on the Ramsey plan as within the settlement boundary of Ramsey and zoned as residential which ensures the site is broadly designated for development. Given the site is within a defined residential area the general development control principles of GP2 would also be relevant, as discussed below.

6.2 Furthermore the proposals would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located above ground) utilising wooden telegraph poles and suspended network cabling to facilitate service delivery within in the immediate vicinity.

6.3 It must be noted that whilst there is PDO specific for telecoms equipment under the 2019 Order, this proposal would not comply with those Schedules 1 & 2 as noted in para 4.13 as the pavement width is insufficient and the proposals would be within 20m of a primary window in places.

6.4 As such the broad principle of development would be supported through compliance with Sp2 and Stp1c.

NECESSITY

6.5 This application essentially responds to the Governments strategic direction to expand on the existing fibre broadband coverage and as noted in the Island plan and its update in 2024, which also has a direct ambition to grow the number of economically active new residents. As such it is inevitable that the network operators will have to invest in their networks and implement new infrastructure to cope with an increased level of demand.

6.6 Furthermore, the strategy to expand and improve on the Islands broadband network is echoed in the strategic level objective as noted in the National Telecoms Strategy which commits Government through the National Broadband Plan to deliver ultrafast fibre broadband past more than 99% of the Island's premises. It should be noted the National Telecom Strategy, (to which the NBT is part off) was unanimously approved by Tynwald in October 2018.

6.7 The National Broad Band Plan is helpful in understanding the strategic national need underpinned by the Governments ambition to facilitate the roll out new telecoms infrastructure that is accessible to all. It is particularly noted that those policy considerations and the Islands networks acts as critical national infrastructure which carries a degree of material weight in understanding the overall strategic need for the works, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

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6.9 The defined residential catchment is an important consideration and in favour of the proposal is Infrastructure Policy 3 and its supporting text which broadly advises that the maintenance and improvement of the Island's telecommunications systems will likely require the provision of new infrastructure and a balance has to be struck between the need for new, and evolving communications systems, particularly to satisfy the needs of residential and business demand, and the impact of such required development upon the environment.

6.10 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.11 With regard to broadband network delivery and its implementation, the distribution of the network in the wider area is from a series of above head cabling and distributed by Manx Telecom's telegraph poles.

6.12 Within the wider context outside of the estate and the surrounding residential areas to this part of Ramsey, telegraph poles and their suspended cables are evidence in sections along the main highways off; Andreas Road and Jurby Road (within the town boundary). Equally they are utilised in other neighbouring residential areas of; Richmond Road, and Richmond Grove; Grove Mount West; Ash Grove; Westlands Close and Avenue; and Riverbank Road.

6.13 In terms of siting of each pole it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. They are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole to ensure that when twinned with the distance to those residential properties.

6.14 In terms of the use of telegraph poles, their design and siting of the proposals, it's clear that best practice has been followed to connect to the remaining properties in the streetscene as part of the government's strategic drive whilst helping to mitigate any visually intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.15 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, it's noted the openness of the site, the property heights and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns at the rear of the pavements and the existing utilisation of wooden telegraph poles and suspended cabling that currently serves some of the residential estate are noted along Westlands Close; Riverbank Road; Whitebridge Avenue. It is noted the cul-de-sac of Coburn Drive is not served in the same manner.

6.16 As such the level of visual impact along this 100m approx. section of road would not be so great to be considered an incongruous feature on the streetscape and would echo what is already an established method of infrastructure connectivity and would be read in the same context of the remaining estate.

6.17 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally alter the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.18 On balance, the overall siting of the poles and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.19 Taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that the residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.20 Whilst this proposal would be introducing additional street furniture into the streetscape and would be visible from within the estate and from some of the properties, this visual aspect would be more aligned with an individual's view and outlook. Whilst there may be views of the proposals from within the dwelling houses, this would be a view and the loss of a view or interruption of a view is not a material planning consideration. As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.21 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.22 This proposal is not seeking to install any radio frequency or electromagnetic field communication devices as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with EP22 as it would not

be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.23 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees, hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

OTHER

6.24 With regard to the commissioners comments, the reply from the applicant (30.05.24) is noted and that dialogue is open to the Commissioners and they offered to meet but the invitation has not been taken up. As such it is noted the commissioners do not formally state any objection in their response and only cite a view. As noted above a loss of a view is not a materially consideration.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

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 5.9

Proposal : Installation of four 9-metre wooden telegraph poles with associated overhead wires
Site Address : Thornhill Park
Ramsey
Isle Of Man
Applicant : Manx Telecom Ltd
Application No. : 24/00259/B- [click to view](#)
Senior Planning Officer : Jason Singleton

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Unless otherwise approved in writing by the Department, any telecommunications cabinet, mounted equipment or wooden telegraph poles must be removed from the land on which it is situated, within 6 months of it no longer being required for telecommunications purposes, and such land must be restored to its condition before the development took place, so far as is practicable.

