



**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, 24th 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](http://www.gov.im/planningcommittee). If you wish to register to speak please contact DEFA Planning & Building Control on 685950.**

**1. Introduction by the Chairman**

**2. Apologies for absence**

**3. Minutes**

To give consideration to the minutes of a meeting of the Planning Committee held on the 10.06.24.

**4. Any matters arising**

**5. To consider and determine Planning Applications**

Schedule attached as Appendix One.

**Please note that this meeting will be split.**

Items 5.1 – 5.6 will be heard through the morning session starting at 10am, with the meeting being suspended to reconvene at 1pm, in order to consider the remaining applications, 5.7 – 5.14.

Please be aware that the consideration order, as set down by this agenda, will be revisited at the start of each session 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 8th Jul 2024.

**PLANNING COMMITTEE Meeting, 24th June 2024  
Schedule of planning applications**

The following applications will be heard through the morning from 10am – 12pm

<p><b>Item 5.1</b> Field 430886 Edd Beg Kerrowkeil Road Grenaby Malew IM9 3BB</p> <p><b>PA23/01384/B</b> <b>Recommendation : Refused</b></p>	<p>Erection of detached greenhouse, shed and raised beds (retrospective)</p>
<p><b>Item 5.2</b> Edd Beg Kerrowkeil Road Grenaby Ballasalla Isle Of Man IM9 3BB</p> <p><b>PA23/01383/B</b> <b>Recommendation : Refused</b></p>	<p>Erection of a detached garage and car port and extension to curtilage (retrospective)</p>
<p><b>Item 5.3</b> Edd Beg Kerrowkeil Road Grenaby Ballasalla Isle Of Man IM9 3BB</p> <p><b>PA23/00407/B</b> <b>Recommendation : Refused</b></p>	<p>Proposed alterations and extension to side North-West elevation to create additional living accommodation.</p>
<p><b>Item 5.4</b> Radar Bunker Creg Lea Farm Niarbyl Road Dalby Isle Of Man IM5 3BS</p> <p><b>PA24/00493/B</b> <b>Recommendation : Permitted</b></p>	<p>Conversion, alteration and extension of Chain Home Radar Bunker to create a dwelling.</p>
<p><b>Item 5.5</b> The Factory Union Mills Industrial Estate Main Road Union Mills Isle Of Man IM4 4AB</p> <p><b>PA24/00283/B</b> <b>Recommendation : Permitted</b></p>	<p>Conversion of unit into Sim Centre</p>
<p><b>Item 5.6</b> Land Adjacent To Quay West Apartments, River Douglas And Lake Road Douglas Isle Of Man</p> <p><b>PA24/00310/B</b> <b>Recommendation : Permitted</b></p>	<p>Residential Development Comprised of 109 Apartments and Associated Infrastructure</p>

**The meeting will be suspended at this point and reconvening at 1pm for the remaining applications.**

<p><b>Item 5.7</b> Marlborough Crescent Ramsey Isle Of Man</p> <p><b>PA24/00257/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of five 9-metre wooden telegraph poles with associated overhead wires</p>
<p><b>Item 5.8</b> Claghbane Estate Ramsey IM8 2BH</p> <p><b>PA24/00227/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of 12 x 9-metre wooden telegraph poles with associated overhead wires.</p>
<p><b>Item 5.9</b> Fairways Drive, Ramsey IM8 2BA</p> <p><b>PA24/00234/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of 6 x 9-metre wooden telegraph poles with associated overhead wires.</p>
<p><b>Item 5.10</b> Ballaterson Fields Ballaugh IM7 5AW</p> <p><b>PA24/00260/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of five 9 metre and one 10 metre wooden telegraph poles with associated overhead wires</p>
<p><b>Item 5.11</b> Larivane Close Andreas Isle Of Man</p> <p><b>PA24/00328/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of 4 x 9-metre wooden telegraph poles with associated overhead wires.</p>
<p><b>Item 5.12</b> 2-8 Ballasteen Drive Andreas Isle Of Man</p> <p><b>PA24/00445/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of 1 x 9-metre wooden telegraph pole with associated overhead wires.</p>
<p><b>Item 5.13</b> Ballalough Estate Andreas Isle Of Man</p> <p><b>PA24/00330/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of 11 x 9-metre wooden telegraph poles with associated overhead wires.</p>
<p><b>Item 5.14</b> Howe Road Onchan Isle Of Man</p> <p><b>PA24/00331/B</b> <b>Recommendation : Permitted</b></p>	<p>Installation of 9 x 9-metre wooden telegraph poles with associated overhead wires.</p>

**Item 5.1**

**Proposal :** Erection of detached greenhouse, shed and raised beds (retrospective)  
**Site Address :** Field 430886  
Edd Beg  
Kerrowkeil Road  
Grenaby  
Malew  
IM9 3BB  
**Applicant :** Mrs Carole Berry  
**Application No. :** 23/01384/B- [click to view](#)  
**Planning Officer :** Hamish Laird

**RECOMMENDATION:** To REFUSE the application

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**Reasons and Notes for Refusal**

**R : Reasons for refusal**

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

R 1. The application is for the retention of the greenhouse, shed and raised beds on part of the field sited to the North-West of the dwelling at Edd Beg. Planning permission for these structures is required because the land area on which they are sited is agricultural land and they are to be used for the enjoyment of the dwellinghouse and not for agricultural purposes. Furthermore, the proposals do not seek planning approval for a change of use of this part of the field for it to fall within the domestic curtilage of Edd Beg. Whilst they could be used for agricultural purposes, the site is not a registered agricultural land holding and does not enjoy agricultural permitted development rights on account of their domestic nature and appearance and due to the fact the site is not a registered agricultural holding for which agricultural permitted development rights would apply. Overall, the proposal represents domestic development on agricultural land for which no proposals to extend the residential curtilage of the dwelling have been submitted. The proposal represents an unacceptable form of development in introducing a domestic element and unlawful extension of the residential curtilage of Edd Beg into the countryside. This proposal for the retention of the greenhouse, shed, and raised beds fails to comply with the provisions of Policies SP2, EP1, and GEN2 b) and c) in the Isle of Man Strategic Plan 2016.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

THESE THREE APPLICATIONS RELATE TO THE SAME SITE AND ARE BROUGHT TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

0.0 SUMMARY

0.1 This report relates to 3 planning applications affecting the same site at Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla, Isle of Man, IM9 3BB, as follows:

- o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.
- o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)
- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886

The applications are all recommended for refusal for the reasons outlined in the Report below. The site and surroundings are the same for each proposal. A single Report has been produced for ease of reference. Each application should be considered on its merits and determined accordingly.

## 1.0 THE SITE

1.1 The site represents the residential curtilage of Edd Beg, and part of its immediate environs. The applicant owns adjoining land comprising fields to the north, south and west (Field Nos. 4344445, 430886, 430890 and 430891). Edd Beg is a detached, chalet style 1 ½ storey dwelling constructed in Manx stone, under a natural slate roof. Along with its attendant fields, it is located on the western side of Kerrowkeil Road. The dwelling has a detached garage with car port attached to its north side and is located to the south and west of the dwelling on the plot. There is also a shed and greenhouse located on part of the applicants land to the west of the dwelling and north of the car port/garage. The site is accessed from the B41 Road at its junction with a minor road running to the south which serves Ballarobin Farm.

1.2 The property sits isolated from any of the nearby properties within open countryside, with no neighbouring dwellings located close-by. The site is surrounded by fields with the nearest neighbouring properties being farm-holdings at Ballarobin Farm, and Manella Grange, which are both quite some distance away.

## 2.0 THE PROPOSALS

- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886. This would be outside the residential curtilage on the field and would not form part of the proposed extension to the residential curtilage.

2.1 The greenhouse has a grey aluminium frame and glazed walls and roof. It measures approx. 2.5m wide x 3.75m deep x 2.0m high to the eaves and 3.0m high to the ridge. It and the garden shed are located to the North-East of and screened from the garage, carport and shed by an evergreen hedge. The shed measures approx. 1.3m wide x 1.9m deep and has a pitched roof approx. 2.5m in height to its ridge. It is constructed from blue/grey composite horizontal boards with a blue/grey composite panel pitched roof. Door to match. The site of the shed, greenhouse and planting beds are located to North-East of and is screened by the dwelling at Edd Beg. 2 No. raised planting beds are located close to and on the North-East side of the greenhouse and shed respectively. They measure approx. 3.75m long x 1.5m wide x 0.3m high for the bed next to the greenhouse; and, 1.2m high for the bed next to the shed. The site would remain as agricultural land.

2.2 Planning permission for these structures is required because the land area in question is agricultural land and they are to be used for the enjoyment of the dwellinghouse and not for agricultural purposes. Whilst they could be used for agricultural purposes, they do not enjoy agricultural permitted development rights on account of their domestic nature and appearance and that the site is not a registered agricultural holding.

### 3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South as land not designated for a particular purpose, and the site is not within a Conservation Area. The site area is not prone to flood risks. There are no registered trees on site, and the site is not within a registered tree area.

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

3.2.1 Ballamodha and St Mark's (D14):

3.2.2 Landscape Strategy:

"The overall strategy for the area should be to conserve and enhance the character, quality and distinctiveness of this farmed landscape with various field patterns defined by different hedges, a scattered settlement pattern of traditional hamlets, farmsteads and nucleated settlements fringed by trees, a varied road network enclosed by grassed Manx hedges and roadside vegetation, and numerous wooded valleys and glens. In addition to the conservation of archaeological sites, measures should also be adopted to conserve and enhance the physical structure and setting of upstanding heritage features such as the Silverdale watermill."

"Key Views

- o 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.
- o 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."

3.3 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3).

3.4 Environment Policy 1 Indicates:

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

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

3.6 In General Policy 2, the following elements are relevant to the consideration of these proposals:

"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:

(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;

(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;

(n) is designed having due regard to best practice in reducing energy consumption."

3.7 "General Policy 3 advises: Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);

(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);

(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;

(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);

(e) location-dependent development in connection with the working of minerals or the provision of necessary services;

(f) building and engineering operations which are essential for the conduct of agriculture or forestry;

(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and

(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

3.8 Given there is an existing dwelling on the site, it is relevant to consider Housing Policy 15 which guides extensions to traditional dwellings in the countryside.

3.9 Housing Policy 15: The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

3.10 Paragraph 8.12.2: Extensions to properties in the countryside

As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in these cases, the Department may consider an increase in size of the replacement

property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this.

3.11 In addition, Housing Policy 16 advises:

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

3.12 Environment Policy 4 protects biodiversity (including protected species and designated sites).

3.13 Other policies within the Strategic Plan which are considered relevant to the proposal are: Infrastructure Policy 5, Transport Policy 4, and Community Policies 10 and 11 which relate to fire safety.

#### 4.0 OTHER MATERIAL CONSIDERATIONS

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

4.1.2 Policy 3 states:

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

4.1.3 Policy 4 states:

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

#### 5.0 PLANNING HISTORY

5.1 This property has been the subject of a number of previous applications which are considered relevant in the determination of this application.

5.2 PA18/00478/B - Approval was granted for an extension to the rear of the dwelling. Permitted 28/6/2018. The Planning Officers Report advised that the extension was to be at the height of the main ridge and removed the existing lean to and flat roofed extensions at the rear. The north eastern elevation featured a gable facing towards the oncoming traffic which is travelling down the road, with a large first floor window whose upper part follows the profile of the pitch of the roof of the extension. The other elevations have roofing at first floor level with a range of horizontally proportioned windows.

5.3 The Report further advised: "The walling is to be finished in through coloured render, in a grey colour to match the stonework with the existing render re-finished to match this. Both sides of the extension roof will include a large section of single rooflight and images have been provided to illustrate this on other buildings. Additional rooflights are to be installed elsewhere on the existing and proposed roofs: those proposed in the existing roofing will be smaller, conservation type lights and the two proposed in the new roofing will be larger, modern lights."

5.4 The application was permitted on 28/6/2018.



5.5 In 2019, PA 19/00818/B sought approval for the erection of a new domestic garage north of the existing house and within the neighbouring field outside of the residential curtilage. This application was refused on the grounds that the proposal would result in an unwarranted spread of development across the countryside contrary to Environment Policy 1 with insufficient evidence of need for its siting within the neighbouring field.

The reason for refusal was:

1. "The application has not been provided with sufficient justification or evidence of need to demonstrate an exception to policy failing General Policy 3 and as such the application results in an unwarranted spread of development across the countryside contrary to Environment Policy 1."

5.6 This decision was upheld on appeal with the Minister Refusing the appeal in a letter dated 4/11/2020.

5.7 PA 20/00938/B - Extension of residential curtilage and erection of detached garage on part Field 430890 and Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla - Permitted - 20/10/2020. Not implemented.

5.8 This proposal was for the erection of a garage measuring approx. 5.5m wide x 5.45m deep in a similar location to that where the current garage/carport/shed has been erected. It measured 2.6m high to the eaves, although the ridge was at a lower height than the current retrospective 23/01383/B proposals because there was not internal staircase or provision of a first floor store in the roofspace. The 20/00938/B approval was for a setback distance of curtilage from the road to back of garage approx. 40m and from house to edge of track, 21m.

5.9 An approval was granted under PA 21/01180/B for "Installation of replacement roof tiles in the main dwelling". This was permitted on 6/10/2021.

## 6.0 REPRESENTATIONS

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

o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886

6.1 Highway Services (8/12/23) has expressed no interest as they have no implications for highway safety.

6.2 Malew Parish Commissioners (10/1/24) have raised no objections to these proposals; and,

6.3 No comments have been received from occupants of any neighbouring or nearby properties.

## 7.0 ASSESSMENT

23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.

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

- a. Principle of Development
- b. The visual impact of the proposal (HP16, GEN2 b) and c));

- c. Impact on neighbouring amenity (GEN2 g);
- d. Impact on Highways (TP4 & TP7); and
- e. Impact on site ecology (GEN2 d) and EP 4).

## 7.2 VISUAL IMPACT ON EXISTING DWELLING AND THE SURROUNDING COUNTRYSIDE

### Principle of development

7.2.1 The existing dwelling has been lawfully erected, and proposals for extensions are considered to be acceptable in principle subject to the provisions of Polies GEN2, GEN3, H15 and H16 of the Strategic Plan. It is noted that a previous 2-storey extension (see PA18/00478/B) has been erected to the rear of the dwelling. The floorspace of the original dwelling is calculated from the submitted drawings (See both PA18/00478/B and PA23/00407/B). Originally, the ground and first floor areas plus front porch amounted to 285.42m<sup>2</sup>. The PA PA18/00478/B added 56.0m<sup>2</sup> to the floor area, or 19.6% of the original floorspace. The 23/00407/B proposals for the ground floor extension would add 31.68m<sup>2</sup> of floor area. Combined, the added floor areas amount to 30.0% of the original floor area of the Edd Beg dwelling.

7.2.2 Policy H15 indicates that extensions to dwellings in the countryside should normally be approved where they respect the proportion form and appearance of the existing property. "Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally)." In this regard, the floorspace of the proposed extension would comply with the provisions of Strategic Plan Policy H15.

The visual impact of the proposed extension (EP1, HP16, GEN2 b) and c));

7.2.3 In terms of the visual impacts of the proposed works on the existing dwelling, it is considered that the proposed extension respects the proportion, design and form of the existing dwelling and would appear as a subordinate addition to it. The flat-roofed (23/00407/B) extension would measure approx. 4.8m deep x 6.6m wide (floor area of 31.68m<sup>2</sup>) x 3.0m high to the eaves of its flat roof. Whilst the new flat-roofed, ground floor extension is considered to be of a more contemporary design than the existing property, it is not judged to unduly harm the character and appearance of the main dwellinghouse which has existing flat roofed elements attached to the main rear elevation of the dwelling on either side of where the previously approved 18/00478/B rear 2-storey extension is attached, one of the flat-roofed elements would be located adjacent to where the new extension is proposed to be located. Notwithstanding, the flat roof finish of the extension would ensure that the key features of the main dwelling are not obscured by its addition, which would be on the north-west side away from public view given that the extension would be largely screened by the existing dwelling. It would thus appear as a contemporary but subordinate addition to it.

7.2.4 It is also noted that the flat roofed extension which would involve the addition of a basic form which is somewhat at variance with Policy 3 of Planning Circular 3/91 which does not support the addition of basic forms to traditional properties. However, as has been noted, the dwelling has an existing flat roofed element. As such, it is considered that the extension would be reasonably well integrated into the existing built fabric on site. Given the above, it is considered that the proposal would be compliant with the requirements of and GEN2 in the Strategic Plan.

7.2.5 With regard to potential impacts on the character of the surrounding countryside, it is considered that the proposed works would modernise the appearance of the existing property, albeit, it would be erected at a position on the property where it would not be prominent when viewed from the surrounding countryside. In terms of its proportion, form,

and scale, these are considered to be in keeping with the property and would not detract from its appearance. The design of the extension is considered to be acceptable and would make a fitting addition to the site, with only a small impact on the character of the site and surrounding area. As well, the proposed scheme would not result in the loss of any surrounding trees or impact on any tree on site, ensuring that the development does not cause harm to the visual amenity of the locality or surrounding countryside. Accordingly, it is considered the proposal is acceptable and would not adversely affect the appearance of the site within the countryside or harm the character and quality of the landscape, Therefore, the proposal is considered to comply with the provisions of Policy EP1, GEN2 b) and c); and, HP16 in the Adopted Isle of Man Strategic Plan (2016).

### 7.3 IMPACTS ON NEIGHBOURING AMENITY

7.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

### 7.4 HIGHWAY IMPACT

7.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

### 7.5 IMPACT ON SITE ECOLOGY

7.5.1 In terms of impacts on ecology or biodiversity within the site, it is also important to establish if any real harm would result with respect to ecological and environmental concerns, it would relate to the removal of some vegetation to facilitate the erection of the extension. In this case, it is considered that the scale of the proposed works is such that it would result in minimal vegetation removal. Also, no trees would be removed as a result of the proposal. Therefore, any impacts on biodiversity within the site will be negligible, and overridden by the retention of the rural character of the site which will remain largely unchanged. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

### 7.6 OTHER MATTERS

7.6.1 The extent of the element of the proposed development would be sited within the existing curtilage of Edd Beg. However, the North-West side elevation of the extension would result in anyone entering or leaving the extension via the pedestrian access door in the North-West side elevation having to do so from adjoining agricultural land. It is noted that PA23/01383/B for the "Erection of detached garage and car port and extension to curtilage (retrospective)" includes an extension to part of the curtilage immediately to the North-West of the side elevation of the extension. This application is the subject of separate consideration. If PA23/01383/B is approved, along with the PA23/00407/B proposals, the occupants of the property would step out onto garden land using this entrance. The applicant was requested to amend the curtilage of the PA23/00407/B application to enlarge the curtilage, however, this has not occurred. If the PA23/01383/B proposal is refused, (which also involves the consideration of an unlawfully erected garage, car port and shed attached to the rear of the car port), then this application should also be refused for the reason that it would represent an inappropriate form of development in the countryside as it would in effect comprise residential development that could not be reasonably accommodated within the existing residential curtilage of Edd Beg, and would represent an unacceptable form of

development on agricultural land contrary to the provisions of policies ENV1 and H11 of the Strategic Plan.

