



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, 8th July 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. Registrations to speak must be directed to 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 24th June 2024.

4. Any matters arising

5. To consider and determine Planning Applications

Schedule attached as Appendix One.

Please be aware that the consideration order, as set down by this agenda, will be revisited on the morning of the meeting in order to give precedent to applications where parties have registered to speak.

6. Site Visits

To agree dates for site visits if necessary.

7. Section 13 Agreements

To note any applications where Section 13 Agreements have been concluded since the last sitting.

8. Any other business

9. Next meeting of the Planning Committee

Set for 22nd July 2024.

PLANNING COMMITTEE Meeting, 8th July 2024
Schedule of planning applications

<p>Item 5.1 Land At Vollan Field No's 131042, 131043, 135315 And 135318 Land East Of Royal Park Field No's 131085 And 135140 Andreas Road Ramsey Isle Of Man IM7 4EA</p> <p>PA23/00744/B Recommendation : Approve subject to Legal Agreement</p>	<p>Full approval for a residential development comprising up to 153 dwellings and community uses with associated highway and pedestrian access and infrastructure, drainage, landscaping and public open space together with approval in principle for a primary school on land at Vollan Fields together with enhancement of existing habitat on land to the east of Royal Park</p>
<p>Item 5.2 Field 434112 Douglas Road Ballasalla</p> <p>PA23/01364/B Recommendation : Permitted</p>	<p>Proposed erection of three pole-mounted photovoltaic trackers with associated equipment, containers and parking (part retrospective)</p>
<p>Item 5.3 Crosby Meadows Estate Part Fields 320653, 324323, 324324, 324321 , 324318, 320649 & 324320 Ballaglonney Main Road Crosby</p> <p>PA22/00475/B Recommendation : Approve subject to Legal Agreement</p>	<p>Construction of 18 houses and associated infrastructure</p>
<p>Item 5.4 Glen Road Laxey Isle Of Man</p> <p>PA23/01057/B Recommendation : Permitted</p>	<p>Construction and replacement of existing walls for the purpose of providing flood protection to Glen Road, Laxey.</p>
<p>Item 5.5 Old Primary School Kionslieu Hill Foxdale Isle Of Man IM4 3HB</p> <p>PA23/01164/B Recommendation : Permitted</p>	<p>Proposed demolition of the old school house and construction of two new semi-detached dwellings</p>
<p>Item 5.6 Removal House 39 Finch Road Douglas IM1 2PW</p> <p>PA23/01200/B Recommendation : Permitted</p>	<p>Conversion of building from retail (class 1.1) to a community facility (class 4.3)</p>
<p>Item 5.7 Ballakewin Old Farmhouse Foxdale Road Ballasalla Isle Of Man IM9 3ET</p> <p>PA23/01397/B Recommendation : Permitted</p>	<p>Two storey extension to provide additional living accommodation and creation of new detached double garage.</p>

<p>Item 5.8 298A Jurby Industrial Estate Jurby Isle Of Man IM7 3BD</p> <p>PA24/00011/C Recommendation : Permitted</p>	<p>Change of use from Class 2.4 (Storage or Distribution) to Class 2.3 (General Industrial) including car repairs and preparation of cars for scrappage (retrospective)</p>
<p>Item 5.9 Unit 14A The Old Airfield Braust Andreas Isle Of Man IM7 4JB</p> <p>PA24/00185/B Recommendation : Permitted</p>	<p>Proposed Scaffold Storage Depot</p>
<p>Item 5.10 Former Eastfield Mansion House Eastfield Douglas IM1 4AU</p> <p>PA24/00298/B Recommendation : Permitted</p>	<p>Demolition of former nursing home and outbuildings, and the creation of five new four bedroom dwellings with associated parking, amended access, amended drainage and landscaping.</p>
<p>Item 5.11 Eastfield Mansion House (care Home) Eastfield Douglas Isle Of Man IM1 4AU</p> <p>PA24/00299/CON Recommendation : Permitted</p>	<p>Registered Building consent for demolition elements to 24/00298/B</p>
<p>Item 5.12 Field 514414 Harbour Road Santon Isle Of Man IM4 1HF</p> <p>PA24/00313/B Recommendation : Permitted</p>	<p>Creation of new agricultural access into field including the creation of a hard standing and part demolition of a stone wall.</p>
<p>Item 5.13 Former Milk Depot Approach Road Ramsey Isle Of Man IM8 1EB</p> <p>PA24/00566/C Recommendation : Permitted</p>	<p>Change of use of building for the storage of vehicles (retrospective)</p>
<p>Item 5.14 Unit 25 The Old Airfield Braust Andreas Isle Of Man IM7 4JB</p> <p>PA24/00606/C Recommendation : Permitted</p>	<p>Change of use to storage compound, siting of shipping container, erection of summerhouse, erection of fence and vehicle access (retrospective)</p>
<p>Item 5.15 Hardstanding To Rear Of Grandstand Nobles Park Douglas Isle Of Man</p> <p>PA24/00617/B Recommendation : Permitted</p>	<p>Variation of condition 5 of planning consent 21/00527/B to permit stays of up to 14 days in the motorhome aire in the Boneyard of Noble's Park.</p>

<p>Item 5.16 Land West Of Glenfaba Road Fields 311835, 311836 And 311785 Glenfaba Road Peel</p> <p>PA23/01407/B Recommendation : Permitted</p>	<p>The construction of a new Sewage Treatment Works and creation of new vehicular access</p>
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PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.1

Proposal : Full approval for a residential development comprising up to 153 dwellings and community uses with associated highway and pedestrian access and infrastructure, drainage, landscaping and public open space together with approval in principle for a primary school on land at Vollan Fields together with enhancement of existing habitat on land to the east of Royal Park

Site Address : Land At Vollan Field No's 131042, 131043, 135315 And 135318
Land East Of Royal Park Field No's 131085 And 135140
Andreas Road
Ramsey
Isle Of Man
IM7 4EA

Applicant : Hartford Homes

Application No. : 23/00744/B- [click to view](#)

Principal Planner : Chris Balmer

RECOMMENDATION: To APPROVE the application subject to a legal agreement

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

C 1. The detailed part of the development hereby approved, namely the erection of dwellings, neighbourhood centre which includes retail units, children's nursery and Community Hall, associated landscaping and infrastructure, shall begin 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.