Reason: To ensure that any redundant infrastructure is removed and to comply with Strategic Plan Infrastructure Policy 3.

Reason for approval:

On balance it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan. It is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2 (b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

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):

Flossmoor - 13 Thornhill Park

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

Planning Officer's Report

THIS APPLICATION HAS BEEN REFERRED TO THE COMMITTEE AT THE REQUEST OF THE DIRECTOR

THE SITE

1.1 The application site identified in red is concerned to the pavements of Thornhill Park, Ramsey. This site is broadly located to the north of Ramsey off Andreas Road (A9) toward the north western edge of the Ramsey Town plan boundary.

1.2 This part of the estate (road feeds onto Clifton Drive and the wider residential area) is broadly 10 dwelling houses mainly bungalows within integral garages (pre 1980's construction) and only one two storey (Windrift) property located at the northern end of one of the two cul-de-sacs. The pavements here vary in width and connect all the properties in the wider estate and finished with tarmac with dropped kerbs to each residential property with street lighting (approx. 5m high) in strategic locations.

1.3 The dwellings are generally set back from the edge of the pavement with the front apron to the properties being used for car parking and landscaped front gardens with some soft and hard landscaping. Some properties have mature trees, hedges fronting to the pavement with various boundary treatments. Within the streetscene is sporadic street lighting within the pavements.

THE PROPOSAL

2.1 Planning permission is being sought for the installation of four x 9m tall wooden telegraph poles with associated overhead network cables for the provision of fibre broadband internet. The timber poles would measure a diameter ranging from 250mm-300mm and would project between 7m-7.5m above the ground level with 1.5-2m below ground. The posts are installed via an auger at a width of 400mm-600mm.

2.2 The poles would be located within the footpaths and shown as being adjacent to the boundaries of and installed adjacent or as close as to the boundaries of the properties below. Off each pole would be a series of network cables that would criss-cross out to the respective properties requiring fibre internet connection. The poles would be sited near the following dwellings;

Pole 1 - Whiteleaf, Thornhill Park

Pole 2 - No.8, Thornhill Park (Meadow Brow)

Pole 3 - Windrift & Ballacastle, Thornhill Park

Pole 4 - Flossmoor & Whytemoss, Thornhill Park

2.3 The agent notes; "Installation of the telegraph poles will allow the premises to become "Passed" and allow property owners to place orders with their chosen service provider. Overhead wires that are required to span between poles are referred to as network cables and these will be installed at the same time as the telegraph poles. Once a property owner has placed an order with their chosen service provider, a Drop cable will then be installed between the serving pole and the property, in agreement with the property owner. This would now become a property "Connected" ".

2.4 Premises eligible to be connected to the new telegraph pole are properties referenced;
4. Thornhill Park, Ramsey
8. Thornhill Park, Ramsey
Ballacastle, Thornhill Park

Hyland Lodge, Thornhill Park
Overlea, Thornhill Park
Rostherne, Thornhill Park
Whiteleaf, Thornhill Park
Windrift, Thornhill Park
Windy Hill, Thornhill Park
Meadow Brow, Thornhill Park

2.4 The application has been submitted by Manx Telecom Limited.

PLANNING HISTORY

3.1 The application site has not been subject to any relevant planning history considered pertinent in this instance.

3.2 Of note is a previous planning application referenced; 23/01236/B - 1-29 Ballamillagyh Estate Mount Rule Douglas. - To install 6 x 9 metre wooden telegraph poles with associated overhead wires. All six poles have been included in this application as all poles will be required to provide an overhead fibre service to the properties. Approved 14th February 2024 at Planning Committee.

PLANNING POLICY

4.1 The application site is mainly within an area recognised as being an area of "Predominantly Residential Use" under the (Ramsey Local Plan) Order 1998, Map No.1 North. Within the written statement accompanying the plan, the statement is silent on telecoms and their inherent infrastructure.

4.2 The site is not within a designated Conservation Area or within an area identified as being at floor risk from tidal or surface water flooding. There are no registered trees / tree areas identified on / adjacent to the application site.