## 7.7 CONCLUSION

7.6.1 Overall, and subject to the approval of an extension to the residential curtilage of Edd Beg through the consideration of PA23/01383/B, it is considered the proposal would comply with the relevant policies of the Isle of Man Strategic Plan. However, as advised in paragraph 7.6.1 above, whilst the proposed development would be sited within the existing curtilage of Edd Beg, the North-West side elevation of the extension would result in anyone entering or leaving the extension via the pedestrian access door in the North-West side elevation having to do so from adjoining agricultural land. This is considered to be unacceptable because the development could not be comfortably contained within the existing residential curtilage of Edd Beg, and therefore, it is recommended that the application be refused.

### Reason for Refusal

1. The proposed single storey, flat roofed extension to be attached to the North-East side of the dwelling at Edd Beg, would have its North-West elevation sited hard on the boundary of the domestic curtilage, and would result in users of the kitchen area existing the dwelling via the proposed side door directly onto agricultural land. This is unacceptable because it would result in a form of development by stealth as it would in effect comprise residential development that could not be reasonably accommodated within the existing residential curtilage of Edd Beg and would represent an unacceptable form of development on agricultural land which would be harmful to the rural nature, and character of the site and surroundings contrary to the provisions of policies ENV1, GEN2, GEN3 and H11 of the Strategic Plan.

## 8.0 ASSESSMENT

23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)

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

- a. Principle of Development
- b. The visual impact of the proposal (HP 15, GP2);
- c. Impact on neighbouring amenity (GP2);
- d. Impact on Highways (TP 4 & EP 16); and
- e. Impact on site ecology (EP 4).

### 8.2 Principle of development

8.2.1 The site has in part been previously the subject of an approved planning application for the erection of a garage plus an extension of the residential curtilage of Edd Beg to facilitate this erection of the garage. See PA 20/00938/B at paragraph 5.7 in the sites planning history. This was permitted on 20/10/2020, but was not implemented. Insofar as PA20/00938/B is concerned the principle of development was established.

8.2.2 In respect of the current PA23/01383/B application, the proposal involves the retention of the garage erected which has the same footprint/ground floor area as that previously approved, although it differs in that it is higher to the eaves and ridge because it has an internal staircase and domestic storage accommodation at first floor level. The garage as erected also has a carport attached to its North-West side with a timber shed attached to the rear of the carport. Neither of these attached structures were considered as part of the PA20/00938/B application. They have been unlawfully erected, and the domestic curtilage of

Edd Beg has been unlawfully extended to accommodate these structures. This application seeks to regularise these matters, as well as proposing to extend the curtilage immediately to the North-West side of the dwelling at Edd Beg.

8.2.3 The proposed extension to the residential curtilage for Edd Beg would accommodate these structures and, as advised above, would also extend the curtilage immediately adjacent to the North-West elevation of the dwelling and site for the proposed 23/00407/B extension. Given the previous PA20/01938/B approval, the principle for an extension of the residential curtilage and the erection of the garage was established. However, as this was not built and an unapproved garage, plus carport and shed were erected on land outside the approved residential curtilage, the principle of development is not established and the proposals fail to accord with the provisions of Policy ENV1, and GEN2 b) and c) of the Strategic Plan.

The visual impact of the garage, carport, shed and curtilage extension (EP1, GEN2 b) and c));

8.2.4 In terms of the visual impacts of retaining the garage, carport, shed and curtilage extension, the built structures represent a significant increase in built form and footprint over and above that of the previously approved garage. As indicated in paragraph 8.2.2 above, the garage has the same footprint although it is taller than that previously approved. The attached carport which measures approx. 3.8m wide x 5.5m deep adds a footprint of 19.25m<sup>2</sup> to that of garages footprint of 29.9m<sup>2</sup>, whilst the shed adds a further measuring approx. 3.8m wide x 3.5m deep, adds a further footprint of 13.3m<sup>2</sup> to the garage. Combined, the footprint of the carport (19.25m<sup>2</sup>) and shed (13.3m<sup>2</sup>) amount to 32.55m<sup>2</sup> which is more than the garages 29.9m<sup>2</sup> footprint. Cumulatively, it is considered that the built form of development is excessive. Whilst the garage footprint on its own may prove acceptable, its extra height located in the expanded curtilage further away from the dwelling than previously approved, are all together considered to be excessive, and overall detract from the rural character and open nature of the site and its surroundings in this open countryside location.

8.2.5 As a consequence, it is considered that the proposals to retain the garage, carport and shed, and the extension of the curtilage of Edd Beg to accommodate them have resulted in an unacceptable visual impact that is unduly harmful to the character of the site and surroundings and as such are contrary to the provisions of Policies EP1 and GEN 2 b) and c) in the Strategic Plan.

8.2.6 In respect of the element of the proposals to extend the residential curtilage of Edd Beg immediately to the North-West of the dwelling, this element alone is considered to be acceptable in visual terms as it would be sited on the NW edge of the existing plot measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m<sup>2</sup> located immediately to the west of the dwelling adjoining the area where the proposed west side ground floor extension is to be sited, would be acceptable as it would not involve any built form of development, and is screened from the surrounding area by the dwelling on the plot and adjacent hedging separating it from the garage, carport and shed.

8.2.7 Overall, it is considered that proposal fails to comply with the provisions of Policies EP1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

### 8.3 IMPACTS ON NEIGHBOURING AMENITY

8.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

### 8.4 HIGHWAY IMPACT

8.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

## 8.5 IMPACT ON SITE ECOLOGY

8.5.1 The application is for the retention of the detached garage, car port, attached shed and extension to the curtilage of Edd Beg. It seeks retrospective planning permission for the retention of the development already undertaken in this situation. There would be no adverse impacts on ecology or biodiversity within the site, as a result. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

## 8.6 OTHER MATTERS

8.6.1 The element of the proposed development involving the extension to the residential curtilage of Edd Beg that would be sited on the NW edge of the existing plot measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m<sup>2</sup> located immediately to the west of the dwelling adjoining proposed development is required to facilitate the PA23/00407/B development. Whilst this element of the proposals, on its own, may prove acceptable, and as such could facilitate the PA23/00407/B development for a ground floor side extension to the dwelling, however, the remainder of the application represents an unacceptable form of development on agricultural land in the countryside and fails to accord with the Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

## 9.00 CONCLUSION

The proposed retention of the garage, car port, and shed and the extension of the domestic curtilage to the North-West of Edd Beg, are unacceptable because they represent development by stealth resulting in an unlawful extension of curtilage, and by their size scale, extent. Have resulted in a visually harmful piecemeal encroachment into the open countryside contrary to the advice contained in Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

### Reasons for refusal:

1. The proposed retention of the unlawfully erected Garage, Car port and timber shed, is considered to be unacceptable because, cumulatively, the built form of development is excessive. The additional height of the garage over and above that of the previously approved PA20/01938/B garage, which would be located within the expanded curtilage further away from the dwelling than previously approved, are excessive and visually harmful and overall, owing to their mass, bulk, scale, and domestic nature, unacceptably detract from the rural character and openness of the site and its surroundings in this countryside location contrary to the provisions of Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

2. The element of the proposals for the extension of the domestic curtilage of Edd Beg to accommodate the retained garage, carport and shed, and to provide an extension to the domestic curtilage immediately to the north-west of Edd Beg to accommodate a proposed extension to the dwelling have resulted in an unacceptable visual impact in this countryside location that is unduly harmful to the rural character and open nature of the site and surroundings, and would unacceptably further this harmful appearance through the element of this proposal to extend the domestic curtilage immediately to the north-west of Edd Beg. As such, all elements of the proposals to extend the domestic curtilage of Edd Beg are contrary to the provisions of Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

## 10.0 INTERESTED PERSON STATUS

10.1 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.

10.2 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

10.3 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.

## 9.0 ASSESSMENT

- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886.

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

- a. Principle of Development
- b. The visual impact of the proposal (SP2, EP1, GEN2);
- c. Impact on neighbouring amenity (GEN2);
- d. Impact on Highways (TP 4 & EP 16); and
- e. Impact on site ecology (EP 4).

### 9.1 PRINCIPLE OF DEVELOPMENT

9.1.1 Planning permission for these structures is required because the land area on which they are sited is agricultural land and they are to be used for the enjoyment of the dwellinghouse and not for agricultural purposes. Furthermore, the proposals do not seek planning approval for a change of use of this part of the field for it to fall within the domestic curtilage of Edd Beg. Whilst they could be used for agricultural purposes, the site is not a registered agricultural land holding and does not enjoy agricultural permitted development rights on account of their domestic nature and appearance and due to the fact the site is not a registered agricultural holding for which agricultural permitted development rights would apply. The principle of development is not accepted.

### 9.2 THE VISUAL IMPACT OF THE PROPOSAL (HP 15, GP2);

9.2.1 The greenhouse has a grey aluminium frame and glazed walls and roof. It measures approx. 2.5m wide x 3.75m deep x 2.0m high to the eaves and 3.0m high to the ridge. It and the garden shed are located to the North-East of and screened from the garage, carport and

shed by an evergreen hedge. The shed measures approx. 1.3m wide x 1.9m deep and has a pitched roof approx. 2.5m in height to its ridge. It is constructed from blue/grey composite horizontal boards with a blue/grey composite panel pitched roof. Door to match. The site of the shed, greenhouse and planting beds are located to North-East of and are screened by the dwelling at Edd Beg. The 2 No. raised planting beds are located close to and on the North-East side of the greenhouse and shed respectively. The site remains as agricultural land.

9.2.2 These structures are clearly domestic in form, scale and nature, and as such would extend the domestic curtilage of the dwelling into the countryside away from the immediacy of the dwelling, with no element of these proposals seeking to extend the residential curtilage of Edd Beg to accommodate this domestic form of development. It is considered that whilst there are effective elements of screening in the form of the hedge to the South-East, Any screening from the Garage, carport and shed attached to the rear of the carport should be discounted on the grounds that these structures have been unlawfully erected on, in part, adjoining agricultural land.

9.2.3 Therefore, the visual impact arising from their domestic scale and nature is considered to be unacceptable in this countryside location and their presence is considered to be visually harmful to the open, rural character and nature of the countryside, and as such unacceptable. The proposals to retain the shed, greenhouse and planting beds are contrary to the provisions of Policies SP2, EP1, and GEN2 b) and c) in the Isle of Man Strategic Plan 2016.

### 9.3 IMPACTS ON NEIGHBOURING AMENITY

9.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

### 9.4 HIGHWAY IMPACT

9.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

### 9.5 IMPACT ON SITE ECOLOGY

9.5.1 The application is for the retention of the greenhouse, shed and raised beds on part of the field sited to the North-West of the dwelling at Edd Beg. It seeks retrospective planning permission for the retention of the development already undertaken in this situation. There would be no adverse impacts on ecology or biodiversity within the site, as a result. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

## 10.0 CONCLUSION

10.1 Overall, it is considered the proposal represents domestic development on agricultural land for which no proposals to extend the residential curtilage of the dwelling have been submitted. The proposal represents an unacceptable form of development in the countryside and fails to comply with the relevant policies of the Isle of Man Strategic Plan. The proposals are contrary to the provisions of Policies SP2, EP1, and GEN2 b) and c) in the Isle of Man Strategic Plan 2016. Therefore, it is recommended that the application be refused.

Reason for Refusal:



The application is for the retention of the greenhouse, shed and raised beds on part of the field sited to the North-West of the dwelling at Edd Beg. Planning permission for these structures is required because the land area on which they are sited is agricultural land and they are to be used for the enjoyment of the dwellinghouse and not for agricultural purposes. Furthermore, the proposals do not seek planning approval for a change of use of this part of the field for it to fall within the domestic curtilage of Edd Beg. Whilst they could be used for agricultural purposes, the site is not a registered agricultural land holding and does not enjoy agricultural permitted development rights on account of their domestic nature and appearance and due to the fact the site is not a registered agricultural holding for which agricultural permitted development rights would apply. Overall, the proposal represents domestic development on agricultural land for which no proposals to extend the residential curtilage of the dwelling have been submitted. The proposal represents an unacceptable form of development in introducing a domestic element and unlawful extension of the residential curtilage of Edd Beg into the countryside. This proposal for the retention of the greenhouse, shed and raised beds fails to comply with the provisions of Policies SP2, EP1, and GEN2 b) and c) in the Isle of Man Strategic Plan 2016.

#### 11.0 INTERESTED PERSON STATUS

11.1 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.

11.2 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

11.3 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 :** Erection of a detached garage and car port and extension to curtilage (retrospective)

**Site Address :** Edd Beg  
Kerrowkeil Road  
Grenaby  
Ballasalla  
Isle Of Man  
IM9 3BB

**Applicant :** Mrs Carole Berry

**Application No. :** 23/01383/B- [click to view](#)

**Planning Officer :** Hamish Laird

**RECOMMENDATION:** To REFUSE the application

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**Reasons and Notes for Refusal**

**R : Reasons for refusal**

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

R 1. The proposed retention of the unlawfully erected Garage, Car port and timber shed, is considered to be unacceptable because, cumulatively, the built form of development is excessive. The additional height of the garage over and above that of the previously approved PA20/01938/B garage, which would be located within the expanded curtilage further away from the dwelling than previously approved, are excessive and visually harmful and overall, owing to their mass, bulk, scale, and domestic nature, unacceptably detract from the rural character and openness of the site and its surroundings in this countryside location contrary to the provisions of Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

R 2. The element of the proposals for the extension of the domestic curtilage of Edd Beg to accommodate the retained garage, carport and shed, and to provide an extension to the domestic curtilage immediately to the north-west of Edd Beg to accommodate a proposed extension to the dwelling have resulted in an unacceptable visual impact in this countryside location that is unduly harmful to the rural character and open nature of the site and surroundings, and would unacceptably further this harmful appearance through the element of this proposal to extend the domestic curtilage immediately to the north-west of Edd Beg. As such, all elements of the proposals to extend the domestic curtilage of Edd Beg are contrary to the provisions of Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

THIS APPLICATION IS THE SECOND OF THREE RELATING TO THE SAME SITE AND IS BROUGHT TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

## 0.0 SUMMARY

0.1 There are 3 planning applications affecting the same site at Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla, Isle of Man, IM9 3BB, as follows:

- o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.
- o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)
- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886

The applications are all recommended for refusal for the reasons outlined in the Report below. The site and surroundings are the same for each proposal. A separate Report has been produced for each case reference. Each application should be considered on its merits and determined accordingly.

## 1.0 THE SITE

1.1 The site represents the residential curtilage of Edd Beg, and part of its immediate environs. The applicant owns adjoining land comprising fields to the north, south and west (Field Nos. 4344445, 430886, 430890 and 430891). Edd Beg is a detached, chalet style 1 ½ storey dwelling constructed in Manx stone, under a natural slate roof. Along with its attendant fields, it is located on the western side of Kerrowkeil Road. The dwelling has a detached garage with car port attached to its north side and is located to the south and west of the dwelling on the plot. There is also a shed and greenhouse located on part of the applicants land to the west of the dwelling and north of the car port/garage. The site is accessed from the B41 Road at its junction with a minor road running to the south which serves Ballarobin Farm.

1.2 The property sits isolated from any of the nearby properties within open countryside, with no neighbouring dwellings located close-by. The site is surrounded by fields with the nearest neighbouring properties being farm-holdings at Ballarobin Farm, and Manella Grange, which are both quite some distance away.

## 2.0 THE PROPOSALS

- o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)

2.3 The application proposes the retention of the existing garage; attached car port; and, attached wooden shed to the rear of the carport; along with an extension to the residential curtilage immediately to the west of the dwelling at Edd Beg. The garage is sited on sloping ground and measures approx. 5.45m wide x 5.5m deep (floor area of 29.9m<sup>2</sup>). Its height is between 3.2m and 3.5m high to the eaves and 5.5m to the ridge. It is constructed from smooth plain rendered blockwork, painted dark grey/blue for the walls; and, natural roof slates with 6 No. solar PV panels to south west elevation roofslope. Dark grey/black fascia boards and soffits are employed. A dark grey painted up and over access door is placed in the South East elevation. An internal staircase provides access to the roof space above the garage floor. This is used for domestic storage and is lit by 2 No. Velux rooflights (550mm x 780mm) in the North East facing roofslope.

2.4 The carport measures approx. 3.8m wide x 5.5m deep (floor area of 19.25m<sup>2</sup>) and has a shallow fall to its flat roof. It measures 3.0m high where it abuts the side of the garage

wall, dropping to 2.5m high on the North East side elevation. It is open-sided on its North East and South East elevations.

2.5 The shed, which is attached to the rear of the car port measures approx. 3.8m wide x 3.5m deep (floor area of 13.3m<sup>2</sup>) and is clad in timber horizontal feathered edge timber boarding under a membrane sheet roof.

2.6 The proposed extension to the residential curtilage involves adding land in three different areas. These are:

1. An area of land measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m<sup>2</sup> located immediately to the west of the dwelling adjoining the area where the proposed west side ground floor extension is to be sited, and to the east of the site area for the 23/01384/B application.

2. An area of land measuring approx. 2.8m wide x 12.0m deep amounting to approx. 33.6m<sup>2</sup> located immediately to the south of the garage. (Running contiguously with Area 3 below).

3. An area of land measuring approx. 6.0m wide x 13.0m deep amounting to approx. 78.0m<sup>2</sup> which includes land forming part of the area of the garage and cart port, extending west to include the land containing and immediately surrounding the timber shed. It is located to the south of the site area for the 23/01384/B application. (Running contiguously with Area 2 above).

### 3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South as land not designated for a particular purpose, and the site is not within a Conservation Area. The site area is not prone to flood risks. There are no registered trees on site, and the site is not within a registered tree area.

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

3.2.1 Ballamodha and St Mark's (D14):

3.2.2 Landscape Strategy:

"The overall strategy for the area should be to conserve and enhance the character, quality and distinctiveness of this farmed landscape with various field patterns defined by different hedges, a scattered settlement pattern of traditional hamlets, farmsteads and nucleated settlements fringed by trees, a varied road network enclosed by grassed Manx hedges and roadside vegetation, and numerous wooded valleys and glens. In addition to the conservation of archaeological sites, measures should also be adopted to conserve and enhance the physical structure and setting of upstanding heritage features such as the Silverdale watermill."

"Key Views

- o 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.
- o 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."

3.3 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3).

### 3.4 Environment Policy 1 Indicates:

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

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

3.6 In General Policy 2, the following elements are relevant to the consideration of these proposals:

"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:

(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;

(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;

(n) is designed having due regard to best practice in reducing energy consumption."

3.7 "General Policy 3 advises: Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

(a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);

(b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);

(c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;

(d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);

(e) location-dependent development in connection with the working of minerals or the provision of necessary services;

(f) building and engineering operations which are essential for the conduct of agriculture or forestry;

(g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and

(h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

3.8 Given there is an existing dwelling on the site, it is relevant to consider Housing Policy 15 which guides extensions to traditional dwellings in the countryside.

3.9 Housing Policy 15: The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

3.10 Paragraph 8.12.2: Extensions to properties in the countryside

As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this.

3.11 In addition, Housing Policy 16 advises:

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

3.12 Environment Policy 4 protects biodiversity (including protected species and designated sites).

3.13 Other policies within the Strategic Plan which are considered relevant to the proposal are: Infrastructure Policy 5, Transport Policy 4, and Community Policies 10 and 11 which relate to fire safety.