AIP School site only

C 2. Prior to commencement on the 'Approval in Principle' part of the development hereby approved, namely the two-form entry primary school and associated access/infrastructure (the school site), details of siting, design, external appearance, site layout and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Department.

Reason: To comply with the Town and Country Planning (Development Procedure) Order 2019.

C 3. The first application for approval of the reserved matters for the school site shall be submitted to the Department not later than four years from the date of this approval. Development of the school site shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved. Development shall be carried out in accordance with the approved details.

Reason: To comply with article 26 of the Town and County Planning (Development Procedure) Order 2019.

C 4. As part of any Reserved Matters application on the school site, a new Preliminary Ecological Appraisal Report (PEAR) shall be undertaken for the school site. The survey shall be undertaken by a suitably qualified ecological consultancy and shall be accompanied with any additional species surveys as determined by the ecologists and shall include proportionate avoidance, mitigation and compensation measures.

Reason: To provide adequate safeguards for the ecological species existing on the site (Environmental Policy 4 & 5).

C 5. As part of any Reserved Matters application for the proposed school full details of the access arrangements, parking, turning, servicing, and operation shall be submitted to and approved in writing by the Department and implemented thereafter prior to the first occupation of the school.

Reason: To ensure that the development is served by adequate school drop-off facilities

Ecology/landscaping

C 6. Prior to commencement of any development a detailed habitat creation and management plan incorporating 30 years of ongoing management, timescales for planting and protection measures for rare fungi (See the Isle of Man Fungus Group's Survey of Vollar Fields 1-3) for the habitat enhancement creation area (land to east of Royal Park only) shall be submitted in writing for approval by the Department and these approved works and timescales shall be fully adhered to.

Reason: In the interests of biodiversity net gain of the development (Climate Change Act).

C 7. Prior to the commencement of development, including works of site clearance and ground preparation, details of a suitably qualified Ecological Clerk of Works (including name of person/company as well as details about their role on site), to be appointed for the duration of the works, including works of site clearance and ground preparation shall be submitted in writing for approval by the Department. The Ecological Clerk of Works shall be responsible for overseeing the various wildlife mitigation measures and the protection measures contained within the five sections in the approved Construction Environmental Management Plan dated January 2024 in full, throughout the duration of construction works.

Reason: To provide adequate safeguards for the ecological species existing on the site (Environmental Policy 4 & 5).

C 8. Prior to the commencement of development a timetable of the butterfly bank and hibernaculum as shown on Wildlife Mitigation Plan dated February 2023 drawing No. 13 Rev A shall be submitted to an approved by the Department shall be carried in full accordance with the approved details and retained thereafter.

Reason: To provide adequate safeguards and improvements for the ecological species on the site (Environmental Policy 4 & 5).

C 9. Prior to first occupation of any dwelling, bird boxes, bat boxes and bee bricks, in accordance with the details specified on Drawing No. 13 Rev A (Wildlife Mitigation Plan), shall be provided on that dwelling prior to its occupation. Once provided, the bird boxes, bat boxes and bee bricks shall be retained thereafter.

Reason: To safeguard statutorily protected species and in the interest of biodiversity (Environmental Policy 4 & 5).

C 10. Notwithstanding any details already submitted and prior to commencement of any construction works, a detailed hard and soft landscaping strategy (other than for private gardens) shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details and timetable. The details to be submitted shall include:

- i) plans at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas without and around the boundaries of the site, including replacement banking/landscaping to either sides of the new accesses to the Andreas Road and Bride Road;
- ii) a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment;
- ii) demonstrating a 7m buffer with suitable tree planting between the Registered Woodland to the north of field 135316 and any development should be provided and maintained to shield the woodland from the development and any artificial. These trees shall be planted early on in the construction period in order to give them a longer period to grow and provide this protection and details of timescales for this shall be provided;
- iii) proposed finished levels and contours;
- iv) hard surfacing materials;
- v) minor structures (eg street furniture, refuse storage areas, signage etc);
- vi) a timetable for implementation;
- vii) a scheme for the ongoing management and maintenance of all landscaped areas (other than private domestic gardens) and open space covered by the planning obligation, including long term design objectives, management responsibilities and maintenance schedules.

Reason: In the interests of the character and visual amenity of the site, and to enhance and safeguard biodiversity (General Policy 2 & Environmental Policy 4 & 5).

C 11. Any lighting to the south west of the site within the area of Public Open Space and to northern boundary adjacent to neighbouring woodland shall be a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/23 on Bats and Artificial Lighting (2023) shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details.

Reason: To provide adequate safeguards for the ecological species existing on the site (Environmental Policy 4 & 5).

C 12. Prior to the occupation of the first dwelling in each phase of development hereby approved, a scheme for the design and layout of the proposed areas of public open space within that phase as shown on drawing Ref: 5132 01K Landscape Masterplan, including the position of equipment, and the boundary treatment to prevent vehicles entering or parking within it, must be approved in writing by the Department, and the development must be undertaken in accordance with this scheme. The delivery of public open space shall be undertaken and completed prior to the completion of the final dwelling in each phase.