4.3 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Development should make the best use of resources (c)
- 4 Protection of the landscape and biodiversity (b)

Spatial Policy

- 2 Named service centre (Ramsey)

General Policy

- 2 General Development Considerations (b,c,g,i,m)

Environment Policy

- 22 (iii) Safeguarding the environment and/or the amenities of surrounding properties

Infrastructure Policy

- 3 Need for communications infrastructure versus environmental impacts

4.4 Permitted Development Order 2012, Schedule 1, Part 1 Statutory Undertakings; Class 10 - Electric Supply (a) electric line - which includes the supporting poles.

Class 12 - Street furniture (a-i) Varying items that are considered street furniture.

4.5 Town and Country Planning (Telecommunications) Development Order 2019 (in part). Schedule 1, General Conditions, paragraph 6;

Development on or adjacent to a pavement must not take place-

- (a) if the existing width between the up-stand of the kerb or any existing street furniture is 1500mm or less; or
- (b) in any other case, if doing so would reduce that width to less than 1500mm.

Schedule 2, Part 2 Telecommunication Structures - Table 2;
Class 2 Telecommunications Structures on Land -
Conditions or limitations;

- 1 No part of the development may be within a conservation area.
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NEIGHBOUR REPRESENTATIONS (in brief)

5.5 Flossmoor - 13 Thornhill Park (18/04/24) commented to OBJECT to the application and noted the following thematic issues;

- o Impact upon their living conditions
- o Outlook from 4 windows
- o Affect traffic visibility
- o Error on the application form
- o Will have an impact upon boundary hedges, trees and shrubs (roots)
- o Contrary to an original condition on the building of the estate to prevent telegraph poles and overhead wires
- o Lack of notification from the applicant
- o "Their reason for this design is purely on cost, and I wish to object to this planning proposal".

ASSESSMENT

6.0 The pertinent issues to consider in the assessment of this planning application are whether there is any adverse impact upon:

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- Design and Siting (GP2b, IP3)

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6.2 Furthermore the proposals would seek to comply with Strategic Policy 1c as the applicants are seeking to expand on existing telecoms infrastructure (located below ground) to facilitate service delivery within in the immediate vicinity.

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6.7 The comments from CURA are noted and as the telecoms regulatory body with responsibility for licencing and regulation of telecommunications through the Communications Act 2021. Their website broadly notes that the Isle of Man Government has recognised that delivery of fibre broadband to some areas would be commercially unviable and that initial funding (£12.5m through DfE) support should be made available to ensure that properties in "nine intervention zones" (Ramsey being identified as one of the intervention zones as a top priority area and referenced as 'Zone 2') will have access to the faster Fibre broadband.

6.8 Within CURAs own document as referenced in para 4.10 above, notes; "There are some areas of the Island where it is likely that an operator could not make a sufficient return on investment to justify rolling out next generation fibre infrastructure. To overcome this problem the Government has committed to supporting and facilitating investment in these areas through the National Broadband Plan (NBP)...(Essentially the NBP is a gap funding arrangement intended to facilitate investment in areas that would not be economically viable

to serve otherwise)... The Commission is supportive of this initiative and believes any measures that further the rollout of next generation services are likely to be positive."

6.9 The National Broad Band Plan is helpful in understanding the strategic national need underpinned by the Governments ambition to facilitate the roll out new telecoms infrastructure that is accessible to all. It is particularly noted that those policy considerations and the Islands networks acts as critical national infrastructure which carries a degree of material weight in understanding the overall strategic need for the works, to help all households have access to reliable, fast and secure broadband which is fully supported by Tynwald as part of the National Telecoms Strategy.

6.10 The lack of objection from the Climate Change Transformation Team above is noted, and a further material consideration is the general support from their own Climate change Plan 2022-2027 which seeks on page 14 to reduce dependency on reliance for transport and commuting and to promote home/remote working and learning which will inadvertently require for an improved network infrastructure.

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6.12 In this instance, the overall strategic "need" for the proposal can be substantiated to align with Government's communication goals to increase the provision for newer and faster fibre broadband connectivity to residential areas and would be read in accordance with IP3.

DESIGN AND SITING

6.13 With regard to broadband network delivery and its implementation, the distribution of the network in the wider area is from a series of above head cabling and below ground cables, some are ducted and in some instances the cable is buried in the ground. The above ground fibre cabling is distributed by Manx Telecom's telegraph poles and the network is also distributed using Manx Utilities power poles. It is understood MT and MU have developed an agreement for sharing of the pole network for this purpose. On occasions if there is no existing underground duct then the installation of new wooden telegraph poles are the preferred delivery method. It is further noted that "Manx Utilities relies on around 10,000 poles whilst Manx Telecom utilises over 2,500 poles across the Island" which puts their context of use into scale.