#### 4.0 OTHER MATERIAL CONSIDERATIONS

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

4.1.2 Policy 3 states:

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

4.1.3 Policy 4 states:

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

## 5.0 PLANNING HISTORY

5.1 This property has been the subject of a number of previous applications which are considered relevant in the determination of this application.

5.2 PA18/00478/B - Approval was granted for an extension to the rear of the dwelling. Permitted 28/6/2018. The Planning Officers Report advised that the extension was to be at the height of the main ridge and removed the existing lean to and flat roofed extensions at the rear. The north eastern elevation featured a gable facing towards the oncoming traffic which is travelling down the road, with a large first floor window whose upper part follows the profile of the pitch of the roof of the extension. The other elevations have roofing at first floor level with a range of horizontally proportioned windows.

5.3 The Report further advised: "The walling is to be finished in through coloured render, in a grey colour to match the stonework with the existing render re-finished to match this. Both sides of the extension roof will include a large section of single rooflight and images have been provided to illustrate this on other buildings. Additional rooflights are to be installed elsewhere on the existing and proposed roofs: those proposed in the existing roofing will be smaller, conservation type lights and the two proposed in the new roofing will be larger, modern lights."

5.4 The application was permitted on 28/6/2018.

5.5 In 2019, PA 19/00818/B sought approval for the erection of a new domestic garage north of the existing house and within the neighbouring field outside of the residential curtilage. This application was refused on the grounds that the proposal would result in an unwarranted spread of development across the countryside contrary to Environment Policy 1 with insufficient evidence of need for its siting within the neighbouring field.

The reason for refusal was:

1. "The application has not been provided with sufficient justification or evidence of need to demonstrate an exception to policy failing General Policy 3 and as such the application results in an unwarranted spread of development across the countryside contrary to Environment Policy 1."

5.6 This decision was upheld on appeal with the Minister Refusing the appeal in a letter dated 4/11/2020.

5.7 PA 20/00938/B - Extension of residential curtilage and erection of detached garage on part Field 430890 and Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla - Permitted - 20/10/2020. Not implemented.

5.8 This proposal was for the erection of a garage measuring approx. 5.5m wide x 5.45m deep in a similar location to that where the current garage/carport/shed has been erected. It measured 2.6m high to the eaves, although the ridge was at a lower height than the current retrospective 23/01383/B proposals because there was not internal staircase or provision of a first floor store in the roofspace. The 20/00938/B approval was for a setback distance of curtilage from the road to back of garage approx. 40m and from house to edge of track, 21m.

5.9 An approval was granted under PA 21/01180/B for "Installation of replacement roof tiles in the main dwelling". This was permitted on 6/10/2021.

## 6.0 REPRESENTATIONS

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

o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)

6.1 Highway Services (8/12/23) has expressed no interest as they have no implications for highway safety.

6.2 Malew Parish Commissioners (10/1/24) have raised no objections to these proposals; and,

6.3 No comments have been received from occupants of any neighbouring or nearby properties.

## 7.0 ASSESSMENT

23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)

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

- a. Principle of Development
- b. The visual impact of the proposal (HP 15, GP2);
- c. Impact on neighbouring amenity (GP2);
- d. Impact on Highways (TP 4 & EP 16); and
- e. Impact on site ecology (EP 4).

7.2 Principle of development

7.2.1 The site has in part been previously the subject of an approved planning application for the erection of a garage plus an extension of the residential curtilage of Edd Beg to facilitate this erection of the garage. See PA 20/00938/B at paragraph 5.7 in the sites planning history. This was permitted on 20/10/2020, but was not implemented. Insofar as PA20/00938/B is concerned the principle of development was established.

7.2.2 In respect of the current PA23/01383/B application, the proposal involves the retention of the garage erected which has the same footprint/ground floor area as that previously approved, although it differs in that it is higher to the eaves and ridge because it has an internal staircase and domestic storage accommodation at first floor level. The garage as erected also has a carport attached to its North-West side with a timber shed attached to the rear of the carport. Neither of these attached structures were considered as part of the PA20/00938/B application. They have been unlawfully erected, and the domestic curtilage of Edd Beg has been unlawfully extended to accommodate these structures. This application seeks to regularise these matters, as well as proposing to extend the curtilage immediately to the North-West side of the dwelling at Edd Beg.

7.2.3 The proposed extension to the residential curtilage for Edd Beg would accommodate these structures and, as advised above, would also extend the curtilage immediately adjacent to the North-West elevation of the dwelling and site for the proposed 23/00407/B extension. Given the previous PA20/01938/B approval, the principle for an extension of the residential curtilage and the erection of the garage was established. However, as this was not built and an unapproved garage, plus carport and shed were erected on land outside the approved



residential curtilage, the principle of development is not established and the proposals fail to accord with the provisions of Policy ENV1, and GEN2 b) and c) of the Strategic Plan.

The visual impact of the garage, carport, shed and curtilage extension (EP1, GEN2 b) and c));

7.2.4 In terms of the visual impacts of retaining the garage, carport, shed and curtilage extension, the built structures represent a significant increase in built form and footprint over and above that of the previously approved garage. As indicated in paragraph 8.2.2 above, the garage has the same footprint although it is taller than that previously approved. The attached carport which measures approx. 3.8m wide x 5.5m deep adds a footprint of 19.25m<sup>2</sup> to that of garages footprint of 29.9m<sup>2</sup>, whilst the shed adds a further measuring approx. 3.8m wide x 3.5m deep, adds a further footprint of 13.3m<sup>2</sup> to the garage. Combined, the footprint of the carport (19.25m<sup>2</sup>) and shed (13.3m<sup>2</sup>) amount to 32.55m<sup>2</sup> which is more than the garages 29.9m<sup>2</sup> footprint. Cumulatively, it is considered that the built form of development is excessive. Whilst the garage footprint on its own may prove acceptable, its extra height located in the expanded curtilage further away from the dwelling than previously approved, are all together considered to be excessive, and overall detract from the rural character and open nature of the site and its surroundings in this open countryside location.

7.2.5 As a consequence, it is considered that the proposals to retain the garage, carport and shed, and the extension of the curtilage of Edd Beg to accommodate them have resulted in an unacceptable visual impact that is unduly harmful to the character of the site and surroundings and as such are contrary to the provisions of Policies EP1 and GEN 2 b) and c) in the Strategic Plan.

7.2.6 In respect of the element of the proposals to extend the residential curtilage of Edd Beg immediately to the North-West of the dwelling, this element alone is considered to be acceptable in visual terms as it would be sited on the NW edge of the existing plot measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m<sup>2</sup> located immediately to the west of the dwelling adjoining the area where the proposed west side ground floor extension is to be sited, would be acceptable as it would not involve any built form of development, and is screened from the surrounding area by the dwelling on the plot and adjacent hedging separating it from the garage, carport and shed.

7.2.7 Overall, it is considered that proposal fails to comply with the provisions of Policies EP1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

### 7.3 IMPACTS ON NEIGHBOURS AMENITY

7.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

### 7.4 HIGHWAY IMPACT

7.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

### 7.5 IMPACT ON SITE ECOLOGY

7.5.1 The application is for the retention of the detached garage, car port, attached shed and extension to the curtilage of Edd Beg. It seeks retrospective planning permission for the retention of the development already undertaken in this situation. There would be no adverse impacts on ecology or biodiversity within the site, as a result. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

## 7.6 OTHER MATTERS

7.6.1 The element of the proposed development involving the extension to the residential curtilage of Edd Beg that would be sited on the NW edge of the existing plot measuring approx. 4.2m wide x 10.3m deep amounting to approx. 43.2m<sup>2</sup> located immediately to the west of the dwelling adjoining proposed development is required to facilitate the PA23/00407/B development. Whilst this element of the proposals, on its own, may prove acceptable, and as such could facilitate the PA23/00407/B development for a ground floor side extension to the dwelling, however, the remainder of the application represents an unacceptable form of development on agricultural land in the countryside and fails to accord with the Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

## 8.00 CONCLUSION

8.1 The proposed retention of the garage, car port, and shed and the extension of the domestic curtilage to the North-West of Edd Beg, are unacceptable because they represent development by stealth resulting in an unlawful extension of curtilage, and by their size scale, extent. Have resulted in a visually harmful piecemeal encroachment into the open countryside contrary to the advice contained in Policies EP1, ENV1 and GEN 2 b) and c) in the Adopted Isle of Man Strategic Plan (2016).

## 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 5.3**

**Proposal :** Proposed alterations and extension to side North-West elevation to create additional living accommodation.

**Site Address :** Edd Beg  
Kerrowkeil Road  
Grenaby  
Ballasalla  
Isle Of Man  
IM9 3BB

**Applicant :** Mrs Carole Berry  
**Application No. :** 23/00407/B- click to view  
**Planning Officer :** Hamish Laird

**RECOMMENDATION:** To REFUSE the application

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**Reasons and Notes for Refusal**

**R : Reasons for refusal**

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

R 1. The proposed single storey, flat roofed extension to be attached to the North-East side of the dwelling at Edd Beg, would have its North-West elevation sited hard on the boundary of the domestic curtilage, and would result in users of the kitchen area exiting the dwelling via the proposed side door directly onto agricultural land. This is unacceptable because it would result in a form of development by stealth as it would in effect comprise residential development that could not be reasonably accommodated within the existing residential curtilage of Edd Beg and would represent an unacceptable form of development on agricultural land which would be harmful to the rural nature, and character of the site and surroundings contrary to the provisions of policies ENV1, GEN2, GEN3 and H11 of the Strategic Plan.

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**Interested Person Status – Additional Persons**

None

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**Planning Officer's Report**

THIS APPLICATION IS ONE OF THREE RELATING TO THE SAME SITE AND IS BROUGHT TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

0.0 SUMMARY

0.1 There are 3 planning applications affecting the same site at Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla, Isle of Man, IM9 3BB, as follows:

- o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.
- o 23/01383/B - Erection of detached garage and car port and extension to curtilage (retrospective)

- o 23/01384/B - Erection of detached greenhouse, shed and raised beds (retrospective) on adjoining Field 430886

The applications are all recommended for refusal for the reasons outlined in the Report below. The site and surroundings are the same for each proposal. A separate Report has been produced for each case reference. Each application should be considered on its merits and determined accordingly.

## 1.0 THE SITE

1.1 The site represents the residential curtilage of Edd Beg, and part of its immediate environs. The applicant owns adjoining land comprising fields to the north, south and west (Field Nos. 4344445, 430886, 430890 and 430891). Edd Beg is a detached, chalet style 1 ½ storey dwelling constructed in Manx stone, under a natural slate roof. Along with its attendant fields, it is located on the western side of Kerrowkeil Road. The dwelling has a detached garage with car port attached to its north side and is located to the south and west of the dwelling on the plot. There is also a shed and greenhouse located on part of the applicants land to the west of the dwelling and north of the car port/garage. The site is accessed from the B41 Road at its junction with a minor road running to the south which serves Ballarobin Farm.

1.2 The property sits isolated from any of the nearby properties within open countryside, with no neighbouring dwellings located close-by. The site is surrounded by fields with the nearest neighbouring properties being farm-holdings at Ballarobin Farm, and Manella Grange, which are both quite some distance away.

## 2.0 THE PROPOSAL

- o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.

2.1 The application seeks approval for the erection of a single storey, flat roofed, extension to be attached to the north-west side elevation closest to the adjoining field. It would measure 4.8m out from the existing side wall x 6.6m wide. This equates to the width of the existing dwelling which on this side has an existing flat-roofed WC/cloakroom/shower room. It would be constructed from cavity block work, clad in vertically hung dark grey composite cladding, with the parapet wall detail capped with a dark grey coping system. The roof would be constructed from single ply/fibreglass, hidden behind a parapet wall detail. New windows and doors would be dark grey UPVC double glazed units. The proposal would provide an extension to the existing kitchen and a new utility room. The design of the proposed extension includes a window and pedestrian access door site in the North-West elevation.

2.2 No trees would be removed to accommodate the extension and there would be no changes to parking provision on site.

## 3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Area Plan for the South as land not designated for a particular purpose, and the site is not within a Conservation Area. The site area is not prone to flood risks. There are no registered trees on site, and the site is not within a registered tree area.

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

3.2.1 Ballamodha and St Mark's (D14):

### 3.2.2 Landscape Strategy:

"The overall strategy for the area should be to conserve and enhance the character, quality and distinctiveness of this farmed landscape with various field patterns defined by different hedges, a scattered settlement pattern of traditional hamlets, farmsteads and nucleated settlements fringed by trees, a varied road network enclosed by grassed Manx hedges and roadside vegetation, and numerous wooded valleys and glens. In addition to the conservation of archaeological sites, measures should also be adopted to conserve and enhance the physical structure and setting of upstanding heritage features such as the Silverdale watermill."

#### "Key Views

- o 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.
- o 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."

3.3 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3).

#### 3.4 Environment Policy 1 Indicates:

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

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

3.6 In General Policy 2, the following elements are relevant to the consideration of these proposals:

"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:

(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;

(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;

(n) is designed having due regard to best practice in reducing energy consumption."

3.7 "General Policy 3 advises: Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:

- (a) essential housing for agricultural workers who have to live close to their place of work; (Housing Policies 7, 8, 9 and 10);
- (b) conversion of redundant rural buildings which are of architectural, historic, or social value and interest; (Housing Policy 11);
- (c) previously developed land(1) which contains a significant amount of building; where the continued use is redundant; where redevelopment would reduce the impact of the current situation on the landscape or the wider environment; and where the development proposed would result in improvements to the landscape or wider environment;
- (d) the replacement of existing rural dwellings; (Housing Policies 12, 13 and 14);
- (e) location-dependent development in connection with the working of minerals or the provision of necessary services;
- (f) building and engineering operations which are essential for the conduct of agriculture or forestry;
- (g) development recognised to be of overriding national need in land use planning terms and for which there is no reasonable and acceptable alternative; and
- (h) buildings or works required for interpretation of the countryside, its wildlife or heritage."

3.8 Given there is an existing dwelling on the site, it is relevant to consider Housing Policy 15 which guides extensions to traditional dwellings in the countryside.

3.9 Housing Policy 15: The extension or alteration of existing traditionally styled properties in the countryside will normally only be approved where these respect the proportion, form and appearance of the existing property. Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally).

3.10 Paragraph 8.12.2: Extensions to properties in the countryside

As there is a general policy against development in the Island's countryside, it is important that where development exists, either in an historic or recently approved form, it should not, when altered or extended detract from the amenities of the countryside. Care therefore, must be taken to control the size and form of extensions to property in the countryside. In the case of traditional properties, the proportion and form of the building is sensitively balanced and extensions of inappropriate size or proportions will not be acceptable where these destroy the existing character of the property. In the case of non-traditional properties, where these are of poor or unsympathetic appearance, extensions which would increase the impact of the property will generally not be acceptable. It may be preferable to consider the redevelopment of non-traditional dwellings or properties of poor form with buildings of a more traditional style and in these cases, the Department may consider an increase in size of the replacement property over and above the size of the building to be replaced, where improvements to the appearance of the property would justify this.

3.11 In addition, Housing Policy 16 advises:

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

3.12 Environment Policy 4 protects biodiversity (including protected species and designated sites).

3.13 Other policies within the Strategic Plan which are considered relevant to the proposal are: Infrastructure Policy 5, Transport Policy 4, and Community Policies 10 and 11 which relate to fire safety.

#### 4.0 OTHER MATERIAL CONSIDERATIONS

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

4.1.2 Policy 3 states:

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

4.1.3 Policy 4 states:

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

#### 5.0 PLANNING HISTORY

5.1 This property has been the subject of a number of previous applications which are considered relevant in the determination of this application.

5.2 PA18/00478/B - Approval was granted for an extension to the rear of the dwelling. Permitted 28/6/2018. The Planning Officers Report advised that the extension was to be at the height of the main ridge and removed the existing lean to and flat roofed extensions at the rear. The north eastern elevation featured a gable facing towards the oncoming traffic which is travelling down the road, with a large first floor window whose upper part follows the profile of the pitch of the roof of the extension. The other elevations have roofing at first floor level with a range of horizontally proportioned windows.

5.3 The Report further advised: "The walling is to be finished in through coloured render, in a grey colour to match the stonework with the existing render re-finished to match this. Both sides of the extension roof will include a large section of single rooflight and images have been provided to illustrate this on other buildings. Additional rooflights are to be installed elsewhere on the existing and proposed roofs: those proposed in the existing roofing will be smaller, conservation type lights and the two proposed in the new roofing will be larger, modern lights."

5.4 The application was permitted on 28/6/2018.

5.5 In 2019, PA 19/00818/B sought approval for the erection of a new domestic garage north of the existing house and within the neighbouring field outside of the residential curtilage. This application was refused on the grounds that the proposal would result in an unwarranted spread of development across the countryside contrary to Environment Policy 1 with insufficient evidence of need for its siting within the neighbouring field.

The reason for refusal was:

1. "The application has not been provided with sufficient justification or evidence of need to demonstrate an exception to policy failing General Policy 3 and as such the application

results in an unwarranted spread of development across the countryside contrary to Environment Policy 1."

5.6 This decision was upheld on appeal with the Minister Refusing the appeal in a letter dated 4/11/2020.

5.7 PA 20/00938/B - Extension of residential curtilage and erection of detached garage on part Field 430890 and Edd Beg, Kerrowkeil Road, Grenaby, Ballasalla - Permitted - 20/10/2020. Not implemented.

5.8 This proposal was for the erection of a garage measuring approx. 5.5m wide x 5.45m deep in a similar location to that where the current garage/carport/shed has been erected. It measured 2.6m high to the eaves, although the ridge was at a lower height than the current retrospective 23/01383/B proposals because there was not internal staircase or provision of a first floor store in the roofspace. The 20/00938/B approval was for a setback distance of curtilage from the road to back of garage approx. 40m and from house to edge of track, 21m.

5.9 An approval was granted under PA 21/01180/B for "Installation of replacement roof tiles in the main dwelling". This was permitted on 6/10/2021.

## 6.0 REPRESENTATIONS

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

o 23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.

6.1 Highway Services (13/4/23) has expressed no interest as they have no implications for highway safety.

6.2 Malew Parish Commissioners (3/5/23) have raised no objections to these proposals; and,

6.3 No comments have been received from occupants of any neighbouring or nearby properties.

## 7.0 ASSESSMENT

23/00407/B - Proposed alterations and extension to side North-West elevation to create additional living accommodation.

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

- a. Principle of Development
- b. The visual impact of the proposal (HP16, GEN2 b) and c));
- c. Impact on neighbouring amenity (GEN2 g);
- d. Impact on Highways (TP4 & TP7); and
- e. Impact on site ecology (GEN2 d) and EP 4).

## 7.2 THE PRINCIPLE OF DEVELOPMENT AND THE VISUAL IMPACT ON EXISTING DWELLING AND THE SURROUNDING COUNTRYSIDE

### Principle of development

7.2.1 The existing dwelling has been lawfully erected, and proposals for extensions are considered to be acceptable in principle subject to the provisions of Polies GEN2, GEN3, H15



and H16 of the Strategic Plan. It is noted that a previous 2-storey extension (see PA18/00478/B) has been erected to the rear of the dwelling. The floorspace of the original dwelling is calculated from the submitted drawings (See both PA18/00478/B and PA23/00407/B). Originally, the ground and first floor areas plus front porch amounted to 285.42m<sup>2</sup>. The PA PA18/00478/B added 56.0m<sup>2</sup> to the floor area, or 19.6% of the original floorspace. The 23/00407/B proposals for the ground floor extension would add 31.68m<sup>2</sup> of floor area. Combined, the added floor areas amount to 30.0% of the original floor area of the Edd Beg dwelling.