Reason: To ensure that public open space is safe for use and that its layout is not detrimental to the living conditions of the occupants of adjacent dwellings.

Trees

C 13. Prior to commencement of development in any phase, including any works of site clearance or ground preparation, an Arboricultural Method Statement (AMS) detailing the measures to be put in place during the construction period for the protection of those trees

and hedgerows shown as being on drawing refs. . TP-061222-NE_revD and TP-061222-SW_revD, and which adheres to the recommendations of BS5837:2012 (Trees in relation to design, demolition and construction - recommendations), shall be submitted to and approved in writing by the Department. The AMS shall provide technical detail on the required protection measures, construction methods and supervision protocols. Development shall be carried out in accordance with the agreed protection measures.

Reason: To provide a level of technical detail sufficient to provide a high level of confidence in the outcome for retained trees on or adjacent to the site.

C 14. Any trees or plants indicated on the approved landscaping scheme approved under Condition 9 which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: In the interests of the character and visual amenity of the site, and to enhance and safeguard biodiversity (General Policy 2 & Environmental Policy 4 & 5).

C 15. All works to be undertaken in full accordance with the tree retention and protection measures, including use of Construction Exclusion Areas, shown in Manx Roots Tree Protection Plan North East (Drawing No. TP-061222-NE_revD) and Tree Protection Plan South-East (TP-061222-SW_revD) and Wildlife Mitigation Plan (Drawing No. 13 rev A).

Reason: To retain and protect trees on or adjacent to the site, safeguard the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits (Tree Protection Policy and Environmental Policy 3).

C 16. No retained tree or hedgerow shall be cut down, uprooted, or otherwise destroyed during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars as shown on drawing Manx Roots Tree Protection Plan North East (Drawing No. TP-061222-NE_revD) and Tree Protection Plan South-East (TP-061222-SW_revD) and 13 REV A Wildlife Mitigation Plan. In the event that existing trees marked for retention die or become damaged or otherwise defective prior to commencement or during the construction phase the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality (General Policy 2).

Phasing

C 17. Prior to the commencement of development, and notwithstanding the details already submitted, an updated phasing plan shall be submitted to and approved in writing by the Department. The Phasing Plan shall include details of the maximum number of dwellings, including trigger points for the delivery of the neighbourhood centre and other development to be implemented (Public Open Space, Children's' play equipment, foul and surface water drainage works, surface water prevention measures during construction phase, highway works, access to section of phase to public highway & landscaping works) within each phase of the development / development parcel. The development shall only be implemented in accordance with the approved Phasing Plan.

Reason: To ensure the satisfactory phasing of the development, ensure that utility infrastructure is delivered in a coordinated and planned way, to ensure that public open space/children's play equipment are safe for use in a timely manner for future residents, ensure future residential properties are served by on-site local facilities in a timely manner and that its layout is not detrimental to the living conditions of the occupants of adjacent dwellings (General Policy 2, Recreation Policy 3 and 4, Business Policy 10 and Environment Policy 13).

Drainage

C 18. Prior to the occupation of any dwelling hereby approved on Plots 7 to 21 the surface water drainage provisions (French drains and earth bund) which serve those dwellings shall be provided in accordance with the approved drawing 29 and shall be retained thereafter.

Reason: ensure that surface water infrastructure is delivered in a coordinated and planned way to prevent on or off site flooding to neighbouring properties which run along the southern boundary of the site (Environment Policy 13).

C 19. Prior to the commencement of the development a detailed construction phase surface water runoff management plan to deal with the potential increase water flow from the site to neighbouring properties shall be submitted to and approved in writing by the Department. The development shall only be implemented in accordance with the approved details.

Reason: ensure that surface water during the construction phase is delivered in a coordinated and planned way to prevent on or off site flooding to neighbouring properties which run along the southern boundary of the site (Environment Policy 13).

Use classes/Permitted Development

C 20. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any replacement/amendment of that order) the two retail units within the neighbourhood centre hereby approved shall be used only for purposes falling within Use Class 1.1 (Shops), Class 1.3 (Food and drink) and for no other purpose, the Children's Nursery within the neighbourhood centre hereby approved shall be only used for purposes falling within Use Class 4.2 (Childcare or Education) and the Community Hall within the neighbourhood centre hereby approved shall be only used for purposes falling within Use Class 4.3 (Other community facilities).

Reason: The application has proposed two Retail Units, Community Hall and a Children's Nursery and has been considered on this basis and to reduce the need travel from the site and to provide local facilities for future residents of the site.

C 21. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no fences, gates, sheds, greenhouses, walls or other means of enclosure shall be erected or placed within the curtilage of any dwelling house on Plots 7 to 18, without the prior written approval of the Department.

Reason: To ensure the drainage scheme approved under Condition 15 is not impacted which could result in surface water flood events to the site and neighbouring properties (Environment Policy 13).

Highways

C 22. Prior to first occupation of any dwelling, the visibility splays shown on drawings ITB17390-GA-001 rev F (Andreas Road), ITB17390-GA- 002 rev H (Bride Road), ITB17390-GA-005 rev G (Internal visibility splays) shall be provided and be permanently retained

thereafter. Nothing shall be planted, erected and/or allowed to grow within the visibility splays above a height of 1 metre above ground level.

Reason: In the interest of Highway Safety (Transport Policy 4 & 6).

C 23. Prior to the occupation of any dwelling hereby approved the parking spaces which serve that dwelling shall be provided in accordance with the approved drawing 06 REV A and 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 cycle provision is made for the development which has under provision of car parking (Transport Policy 7).