6.14 The general use of wooden telegraph poles are widely used across the Island in both rural and urban settings, more in our rural communities in providing critical infrastructure for the delivery of electricity and telecom to users. In certain areas where they are adjacent to the highway they are also utilised for street lighting. As such the principle given their prolific use across the Island their use would be an acceptable method of providing suspended network cabling.

6.15 Within the wider context outside of the site and the surrounding residential areas to this part of Ramsey, telegraph poles and their suspended cables are evidence in sections along the main highways off; Andreas Road and Jurby Road (within the town boundary). Equally they are utilised in other neighbouring residential areas of; Richmond Road, and Richmond Grove; Grove Mount West; Ash Grove; Westlands Close and Avenue; and Riverbank Road. It is acknowledged there are none to the application site or along Clifton Drive or the cul-de-sacs feeding off.

6.16 In terms of siting of each pole it is noted this is done in accordance with the current regulations (noted above) which places them at the rear of the public footpath adjacent to a property boundary, rather than the kerb edge. They are also sited on the vertical boundary of the two neighbouring properties and perpendicular to the location of the pole to ensure that when twinned with the distance to those residential properties.

6.17 Those current properties (10No.) to be linked to the broadband network are likely supplied from an underground cable buried in the ground rather than a series of buried duct work. To directly replace would involve digging up the pavement and roadway to install duct work amongst other buried services in the areas. It should also be noted in this scenario, from the pavement edge if the cable is to be buried, this would see the "digging-up" of the properties garden/ driveway to install and at the customers expense.

6.18 In terms of the use of telegraph poles, their design and siting of the proposals, it's clear that best practice has been followed to connect to the remaining properties in the streetscene as part of the government's strategic drive whilst helping to mitigate any visually intrusive masts that could lead to detrimental impacts upon character of the streetscene and would therefore comply with GP2b and IP3.

VISUAL IMPACT

6.19 The opening sentence of IP3 is helpful when balancing the above need and any visual impact. When visiting the site, it's noted the openness of the site, the property heights and existing levels of infrastructure in the streetscene. There exists sporadic placement of street lighting columns (approx. 4-5m, painted green with a lantern atop) at the rear of the pavements. The proposed poles will be partially visible on this streetscene, where at present there are no telegraph poles but the level of visual impact would not be so great to be considered an incongruous feature on the streetscape.

6.20 When standing on the site / Thornhill Park, the level of visual intrusion into the streetscene can be subjective, but given the separating distance between the poles and their location, they would not be collectively seen as proliferation of telegraph poles on the streetscape. They would be read against the residential context of the streetscene where the pole heights would broadly be similar in height to the ridge of the surrounding properties (bungalows) as to would the cabling between the poles and the properties.

6.21 Whilst this proposal would be introducing additional street furniture into the streetscape and would be visible from within the estate and from some of the properties, this visual aspect would be more aligned with an individual's view and outlook. The level of objections to the proposals are noted as being from only one property on this part of the estate, there will be views of the proposals from within the dwelling houses, but this would be a view and the loss of a view or interruption of a view is not a material planning consideration.

6.22 Furthermore it must be acknowledged that the level of development that can be undertaken within Statutory Undertakings as part of the Permitted Development Order 2012, would equally alter the character of a streetscene through the installation of either street furniture or electrical infrastructure (plant, equipment, apparatus, poles, cabling, cabinets etc) but not necessarily to its detriment and would not require a formal planning application.

6.23 In terms of precedents, or similar applications we can cross-reference to a former planning application on the Island (ref; 23/01236/B - 1-29 Ballamillagyh Estate). This application proposed the same method of installation of fibre broadband via wooden telegraph poles and has now been implemented.

6.24 When visiting Ballamillagyh, the telegraph poles have been installed and the suspended cabling evident that is now connecting approx. half of the estate when counting

the cablings serving a number of properties which indicates many residents have now opted to upgrade to the Ultra-Fast Broadband network. In terms of visual impact here it is noted that they don't visually detract from the character of the streetscene and do not result in any visual harm or into the site and surrounding area.

6.25 On balance, the overall siting of the poles and the level of visual impact would not be considered to adversely affect the character of this part of the residential estate and would be read in accordance with GP2,c.