7.2.2 Policy H15 indicates that extensions to dwellings in the countryside should normally be approved where they respect the proportion form and appearance of the existing property. "Only exceptionally will permission be granted for extensions which measure more than 50% of the existing building in terms of floor space (measured externally)." In this regard, the floorspace of the proposed extension would comply with the provisions of Strategic Plan Policy H15.

The visual impact of the proposed extension (EP1, HP16, GEN2 b) and c));

7.2.3 In terms of the visual impacts of the proposed works on the existing dwelling, it is considered that the proposed extension respects the proportion, design and form of the existing dwelling and would appear as a subordinate addition to it. The flat-roofed (23/00407/B) extension would measure approx. 4.8m deep x 6.6m wide (floor area of 31.68m<sup>2</sup>) x 3.0m high to the eaves of its flat roof. Whilst the new flat-roofed, ground floor extension is considered to be of a more contemporary design than the existing property, it is not judged to unduly harm the character and appearance of the main dwellinghouse which has existing flat roofed elements attached to the main rear elevation of the dwelling on either side of where the previously approved 18/00478/B rear 2-storey extension is attached, one of the flat-roofed elements would be located adjacent to where the new extension is proposed to be located. Notwithstanding, the flat roof finish of the extension would ensure that the key features of the main dwelling are not obscured by its addition, which would be on the north-west side away from public view given that the extension would be largely screened by the existing dwelling. It would thus appear as a contemporary but subordinate addition to it.

7.2.4 It is also noted that the flat roofed extension which would involve the addition of a basic form which is somewhat at variance with Policy 3 of Planning Circular 3/91 which does not support the addition of basic forms to traditional properties. However, as has been noted, the dwelling has an existing flat roofed element. As such, it is considered that the extension would be reasonably well integrated into the existing built fabric on site. Given the above, it is considered that the proposal would be compliant with the requirements of and GEN2 in the Strategic Plan.

7.2.5 With regard to potential impacts on the character of the surrounding countryside, it is considered that the proposed works would modernise the appearance of the existing property, albeit, it would be erected at a position on the property where it would not be prominent when viewed from the surrounding countryside. In terms of its proportion, form, and scale, these are considered to be in keeping with the property and would not detract from its appearance. The design of the extension is considered to be acceptable and would make a fitting addition to the site, with only a small impact on the character of the site and surrounding area. As well, the proposed scheme would not result in the loss of any surrounding trees or impact on any tree on site, ensuring that the development does not cause harm to the visual amenity of the locality or surrounding countryside. Accordingly, it is considered the proposal is acceptable and would not adversely affect the appearance of the site within the countryside or harm the character and quality of the landscape, Therefore, the

proposal is considered to comply with the provisions of Policy EP1, GEN2 b) and c); and, HP16 in the Adopted Isle of Man Strategic Plan (2016).

### 7.3 IMPACTS ON NEIGHBOURING AMENITY

7.3.1 With regard to impact on neighbouring dwellings, the site is in an isolated position in the countryside. There are no neighbouring or nearby residential properties within close proximity to the site, and no neighbours amenities would be affected as a result of the proposed development. This accords with Policy GEN2 g) of the Strategic Plan.

### 7.4 HIGHWAY IMPACT

7.4.1 With regard to Highway impact, the scheme does not propose any alterations to the means of access to the site or parking within the site. Highway Services has raised no objection to the proposals, and as such, it is considered that there would be no adverse impacts on parking or highway safety resulting from the proposal. This accords with Policies T4 and T7 of the Strategic Plan.

### 7.5 IMPACT ON SITE ECOLOGY

7.5.1 In terms of impacts on ecology or biodiversity within the site, it is also important to establish if any real harm would result with respect to ecological and environmental concerns, it would relate to the removal of some vegetation to facilitate the erection of the extension. In this case, it is considered that the scale of the proposed works is such that it would result in minimal vegetation removal. Also, no trees would be removed as a result of the proposal. Therefore, any impacts on biodiversity within the site will be negligible, and overridden by the retention of the rural character of the site which will remain largely unchanged. This accords with Policies GEN2 d) and EP4 of the Strategic Plan.

### 7.6 OTHER MATTERS

7.6.1 The extent of the element of the proposed development would be sited within the existing curtilage of Edd Beg. However, the North-West side elevation of the extension would result in anyone entering or leaving the extension via the pedestrian access door in the North-West side elevation having to do so from adjoining agricultural land. It is noted that PA23/01383/B for the "Erection of detached garage and car port and extension to curtilage (retrospective)" includes an extension to part of the curtilage immediately to the North-West of the side elevation of the extension. This application is the subject of separate consideration. If PA23/01383/B is approved, along with the PA23/00407/B proposals, the occupants of the property would step out onto garden land using this entrance. The applicant was requested to amend the curtilage of the PA23/00407/B application to enlarge the curtilage, however, this has not occurred. If the PA23/01383/B proposal is refused, (which also involves the consideration of an unlawfully erected garage, car port and shed attached to the rear of the car port), then this application should also be refused for the reason that it would represent an inappropriate form of development in the countryside as it would in effect comprise residential development that could not be reasonably accommodated within the existing residential curtilage of Edd Beg, and would represent an unacceptable form of development on agricultural land contrary to the provisions of policies ENV1 and H11 of the Strategic Plan.

### 7.7 CONCLUSION

7.7.1 Overall, and subject to the approval of an extension to the residential curtilage of Edd Beg through the consideration of PA23/01383/B, it is considered the proposal would comply with the relevant policies of the Isle of Man Strategic Plan. However, as advised in paragraph 7.6.1 above, whilst the proposed development would be sited within the existing curtilage of Edd Beg, the North-West side elevation of the extension would result in anyone entering or leaving the extension via the pedestrian access door in the North-West side elevation having to do so from adjoining agricultural land. This is considered to be unacceptable because the development could not be comfortably contained within the existing residential curtilage of Edd Beg, and therefore, it is recommended that the application be refused.

## 8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

**Item 5.4**

**Proposal :** Conversion, alteration and extension of Chain Home Radar Bunker to create a dwelling.

**Site Address :** Radar Bunker  
Creg Lea Farm  
Niarbyl Road  
Dalby  
Isle Of Man  
IM5 3BS

**Applicant :** Mr & Mrs Stuart Fayle

**Application No. :** 24/00493/B- [click to view](#)

**Principal Planner :** Chris Balmer

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling(s) hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

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

C 3. No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. Details of the soft landscaping works include details of the grass roof and re profiling details to the roof and elevations of the bunker building as shown on drawing 04, the rear boundary (southwest) low level sod hedge and any further new planting showing, type, size and position of each. All planting, seeding, landscaping, re profiling or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the dwelling, whichever is the sooner and retained thereafter. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species

The hard landscaping should include details of the surface finish of the driveway and footpaths as well as any fencing/walls to the boundaries of the dwelling. The hard landscaping works shall be completed in full accordance with the approved details prior to the first use of the dwelling.

Reason: To ensure the provision of an appropriate landscape setting to the development and for biodiversity net gain.

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

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

C 5. No development shall commence until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details.

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

C 6. Prior to the commencement of the installation of PV solar panels to the south east roof slope of the adjacent agricultural barn as shown on drawing 07 REV A, details shall be submitted which indicated the amount, design and position of the PV solar panels and the panels shall be installed as per the approved plans and retained thereafter for the use of the owners of the dwelling hereby approved.

Reason: In the interest of climate change and visual amenity.

C 7. For the avoidance of doubt the residential curtilage of the property shall not extend beyond the red line (excluding the area of red line which extends over the adjacent barn) shown on the Site and Location Plan (drawing 01 REV A), and be retained thereafter.

Reason: In the interest of the character and appearance of the landscape.

C 8. There shall be no clearance of the vegetation on top of the bunker within the breeding bird season (March to August inc).

Reason: In the interests of the protection of birds

C 9. No works shall commence until 2 open fronted bird boxes have been erected on site. Boxes should be positioned 1-4m above ground on a northerly elevation, amongst/immediately adjacent to thick vegetation in accordance with details to be first submitted to and approved by the Planning Authority. These boxes must be maintained in-situ throughout the construction works and for at least 3 years following construction.

Reason: In the interests of protection of birds

Reason for approval:

Overall, the proposal is considered not to have any significant adverse impacts upon public or private amenities and therefore would accord with Environment Policies 1 and 2, General Policy 3 and Housing Policy 11 of the Isle of Man Strategic Plan 2016 and will enable the continued existence and renovation of a feature of historical interest to the Island.

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

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

Owner/occupier of Westwood House, Dalby as they do not clearly identify the land which is owned or occupied which is considered to be impacted on by the proposed development in accordance with paragraph 2A of the Policy; 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; as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS IT MAY BE CONSIDERED TO BE CONTRARY TO THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

#### 1.0 THE SITE

1.1 The application is a parcel of land which is located to the north western side of the Niarbyl Road and west of Dalby. The site forms part of the farm holding of Creg Lea Farm. The farm and the proposed dwelling would share the private lane and access onto the Niarbyl Road. The residential property Cronk View also shares this access and part of the Creg Lea Farm holding. This farm holding has the residential property Creg Lea Farmhouse and converted barns to tourist use associated with it.

#### History of site

1.2 The section of the farm holding which is of particular interest with this application is the former Radar Bunker. The bunker was part of the RAF's radar stations on the Isle of Man in the 1940s under the instruction of Air Commodore Keith Park (later became Air Vice-Marshall and is associated with the Battle of Britain). Two areas were chosen for the "Chain Home" radar system, one at the north end of the island and the other to the south. The Chain Home was the first early warning radar network in the world and the first military radar system to reach operational status with over 40 stations operational (throughout the UK & IOM) by the war's end.

1.3 The sites selected early in 1940 were Bride at the north (SC463031) and Scarlett to the south. Both sites were designated Advance Chain Home (ACH) installations being brought on line with temporary shorter timber masts to support the transmitter arrays, pending the availability of standard 'west coast' 325 foot guyed steel masts. Both stations were in use by September 1940. Subsequently, Bride was found to be surplus to requirements being covered from Scotland and Ireland to the north and by 1942 it had been closed and stripped of equipment. Scarlett did not last much longer as Ronaldsway Airport was requisitioned by the Air Ministry for training in 1941; however Scarlett's 325' aerial masts were well inside the mandatory 6000 yard construction limit, the station was closed shortly after the completion of a new station at Dalby in 1942. At Dalby the radar station was spread over two farms, Creg Lea (application site) and Ballahutchin Mooar. Each farm has two C type operations blocks.

1.4 In the area of Dalby there were three or four 300 foot steel masts (transmitting) and also two shorter wooden masts, the latter acted as a decoy (although in other documents referred to as received towers).

1.5 In 2006 a study for the Manx heritage Foundation named "Isle of Man 20th Century Military Archaeology" indicated that the IOM sites are relatively complete and are a graphic reminder of the most important event to have taken place in living memory of the 20th Century and that the retained buildings and structure are now considered to be rare features of similar sites in the UK.

## 2.0 THE PROPOSAL

2.1 Proposed is the conversion, alteration and extension of the former Chain Home Radar Bunker to a single dwelling. The existing concrete structure which is covered by earth on two sides (south east and south west) at a depth of between 0.5 and 1m depth and open the other two elevations (north east and north west) will be retained. The proposal does include an extension to this existing structure to the south west elevation which will have large section of glazing with splayed concrete walls to either end of the windows which will retain existing/new earth to the NW and SE elevations. The remainder of the building will primarily be unchanged externally, with the exception of an additional door to the NE elevation and two windows to the NW elevation and three roof lights, one in the existing building and two in the new extension.

2.2 Two off road parking spaces would be located to the north of the dwelling and would be access via the existing driveway/lane.

2.3 It is proposed to install solar panels to the roof of the neighbouring barn to the northwest of the site. To enable the extension and external patio area, a section of agricultural field would be required, which essentially would form part of the residential curtilage of the dwelling. Air Source heat pumps are also proposed.

2.4 Foul drainage would be connected into a new bio disc in the adjacent field as would a soakaway made up of French Drains.

## 3.0 PLANNING POLICY

3.1 The site lies within an area designated on the Town and Country Planning (Development Plan) Order 1982 as not for a particular purpose and of High Landscape or Coastal Value and Scenic Significance. The site is just outside of an area of ecological interest.

3.2 As such, there is a presumption against development here as set out in Environment Policies 1 and 2 of the Strategic Plan and where the protection of the landscape is the most important consideration.

3.3 General Policy 3 sets out a list of exceptions to this and includes the creation of dwellings through the conversion of existing buildings which are of architectural, historic or social value and interest and where Housing Policy 11 provides additional advice as follows:

"Conversion of existing rural buildings into dwellings may be permitted, but only where:

- (a) redundancy for the original use can be established;
- (b) the building is substantially intact and structurally capable of renovation;
- (c) the building is of architectural, historic, or social interest;
- (d) the building is large enough to form a satisfactory dwelling, either as it stands or with modest, subordinate extension which does not affect adversely the character or interest of the building;
- (e) residential use would not be incompatible with adjoining established uses or, where appropriate, land-use zonings on the area plan; and
- (f) the building is or can be provided with satisfactory services without unreasonable public expenditure.

Such conversion must:

- (a) where practicable and desirable, re-establish the original appearance of the building; and
- (b) use the same materials as those in the existing building.

Permission will not be given for the rebuilding of ruins or the erection of replacement buildings of similar, or even identical, form. Further extension of converted rural buildings will not usually be permitted, since this would lead to loss or reduction of the original interest and character."

#### 4.0 PLANNING HISTORY

4.1 There are no previous applications on the site which are relevant to the consideration of the current application. However, the following application to the north of the site is considered relevant;

4.2 Conversion of disused bunker to a residential unit (class 3.3) and works to existing outbuildings - 20/01058/B - Generator Set House And Radar Station, Dalby - APPROVED on 03.11.2020 and is still valid.

#### 5.0 REPRESENTATIONS

5.1 Highway Services do not oppose commenting (23.05.2024 & 03.05.2024);

"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 layout and access onto the public highway is acceptable for the proposals."

5.2 Patrick Commissioners comment (24.05.2024);

"At the 13th May meeting of Patrick Commissioners the above application was considered. The Board agreed that they had no further comments on the proposal.

I am aware however that plans have subsequently been amended to this application will be tabled again at the June meeting, scheduled for 10th"

5.3 Ecosystem Policy Team (DEFA) comment (24.05.2024);

"The bunker is currently covered by a thick layer of scrub which is likely being used by legally protected nesting birds. Precautionary measures are therefore required to ensure that birds and their active nests, eggs and chicks are not damaged or destroyed by the proposed works. The Ecosystem Policy Team therefore request that clearance of the vegetation on top of the bunker does not take place within the breeding bird season (March - August inclusive).

Please note that many scrub nesting species built their nests right at the base of and well into thick scrub, it is therefore very hard to make thorough checks for nests and so the recommendation is for no clearance in the nesting season. Though the intention for the property once finished is for it to be re-covered with grass, and the Roof Plan and Elevation drawings shows planting areas on top of the roof, there will be a short term loss of nesting habitat during construction because the vegetation on top of the bunker will need to be removed to facilitate the works. Many scrub nesting species will not nest in artificial boxes. However, it would seem reasonable to provide alternative nesting locations to allow for some species to nest whilst the construction works are taking place, acknowledging the short term loss for some species, such as whitethroat, linnets and dunnocks.

The Ecosystem Policy Team therefore request that a condition is secured for no works to commence unless 2 open fronted bird boxes have been erected on site. Boxes should be positioned 1-4m above ground on a northerly elevation, amongst/immediately adjacent to thick vegetation. These boxes must be maintained in-situ throughout the construction works and for at least 3 years following construction.

There is no planting list provided within the application at the moment, therefore in order to ensure no long-term loss of nesting habitat, the Ecosystem Policy Team request that a condition is secured for no works to commence unless a soft landscaping planting plan,



containing details of the species that are to be replanted on top of and adjacent to the bunker, has been submitted to Planning and agreed in writing.

A member of the Ecosystem Policy Team has been inside of the bunker and believes that the potential for roosting bats and nesting birds inside the structure is low. We are not requesting an assessment by a suitably qualified ecological consultancy in this instance. However, the applicants must still ensure they undertake checks for bats and birds prior to any work taking place."

5.4 The owner/occupier of Westwood House, Dalby writes to support the application indicating (15.05.2024):

"As a resident of Dalby, I wholeheartedly support this excellent planning application. It is a clever and sympathetic development of an otherwise unusable structure providing family accommodation without significant impact to the surroundings."

## 6.0 ASSESSMENT

6.1 Given the land-use designation and the type of development the following elements are relevant to consideration in the determination of this application:

- (a) Principle of development;
- (b) The potential impact upon the visual amenities of the area;
- (c) Potential impact upon neighbouring amenities;
- (d) Potential impact upon highway safety / parking provision / travel options;

Principle of development (General Policy 3 and Housing Policy 11);

6.2 As outlined earlier, given the sites designation there is a presumption against development in this location. As such, the issue is whether the proposal complies with Housing Policy 11. Taking each part of HP11 in turn:

6.3 redundant for its original purpose.

6.3.1 The structure is no longer needed for its original purpose of being part of the radar operation. It is very unlikely that this use will recur in the future. Accordingly, it complies with this section of the policy.

6.4 Is the building substantially intact and structurally capable of renovation.

6.4.1 A structural report has been submitted as part of the application which concludes;

"Following the survey of Creg Lea Bunker, the building is deemed structurally sound and capable of being retained, as required by Housing Policy 13, The Island Development Plan, Strategic Plan 2016.

Several defects were noted which would need to be addressed as part of the proposed development scheme."

6.4.2 These works include;

- o "Vegetation removal - Remove all vegetation and overburden material to expose concrete superstructure.
- o Reduce overburden - During relandscaping works, recommend reducing overburden to no more than 500mm to minimise loading on structure. This is to be done after replacement tanking is completed.
- o Replacement tanking system - Remove all existing mastic asphalt from concrete structure once exposed. Re-tank with waterproofing membrane by tanking specialist.
- o Concrete repairs - Repair spalled concrete where exposed rebar is present. Recommend Fosroc Renderoc repair mortar or similar approved, applied to manufacturers specification.
- o Thresholds - To prevent future water ingress recommend reducing ground levels around entranceways to introduce step, or include "aco" channels across thresholds. Final details & specification to be provided by architect.
- o Relocate oil tank - To minimise roof loading, relocate existing oil tank from roof.

- o Concrete testing - Although concrete appears to be in good condition it is recommended that concrete cores be taken to the roof slab to confirm strength. Recommend tests. - Min 3 cores for crush testing - Carbonation test.
- o Insulation - The existing concrete box structure is uninsulated. As part of the conversion to accommodation internal or externally clad insulation should be considered. Refer to architects specification."

6.4.3 Of particular note is the recommendation that all vegetation and overburden material to expose concrete superstructure and the re-landscaping works, recommends reducing overburden to no more than 500mm to minimise loading on structure. Accordingly, given the existing vegetation and overburden is to be removed a condition will be required for details of such works.