C 24. Prior to the occupation of the Neighbourhood Centre (nursery unit, retail units & community hall) hereby approved the parking spaces which serve these units shall be provided in accordance with the approved drawing 06 REV A and 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 cycle provision is made for the development which has under provision of car parking (Transport Policy 7).

C 25. The estate roads, including footways, shall be constructed so as to ensure that, before it is occupied, each dwelling or unit within the neighbourhood centre has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling or unit and the existing highway at Andreas Road or Bride Road.

Reason: To ensure that the development is served by an adequate means of access (Transport Policy 4 & 6).

C 26. Prior to first occupation of any dwelling hereby approved without a garage, details of the cycle storage provision at a rate of one storage space per bedroom shall be submitted in writing for approval by the Department and the approved cycle storage scheme shall be completed prior to the occupation of the dwelling and retained thereafter for its intended purpose.

Reason: To ensure that the development is served by adequate cycle storage to meet sustainable travel aims (Active Travel/Manual for Manx Roads).

C 27. Prior to first occupation/operation of any unit in the neighbourhood centre hereby approved, details of the cycle parking shall be submitted in writing for approval by the Department and the approved cycle parking scheme shall be completed prior to the occupation of any unit and shall be retained thereafter for its intended purpose.

Reason: To ensure that the development is served by adequate cycle parking to meet sustainable travel aims (Active Travel/Manual for Manx Roads).

C 28. Prior to the occupation of any dwelling or unit within the neighbourhood centre all offsite highway improvement works and bus stop upgrades as shown on drawings, GA-001 F, GA-002 H, GA-007 H, GA-012 B, GA-013 B, GA-101 A, GA-102 A, GA-103 A, GA-104, GA-105, GA-106, GA-107 A, GA-108 A, GA-109, GA-110 A, GA-111, GA-112 A, GA-113 A, GA-114 shall be completed and ready for use.

Reason: In the interests of providing and promoting sustainable travel options to future residents (Active Travel/Manual for Manx Roads).

C 29. Prior to the occupation of any approved dwelling using the new access junction onto the Bride Road as shown on drawing ITB17390-GA-002 REV H all onsite highway works and pedestrian footpaths and bus stop upgrades to the northern side of Bride Road as shown on drawings ITB17390-GA REV 012 B and ITB17390-GA-007 REV H and shall be completed and retained thereafter.

Reason: In the interests of providing and promoting sustainable travel options to future residents (Active Travel/Manual for Manx Roads).

C 30. Prior to the occupation of any approved dwelling using the new access junction onto the Andreas Road as shown on drawing ITB17390-GA-001 REV F all onsite highway works and pedestrian footpaths and bus stop upgrades to the northern side of Bride Road as shown on drawings ITB17390-GA REV 013 B and ITB17390-GA-007 REV H and shall be completed and retained thereafter.

Reason: In the interests of providing and promoting sustainable travel options to future residents (Active Travel/Manual for Manx Roads).

C 31. Prior to the commencement of development on any part of the site, including works of site clearance and preparation, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Department. Development shall be carried in accordance with the approved Plan.

Reason: To maintain safe and adequate site access arrangements for construction traffic and other highway users (Transport Policy 4).

C 32. The development hereby approved shall be carried out in accordance with the i-Transport Framework Travel Plan (Ref: BT/LJ/ITB17390-003B R dated 3rd April 2023) shall be implemented in accordance with the measures and any phasing of them as set out therein.

Reason: to ensure the sustainable travel options are undertaken as proposed (Active Travel/Manual for Manx Roads).

Noise

C 33. Prior to the occupation of plots 1 to 6, 35 to 41 and 146 to 153 inclusive (as shown in Resound Acoustics Noise Assessment Figure G.4, Appendix G) details of the mechanical ventilation with heat recovery must be submitted and approved by the Department. No development shall take place above ground level in each phase until a schedule of materials and finishes and/or samples of all external facing materials for all buildings have been submitted to and approved in writing by the Department. The relevant works shall be carried out in accordance with the approved details.

Reason: In the interests of the residential amenities of future occupants (General Policy 2).

Other

C 34. Prior to the occupation of any dwelling the boundary treatment as shown on drawings Fencing Plan Sheet 1 of 3 - Hart 70 10 REV A, Fencing Plan Sheet 2 of 3 - Hart 70 11 REV A or Fencing Plan Sheet 3 of 3 - Hart 70 12 REV A shall be completed and retained thereafter.

Reason: In the interests of visual amenities of the street scenes (General Policy 2 and Residential Design Guide).

C 35. No customers shall be served or remain in the two retail units hereby approved outside the hours 0800hrs till 2100hrs.

Reason: In the interests of the residential amenity of the area.

C 36. No customers/children shall remain in the nursery unit hereby approved outside the hours 0730hrs till 2100hrs.

Reason: In the interests of the residential amenity of the area (General Policy 2).

C 37.

No visitors shall remain in the Community Hall hereby approved outside the hours 0800hrs till 2100hrs.

Reason: In the interests of the residential amenity of the area (General Policy 2).

Reason for approval:

Overall, it is considered the proposal has a number of issues which need to be considered. The proposal would be developing a site (main development site) which is designated for "Mixed Use", where as the "land to the east of Roya; Park" is designated as "Proposed Public Open Space" under the Ramsey Local Plan 1998.