IMPACT UPON RESIDENTIAL AMENITY

6.26 Taking on board the comments noted above, essentially regarding the unsightly appearance of the broadband infrastructure and its archaic approach to service delivery, the proposal by its nature being a wooden pole outside off the residential curtilages ensures that the residential amenities would not be materially affected through any loss of light, overbearing impact or loss of privacy as a result of the installation.

6.27 In so far as the comments received and as noted, seeking the cables be installed below ground, it is noted in the applications statement on underground duct/trenching that; "Thornhill Park does not have sufficient existing underground ducting to use and therefore to make fibre available to the estate, the installation of 4 telegraph poles is required... It is uneconomical to provide new underground ducting in the footpath or carriageway. Property owners would also have additional cost to extend ducting across their land to reach the property...There is no other infrastructure we can share within the estate that allows Manx Telecom to meet the design requirements."

6.28 It is noted that there are times when it may not be possible to run a cable / ducting underground due to the congestion of underground utility services (sewers, gas, water and electricity). The chosen method of installing telegraph poles would enable rapid infrastructure deployment of a new broadband network to this small part of the wider estate without costly and disruptive roadworks than installing underground cables crossing the highways/ footpaths.

6.29 Striking a balance and noting the level of objection and the commissioner's comments, the proposed connectivity would seek to serve only ten properties within these two cul-de-sacs. To refuse the application when the principle, need and visual impact is considered to be acceptable would inadvertently prevent others in the streetscene who haven't commented and possibly in support, from having the ability to be connected to an improved broadband service.

6.30 However if approved, this is at the applicants commercial discretion whether to implement or not and would be subject to the demand for faster broadband in the area, i.e. if there is no demand or uptake for the newer broadband, the applicants could take the commercial decision not to install the poles but reserve the option to install as an when customers require connecting within the life of any approval.

6.31 As such this aspect would not adversely affect the amenity standards of neighbouring properties and would accord with GP2g.

IMPACT UPON HIGHWAY SERVICES

6.32 In terms of the proposals it will in places limit the width of the pavement but only for a minor amount for the width of the pole (approx. 250-300mm) it is noted Highways services do not oppose the proposals for marginally narrowing the pavement and the min. clearance height of the cabling of 5.5m above the road is acceptable. As such this aspect would conform to GP2i.

PUBLIC HEALTH

6.33 This proposal is not seeking to install any radio frequency or electromagnetic field communication devices as such no consideration has been given to the ICNIRP guidelines. In this instance the proposal poses no risks of harm, injury and nuisance to the public in the community in line with GP2m. Equally the proposals would comply with EP22 as it would not be seen to create any statutory nuisance through vibration, odour, noise or light pollution during its operation.

TREES AND HEDGES

6.34 In terms of whether the proposals will have an impact upon any trees or hedges, given the strategic positioning and the method of installation via an auger with limited excavation needed, it is not considered there to be any adverse impact upon any trees, hedges or their roots system within the locality of any of the telegraph poles placement and the proposals would comply with Stp4(b).

OTHER

6.35 With regard to the commissioners comments, the reply from the applicant (30.05.24) is noted and that dialogue is open to the Commissioners and they offered to meet but the invitation has not been taken up. As such it is noted the commissioners do not formally state any objection in their response and only cite a view. As noted above a loss of a view is not a materially consideration.

7.0 CONCLUSION

7.1 For the above reasons, it is concluded that the benefits of providing the required improvements in broadband connectivity to increase network coverage are considered to outweigh the very limited visual harm and the level of objection resulting from the proposed development. Greater material weight is attributed to the context of the Government's ambition in the Island Plan to improve public infrastructure in line with the National Telecommunications Strategy and its National Broadband Plan.

7.2 On this basis, it is considered that the proposal would not create any visual harm or deleterious intrusion into the streetscene and would conform to those parts of Strategic Policy 1,4b, Spatial Policy 2, General Policy 2(b,c,g,i,m) Environment Policy 22 and Infrastructure Policy 3.

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 5.10

Proposal : Proposed detached double garage, new driveway and extension to existing residential curtilage

Site Address : The Grange
Clype Moar Road
Onchan
Isle Of Man
IM4 5BG

Applicant : Mr Matt Newing

Application No. : 24/00459/B- [click to view](#)

Planning Officer : Russell Williams

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. No development shall be commenced until soft landscaping scheme has been submitted to and approved in writing by the Department. Such a scheme shall include details of new trees (to mitigate the loss of trees) and hedgerow and shall include a landscaping plan, planting specification and a programme of implementation.