6.4.4 Other than this aspect, the Department is comfortable that the conversion of the former bunker can be undertaken as approved, including extensions and therefore comply with this element of the policy.

6.5 Architectural, historic or social interest.

6.5.1 As outlined in paragraphs 1.2 to 1.5 the site formed an important part of the IOMs part of the Chain Home network during the Second World War. While the building (reinforce concrete building) from a architectural standpoint isn't significant, it is a purely functional building to meet its specific need, it is unusual and unique on the Island and possibly in the UK due to their condition and arrangement together. It has a considerable historic interest appertaining to their place in the Second World War and their continued existing in a recognisable form will rely upon finding a use for the structures which will not compromise their form. The use would have to be appropriate to the amount of resources required to renovate the building and keep it in a condition which would ensure its longevity.

6.6 Is the building large enough to form a dwelling.

6.6.1 The building is large enough to accommodate a 3 bedroomed dwelling, including a living/ dining area, kitchen, lounge and utility room/greenhouse. A 52sqm extension is proposed (accommodate the lounge and bedroom with en suite). The existing building has a floor area of approximately 176sqm. Therefore the proposed dwelling (inc extension) would have a total floor area of approximately 228sqm, which equates to a 29% increase. The proposal once completed, with only a modest extension and including the new landscape covering, would in a medium term will appear will retain the character or appearance of the structure.

6.7 Compatible with other existing adjacent uses.

6.7.1 The site would utilise an existing access and driveway associated with Creg Lea Farm, which includes the farm holding, the main farmhouse (Creg Lea Farmhouse) and the converted tourist barns and the residential property Cronk View. These are all associated with and owned by the applicants. There are no concerns of the impact of the development upon neighbouring amenities in terms of overlooking, overbearing impacts upon outlooks and/or loss of light. The main issue (whether the properties in question where own by the applicants or not) is the additional traffic and general comings and goings caused by having a new residential dwelling on the site. It is considered in terms of the impacts upon the main farmhouse and the tourist units, given their distance, siting and orientation which is mainly facing away from the site and/or blocked from view give other built development on the holding there are again no concerns. The property most likely to be affected would be Cronk View which is to the northeast of the proposal. Any passing traffic to the new dwelling would pass the front elevation of this property. While there will be an impact, it is not considered a single dwellings of this size would result in a significantly level of disturbance to refuse the application, nor is the additional use of the lane by the additional dwelling would have an adversely affect upon the other users to warrant refusal in this case.

6.8 Can the dwelling be provided with all the relevant services.

6.8.1 The site is within the farm holding which is served with electric and water and therefore it is reasonable to consider this property can be connected. Further, as outlined previously new solar panels are also proposed to the neighbouring barn roof which would serve the property. Foul Drainage will be collected by a new Klargester Bio Disc and surface water will be drained into a new soakaway (French Drains) into the adjacent field.

6.9 Other matters

6.9.1 Highway Services have considered the access arrangements and highway safety matters and have raised no concerns. The proposal includes two off road parking spaces and therefore complies with the IOMSP.

6.9.2 The proposed dwelling will be apparent from a number of public viewpoints, namely from distance views from the Niarbyl Road (including from car park entrance to the Niarbyl Restaurant/Cafe) to the south and from the Dalby Road to the east/south east which has distant view looking down at the site. Once the works and landscaping of the proposal is completed, the dwelling will not be especially apparent from public views, blending into the landscape as the existing building does now. The buildings within the farm holding remain as the prominent features in the landscape. The new extension, which has a large glazed rear elevation (southwest) which faces towards the entrance of the Niarbyl Restaurant/Cafe, will be apparent. A condition is proposed to ensure the framing of the windows/doors are a light grey colour (as proposed) and with the retained walls with flank to either side of the glazed windows being finished in a unpainted concrete finished (as proposed) so that the proposal would not become a prominent stark feature in the landscape. All other works raise no concerns in terms of the visual impact to the landscape/countryside setting. Overall the proposals would not harm the character and quality of the landscape or adversely affect the countryside complying with EP 1 and 2.

7.0 CONCLUSION

7.0.1 Overall, the proposal is considered not to have any significant adverse impacts upon public or private amenities and therefore would accord with Environment Policies 1 and 2, General Policy 3 and Housing Policy 11 of the Isle of Man Strategic Plan 2016 and will enable the continued existence and renovation of a feature of historical interest to the Island.

7.0.2 The application is recommended for an approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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 :** Conversion of unit into Sim Centre  
**Site Address :** The Factory  
Union Mills Industrial Estate  
Main Road  
Union Mills  
Isle Of Man  
IM4 4AB

**Applicant :** Mr Peter Edge  
**Application No. :** 24/00283/B- [click to view](#)  
**Planning Officer :** Vanessa Porter

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

C 1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019, the use hereby approved shall be limited to an simulation centre.

REASON: In the interest to protect the character and uses of the neighbouring Industrial Units.

C 2. The flood risk mitigation as stated within section 4 of the Flood Risk Statement dated received on the 20th March 2024, must be carried out prior to occupation. Any alterations to the proposed flood risk mitigations must be submitted to and approved in writing by the Department.

The development shall not be carried out unless in accordance with the approved details and retained thereafter.

REASON: to ensure that there is adequate flood protection of the site and the application has been considered on the basis of the flood risk management proposed.

Reason for approval:

On first review the proposal would be contrary to those established planning policies which seek to direct development to town centre locations or land zoned for such purposes. However in the specific circumstances of this application, in taking account that the site has been functioning already within a unit and is moving to bigger premises, coupled with the current proposal and the nature of the single business operation of the specific end user, that on balance, the change of use would make best use of the site, with no increased impacts on the surrounding landscape or environment in line with the principles of Strategic Policy 1 and General Policy 2. It is also noted that whilst the site would not have enough parking as per the parking standards of Transport Policy 7, there would be enough for the proposed use of the site and that a relaxation on parking standards should be applicable, noting the times it is likely to be open and the users of the site themselves.

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**Interested Person Status – Additional Persons**

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

THE APPLICATION IS BEFORE THE PLANNING COMMITTEE AS THE APPLICATION MAY BE CONSIDERED CONTRARY TO DEVELOPMENT PLAN POLICIES AND IS RECOMMENDED FOR APPROVAL.

#### THE APPLICATION SITE

1.1 The application site is within the Union Mills Industrial Estate, specifically within a unit situated to the Northern part of the Industrial Estate, the closest unit to the main road.

#### THE PROPOSAL

2.1 The current planning application seeks approval for the change of use of the existing unit to a Sim Centre which is a simulation based car racing experience and driver training centre (falling within Class 4.4 Assembly and Leisure).

2.2 The information received with the application on the type of business in which the site will run is minimal, including opening and closing times. Whilst this is the case, the information provided shows that the majority of the bookings are done week nights and on Saturdays and they currently have two members of staff with the possibility of a third member in the future.

2.3 There is no direct parking associated with the site, with the parking available within the industrial estate being for all of the units.

2.4 It is necessary to note that the business was situated within another area of the Industrial Estate prior to this application, without prior permission and whilst there is an email to state that the works are not retrospective, works have been done to the site, internally and externally prior to approval.

#### PLANNING HISTORY

3.1 There are several applications upon the site as a whole but none specifically relevant to the assessment of this application.

#### PLANNING POLICY

4.1 The dwelling sits within an area zoned as "Industrial" on the Area Plan for the East, Map 8 - Union Mills/ Strang. The site is not within a Conservation Area but is within a Flood Risk Zone.

4.2 There are no policies within the Area Plan for the East Written Statement which are considered to be specifically material to the assessment of this application.

4.3 Generally there are no specific policies within the Isle of Man Strategic Plan for the proposal, as such the proposed use would be a departure from the Area Plan designation.

4.4 Whilst this is the case, in terms of the Isle of Man Strategic Plan, the plan welcomes the creation of employment opportunities (Business Policy 1) but discourages retail use of industrial areas (Business Policy 5). The Strategic Plan also encourages the provision of recreation facilities and acknowledges the benefit of this to the population and its quality of life (Chapter 10).

4.5 Due to where the unit is situated General Policy 2 (detailed 'development control' considerations), Transport Policy 4 (requires that the highway network is capable of satisfactorily accommodating the traffic from any development) and Transport Policy 7 (parking standards) are also relevant. Environment Policies 10 and 13 are also relevant due to the Flood Risk.

## REPRESENTATIONS

5.1 The following representations can be found in full online;

5.1 Highway Services have considered the application and state, "as the site access is existing, the proposals are relatively small in operation and there is parking on the estate, providing the vehicular access and parking is confirmed to be available for staff and visitors of the proposals (via confirmation and a red-line boundary or blue line boundary amendment)." (02.04.24)

5.2 Braddan Commissioners have considered the application and state, "no objections." (20.04.24)

5.3 DOI Flood Risk Management Division have considered the application and state, "The FRA is acceptable however FRM would recommend that the demountable flood barriers that are suggested in the FRA are stored in hangers in the wall next to the opening that they are intended for along with the accoutrements required for their installation." (02.04.24)

## ASSESSMENT

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

- principle of development
- impact on neighbouring properties
- flooding
- highway safety
- other matters

### 6.2 PRINCIPLE

6.2.1 The most recent Employment Land Review (2017), makes it clear that there is a longer term shortfall in the amount of land for employment purposes (industrial, offices, storage and distribution) within the Island and the conclusion from this, coupled with the Strategic Policies which generally presume against certain uses in industrial premises, is that industrial land should be protected for such uses only. However, with the above in mind it is necessary to assess the site itself. Union Mills Industrial Estate is a small estate of a few units, which have a variety of uses which are mainly light industrial in their use.

6.2.2 During the officers site visit it could be seen that the estate itself was quiet with there not being a lot of movement within the area. The most active part of the site was 1st Care at Home Limited, that is situated most southerly to the site.

6.2.3 On balance, whilst not in accordance with the Development Plan, the proposed use would be acceptable within the site that it is proposed and when assessing against the broader principles of General Policy 2, the change to a Sim Centre (within Class 4.4 Assembly and Leisure), would not impact the wider character and appearance of the area, nor would it conflict with the adjacent uses of Union Mills Industrial Estate, knowing that the business is run on a booking system, that the users of the site would be niche and whilst not acceptable the business has been run within the site prior to this application within another unit.

## 6.3 IMPACT ON NEIGHBOURING PROPERTIES

6.3.1 When looking at how the site functions, noting that the site will be operated by a booking system, which means no ad hoc visitors and that the type of leisure activity the site provides, it is unlikely that there would be an impact to the neighbouring properties in relation to noise admitted from the site, which would not be out of place of the industrial estate.

6.3.2 It is also noted that if there were any issues with how the site has been functioning, whilst it has been on a smaller scale than what is proposed within this application, there would have been comments raised by neighbouring properties/ businesses.

## 6.4 FLOODING

6.4.1 In terms of possible flooding of the site, it is acknowledged that DOI Flood Risk Management have not raised any issues with the provided Flood Risk Assessment, as such when taking this into account and noting the type of business that will be functioning from the site, which involves a lot of electronic items, it is likely that the proposed flood risk mitigation will be put into place. Whilst this is the case a condition should be attached to make sure that the flood risk mitigation recommendations are followed through with. For these reasons it is not considered necessary to request a flood risk assessment for this development as identified in EP10 and 13.

## 6.5 HIGHWAY SAFETY

6.5.1 When looking at whether there is enough parking available for the site, the internal measurement for the site is approximately 583sqm, which when looking at the parking standards within Appendix 7 for Assembly and Leisure, which this site falls into, there needs to be approximately 38 parking spaces.

6.5.2 Having visited the site, the whole site wouldn't have that many car parking spaces, with the area available for parking opposite the site having a couple of vehicles which have not moved for a very long time, and as such occupying areas in which parking could be undertaken. It was also noted during the officer's site visit during the day that there was no available parking within the site as a whole. As such a parking survey was requested.

6.5.3 The parking survey taken at different times of the day and on different dates, with the earliest at 8.11am and the latest at 16.26pm, shows that there is some parking available at times of the day, approximately around 6 spaces, depending on the time. Interestingly no information has been provided for available car parking during the times in which the applicant states that they are busiest which is after 5pm.

6.5.4 Noting the above, there is a bit of a quandary on whether there would be enough parking. Whilst the site itself should have 38 cars, the proposed use of the site as a Sim Centre should require less cars. This is when noting a) the area in which is taken up with simulations of different sorts, including full cars and b) noting the cost of the simulation per hour; and c) the fact that due to a booking system, the applicants can request that car sharing is done. Both of these items mean it is unlikely that 38 people would be coming to the site separately.

6.5.5 Further noting that there is a bus stop directly outside of the site on both sides, the above means that it can be demonstrated that a reduced level of parking can be done for the proposal.

6.5.6 It is also relevant to note, that whilst the parking area is not adopted, Highway Services have considered the merits of the proposal, access to and from the site from the highway, as



well as parking and highway safety. As the transport professionals their comments are heavily relied upon and as they do not object, the proposal would be aligned with the principles of GP2 (h&i).

## 6.6 OTHER MATTERS

6.6.1 Business Policy 5 is specific in that retailing from land zoned as industrial use permission will not be given for retailing where a) the items could not be reasonably sold from a town centre due to their size or nature or b) the items to be sold are produced on site and their sale could not be reasonably severed from the overall business, and that sales would not detract from the vitality or viability of the nearest town centre.

6.6.2 Whilst it is noted that we have not been provided the information on what would be sold from the area called "merchandise" on the proposed floor plan, it is unlikely that the items proposed would be above and beyond what would be ancillary to the site itself, with the items not being easily severed from the site, e.g. t-shirts with the business name on. Such items would be sold with such a business and in some cases, expected to be sold from the site. As such in this instance noting the same amount of space which has been taken up, the proposed retailing would be ancillary to the proposal and deemed acceptable.

6.6.3 Lastly the proposal is adding two additional doorways into the site, one which is new and one which is a reinstatement of a previous doorway. Both of which are unlikely to impact the surrounding street scene or alter the character and appearance of the area and deemed acceptable.

## CONCLUSION

7.1 On first review the proposal would be contrary to those established planning policies which seek to direct development to town centre locations or land zoned for such purposes. However in the specific circumstances of this application, in taking account that the site has been functioning already within a unit and is moving to bigger premises, coupled with the current proposal and the nature of the single business operation of the specific end user, that on balance, the change of use would make best use of the site, with no increased impacts on the surrounding landscape or environment in line with the principles of Strategic Policy 1 and General Policy 2.

7.2 It is also noted that whilst the site would not have enough parking as per the parking standards of Transport Policy 7, there would be enough for the proposed use of the site, noting the times it is likely to be open and the users of the site themselves.

7.3 Minded of the above, the application is considered to be acceptable subject to a condition on the use of the site.

## CONCLUSION

7.1 For the above reasons the proposed the proposal is considered to comply with General Policy 2 of the Isle of Man Strategic Plan 2016 and therefore acceptable.

## INTERESTED PERSON STATUS

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

- (a) The applicant, or if there is one, the applicant's agent;
- (b) The owner and the occupier of any land that is the subject of the application or any other person in whose interest the land becomes vested;

- (c) Any Government Department that has made written submissions relating to planning considerations with respect to the application that the Department considers material
- (d) Highway Services Division of Department of Infrastructure and
- (e) The local authority in whose district the land the subject of the application is situated.

8.2 The decision maker must determine:

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

**Item 5.6**

**Proposal :** Residential Development Comprised of 109 Apartments and Associated Infrastructure

**Site Address :** Land Adjacent To Quay West Apartments, River Douglas And Lake Road  
Douglas  
Isle Of Man

**Applicant :** Dandara Homes Limited

**Application No. :** 24/00310/B- [click to view](#)

**Planning Officer :** Toby Cowell

**RECOMMENDATION:** To APPROVE the application

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**Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

Reason: To comply with article 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

C 2. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans (drwg. nos. A\_PLN\_102 Rev P4; A\_PLN\_103 Rev P3; and A\_PLN\_106 Rev P5), and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 3. The provision of visibility splays for the Lake Road and 'Old Lake Road' accesses as per approved plan A\_PLN\_106 Rev P5 shall be implemented before the first occupation of the development and retained clear from obstructions greater than 0.60m in height for the lifetime of the development.

Reason: In the interests of highway safety.

C 4. Prior to the occupation of the development, full details of cycle parking facilities as noted on the approved plans shall be submitted to the Department for approval in writing and thereafter implemented in accordance with the approved drawings prior to the first occupation of the apartments.

Reason: To ensure the delivery of appropriate cycle parking facilities.

C 5. No building work shall commence until sample details of all external wall finishes and roof finishes have been submitted to and approved in writing by the Department. The finishes are to be installed in accordance with the approved details, and be retained thereafter.

Reason: To preserve the setting of the nearby registered building, preserve the character and appearance of the surrounding area and to not affect adversely views into or out of the Douglas (North Quay) Conservation Area.

C 6. No installation of stonework on any part of the development hereby approved, including the riverside wall, shall commence until a sample panel of stonework has been erected on site (or an alternative location) and approved in writing by the Department. The stonework shall not be installed unless in accordance with the approved details and must be retained thereafter.

Reason: To preserve the setting of the nearby registered building, preserve the character and appearance of the surrounding area and to not affect adversely views into or out of the Douglas (North Quay) Conservation Area.

C 7. The development hereby approved shall not be occupied or operated until the internal arrangements for car parking, including that for the mobility impaired; electric vehicle charging; bin storage; and internal vehicle routes as shown on the approved plans have been implemented. Such areas shall not be used for any purpose other than those which have been consented, and shall remain free of obstruction for such use at all times.

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

C 8. The off-site highway works detailed on the approved plans, including the controlled crossings on Lake Road and Bridge Road, and the lay-by on Lake Road, shall be completed before prior to the first occupation of the approved development.

Reason: In the interests of highway safety.

C 9. The pedestrian and cycle walkway from 'Old Lake Road' bounding the site to the south adjacent to the River Douglas shall remain open to the public for the lifetime of the development.

Reason: To ensure free movement of public access and connectivity around the site.

C 10. All landscaping must be undertaken in full compliance with the details contained in the Landscaping Plans (Drawing Nos. A\_PL\_130 Rev P2, A\_PL\_131 Rev P2 & A\_PL\_132 Rev P2) and Planting Schedule (Drawing No. A\_PL\_133). The works shall be carried out prior to the occupation of any part of the development. 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. Thereafter, all soft landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development and to assist the creation and management of biodiversity.

C 11. Bat and bird boxes must be installed as per the details contained in the Bat and Bird Box Locations document (Drawing No. A\_PL\_135 Rev P2) and shall thereafter be retained in perpetuity in accordance with the approved details.

Reason: In the interests of biodiversity.

C 12. Permanent external lighting must be installed as per the details contained in the Horizontal Illuminance Drawings document (Drawing Nos. A\_PL\_141, A\_PL\_142 & A\_PL\_143) and shall thereafter be retained in perpetuity in accordance with the approved details.

Reason: In the interests of biodiversity and to safeguard protected species.

C 13. The development shall be undertaken in full accordance with the mitigation and flood risk prevention measures outlined in the approved Flood Risk Assessment (Waterco) received 21.03.24.

Reason: To ensure that the development would be appropriate from a flood risk perspective.