The "main development area" will clearly change the landscape character of the site/area from one of undeveloped agricultural fields to a residential development in the main, including neighbourhood centre and potential future school. However, as discussed within this report it is considered the visual harm caused by the development is not so significant to warrant a refusal. The development will appear as an extension of Ramsey which is within the "Town Boundary" as outlined by the existing Ramsey Local Plan. The proposal would equate to a sustainable development given its closeness and good pedestrian and cycle links to Ramsey Town Centre, with appropriate public transport links and would meeting the overarching aims of the IOM Strategic Plan i.e. "Towards a Sustainable Island" and other Government strategies outlined in this report.

There are no highway safety/parking concerns raised by the development and with appropriately worded conditions will result in improvements to the roadside frontages of the application site being improved and provisions of an upgraded bus stop and improvements to the existing pedestrian works.

The proposed development will not result in an unacceptable risk from flooding on or off site.

Finally, there are no significant impacts upon protect species on this site (namely birds/bats/Fungi, Schedule 7 and rare and scarce plant or Schedule 8 Plants), while there are significant levels of mitigation proposed/conditioned.

It is considered that the proposal would contribute to the supply of housing (including 38 affordable houses) as a sustainable urban extension to a settlement identified near the top of the settlement hierarchy.

The application includes a suitable level of Public Open Space throughout the development, including a variety of children plays areas/spaces for various age groups all within a walk

able distance within the site for future occupants and also for existing residents in nearby housing developments.

While the development will have an impact upon public services (GPs/dentists, school capacities) given additional persons who would live in the catchment of such services. However, for the reason outlined in this report it is not considered this impacts would be adverse and not a matter which this application alone could necessary address.

In conclusion for the reasons indicated within this report the proposal overall, would not have any significant adverse impacts upon public or private amenities and would therefore comply with the planning policies of the IOM Strategic Plan 2016 outlined within section 4.0 of this report, the Residential Design Guide 2021, Ramsey Local Plan 1998 and Manual for Manx Roads.

It is recommended that the planning application be approved for the reasons given, subject to the Section 13 Legal Agreement been signed and the conditions listed.

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 these do relate to planning considerations:

Flood Management Division (DOI)

Manx Utilities

Manx National Heritage

Department of Education, Sport and Culture

Public Estates & Housing Division (DOI)

Business Agency (DED)

Manx Care -Executive Director of Health Services - Manx Care are an arm's length organisation to the IOM Government, but their buildings are the responsibility of the DHSC and Manx Care are essentially leased them. If Manx Care were a Government Department then they would be afforded IPS as they have made comment on material planning issues. The Operational Policy on Interested Person Status arguably does not cover this situation, and so Planning Committee could be justified in stepping outside of the policy to consider Manx Care for IPS. On balance it is recommended that they afforded it under Article 4(1)(a) of the DPO.

Should be given

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

Elleray, Bride Road, Ramsey

Greenbank, Bride Road, Ramsey

Brackney, Bride Road, Ramsey

Anchor Down, Bride Road, Ramsey

Fair Isle, Bride Road, Ramsey

Thie Y Vollar, Bride Road, Ramsey

Rostherne, Bride Road, Ramsey

Fasque, Andreas Road, Ramsey

2 Ormly Avenue, Ramsey

45 Royal Park, Ramsey
St Bridgets, Bride Road, Ramsey
Grest Farm Ltd, Lezayre
ErinBrae, Bride Road, Ramsey
Vollen Garden

Should NOT be given

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):

The Coach House Boarding And Cattery, The Coach House, Bride Road, Ramsey (see section 0.6 of report)

Ormly Hall, Bride Road, Ramsey
Ballacarberry House, Andreas Road, Dhoor
122 Royal Park, Ramsey
Pendle, 5 Brookfield Avenue, Ramsey
117 Greenlands Avenue, Ramsey
47 Lezayre Park, Ramsey
Wavertree, Ormly Avenue, Ramsey
12 Ormly Avenue, Ramsey
The Haven, Dogmills, Ramsey
17 Rheast Mooar Close, Ramsey
Ballakesh Farm, Lhen Road, Bride
6 Thornhill Close, Ramsey
Penryn Lodge Apt, St Olaves Close, Ramsey
1 Croit Ny Kenzie, Andreas
Thie Mooar, 9 Grand Island, Ramsey
80 Greenlands Avenue, Ramsey
40 Royal Park, Ramsey
Woodland, Grove Mount West, Ramsey
6 Summerland, Ramsey

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

8 Princes Road, Ramsey
Meadow View, Andreas Road, Dhoor
Shearwater, The Dhoor, Andreas Road, Lezayre, Ramsey
36 Cooil Breryk, Ramsey
53 Royal Park, Ramsey

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.

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS A SECTION 13 LEGAL AGREEMENT IS PROPOSED AND THERE ARE A NUMBER OF PRIVATE OBJECTIONS CONTRARY TO THE RECOMMENDATION

0.0 UPDATE FROM PLANNING COMMITTEE 20TH MAY 2024

0.0.1 The Planning Committee voted to undertake a site visit which was undertaken on Friday 24th May 2024. Subsequent to this site visit, the applicants submitted amended plans (3rd June 2024) which were re advertised for a 21 day period (expired on the 28th June 2024).

0.0.2 The amended plans (all dated 3rd June 2024 online – within "Additional Documents" and "Amendments" files) including the following;

- New Phasing Plan;
- Indicative Drainage Plan to the rear of Plots 7 to 21;
- Amended Proposed Drainage Flood Flow Routing & Detention Basin Locations plan;
- Amended landscaping plans to show additional landscaping along the Andreas Road (western boundary of site).