The approved landscaping scheme shall be carried out in accordance with the approved details. The works shall be carried out during the first available planting season following the commencement of the development or in accordance with the programme agreed in writing with the Department.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: To ensure appropriate mitigation for the loss of trees is secured, in the interest of landscape character and biodiversity.

C 3. No development hereby permitted shall commence until an Arboricultural Monitoring Schedule has been submitted to and approved in writing and the associated the Tree Protection Protection measures identified on DrNo TP-100424 have been fully implemented on the site. The Tree Protection Measures shall remain in place until such time as the development is substantially complete. During the course of construction, the developer shall comply with the Recommended Protection Measures for Retained Trees set out at Section 4.5 of the approved Manx Roots Arboricultural Impact Assessment dated April 2024.

Reason: To provide protection for retained trees within the site, in the interest of tree health.

C 4. No works above damp proof course shall take place until a bird box plan has been submitted to the Department of the Environment Food and Agriculture and approved in writing. The approved box(es) shall be installed prior to the development hereby permitted first coming into use. The plan shall include details about the type, number and locations of the boxes. Bricks/boxes should be placed high up on a northerly elevation, not above windows or doors.

Reason: To ensure that suitable biodiversity enhancement measures are provided on the development site.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, no shed, greenhouse or any other building shall be erected or placed within the new curtilage hereby approved, without the prior written approval of the Department.

Reason: In the interest of landscape character to ensure the proposals comply with General Policy 3 and Environment Policy EN1

Reason for approval:

While the application does not strictly comply with General Policy 3, it is accepted that there is limited scope within the existing curtilage due to the the presence of more important trees, the position of the adjacent rural building and the location of the curtilage being to the eastern side of the dwelling where it is both difficult to access and more exposed in the landscape. Having regard to the aforementioned, it is considered that the proposed development will not give rise to any material harm to the character and appearance of the landscape. Impacts upon trees and ecology can be suitably mitigated and it is considered that the proposal will not undermine the strategic objectives of Policies GP3, EP1 and EP3.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is to the southern end of the curtilage associated to The Grange, Clypse Moar Road, which is a detached two storey property situated to the North of Clypse Moar Road at the junction with the road to Clypse Reservoir.

1.2 The property is a two storey traditional dwelling with extensions to the front, sides and rear. The site is access via a private driveway.

1.4 The southern part of the property comprises extensively landscaped residential gardens framed by hedgerows and mature tree planting, with a maintained grass paddock to the immediate southern side of the curtilage. The paddock is also enclosed by tree planting to its periphery.

2.0 THE PROPOSAL

2.1 The application seeks approval for the removal of various trees and erection of a detached double garage within the existing domestic curtilage, as well as the change of use of land from agriculture to domestic curtilage and the formation of a new driveway and parking/turning area.

2.2 The proposed garage building will measure 6.8m in width x 7.0m in depth with a height to ridge of 5.244m above the new ground level. The garage will be set below existing ground level with a small banking to the perimeter path and a new footpath connection into the garden. The garage will be finished externally in roofing slates, rendered walls coloured white to match the dwelling, green uPVC fenestration and a new insulated up and over door.

2.3 The proposed driveway and parking/turning area will be finished in either gravel or bitmac. A short section of the driveway has already been laid in stone.

2.4 A new post and wire fence, 1.0m in height, will be constructed along the southern site boundary to delineate the new curtilage boundary with the remainder of the paddock.

3.0 PLANNING POLICY

LOCAL PLAN

3.1 The site lies within an area zoned as an "not zoned for a particular purpose" on the Area Plan for the East. The site is not within a Conservation Area, Flood Zone, nor an area zoned as High Landscape or Coastal Value and Scenic Significance.

3.2 In terms of the Isle of Man Strategic Plan 2016, paragraph 8.12.2 states, "As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside."

3.3 There are a number of other relevant policies within the Isle of Man Strategic Plan 2016, as summarised below.

General Policy 2 sets out general 'Development Control' considerations which are arguably relevant even where a proposal is not in accordance with the land-use designation including design (respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them), wider impact (the amenity of local residents or the character of the locality) and parking/access/highway safety.

General Policy 3 indicates development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan other than a number of stated exception, which do not include the extension of to curtilages or outbuildings.

Environment Policy 1 seeks to prevent development which would adversely affect the site other than in exceptional circumstances.

Environment Policy 3 seeks to prevent the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value.