C 14. For the avoidance of doubt, no discharge of surface water into public sewers from any part of the development is permitted.

Reason: To ensure an appropriate drainage strategy for the site.

C 15. Notwithstanding the provisions of the Town and Country Planning (Telecommunications) Development Order 2019 or any order amending, revoking or re-enacting that Order no telecommunications apparatus shall be erected or installed under Schedules 2 or 3 to that order without an express grant of planning approval from the Department.

Reason: In the interests of the wider strategic views of the area, the character and appearance of the development and the visual amenity of the conservation area

C 16. Other than those shown on the approved drawings, no soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building hereby approved.

Reason: To ensure that the development is carried out to the highest standards of architecture and materials and in the interests of the character and appearance of the development.

C 17. Any telecommunications apparatus (not for the purposes as set out under Town and Country Planning (Telecommunications) Development Order 2019), extraction plant, air conditioning units and any other plant or equipment that is required on the exterior of the buildings shall be installed in accordance with details to be submitted to the Department in writing to be agreed. The details shall include: proposals for communal provision of television receiving equipment, wherever possible; siting; appearance; any arrangements for minimising the visual impact; and any arrangements for mitigating potential noise and vibration.

Reason: To ensure that any telecommunications apparatus and other plant or equipment that is required on the exterior of the buildings preserves the highest standards of architecture and materials as a key feature building

C 18. 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, 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 under the terms of Class 39 of Schedule 1 to that Order without an express grant of planning approval from the Department.

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

C 19. Notwithstanding the details shown on the approved plans all glass balustrades/balconies shall be installed with measures to prevent bird strikes to be either etchings on the glass or use of ultraviolet decals.

Reason: To prevent bird strikes, due to proximity of nearby nesting birds.

N 1. For the avoidance of doubt, the applicant is advised that the approved development is required to be undertaken in full compliance with the Wildlife Act 1990 and the Water Pollution Act 1993. The applicant is therefore strongly advised to carry out the development in full accordance with the submitted Site and Construction Environmental Management Plan (February 2024).

N 2. The applicant is strongly advised to ensure that all measures contained within the submitted Travel Plan (Bryan G Hall, May 2024) are adhered to in full.

Reason for approval:

The application site is identified for development and the proposal is judged to comply with the site allocation, as further detailed within Comprehensive Treatment Area Proposal 3. The proposals are considered to constitute a high standard of design, without resulting in a detrimental impact upon the amenities of occupants of the adjacent residential development. The proposals are deemed to give rise to a positive impact upon the character and appearance of the wider locality and setting of the adjacent Conservation Area by redeveloping a prominent brownfield site, whilst further delivering a significant number of new apartments which is afforded significant weight.

The proposals would further not result in a detrimental impact upon the safety and convenience of the local highway network, whilst further being deemed acceptable from a flood risk perspective. The development is therefore deemed to comply with Strategic Policies 1,2,4,5,10,11, Spatial Policy 1, General Policies 2,4, Environment Policies 4,5,10,22,42,43, Housing Policies 1-5, Recreational Policies 3,4, Transport Policies 1,2,4-8, Infrastructure Policies 1,5, Energy Policy 5 and Community Policies 7,10,11 of the Isle of Man Strategic Plan 2016, relevant policies of the Area Plan for the East 2020 and the Residential Design Guide 2021.

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

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

Isle of Man Fire Service  
Isle of Man Constabulary  
Manx Utilities Authority  
Business Isle of Man, Department for Enterprise  
Department of Infrastructure Flood Risk Management Division  
Department of Infrastructure Public Estates Division

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

Barraughar, Lazy Hill, Peel Road, Douglas

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

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

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE DUE TO THE QUANTUM OF RESIDENTIAL DEVELOPMENT PROPOSED EXCEEDING 7 DWELLINGS AND GIVEN THE SCHEME WOULD REQUIRE A SECTION 13 LEGAL AGREEMENT IN RELATION TO AFFORDABLE HOUSING AND PUBLIC OPEN SPACE

#### 1.0 THE SITE

1.1 The application site is located between Lake Road and the River Douglas, immediately to the west of the apartment block known as Quay West 1. The site extends to an area of approximately 0.58 ha which had previously been the site of a timber sawmill/builders' merchants. More recently the western part of the site has been used for surface level car

parking, whilst an area towards the eastern boundary is set at a higher level due to being sited above the basement car park for the adjoining Quay West development.

1.2 The site forms part of a larger area alongside the river which has previously been used for commercial/industrial purposes but which is now within an area designated allocated for mixed use purposes in the Area Plan for the East. Whilst much of the site has been cleared, a collection of vacant buildings are still in situ on the site of the former Corporation depot at the western end of the area.

1.3 The River Douglas runs alongside the southern site boundary, beyond which is Old Castletown Road and the dwellings which front onto it. To the north the site is separated from the adjacent Tesco supermarket and its associated facilities by Lake Road, which runs parallel to the site boundary.

## 2.0 THE PROPOSAL

2.1 Planning permission is sought for the comprehensive redevelopment of the site to provide a residential development of 109 apartments, comprised of 49 one-bed units and 60 two-bed units; 6 of which will be for First Time Buyers.

2.2 The proposed development is comprised of a total of 6 individual blocks (Blocks A-F) which are separate by a series of landscaped courtyards. The proposals would range from 4 to 6 storeys in height across the development, which includes the undercroft parking across the site at ground-floor level, with habitable accommodation commencing at floor 1 and above.

2.3 From a design standpoint, the proposals would predominantly be developed utilising pitched roofs for individual elements of each block, which is particularly the case for Blocks C and F fronting onto Lake Road and Blocks B and E facing the river. By contrast, Blocks A and D would be arranged perpendicular to the streetscene and river (and by extension the remaining smaller blocks), incorporating a central pitched roof element along their entire length with additional 'ancillary' flat roof elements to provide additional accommodation. The Design and Access Statement which accompanies the application notes that the design approach for the scheme responds to the context of the site, including the adjacent Quay West development.

2.4 The eastern-most building will be constructed on an existing slab which forms the roof of the basement car park for Quay West. Car parking for the new scheme will be at ground level, with the new buildings and raised courtyards positioned above. The scheme incorporates secure cycle storage, bin stores and low/zero carbon energy technology. A further section of riverside cycle/walkway is also to be provided.

## 3.0 PLANNING HISTORY

3.1 The adjacent Quay West development was initially approved under PA 05/01706 as a scheme of 73 apartments with 2 commercial units at ground floor/basement level. A series of subsequent amendment applications have resulted in a scheme of 62 apartments with a restaurant and office unit within the ground floor and basement (approved under PA 10/00088/B).

3.2 The application site is within an area for which planning approval in principle was granted for residential development comprised of apartments (PA 05/00245/A). The use of parts of the overall site for car parking was granted under PA 05/02098/B and 07/01222/B. The existing electricity substation in the north eastern corner of the application site was approved under PA 08/02235/B and has been designed so that it can be incorporated into the fabric of future development.

3.3 The application site is also within an area which was the subject of PA 09/01386/B, an application which sought approval for a residential development of 88 dwellings with 4 small commercial units, associated parking facilities and shared open space. The application was refused largely for reasons related to detailed design.

#### 4.0 PLANNING POLICY

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

4.1.1 In accordance with the Douglas Central map within the Area Plan for the East, the site falls within the 'Mixed Use Area 8 (a) - Riverside Gateway'.

4.1.2 The Mixed Use Area 8 - Riverside Gateway is referred to in the Written Statement as follows:

"This area, adjacent to the town centre, presents an opportunity to accommodate changing and evolving leisure time pursuits. The continuation of existing uses would be supported in the short to medium term, with potential comprehensive development in the longer term for bulky retail, leisure activities, residential purposes and office uses where specified."

The site is further subject to Mixed Use Proposal 8a, which notes the following:

"There will be continued support for existing uses in the short-medium term. Consideration will be given to the comprehensive re-development of the area for leisure, retail warehouse (bulky goods), and residential uses. In respect of the area between Lake Road and the River Douglas (Site DM002g) a design scheme may include office development so long as it forms an integral part of a comprehensive scheme for the entire site which is properly master-planned. Proposals would be subject to a flood risk assessment and mitigation and a highway impact assessment which may require alternative access to the area including a bridge over the River Glass. Comparison goods retailing will not generally be supported."

4.1.3 The site is further identified as forming part of Comprehensive Treatment Area (CTA) 3 - Riverside and Peel Road, as identified within the Douglas Central map. The objectives of CTA's as noted to be as follows:

- i. Optimise use of land and buildings;
- ii. Unlock difficult sites;
- iii. Assist with a co-ordinated approach to development;
- iv. Improve the urban environment and visual amenity;
- v. Encourage further investment;
- vi. Provide for space for Douglas Town Centre to grow; and
- vii. Improve access and provide better linkages.

4.1.4 The following provides an overview of CTA 3 with respect to the site as noted in the Area Plan for the East, together with the corresponding proposal for the site:

"This area comprises land to the south of Peel Road including part of Hills Meadow Industrial estate, land west of Railway Terrace and land to the south of Douglas Station including Lake Road and land to the north of the River Glass. The area is currently divided both by the railway lines and by differing site levels. The site provides an opportunity to improve linkages and thus circulation within and around Douglas which would allow for greater development opportunities that may currently be hindered by the capacity of the road network. The Riverside and Peel Road (East) CTA is also a strategic freight corridor and maintaining access for commercial vehicles, including HGV's, must be considered in any proposed development.



The sites could provide for opportunities for development that have larger footprint requirements than some other town centre sites could offer, but there is also the ability to provide development at a higher density than at present. The key to such sites will be improved access including as necessary a bridge over the railway linking the sites and a bridge over the River Glass plus flood mitigation. Any development should include improved pedestrian and cycleway links, particularly alongside the river."

#### CTA Proposal 3 - Riverside and Peel Road (Treatment Plan)

Development of this area could include leisure, retail warehouse (bulky goods) and residential uses. The acceptability of the range of uses and their precise location shall be assessed as part of a development brief taking into account accessibility, highway impact, design, visual impact and flood mitigation. The presence of buried river channels and 19th century water management channels such as mill leats may require carefully engineered groundworks. Provision for a cycle route that links to existing and future cycle networks including the Heritage Trail shall be included.

4.1.5 Likewise, CTA Proposal 6 notes that:

"Within 12 months of the date when this plan is adopted, the Cabinet Office shall publish broad feasibility studies for each CTA reflective of the Treatment Plans set out above. The minimum details shall include:

- i. A site context and existing conditions plan, showing levels at the appropriate local datum, existing land uses and building footprints, adjoining roads and access points and land in government ownership.
- ii. Detailed analysis of the issues and identification of possible solutions/options going forward.

4.1.6 The subsequent feasibility study produced by the Cabinet Office and published in August 2021 provided the following site recommendations with respect to driving forward the site's redevelopment:

- o A flood risk management strategy will be crucial in determining appropriate flood risk management measures that are compatible with re-development in this area.
- o Early discussions with lenders and developers is recommended, to determine current lending appetites, and inform a phasing strategy for re-development in this area. Early preparation of costings and viability assessments would help to inform these discussions.
- o In respect of highways capacity, early discussions with the Department of Infrastructure are recommended. In particular, an additional crossing point across the River would help to alleviate existing conflicts between pedestrians and vehicles at key movement nodes, and break up existing street lengths. Options to allow for a crossing over the railway line should also be explored.
- o Future schemes for development should aim to open up views towards the historic assets associated with the woodland setting, railway and harbour, and build upon the historic legacy of this area to enhance the sense of place.
- o The establishment of walled boundaries would help to screen views of service yards and car parking areas. As this area begins to regenerate, waste storage should be discretely located within schemes.
- o A full assessment of drainage and utilities provision is recommended, to better understand the relevant constraints in this respect.

- o An arboricultural assessment of trees adjacent to the river could help to inform future stewardship of this environmental asset and inform the best location for a future bridge link.

4.1.7 Further to the above, it is also noteworthy that the site has been given a unique site number in the Area Plan for the East, DM002g, which has been included within the Summary of Residential Land Provision table and indicated as having the potential to provide a notional number of 41 dwellings. No further information is provided in this respect, nor indeed has a specific design brief been produced for the site over and above the previously referenced CTA treatment plan.

4.1.8 Additional policies from the Area Plan for the East of material relevance to the proposed development are as follows:

#### Landscape Proposal

1 Requires applications to demonstrate that consideration has been given to the broad landscape strategies and key views described throughout Section 4.7 of the Plan.

#### Natural Environment Proposal

1 States that the protection, creation and improvement of green infrastructure will be supported, particularly in those locations which have the potential to be part of a Green Infrastructure Network. Development proposals must identify how they contribute to the long term provision of a network of connected green spaces.

#### Urban Environment Proposal

2 All new development and regeneration proposals within the Comprehensive Treatment Areas and Douglas Town Centre must demonstrate design elements to provide and enhance areas of public realm through sensitive and context-specific design.

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.

#### Transport Proposal

1 Requires development proposals to take into account the Active Travel Strategy and any specific actions set out in the Active Travel Action Plan.

2 Seeks to help deliver integrated transport networks. A series of requirements are listed to coordinate the development of all transport modes to provide a comprehensive transport system centred on Douglas and the East.

#### Utilities Proposal

1 Requires all development to be connected to the appropriate service and utility, which must be capable of receiving a new connection and sustaining it.

2 Seeks to manage the sequence of development in growth areas so ensure services are available from early in the life of new communities.

3 Sets out the approach to the provision of electricity, telecommunications and gas supply for new developments.

4 Seeks to ensure that water, gas, electricity and telecommunications are provided in shared trenching and routes to minimise construction costs and land allocation for underground services.

5 Sets out the requirements for development proposals with regard to the provision of water supply, sewerage and drainage services and how impacts on flood risk and drainage should be considered in the design of development proposals.

6 Sets out approaches to reducing the impact of flooding, stormwater and overland flow on catchments and neighbouring properties.

#### Telecommunications Proposal

1 New developments should:

- a) Make provision for fibre optic cables directly to each dwelling or commercial premises.
- b) Within Comprehensive Treatment Areas, be phased so as to ensure that telecommunications structures are installed efficiently and will avoid ongoing disruption to site foundations.
- c) Design facilities so as to be able to host equipment from more than one operator, and that such sharing be encouraged.
- d) Demonstrate that the proposal has taken into account radio networks in particular those used by the emergency services (TETRA).

#### Residential Proposal

2 Requires applications to consider a number of criteria relating to the scale of development; existing green, grey and social infrastructure; biodiversity; phasing, road layout and traffic generation; public open space; access to public transport; need for a Transport Assessment; drainage; landscaping; need for infrastructure service corridors; and archaeological evaluation and mitigation.

#### Housing Policy

1 Notes that the housing needs of the Island will be met by making provision for sufficient development opportunities to enable 5,100 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2011 to 2026.

3 The above referenced housing need will include the provision of 2,440 dwellings within the East area.

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

#### Strategic Policy

- 1 Efficient use of land and resources
- 2 Development focussed in existing towns and villages
- 4 Development to protect or enhance setting of Registered Buildings, landscape quality and biodiversity, and not result in unacceptable environmental pollution
- 5 Design and visual impact
- 10 Sustainable transport
- 11 Housing needs

#### Spatial Policy

- 1 Development within the Douglas urban area

#### General Policy

- 2 General Development Considerations
- 4 Section 13 Legal Agreements

#### Environment Policy

- 4 Protection of species and habitats
- 5 Mitigation against damage to or loss of habitats
- 10 Development and flood risk
- 22 Protection of environment and/or residential amenity from pollution
  - 42 Designed to respect the character and identity of the locality
  - 43 Development and regeneration of run-down urban areas

#### Housing Policy

- 1 Housing needs
- 2 Adequate supply of housing through Area Plans
- 3 Provision of 2,440 homes in East area during 2011-2026 plan period
- 4 New Housing to defined existing towns

- 5 25% Affordable homes requirement

#### Recreational Policy

- 3 Requirement for landscaped amenity areas
- 4 Requirement for public open space

#### Transport Policy

- 1 Proximity to existing public transportation services
- 2 Layouts to link to existing systems
- 4 Highway Safety
- 5 Improvements to highway network
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions
- 8 Requirement of Transport Assessment for major development

#### Infrastructure Policy

- 1 Development to take place in areas which will be connected to the IRIS drainage system
- 5 Water conservation and management

#### Energy Policy

- 5 Residential development of 5 or more dwellings to be accompanied by an Energy Impact Assessment

#### Community Policy

- 7 Designing out criminal and anti-social behaviour
- 10 Proper access for firefighting appliances
- 11 Prevention for the outbreak and spread of fire

### 5.0 ADDITIONAL MATERIAL CONSIDERATIONS

#### 5.1 Residential Design Guide (2021)

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

#### 5.2 Our Island Plan (2022)

Essentially sets out the overall ambition and vision for the Island from 2021 - 2026 with core strategic objectives to offer a 'secure', 'vibrant' and 'sustainable' Island. One broad aspect that is noted as a fundamental issue is; "Tackle the housing crisis by ensuring everyone has a suitable and affordable place to call home and our housing stock meets the needs of our population now and into the future". (page 3)

5.3 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.

5.4 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.

#### 5.5 Isle of Man Economic Strategy 2022

Approved by Tynwald in November 2022, the Economic Strategy outlines a 10-15 year strategy which seeks to, "...build a strong and diverse economy, which is sustainable, ambitious and built on firm foundations to provide economic success, rewarding career opportunities and prosperity which positively impacts all residents on the Isle of Man".

To achieve this vision, the strategy aims to make the Island a more attractive and prosperous place to live and work which it states will sustain and grow productive businesses and services. The plan outlines a £1bn long term public and private investment programme to secure 5,000 new jobs and a £10bn economy with infrastructure that can support 100,000 Island residents over the next fifteen years to 2037.

In terms of infrastructure and services, the plan seeks to actively invest in key services and infrastructure that attract and retain economically active people supported by a range of targeted incentives and disincentives to sustain targeted growth. The strategy also suggests example initiatives which, amongst other things includes the provision of suitable and affordable housing; housing especially for 20-40-year-olds; further support for the Island's education and skills offering; and affordable accessible childcare. The Plan recognises the importance of prioritising housing delivery in order to provide the housing stock to support the growth of the Island's population, employment and economic growth. The Plan states that without this, the economic potential of the Island will be held back and other policy measures will be less effective.

The strategy also seeks to substantially decarbonise the service part of the economy by 2030, supporting an overall reduction of 35% in the Islands Greenhouse Gas emissions.

#### 5.6 Built Environment Reform Programme (2022)

BERP is a two year programme of work set out to develop commitments in the Island Plan to build great communities. The document also promotes brown field sites for regeneration and ways to stimulate development in the widest terms. (Strategic Objective 4)

#### 5.7 Isle of Man Objective Assessment of Housing Need 2024 (May 2024)

This document has been produced to assist in the formation of the Island's strategic planning policy and to outline projected future housing need on the Island. The document has not yet been through Tynwald but nevertheless remains a useful document, and is therefore afforded a degree of weight in the determination of planning applications.