0.1 Additional Third Party comments

0.1.1 The following private representations have been received from the following addresses who have objected to the application and which were received since the Planning Committee Agenda was originally published (14th May 2024). The first three representations listed below were orally summarised by the Principal Planner at the Planning Committee meeting on the 20th May 2024:

- 12 Ormly Road, Ramsey (16.05.2024);
- Fair Isle, Bride Road, Ramsey (15.05.2024 & 26.06.2024);
- 47 Lezayre Park, Ramsey (21.05.2024 & 28.06.2024);
- The Coach House, Bride Road (22.05.202);
- Grest Farm Ltd, Lezayre (28.05.2024 & 05.06.2024);
- Elleray, Bride Road, Ramsey (26.06.2024, 01.07.2024 & 02.07.2024);
- Fasque, Andreas Road, Ramsey (28.06.2024);
- Anchor Down, Bride Road, Ramsey (26.06.2024);
- 2 Ormly Avenue, Ramsey (28.06.2024);
- Greenbank, Bride Road, Ramsey (28.06.2024);
- Thie-Y-Vollan, Bride Road, Ramsey (24.06.2024);
- St Bridgets, Bride Road, Ramsey (24.06.2024);
- Rostherne, Bride Road, Ramsey (26.06.2024);
- 9 Grand Island, Ramsey (14.06.2024);
- ErinBrae, Bride Road, Ramsey (24.06.2024);
- Ormly Hall, Bride Road, Ramsey (26.06.2024);
- The Coach House, Bride Road, Ramsey ();

0.1.2 Full details of the comments can be viewed on the Planning Departments website. The main objections/concerns are;

Pre Amended information

- Concerns of timescales to be able to comment due to additional drainage information before the Planning Committee meeting (on the 20th May);
- We also raised concerns on how this would be effectively maintained and if it would be adopted in the future;

- comments regarding the Commissioners maintaining the Detention Basins, we have asked but to date have not received a reply from the Commissioners, as to whether they have the expertise;
- manpower to maintain these vital areas
- the planned school will be conveniently forgotten about when the developers find they can build more houses in its place;
- degrading state of the Andreas and Bride Roads around this area;
- Replies from the D.O.I. indicate there are no plans for any serious repairs to both roads for the foreseeable future, which is disappointing to say the least;
- huge increase in traffic since the royal park development and the congestion around this area into the town is massive;
- There is continued struggles with the services eg doctors, dentists, and roads which have been ongoing for years so having another development would be damaging to the town until this issue tackled;
- Green fields should not be used for concrete jungles and especially NOT with global warming creating flooding and yes this is happening in this area;
- The Coach House seeking IPS (See section 0.6 of this report) given the enormous detrimental impact that the development will have on our long-established business, potentially forcing us to cease trading, we are extremely surprised that we are not classed as an Interested Party and hope that it is just an oversight;
- I request that the visit takes place at times of high volume of traffic eg after school;
- Hope that they observe how narrow the roads are and the number of corners on these roads along with high volumes of traffic;
- Firstly we have an active working livestock farm (Grest Farm) here which some of the proposed houses are only 200 ft away from Cattle housing /sheds and I want assurances from developers that I'm not going to be inundated by potential new residents about cattle noises , tractor noises , lights from tractors which could be 24/7 at times we also have a slurry pit about 300 ft away which at certain time's of year when spreading on adjoining fields will have odours , we've had problems in the past with complaints from existing residents who don't understand farm life;
- I know you've done bat survey we have a lot of bats seen at night around farm especially the older buildings we also have hen harriers nesting on farm Around main yard , the woodland joining proposed site is a protected rookery yet you have houses proposed right up to them 3rd concern is lighting / dark skies and protection of that adjoining my property giving me proper privacy and not lights protruding on my house;
- drainage from site as vollen fields at present have drains that come in to our land and where it does is very wet , what is the routing of drains so my fields aren't going to be waterlogged with run offs of concrete tarmac;

0.1.3 Applicants response to concerns raise by Grest Farm (last three bullet points above);

"1. It is not unusual for residential development and settlement boundaries to meet with agriculture – indeed this happens on the edge of most towns and villages. It is important for the layout proposals to address this with soft boundaries, which the proposals do. Also of note is that the existing Grest Care Home already abuts Grest Farm.

Regarding noise levels from the farm, this will have been taken into account within the Resound Acoustics noise report that has been submitted in support of the application. Whilst that was commissioned to consider noise from the kennels, the baseline survey picked up all surrounding noise sources, which will have included the farm. Indeed noise from farm animals was noted in the report as being present at measurement

Position 2 (paragraph 4.10) and so noise from farming was captured. Resound Acoustics has confirmed that the baseline levels measured at Position 2, which contained noise from farm animals, would meet the 'reasonable' internal guideline values set out in British Standard 8233: 2014 and in the World Health Organisation's Guidelines for Community Noise (both of which were summarised in the submitted noise report), when the measurements are adjusted to take account of the transfer of noise to within the property (again, in the same manner as set out in the noise report). It is therefore considered unlikely that noise from farming activities, including animals, would lead to unacceptable levels of noise to residents at Vollan Fields should development be approved.

Furthermore, we are happy to commit to inform potential purchasers in writing of the presence of active farm work as part of the marketing selling point of the properties, but we appreciate the concern of the nearby farmers.

2. Manx Wildlife Trust have carried out a full set of ecological and protected species surveys of the site and the proposals include mitigation measures to achieve Biodiversity Net Gain. This has been fully assessed by DEFA, who have raised no concerns.

3. The proposals include reinforcement native planting next to the existing woodland area, and adopting dark sky measures next to this area, to limit impact on bats.

4. Storm water drainage has been fully considered with all rain falling on hard surfaces like roads, driveways and roofs, being collected in gullies and piped away to an existing sea outfall. The drainage proposals will drastically reduce surface flow of rainwater and should ease existing issues of standing water and seasonal flooding."