3.3 The Character Appraisal within the Area Plan for the East states the following concerning the area:

Conrhenny & Groudle (D3)
Conserve and enhance:

- a) the character, quality and distinctiveness of this area of relatively sparse settlement;
- b) its valley bottom woodland;
- c) its National Glens;
- d) the various archaeological features within the area.

Key Views

Dramatic views to an Upland backdrop to the North and West.

Dramatic, panoramic views eastwards across the ever-changing colour and nature of the sea and sky, contribute to strongly recognisable sense of place.

Close and distant views to the northern edge of Onchan/ Douglas settlement, which is visually harsh in places.

Channelled views along the corridor of the Groudle River, which is enclosed in places.

There is no Landscape Proposal for the area.

4.0 PLANNING HISTORY

4.1 The application site benefits from the following planning history:

23/01349/B Remove existing conservatory and replace with orangery extension on southeast corner of the existing dwelling - Permitted - 5 January 2024

No other applications at or near the site are of relevance.

5.0 CONSULTATIONS (this report only contain summaries - full reps can be read online)

5.1 Onchan District Commissioners (30.04.2024) Recommend the application is approved for planning purposes only.

5.2 DoI Highways Services commented (26.04.2024) - No objection and consider there will be no impact upon highway network or parking.

5.3 DEFA Biodiversity (17.04.2024) - The placement of the new garage and driveway will require the removal of 12 trees. However, no new trees are to be planted to mitigate against the ecological impact of this, meaning that the application will result in a net loss for biodiversity on site.

5.4 The Ecosystem Policy Team would not object to this application as long as mitigation is provided in the form of new trees, with at least as many trees to be re-planted as are to be removed, and installation of integrated bird bricks in the new garage to mitigate against the loss of potential nesting locations.

Small amounts of low level screen planting are proposed, but no species list has been provided for this.

We therefore request the following conditions on approval

No works to take place unless a soft landscaping plan containing details of new tree and hedge planting has been submitted to Planning and approved in writing. The landscaping plan should contain location, number and species details for all new planting.

No works to commence unless a bird box plan has been provided to Planning and approved in writing. The plan should include details about the type, number and locations of the boxes. Bricks and boxes should be placed high up on a northerly elevation, not above windows or doors.

5.5 DEFA Forestry - I have reviewed the documents provided with this application. I have no objections subject to the following matters being made a condition of approval:

1. The adherence to the protection measures outlined in section 4.5 of the arboricultural impact assessment and on the tree protection plan, including methodology for the installation of the geocell.
2. The provision of, and adherence to, an arboricultural monitoring schedule to oversee and ensure the development does not have a detrimental impact on retained trees.
3. The provision of, and adherence to, a landscaping/ tree planting plan to mitigate the loss of the 10 category C trees.

6.0 REPRESENTATIONS (this report only contain summaries - full reps can be read online)

6.1 No comments have been received.

7.0 ASSESSMENT (this report only contain summaries - full reps can be read online)

7.1 The main issues to be considered in the assessment of this application are the impact of the principle of the proposed development and the impact upon the character and appearance of the landscape, trees and ecology

PRINCIPLE OF DEVELOPMENT

7.2 The development of a domestic garage for a dwelling will often fall to be permitted development, subject to compliance with all of the relevant conditions stipulated under Class 17 of the Town and Country Planning (Permitted Development) Order 2012. In this instance, the garage footprint is slightly larger than permitted and so planning permission is required; all other conditions are met.

7.3 Notwithstanding the above, as planning permission is required, an assessment against relevant planning policies and material considerations is required. In the case of this application the proposal is for an extension to the curtilage to accommodate a new driveway, parking and turning areas. A new garage is also to be erected within the domestic curtilage of the dwellinghouse. The site is designated on the Area Plan for the East as not being for any particular use or purpose and is within the countryside. As such, there is a general presumption against development as set out in General Policy 3.

7.4 Additional protection to the countryside is provided by Environment Policy 1. This states that "Development which would adversely affect the countryside will not be permitted unless there is an over-riding national need in land use planning terms which outweighs the requirement to protect these areas and for which there is no reasonable and acceptable alternative." Environment Policy 1 therefore establishes that development will not be permitted if it would adversely affect the countryside.

7.5 The proposals do not represent a form of development permitted by General Policy 3 and compliance with Environment Policy 1 is assessed below.

IMPACT UPON LANDSCAPE

7.6 In assessing the impact of the development, consideration has to be given to the scale, siting, appearance and visual prominence of the proposed development.