### 6.0 REPRESENTATIONS

6.1 Douglas City Council - The above planning application was given careful consideration by the Council's Environmental Services Committee at a meeting held on the 13th May 2024 when it was resolved to support the application. Although Committee Members supported the application a concern was raised over some of the travel distances between the proposed apartments and the bin storage areas particularly bin storage area number one. It was accepted that these travel distances would be subject to building control regulations however Committee Members have kindly requested that the applicant considers the possibility that bin store number one could be underutilised which could lead to problems of overuse within the other bin/recycling storage areas. (13.05.24)

Our view is that the scheme does not provide any of the public open space requirement so the full amount will need to be provided off site and its cost covered by a commuted sum. Please note that we are currently reviewing the cost per m2 of providing amenity space and so the amount of the commuted sum required is likely to be higher than shown on the attached (£64,156.50). (11.06.24)

6.2 Highway Services - Previous Highways response dated 17/04/2024 requested a number of revisions and additional information to be provided in order for Highways to complete the assessment. The revision submitted in this submission have addresses all areas raised in the previous response.

An updated road safety audit was produced after request from Highways, incorporating the changes made after the major application process and to now include the pedestrian crossings proposed. The audit did not include those issues raised in the 2023 version to avoid repetition and included issues to later be addressed in the detailed design of the pedestrian crossings.

The previous response requested additional site selection for the TRICS data to use sites not located in London or Greater London, and those with apartment number greater than 100 to more accurately reflect the proposal. The additional site selection only produced an additional four sites, nevertheless, these are comparable sites for the proposal. The resultant TRICS update has actually produced a lower average vehicular movement than the previously submitted. The new data produces an estimated 24 am peak hour movements, 26 pm peak hour movements and 213 daily. The new estimates would see an increased reduction in vehicular movement along Lake Road when considering the removal of the car parks, this reduction being 32 am peak and 31 pm peak. When considering the previous TRICIS data and the updated version, there is an expected net reduction in vehicle movements experienced along Lake Road. The development of Phases 4 and 5 (outside of the scope of this application) would see a further increase in traffic along the road, however as demonstrated in the Transport Assessment, there would likely not be an increase, or produce a marginal increase (depending on the data used) in traffic generation when compared to the current use. As stated in the previous response, the current use of car parks will produce tidal traffic flows as the spaces are primarily used for commuters. The change of use of the site will see a benefit to the local network flow with less peak hour movements. The impact on the local network is acceptable to Highways, and do not consider a wider highway network assessment to be required.

The access arrangements at both accesses have been clarified through the revisions. For the western access, a traditional dropped crossing and tactile arrangement has been provided to guide pedestrians across the access. The eastern access to the undercroft parking has been altered to form a continuous pedestrian footway which drops to road level on both sides.

Revised vehicle tracking has been provided for the site. The internal movement and access to the western access is acceptable as shown. For the undercroft access, tracking in and out of the access and along the 12m entrance can be accommodated two-way. Upon exit/entry to the dropped crossing to the site off Old Lake Road, the tracking shows some vehicle crossover of the lines. If two vehicles attempt to move past each other at the same time, this could lead to a side swipe type collision. However, the frequency in which cars would meet at this point is expected to be low, and it is expected that the potential for touching may be recognised by the drivers, and one would wait. The junction onto Old Lake Road is not as crucial to flow as the junction to Lake Road, which can easily accommodate the movements simultaneously, therefore the waiting on-street is acceptable. Alterations and the tracking have also showed that space No.40 can now be accessed when space No.12 is occupied. All doors are now shown to open inwards and not onto the highway.

Revisions to the proposed cycleway adjacent to the river was also requested in the previous response. Those requested were to increase the width of the cycleway to meet the minimum desired 3m, and clarification of the gradient on the eastern side. The applicant has clarified that the first section of the cycleway was constructed in the development of Phase 1, meeting the then accessibility standards. It is not reasonable to impose the current standards on existing infrastructure, and the current arrangement while not conforming to the standards is not likely to cause significant user risk. The remaining sections of the cycleway that are proposed in the development are shown to meet the minimum standards.

Highways further requested upgrades to the proposed crossing facilities along Lake Road and Bridge Road. A zebra crossing was to be provided along Lake Road in order to facilitate the crossing to Tesco and likely increase in crossing movement from the proposed and future developments. The upgrade to Bridge Road is to be in the form of a toucan crossing to also facilitate the likely cycle movement expected as it forms and links to the designated cycle routes. The applicant has accepted the request and provided indicative designs for these. The indicative designs raise no highway concerns at this stage, however the crossings will be subject to detailed design at the Section 109(A) Highway Agreement stage post planning consent, where all other highway works will be addressed too.

The revisions submitted have addressed all highway and road safety issues raised. The proposal raises no significant road safety or highway network efficiency concerns. Accordingly, Highway Services Development Control raises no objection to the proposal subject to all access arrangements to accord to Drawings No. A\_PLN\_102 Rev P4; A\_PLN\_103 Rev P3; and A\_PLN\_106 Rev P5. The Applicant is advised that a S109(A) Highway Agreement is needed after the grant of planning consent. (11.06.24)

6.3 Highways Drainage - No response received at the time of writing.

6.4 Manx Utilities Authority (Drainage) - Please be advised that Manx Utilities have held discussions with the applicants over the drainage implications for the development of 109 apartments at Lake Road and subject to Manx Utilities standard conditions relating to no surface water being connected into the combined sewer and the submission of a completed drainage application form (with full connection proposals) we have no concerns with this application. (10.06.24)

6.5 Manx Utilities Authority (Electricity) - We have been having ongoing correspondence with the applicant regarding this site and have no concerns regarding electricity supplies to this development. New electricity supplies will be provided from the existing substation on the site. (30.05.24)

6.6 Flood Risk Management - We have reviewed the FRA and find it to be within tolerances. (18.04.24)

6.7 Registered Buildings Officer -

#### Proposal

This application proposes to construct a development that comprises six apartment buildings above a shared car park level. Four of the buildings would be three storeys high above the car park deck, while two of the buildings would be five storeys high. A mix of flat and pitched roofs are proposed, with the pitched roofs finished in slate. Wall finishes proposed are white painted render, composite cladding, zinc cladding, stonework and hanging slates.

#### Impact on setting of Douglas Railway Station (RB 74)

As a registered building, the Department has a statutory duty under section 16 to protect the building's setting. It is evident when stood on the station platform that in the past the Clinch's Court development on the other side of Bank Hill has caused significant harm to the building's

setting. It is therefore important to fully assess the potential impact of this development on the setting of the station in order to avoid any further harm.

The applicant has submitted a visualisation of how the proposed development would look when viewed from the station platform. From this location, the development would appear as the background, and part of the setting, of the registered building. A search of the iMuseum records has shown some images of the buildings historically situated on the site, used as the saw mill and workshops. These images appear at the end of this consultation response. The mill and warehouse buildings that previously occupied the site generally had pitched roofs, with roofs and walls clad in metal sheeting or boarded timber. The proposed buildings would in some respects seek to replicate this form, with pitched roofs and a variety of wall cladding proposed. The proposed buildings, particularly those noted as blocks A and D, would be significantly taller than the buildings that historically occupied the site. The visualisation supplied as seen from the station platform suggests that all of the proposed buildings would sit below the top of Carnane, the hill that forms the backdrop to the view in a southerly direction from the station. Although there is significantly more glazing in the proposed buildings than would be the case with a historic mill or warehouse building, the form and massing together with their distance from the station building(s) is judged to be such that the proposals would not harm the setting of the registered building.

#### Impact on the setting of Arch Tower (RB 217)

Dating from 1853, this building is one of the few mid-19th century buildings to survive on Douglas's South Quay and the cliffs behind. Although actually nearer the application site than Douglas Railway Station, given the trees around Arch House, the industrial buildings lower down the slope and the river between the building and the application site, it is judged that no harm would be caused to Arch House's setting.

#### Impact on setting and views into/out of the North Quay Conservation Area

Much of the North Quay Conservation Area is masked from the application site by the existing Quay West building. However, the boundary of the Conservation Area extends to the Banks Circus roundabout, approximately 55 metres from the application site. Environment Policy 36 of the Strategic Plan states 'Where development is proposed outside of, but close to, the boundary of a Conservation Area, this will only be permitted where it will not detrimentally affect important views into and out of the Conservation Area.' It is judged that the scale and position of the development has the potential to impact views into the Conservation Area from Leigh Terrace, and views out of the Conservation Area from its western boundary. Although the development would block the view of the western elevation of the railway station from Leigh Terrace, it is clear from the finish of the brickwork on the Custom House south elevation (Custom House was historically part of the railway station and is within the Conservation Area boundary) that this was not intended as a significant or principal elevation.

With this in mind, the fact that this development would block this view is not considered to be of sufficient impact to warrant an objection to the scheme from a building conservation point of view. With respect to the view out of the Conservation Area from its western boundary, this view currently includes the vacant application site and the concrete deck that covers the western end of the Quay West phase 1 car park. Although the buildings along Leigh Terrace, on the south bank of the river, would now not be generally visible from this part of the Conservation Area, the reintroduction of substantial buildings on the application site is something that was present historically. Photographs from the iMuseum that are included at the end of this submission show that the land between the railway station and the river were densely populated with substantial buildings. With this in mind, I would consider the proposed form, style and massing of the buildings proposed to be such that it would not detrimentally affect the view out of the Conservation Area. (11.06.24)

6.8 Manx National Heritage - No response received at the time of writing.



6.9 DEFA Biodiversity - The Ecosystem Policy Team can confirm that we are content with the information submitted in support of this application. The application is not accompanied by an ecological assessment. However considering the current developed nature of the site, and accompanying ecological measures, which include a CEMP containing measures for the protection of the river and Wildlife Site and downstream Douglas Bay Marine Nature Reserve, we do not consider that one is required here.

Should this application be approved we request the following conditions are secured on approval:

- o All works must be undertaken in full compliance with the Site & Construction Environmental Management Plan (Issue No. 1.2 dated February 2024). Any changes to the measures contained with this plan must be submitted to Planning and approved in writing;
- o All landscaping must be undertaken in full compliance with the details contained in the Landscaping Plans (Drawing Nos. A\_PL\_130 Rev P2, A\_PL\_131 Rev P2 & A\_PL\_132 Rev P2) and Planting Schedule (Drawing No. A\_PL\_133@A1). Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Thereafter, all soft landscape works shall be permanently retained in accordance with the approved details;
- o Bat and bird boxes must be installed as per the details contained in the Bat and Bird Box Locations (Drawing No. A\_PL\_135 Rev P2);
- o Permanent external lighting must be installed as per the details contained in the Horizontal Illuminance Drawings (Drawing Nos. A\_PL\_141, A\_PL\_142 & A\_PL\_143).
- o No external clear glazing shall be installed unless a plan detailing the measures to prevent bird strikes has been submitted to Planning and approved in writing. Measures could include use of etching, ultraviolet coatings or decals. 917.04.24)

6.10 DEFA Fisheries - I can confirm that DEFA fisheries have no objections to this development from a fisheries perspective, provided that there is no adverse effect on the adjacent watercourse. As the proposed works are in close proximity to the watercourse, precautions will be needed to reduce the possibility of harmful materials such as concrete or washings entering the river. The area of river in question is also a valuable migratory fish spawning ground, as such we would request that no direct exterior lighting be directed onto the river. (21.05.24)

6.11 Department for Enterprise - The Business Agency reiterates its support for these proposals which will bring social and economic benefits to both the local area and the Island as a whole, vis the provision of new housing for which there is a current need, including affordable housing within the stated target of +1000 additional homes occupied by the end of the parliamentary term. When assessed in the context of the Department for the Environment, Food and Agriculture's Supplementary Planning guidance on Economic Issues the development as proposed will contribute positively to the delivery of the approved Isle of Man Economic Strategy. (23.05.24)

6.12 Isle of Man Fire Service - Officers who regularly carry out inspections of flats under the Fire Precautions Act 1975 are increasingly finding that communal means of escape are being used to store electric powered vehicles such as bicycles, mobility scooters and other devices. Where officers identify such contraventions they will take action to ensure these issues are remedied, however, as you are aware, the Fire Precautions (Houses in Multiple Occupation and Flats) Regulations 2016 are self-regulatory and there is no regular inspection program for flats. This Department would therefore strongly advise that the proposed sprinkler system be extended to cover the communal means of escape.

With regards to the ground floor open-sided carpark sited directly below the apartment blocks, we would, as discussed during the meeting, strongly advise that this area also be

covered by a suppression system. In light of the imminent introduction of Approved Document S (Infrastructure for the Charging of Electric Vehicles), you are proposing to provide facilities for residents to charge electric vehicles, and are anticipating future demand for charging points with the proposed phasing out of conventional ICE vehicles. Electric vehicles present a greater risk within carparks, and recent events in the UK show that fires within carpark spaces spread quickly and can be difficult to control. The IOMFRS has limited resources, and unlike our colleagues in the UK, do not have the option for cross border assistance from neighbouring Fire & Rescue Services.

The FRS does not have the vires to impose the requirement for sprinklers to be provided, but would strongly advise in doing so for the reasons stated above. (02.06.24)

6.13 Isle of Man Constabulary - Having reviewed the application for Quay West Apartments, I have no comment to make at this time. (31.05.24)

6.14 Environmental Health - In Section 7.1 it states that the 'Clean ground water will be pumped off site via a silt buster and allowed to discharge into the river'. Prior to discharging water from the site into the River Douglas the applicant will need to contact DEFA EPU and/or DEFA Inland Fisheries so the measures can be reviewed to protect the receiving watercourse. EPU do not have any concerns regarding the waste aspects in the CEMP. (28.03.24)

6.15 Planning policy - No response received at the time of writing.

6.16 Public Health - No response received at the time of writing.

6.17 Department of Infrastructure Public Estates Division - We refer to the aforementioned planning application, and we can confirm that we have held discussions with the applicant regarding the provision of affordable housing as part of the proposal.

Current data drawn from Housing Division records for Douglas and the East of the Island indicates that there are 275 persons on the general public sector waiting list for affordable housing to rent. The great majority of these persons are seeking housing rather than apartments. The demand for apartments for public sector rent in Douglas was to some extent satisfied by the creation of 70 new apartments built for Douglas City Council on Peel Road in 2022. There are plans for a further substantial number of apartments in Upper Douglas for which Douglas City Council has expressed an interest in acquiring a further 40 units.

There are 121 persons on the First-time Buyers Register seeking to purchase a first home in Douglas and the East of the Island. Of this number, 71 are on the Active Buyer List intending to purchase a home within the next 12-24 months. This figure is not indicative of likely final purchases as the ability to progress to completion would depend upon personal circumstances and mortgage ability at point of allocation. Until 2023, the Department did not accept apartments for first time buyers as the additional financial burden of ground leases and service charges at a time when buyers could least afford to pay these costs was seen as unacceptable.

However, the Department has in the very recent past contacted single persons and couples on the FTB Register, who might qualify as purchasers of affordable apartments in Douglas and the East, to establish likely demand for apartments. There is clearly current demand for a small number of apartments and accordingly the Department has requested that the applicant includes a limited number of six 2Bed affordable apartments in this Phase 2 of the Quay West development. If the Department is successful in bringing forward qualifying nominees to purchase these apartments then should a further phase be planned for this site in the future the Department may request a greater proportion of affordable units.

The Department has agreed a Commuted Sum of £51,800 in lieu of each of the remaining affordable apartments which, if the Committee agrees with the provision of 6 affordable apartments in this phase, then the Section 13 Agreement would stipulate that there would be

21.25 Commuted Sums payable during the course of the development (25% of 109 units, 27.25 total, less 6 affordable units). This would yield £1,100,750, which would be placed into the Housing Reserve Fund and utilised exclusively in the construction of new, and maintenance of existing, affordable housing.

Accordingly, the department would request that consideration be given by the Planning Committee to include a requirement, in respect of any approval granted for this site, for the applicant to enter into a Section 13 Agreement with the Department to provide six affordable housing units, with the balance of 21.25 units converted to Commuted Sums as quantified in the previous paragraph. (14.06.24)

6.18 One letter of private representation have been received providing the following comments:

Living on Peel Road, I frequently access the amenities and roadways at North & South Quay/Banks Circus, road congestion is clearly an issue. This proposed development together with the indicated later development will, despite the attempted mitigations, exacerbate current problems without more significant and extensive road management activities being undertaken before the development proceeds. It should also be noted that Dandara has purchased properties on the direct opposite bank of the river to presumably undertake similar developments. Hence, the studies conducted some time ago by the DOI to manage/reduce traffic levels in this area should be revisited and implemented before any further development takes place.

This proposal is another large, high-density development which seeks to minimise the impact of its vehicular 'footprint' by citing the unproven benefits (in an Isle of Man setting) of the 'active travel' philosophy. Several million pounds has been spent over the past 10 years on developing infrastructure and routes and yet the proponents within the DOI have admitted they are unable to verify if it has resulted in reduced traffic levels and increased bicycle use. Continuing to allow developers to utilise this flawed and unproven approach risks condemning lower and central Douglas to decades of traffic congestion.

In accepting the need for development of this temporary car park site there should also be a concern that most of the properties will be bought up as buy-to-let and hence not alleviate the affordable housing problems. The developer does however have a unique opportunity to demonstrate the issues of active travel and buy-to-let have been addressed at this location by surveying all the current property owners at the adjacent first phase. The results should provide compelling evidence its assertions are correct.

## 7.0 ASSESSMENT

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

- Principle of development (STP1,2,11, SP1, H1-5)
- Character, design and visual impact (STP4,5, GP2, EP42,43)
- Residential amenity and open space (GP2,EP22)
- Ecology and biodiversity (EP4,5)
- Highways impacts and parking (STP10, TP1-8)
- Drainage and flooding (EP10, IP1,5)
- Affordable housing (GP4, HP5)

## 7.2 PRINCIPLE OF DEVELOPMENT

7.2.1 The application site falls within the urban area of Douglas which is noted to remain the main employment and services centre for the Island in accordance with Spatial Policy 1, whilst further being the main focus for new residential development. The site is also located within the Riverside Gateway Mixed Use Area as noted in Map 5 - Douglas Central, in the Area Plan for the East (APE), whereby consideration will be given to the comprehensive

redevelopment of the area for leisure, retail warehouse and residential uses in accordance with Mixed Use Proposal 8a of the APE.

7.2.2 Moreover, the site forms part of a larger area designated as a Comprehensive Treatment Area (CTA). The redevelopment of the area is subject to CTA Proposal 3 of the APE, the aims of which largely reflect those of Mixed Use Proposal 8a with respect to the support of its redevelopment for residential purposes.

7.2.3 Whilst the site is zoned for mixed use purposes, both of the above referenced proposals of the APE allow for a degree of flexibility in terms of the uses delivered and do not require the delivery of a range of the uses which are listed as being appropriate.

7.2.4 The site further forms part of a wider allocation within the APE to provide a notional number of 41 dwellings, which lends further support for the redevelopment of the site for residential purposes. It is recognised that the site in question comprises only a portion of the wider allocated site, which includes the adjacent Quay West 1 development to the East and additional land under the ownership of the applicant to the west. Moreover, the proposals seek for the redevelopment of the site to provide 109 apartments, with a further 62 apartments having been developed as part of the Quay West 1 scheme. Nevertheless, the 41 dwelling figure provided in the APE is a notional one and does not act as a glass ceiling, providing that the development of the site as proposed would be acceptable in all other planning matters with respect to design, amenity, layout and density.

7.2.5 On this basis, the principle of redeveloping the site for solely residential purposes is not considered to conflict with the aims and objectives of the APE, whilst further amounting to a highly efficient re-use of a fairly prominent brownfield site in the centre of Douglas.