0.1.4 After amended plans being advertised on the 7th June 2024 for 21 days (expiring 28th June)

- Hartford Homes gave us assurances at their presentation at Ramsey Town Hall that site construction traffic will be via Andreas Road not Bride Road;
- Our house reverberates when HGV's drive past;
- There will be adequate precautions to prevent any further unacceptable dog noise from the nearby Kennels;
- The surface water on Bride Road at times of rainfall will be addressed and dispersed;
- proposed housing development is intended with air conditioning in place of opening windows to counter the dog noise, surely this is a clear admission that the noise is both intolerable and excessive;
- The proposed site earmarked for a possible school is also close to the source of dog noise unless the noise is removed;
- How do you enforce sound barriers against farm animals, farm machinery and restrict noise and light from a working farm;
- Traffic along Bride and Andreas Road. During busy times of day, TT fortnight, tip runs, bin days and Farmers at work there is grid lock along these narrow roads and on Bowring Road;
- Ramsey is a small town with no room for high volumes of traffic;
- 'Indicative Drainage to Plots 7 to 21' shows a network of individual French drains to mitigate against a high likelihood of flooding at the existing Bride Road properties. This does appear to be 'clutching at straws' in 2 a final attempt to justify the drainage inadequacies;
- New homeowners are highly unlikely to maintain the drainage or even know how to;
- There would be absolutely no assistance from a statutory drainage authority in the event of flooding;

- The proposals expose existing residents to a potential significant flooding issue due to a high reliance upon maintenance of the French drains by the new home owners;
- It will affect house insurance premiums quite significantly;
- An adoptable drainage system is the only appropriate application for this situation;
- During the site visit held on the 24th May 2024, the developer advised that it 'could not guarantee that flooding will not occur'. As an existing homeowner next to the site, this is completely unacceptable and it demonstrates the developers lack of confidence with its own drainage proposals;
- the same Engineering company that designed the drainage system at 'Gibbs Park' Ramsey as referred to in our previous objections is the same company appointed on this project. That estate now floods to the extent that new homeowners had to move items upstairs and obtain sandbags during a weather event in December last year and gardens were completely under water;
- the trial pits appeared to evade the worse areas of flooding and were concentrated to the perimeter of the site. We find this a bit suspicious when there was the entire area at disposal for trial pits in high volatile areas;
- Stripping the fields of natural vegetation is going to cause a colossal amount of surface water run off during construction;
- It is recommended by the 'British Geological Survey' that no digging should take place in areas that are at risk of running sand. The area and drainage proposals are undoubtedly a risk;
- The proposals have indicated some detention basins;
- There is no confirmation that the Ramsey Town Commissioners would take full responsibility for full maintenance requirements under its 'Section 13' agreement, nothing less than its full liability is acceptable in accordance with the Isle of Man 'Flood Risk Management Act 2013', Clause 52, 'Maintenance Obligations of Responsible Persons' which states, 'Each responsible person must maintain the approved drain so that it functions efficiently', are the Commissioners actually aware of what they are legally committing to;
- Detention basins are more appropriate for discharge to a water course rather than a drainage network;
- 'Grest Farm' does operate late at night, often with constant farm machinery in use which we can hear on Bride Road;
- The Hartford response fails to mention the slurry pit located in close proximity to the new development;
- there is a multitude of brownfield sites available for development in Ramsey;
- If greenfield sites continue to receive planning permission, brownfield sites are unlikely to be developed;
- no specific mention of radon gas and the potential for residential exposure to this;
- The proposals include a significant amount of hedgerow removal to create the estate entrance. This will without a doubt drastically change the entire appearance of the area;
- a massive amount of site excavation to reach the desired estate levels which the CGI images included in the Hartford Homes letter dated 31st May 2024 illustrate. If the entrance is to be graded then the CGI images are misleading;
- non-compliant with several clauses particularly Environment Policy 13 & Environment Policy 14;
- in contravention of the Ramsey Local Plan 1998 which seeks low density housing only and the proposals are beyond low density and were actually referred to at the site meeting as 'medium to high density';
- contrary to Residential Design Guide 2021 with regard to climate change resilience, strategic policies, local distinctiveness and public open space;
- The proposals remain in contravention of and directly conflict with the Isle of Man Government 'Biodiversity Strategy 2015-2025' and its UNESCO Biosphere status;