7.7 It is not normal practice to allow the extension of residential curtilages in the countryside, however the proposed extension to the domestic curtilage in this specific case is not considered to be excessive when regard is had to the existing property, its surroundings and the scale of the existing paddock. The applicant has provided sound reasoning for locating the garage and access drive in this position, which itself necessitates an extension to the curtilage. Elsewhere in the curtilage are more important specimen trees which should be

protected and a large range of buildings to the north and west of the residential property restrict the siting of a garage etc in those directions, though each would also require an addition to the curtilage area. The extended curtilage would be used for tree planting mitigation in the main, and the removal of permitted development rights by condition is reasonable in order to prevent further buildings and development in this area, which might be harmful to the character and appearance of the area.

7.8 The application site is heavily screened within the immediate and wider landscape setting and it is not visible from public vantage points, including the nearby public right of way and field/access gateways. The site is inconspicuous in the wider landscape and there is every prospect of this remaining the case in the longer term.

7.9 The existing paddock appears to be well maintained grassland and relates visually to the adjacent garden due to the open boundary.

7.10 The proposed garage is limited in its size and is set within the domestic curtilage, which is appropriate. Despite the proposed tree removal, it is not anticipated that the garage will be visible in the wider landscape.

7.11 If there is the possibility of a limited glimpse of the site, the proposed development will be seen in conjunction with the existing house and gardens. The proposals can be enhanced and softened within the immediate setting through new landscape planting, which can be secured by condition.

7.12 Despite the proposals conflicting with General Policy 3, it is considered that the development will not give rise to any material harm to the landscape character of the area. It therefore complies with Environment Policy 1, as it will not adversely affect the countryside.

IMPACT UPON TREES

7.12 The proposed development will result in the removal of 12 trees in total, with other impacts upon root protection areas. To assess the impact upon trees, the application is supported by an AIA prepared by Max Roots.

7.13 The submitted AIA confirms that the development will result in the removal of ten category-C trees and two category-U trees. Several retained trees would be at risk of damage due to excavation, grade changes and compaction without appropriate mitigation.

7.14 The removal of the trees as proposed will reduce the overall canopy cover on the site, but as highlighted in the AIA, the site sits within an area with a higher than average tree cover and within the landscape the loss will not be significant. Whilst the removal of the trees is regrettable, this can be mitigated through the provision of new tree planting on the extended curtilage area with new native species.

7.15 The AIA states that any impacts associated with the proposed driveway and the path connecting the garage to the existing terrace can be mitigated by using a cellular confinement system (geocell) to form the subbase of the hard surfacing. It also states that retained trees are not expected to be caused significant nuisance or harm to health in the longer term.

7.16 In order to address concerns over the construction phase, a tree protection plan showing which parts of the site should be treated as 'construction exclusion zones' for the purpose of protecting tree roots and the soil environment, and where a geocell system should be used, is also submitted.

7.17 The domestic wooded area is not considered to have a high degree of public amenity or conservation value. As highlighted by the DEFA Ecosystem Policy Officer, appropriate

replacement planting is required. This can be secured by condition as recommended, the effect of which is to ensure that the development will not give rise to an unacceptable loss of important woodland or trees, such that the proposals comply with Environment Policy 3.

IMPACT UPON ECOLOGY

7.18 The proposed development will result in a minor loss of low value biodiversity habitat, primarily through the removal of the 12 trees.

7.19 The existing paddock that will have its use changed is a semi improved grassland with low amenity value.

7.20 It is considered that the provision of biodiversity enhancement measures, as recommended by the DEFA Ecosystem Policy Officer, can be secured by condition and such will ensure the impact of the proposed development upon biodiversity is appropriately mitigated.

CONCLUSION

7.21 There is limited scope within the existing curtilage to build a new garage due to the presence of other, more important trees, the position of adjacent rural building and the location of the curtilage being to the eastern side of the dwelling where it is both difficult to access and more exposed in the landscape. The agent have explored a number of different sites for the proposed garage both within and outside of the residential curtilage, they have discussed the impact with on other trees with the Forestry department who have advised that this is the optimum location to reduce the impact upon more important trees within the curtilage and it is accepted that the current proposal would have the least impact.

7.21 Having regard to the above considerations, it is considered that the proposed development will not give rise to any material harm to the character and appearance of the landscape. Impacts upon trees and ecology can be suitably mitigated and it is considered that the proposal will not undermine the strategic objectives of Policies GP3, EP1 and EP3. For the reasons set out it is therefore recommended that the proposed development 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.