### 7.3 CHARACTER, DESIGN AND VISUAL IMPACT

7.3.1 The proposals seek a comprehensive redevelopment of the site to provide a total of six apartment blocks ranging between four and six stories in height. The design and layout of the scheme has been largely formed by the site's riverside location and appears to have taken inspiration from the site's historic use for industrial and commercial purposes, particularly through the tall gabled blocks interconnected with one another that appear akin to a modern take upon historic commercial warehouse development. Whilst it is appreciated that such form of development is not entirely traditional and symptomatic with historic development styles in Douglas, the general design language of the proposals as noted throughout the design statement is recognised and not objected to in principle given the generally high standard of development proposed.

7.3.2 The wider scheme incorporates significant areas of formal landscape through the use of shared courtyards and additional green spaces that seek to enhance the development's wider sense of place and visual contribution to the immediate locality. This further acts as a way of breaking up the massing of the development and ensuring increased connectivity between public and semi-private spaces.

7.3.3 The proposals have sought to introduce a strong defined visual presence along the Lake Road frontage which allows for a continuation of development that successfully links in with the existing phase at Quay West 1. Moreover, the development further provides a strong visual interaction with the adjacent river and allows for continued connectivity for pedestrians along the widened footpath/cycleway adjacent to the river itself, thereby further contributing to an improved sense of place and relationship with the river.

7.3.4 In terms of scale, there is general conformity with the adjacent initial phase of development, in particular blocks A and D, are noted to comprise a greater scale that provide visual statements within the site, whilst contrasting to the additional blocks which front directly onto both the river and Lake Road streetscene with the series of gables in a more

commercial/warehouse fashion. Likewise, the layout of the development is largely reflective to that of the initial phase albeit that the proposals consist of separate blocks as opposed to the single built form that is evident for the initial phase.

7.3.5 The design statement notes that the proposals would utilise a wide array of materials for the external construction, including the use of stonework composite cladding and slate roofs. Such a visual appearance and use of materials palette is largely consistent with phase 1 and further contributes to the site's immediate setting. Nevertheless given the site's proximity to the conservation area and noting the scale and visual prominence of the proposals, further details of the exact materials to be used in the construction would be required by way of condition as further recommended by the registered buildings officer.

7.3.6 A further positive of note with respect the development and its layout is the use of communal courtyard and landscape areas which provide clean visual brakes between each individual block and therefore allowing clear views from the street scene towards the river itself and Old Castletown Road further south. Likewise, direct views between each block would be achieved from Old Castletown Road when looking north towards Lake Road and the railway station further beyond, which is also Registered.

7.3.7 From a heritage standpoint the registered buildings officer has considered the impact of the development upon the setting of both of these heritage assets (together with additional assets further away) and has concluded that such an impact would be largely neutral. The site is presently devoid of built development and therefore the proposals would clearly result in a significant material change and degree of visual prominence. However, it is considered that the design form and mass of the scheme when taken as a whole would result in a positive contribution to the immediate streetscene and indeed more long distance views from the north, including the railway station.

7.3.8 The proposals are considered to successfully integrate with the design, scale and massing of phase 1, particularly through the use of dual pitched roofs with flat roofed elements with respect to blocks A and D and therefore provide a successful degree of continuity between each of the phases. Moreover given the layout of the development as proposed it is not considered that the proposals would prejudice the future development of the wider site allocation as highlighted in indicative plans accompanying the submission, particularly when noting what could be achieved in phases 4 and 5.

7.3.9 In summary, the proposals will allow for an efficient reuse of a parcel of land presently devoid of built development which is further allocated for being redeveloped in accordance with the Area Plan for the East. The design, scale, form and massing of the proposals are considered to be of a high standard whilst being successfully broken up by the proposed amenity and landscape areas which allow for pedestrian connectivity between Lake Road and the footpath adjacent to the river. The proposals are considered to result in a visual improvement with respect to the site's immediate locality and indeed the wider setting whilst further resulting in a neutral to moderately positive impact upon the setting of the adjacent conservation area and registered building.

7.3.10 The site in its current form comprises a brownfield gap site which notably represents a degree of harm to the character of the adjacent Conservation Area and key public vistas both within the streetscene and the wider locality, and therefore its comprehensive redevelopment as proposed is strongly welcomed from a visual standpoint. The development is therefore deemed to be acceptable from a design and visual impact perspective, in compliance with Strategic Policies 4 and 5, General Policy 2, and Environment Policies 42 and 43 of the Strategic Plan.

#### 7.4 RESIDENTIAL AMENITY AND OPEN SPACE

7.4.1 The key consideration to assessing the impact of development upon the immunities of existing residential properties is that of those residing in the existing residential block of Quay West 1. In this instance, it is recognised that the principal eastern elevation of block A is cited circa 18 to 21m from the far western elevations of the initial phase. The residential design guide recommends a 20m distance between elevations of properties where habitable rooms would be present in order to safeguard privacy.

7.4.2 Therefore, it is recognised that there would be a slight encroachment upon this recommended distance with respect to the northern portion of block A on the eastern flank versus the western elevation of the northern wing of the existing phase. Nevertheless, such windows existing within the initial phase of development appear to constitute secondary windows serving habitable rooms which benefit from an additional aspect facing southward.

7.4.3 Moreover, the residential design guide further states that in dense urban areas, the 20m distance rule can be relaxed given that a degree of mutual overlooking is to be expected in such locations. On this basis, it is not considered that realistic views from the new development would adversely impact the amenities of apartments residing in phase 1 with respect to overlooking and the modest level of mutual overlooking which would potential be afforded is considered to be acceptable in this instance.

7.4.4 Furthermore, overshadowing which would likely result from the development of block A with respect to the initial phase of development is not considered to be significant with only minor increases of overshadowing likely to be expected in the very latter parts of the day. In any case, the entirety of the site is allocated for development in the Area Plan for the East, and therefore the initial phase of Quay West was granted planning permission and subsequently developed with it clear in mind that the remainder of the wider site allocation would be developed at a future point in time.

7.4.5 Turning to the impact of the proposed development upon the amenities of properties to the south on Old Castletown Road, it is recognised that the scale and massing of the development is not insubstantial, with the presence of a significant number of windows serving habitable rooms present in the south (river) facing elevation of the new apartment blocks. Nevertheless, the retained separation distance between the south facing elevations of the proposed development closest to the river and the front elevation of the closest properties on Old Castletown Road would stand at circa. 45m.

7.4.6 Notwithstanding the difference in scale, it is considered that such a separation distance would be more than sufficient to ensure that the amenities of existing properties would not be materially impacted with respect to overlooking or loss of light and overshadowing. Clearly the proposals would significantly alter present long distance views from properties within Old Castletown Road looking northward towards the train station, however such matters are not considered material in any case. On the basis of the above therefore, the proposals are considered to sufficiently safeguard the amenities of surrounding residential properties.

7.4.7 Turning the quality of life for future residents of the proposed development, it is important to consider the relationships between each residential block, whether the level of mutual overlooking is considered to be acceptable in such an environment and indeed whether the quality of private/semi-private spaces afforded to residents is sufficient.

7.4.8 Following review of the submitted plans, it is evident throughout the scheme that a distance of circa. 18 to 20m between elevations contained windows serving habitable rooms has been achieved. This is considered to be appropriate in the context of the site's urban location and noting the high density of the scheme.

7.4.9 Where distances between elevations are further below the 20m requirement in the residential design guide, the blocks have been deliberately designed and laid out to ensure that windows serving habitable rooms would not be facing each other. A notable example being the lack of fenestration in the eastern elevation of Block C. Moreover, the use of oriel windows is noted throughout the scheme to ensure that oblique views between habitable windows would not be possible. In such instances, only directly views towards the river would be achieved from habitable rooms (i.e. from Blocks B and E), or acute angled views between habitable rooms at a distance of circa. 15m (i.e. Blocks C and F). On this basis and again given the site's location in a dense urban area, the proposals are considered to be acceptable with respect to the living conditions of future occupants and the impact of each block upon the other.

7.4.10 The proposals are further considered to provide reasonable degrees of communal open space in the form of landscaped courtyards and additional green spaces throughout the scheme, and providing pleasant and welcoming places for future residents to utilise. Whilst it is recognised the proposals do not comprise any formal public space as required by Recreation Policy 3, it is considered that the delivery of formal public open space on such a high density and modestly sized site would be impractical. In any case, the above referenced policy does make allowances for such a scenario, provided that a commuted sum be paid to the local authority as a contribution towards the provision of community recreational open space. Such a contribution can be sufficiently secured via a Section 13 legal agreement, with a figure having already agreed between the local authority and the developer.

## 7.5 ECOLOGY AND BIODIVERSITY

7.5.1 The submission is accompanied by a Construction Environmental Management Plan (CEMP) which outlines the various measures which would be undertaken by the developer in relation to a wider array of environmental matters. The document further includes at Appendix B a Precautionary Working Methods (PCW) statement which specifically notes standard working practices which would be undertaken with respect to the protection of species and habitats which may be present within the site, together within ensuring the protection of the adjacent river and groundwater source protection zones from contaminants and pollutants during the construction phase.

7.5.2 Whilst it is noted that the submission has not been accompanied by a specific ecological assessment, the Ecosystems Policy Officer has considered this to be acceptable on the basis of the site's present developed condition in the form of a surface level car park which is largely devoid of any vegetation. Moreover, the proposals include a comprehensive landscaping scheme which would result in a significant improvement with respect to the site's biodiversity credentials. Such a scheme has been supported by the Ecosystems Policy Officer and its delivery would be secured by way of condition. Likewise, the scheme includes details of bird and bat boxes to be installed within the site, the introduction of which would make a positive contribution with respect to on-site biodiversity. Details of permanent lighting have also been included within the submission and found to be appropriate by the Ecosystems Policy Officer, subject to being conditioned.

## 7.6 HIGHWAYS IMPACTS AND PARKING

7.6.1 The application is accompanied by a Transport Assessment (TA) which, with respect to the development proposals, concludes that "it has been clearly demonstrated that the Phase 2 and 3 application proposals and future Phases 4 and 5 will not generate a significant number of vehicle movements onto Lake Road and therefore it is concluded that it is not necessary as part of this application to consider the impact on a wider area of the transport network including the need or otherwise for a new bridge link from Lake Road to Castletown Road". The TA further concludes that "vehicular and non-vehicular access to the application proposals accord with the policies of both the Isle of Man Strategic Plan, 2016 and the area Plan for the East, 2020, and hence that the trips which they are likely to generate can be

accommodated on the local highway network without detriment to the safety or convenience of its users".

7.6.2 Amended TRICS data submitted in response to initial comments raised by Highway Services produced an estimated 24 am peak hour movements, 26 pm peak hour movements and 213 daily. This data was based on a number of comparable UK sites across the UK, with the amended data having omitted results from Greater London sites at the request of Highways, with 4 additional comparable sites having been included within the data. The new estimates would see an increased reduction in vehicular movement along Lake Road when considering the removal of the car parks, this reduction being 32 am peak and 31 pm peak.

7.6.3 As noted in the previous response from Highways, the current use of car parks will produce tidal traffic flows as the spaces are primarily used for commuters. The change of use of the site will see a benefit to the local network flow with less peak hour movements. The impact on the local network is therefore deemed acceptable to Highway Services, and do not therefore consider a wider highway network assessment is required in this instance.

7.6.4 The access arrangements at both accesses from Lake Road have been clarified through the submission of revised drawings and vehicle tracking information. In relation to the western access, a traditional dropped crossing and tactile arrangement has been provided to guide pedestrians across the access. Likewise, the eastern access to the undercroft parking has been altered to form a continuous pedestrian footway which drops to road level on both sides.

7.6.5 Revisions had been requested by Highways in relation to the proposed cycleway adjacent to the river to meet the minimum desired width of 3m. However, from clarification from the applicant that the cycleway would extend off the existing (2m in width) which met the accessibility standards of the time of the approval for Phase 1, Highways have considered it unreasonable to improve the current standards on existing infrastructure and therefore consider the arrangements would not likely cause significant risk to future users.

7.6.6 Following the submission of revised vehicular tracking information, Highways consider that the proposed arrangements are now also acceptable. Moreover, further requested upgrades to the proposed crossing facilities along Lake Road and Bridge Road were initially put forward by Highways. A zebra crossing was to be provided along Lake Road in order to facilitate the crossing to Tesco and likely increase in crossing movement from the proposed and future developments. The upgrade to Bridge Road is to be in the form of a toucan crossing to also facilitate the likely cycle movement expected as it forms and links to the designated cycle routes. The applicant has accepted the request and provided indicative designs for these. The indicative designs raise no highway concerns at this stage, however the crossings will be subject to detailed design at the Section 109(A) Highway Agreement stage post planning consent, where all other highway works will be addressed too.

7.6.7 With respect to car parking, the proposals provide a total of 109 parking space which equates to 1 per dwelling. With the inclusion of 60 two-bed apartments, this equates to a shortfall of 60 parking spaces when assessed against the parking standards outlined in the Strategic Plan at Appendix 7. Nevertheless, as noted in the accompanying Transport Assessment and Travel Plan, the development is located in a central part of Douglas, with very easy access to Tesco, together with other facilities and services within an acceptable distance for walking or cycling. The TA has demonstrated that services and facilities, including public transport, are within the recommended desirable or maximum distances for walking and cycling. The inclusion of the travel plan within the application aims to encourage residents to use alternative forms of travel than private vehicles. On this basis and noting the site's highly sustainable and central location within Douglas, the reduced provision of on-site parking spaces is considered to be acceptable.



7.6.8 In summary, the revised proposals have been found acceptable by Highway Services who considered that the development raises no significant road safety or highway network efficiency concerns, subject to conditions in relation to the implementation of consented access arrangements.

## 7.7 DRAINAGE AND FLOODING

7.7.1 The site falls within an area which is identified as a High Risk Flood Zone (River and Tidal) on the DoI flood map. The submission notes that the development as proposed has been designed so as not to result in an unacceptable risk from flooding either on or off-site, with the application having been accompanied by a Flood Risk Assessment (FRA) and Hydraulic Modelling Report.

7.7.2 The submitted FRA determines that all residential accommodation will be flood free during all simulated events, and that the proposed development has no off-site impact up to and including the 1% AEP plus 30% CC fluvial event and 0.5% (year 2123) tidal event. Flood risk is therefore limited to the ground floor car park, bin stores and entrance lobbies. The FRA has identified a number of flood resilience measures which should be implemented in order to minimise risk to the car park.

7.7.3 In particular, it is proposed that all rainwater falling onto the podium and roof structures will be collected within the stormwater drainage system and discharged directly into the River Douglas. Storage may be required for periods of high tide, and this is considered within the FRA. The ground floor car park will be laid to falls and drained through gulleys within the car park slab. Gulleys will be connected into a stormwater manhole and discharged into the combined sewer running within Lake Road. Foul drainage will be collected within a separate foul drainage system which will be discharged into the combined sewer running within Lake Road.

7.7.4 Following review of the scheme and the submitted FRA, the DoI Flood Risk Management Division have confirmed they are content with the application on the basis of flood risk. The following mitigation has been recommended within the submitted FRA and would be conditioned in the event planning permission is forthcoming:

- Install electronic control units at first flood level. Raise electric sockets and fittings as high as practical at ground floor level.
- Install a barrier at the vehicular access points to the ground floor car park to prevent vehicles from being conveyed in flood flows.
- Any drainage discharges or outlets in the flood wall in the southern extent of the site should be fitted with non-return valves.

7.7.5 On the basis of the above, the proposals are considered to be acceptable from a flood risk perspective insofar as future residents of the development would be sufficiently safeguarded in the event of an extreme flood event, with the development further not considered to result in an unacceptable level of off-site flood risk.

7.7.6 In terms of surface water drainage, this would be collected within the stormwater drainage system and discharged directly into the river. Manx Utilities Authority have raised no objections over the principle of the surface water drainage strategy but state that a condition should be attached to the decision notice stating that no surface water can be discharged into the public sewer. Foul water drainage is to be collected within a separate drainage system and discharged into the combined sewer running along Lake Road. No objections have been raised by MUA on this basis.

## 7.8 AFFORDABLE HOUSING

7.8.1 Housing Policy 5 of the Strategic Plan indicates that the Planning Authority will normally require that 25% of provision should be made up of affordable housing which will

apply to developments of 8 dwellings or more. A Section 13 Legal Agreement would need to be entered into by the applicant and the Department to ensure the affordable housing is provided.

7.8.2 The proposals would necessitate a total provision of 27.25 affordable units across the scheme on the basis of the 109 unit scheme proposed. The applicant has stated that a total of 6 no. apartments will be given over as affordable housing for First Time Buyers, whilst the remaining provision (equivalent to 21.25 units) would be secured via a commuted sum in lieu of on-site provision through the Section 13 agreement, with a figure of £51,800 having been agreed in principle between the DoI Public Estate's Division and the developer.

7.8.3 Comments received from the DoI in relation to affordable housing note that, based upon recent surveys conducted by the Department, there is evidently a current demand for a small number of apartments in Douglas and the East of the Island. On this basis, the DoI requested that the developer include 6 no. affordable 2-bedroom apartments for First Time Buyers as part of the submission. The DoI further note that should the Department be successful in bringing forward qualifying nominees to purchase these apartments, then a greater proportion of affordable units may be sought on further phases of the wider site (i.e. Quay West phases 4 and 5).

7.8.4 Presently however, the level of on-site provision proposed has been the result of discussion between the DoI and developer, with the remainder of the affordable housing contribution to be delivered by way of a commuted sum (£1,100,750), which would be placed into the Housing Reserve Fund and utilised exclusively in the construction of new, and maintenance of existing, affordable housing. On the basis of the on-site provision having been agreed as appropriate by the DoI in light of only the modest level of quantifiable demand at this stage, together with the additional commuted sum, the proposals are considered to be acceptable from an affordable housing perspective and meet the requirements of Housing Policy 5, subject to such provision being further secured through a corresponding Section 13 legal agreement

## 8.0 CONCLUSION

8.1 The application site is identified for development and the proposal is judged to comply with the site allocation, as further detailed within Comprehensive Treatment Area Proposal 3. The proposals are considered to constitute a high standard of design, without resulting in a detrimental impact upon the amenities of occupants of the adjacent residential development. The proposals are deemed to give rise to a positive impact upon the character and appearance of the wider locality and setting of the adjacent Conservation Area by redeveloping a prominent brownfield site, whilst further delivering a significant number of new apartments which is afforded significant weight.

8.2 The proposals would further not result in a detrimental impact upon the safety and convenience of the local highway network, whilst further being deemed acceptable from a flood risk perspective. The development is therefore deemed to comply with Strategic Policies 1,2,4,5,10,11, Spatial Policy 1, General Policies 2,4, Environment Policies 4,5,10,22,42,43, Housing Policies 1-5, Recreational Policies 3,4, Transport Policies 1,2,4-8, Infrastructure Policies 1,5, Energy Policy 5 and Community Policies 7,10,11 of the Isle of Man Strategic Plan 2016, relevant policies of the Area Plan for the East 2020 and the Residential Design Guide 2021. It is recommended that the planning application be approved for the reasons contained within this report, subject to the attachment of conditions listed on any forthcoming decision notice.

## 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 (DEFA) 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.