- The Stone Bridge is the gateway into the centre of the town from the North. Its therefore very important that this structure is not compromised in any way with extra traffic loadings;
- The proposals are a major concern and they will likely be a concern to our insurance companies due to flooding during and after construction, creation of detention basins next to our homes; High potential for running sand; Deep excavations, Construction methods (piling);
- The issue of noise from the kennels, the very fact that the developer is attempting to mitigate against this issue is a complete disregard for what new homeowners would endure and it also has a complete disregard for the education system because the proposed school is located in this area;
- If application is looked upon favourably we would be grateful if our following suggestions could be considered; That a greenbelt buffer zone is created to the rear and side elevations of the houses on Bride Road; That an adoptable drainage system is put in place immediately behind the Bride Road properties which would be achievable with a greenbelt buffer zone. This would replace the unacceptable French drainage; good preventative measures during construction are in place prior to anything commencing; That the dwellings located directly adjacent to 'Elleray' and 'Fair Isle' are removed; the number of dwellings is reduced overall to say 85; the house designs are more in keeping with the character of the area; That an estate of bungalows only or predominantly bungalows is considered to reduce impact on the rural setting; independent condition surveys are undertaken to each bounding property by a qualified Engineer prior to commencement of work; the proposed bus stop located directly adjacent to our driveway at 'Elleray' is relocated elsewhere to remove visibility, safety and manoeuvrability issues; there is strictly no construction parking permitted on Bride Road; and street lighting is installed along the Andreas Road, Bride Road and Promenade to enable safe passage into the town centre for pedestrians during the hours of darkness.
- We consider the application to be negligent in several areas, lacking a tremendous amount of duty of care;
- Under no circumstances do we consider the proposed development acceptable. We consider the proposals IRRESPONSIBLE for a number of identified reasons, some of a very serious nature and we strongly object to it;
- The land during site visit was in the main towards the Bride Road boundary was sodden and boggy under foot, again very concerning given that these sodden areas were only after a few days of rainfall;
- There is a clear issue with the height of the water table in this area and it will only increase with the building of this proposed development;
- They appear not to have carried out their initial surveys of the land in a methodical and diligent manner, as had they - they would have identified and appreciated the obvious flooding issues;
- Can we really trust and accept that this latest untested 'Drainage Plan', will be fit for purpose;
- You have only to look at the ongoing drainage issues residents are having at properties on Royal Park (adjacent to Vullan Fields) incidentally another Hartford Homes Development;
- Residents need assurances that any proposed Drainage System will be properly overseen , managed, and subject to regular maintenance - either by a professional company appointed by Hartford Homes or adopted by the local authority, where the same oversight and maintenance regime continues;
- the capacity of existing schools throughout the island (with one exception in the South) are well below 100% - in the North we do not need another school, established schools in the area have more than enough capacity to admit further pupils;

- The population on the island hasn't increased in number since the early 2000's - in fact it has levelled out and slightly decreased since 2015, there is no requirement to build further houses;
- excessive numbers of empty properties on the island that can be identified, refurbished and utilised for home owners and people requiring rental short stay homes. There are also several brownfield sites in and around Ramsey that should be considered before any development of the Vollan Fields;
- noise pollution will be excessive and frequent and mental health concerns should be considered for all residents;
- request that this application be refused and the land of the Vollan Fields be re zoned for agricultural use ONLY - this land is unsuitable for both residential and commercial purposes;
- Regardless of however many "mitigations" are put in place we feel that they will in no way compensate for the total destruction of habitat and feeding grounds of the many birds, bats, frogs, lizards etc that use these fields;
- Our concern is that the development of 153 new dwelling's will raise the water table further and put increased strain on a drainage system already under pressure;
- Although there has been consideration for the proposal of bungalows to the rear of the house on the south side of Bride Road, surely it would be equally considerate if the proposed houses adjacent to 'Elleray' were also bungalows;
- The proposed development doesn't show any consideration or appreciation to the existing properties, they are far too modern looking and are not in keeping with the surrounding environment, therefore, not only will the development destroy what is a habitat for ecology and stunning views, it will look an absolute eyesore;
- The length of the construction is also a concern. It is common knowledge that Royal Park, which is a Hartford Homes development has taken 20 years and still not completed which would indicate that the proposed development will be just as long;
- The concerns we previously raised all still stand;
- Despite what the developers may say in their planning application, based on the issues experienced by current residents of Royal Park, we are mistrustful of what any final implementation would entail;
- We especially wish to express our dislike of the bunds/planting and French drains proposed;
- This drainage proposal, which is to be situated in the gardens immediately behind our garden/home, which is designed to protect the nine existing properties from flooding and waterlogging, is unacceptable for the following reasons; rely on maintenance of the drains by the new and future owners of 15 individual properties; What will stop the new/future homeowners from not maintaining the drainage; potential legal wrangles between pre-existing and new property owners are likely to result; s it even legally permitted to drain land into drainage/ sewer system;
- are the current drains that they will connect to really be large enough;
- Future generations of Ramsey residents should continue to enjoy the green, undeveloped Vollan fields within the town boundary of Ramsey; and the current residents of our town should not be subjected to decades of disruption caused by over-development, and the desecration of our countryside and town ambience, for the sake of a property developer's profit;
- The i-transport report gave the idea that the Swing Bridge of Bowring Road isn't subject to any weight limits; however it could be suggested that it seems prudent to reassess this information for both its current and further use, rather than accepting this unquestionably;
- We would therefore ask for a suitability qualified civil/ structural engineer to assess the strength and load capacity of the stone bridge on Bowring Road before any planning is considered for the Vollan Fields;

- Therefore, there will not be the demand for 4 and 5 bedroom houses which are the predominant housing suggested in the new development application for the Vullan Fields due to households in Ramsey consists of only 1 or 2 person households, a development of predominantly 2 bedroom bungalows would be more appropriate than 4 and 5 bedroom houses;
- the application in principal for a primary school sought by the developer should not be granted based on the fact that it is not needed;
- I have also been told and have now read that, it is acknowledge my house will be at increased risk of flooding during the construction phase. This is unacceptable, how will I be protected;
- I would also like a more substantial wall constructed to offer me some protection from the lengthy construction process and the anticipated increase in surface water run off. To put the wall and the drain in situ, I feel the row of bungalows would need to be moved back or relocated;
- We have been previously advised by several authorities that discharging surface water overflow into a drain is not permitted;
- The proposed fence and sod mound and tree planting, is exactly the same design as found in Gibbs Park, which has ultimately failed;
- We feel the proposed sod bank is totally inadequate protection for the north side of our property, due to issues observed on other developments;
- It has been stated that surface water run off would be improved by 89% in the Vullan Fields, whilst we accept this is could be accurate and we hope it would be, however this figure is only reached when the whole site is developed;
- The developer has chosen to be dismissive with our comments towards running sand, which is incredibly unhelpful, digging to the depth stated in the application could cause possible ground shift. Over time, this could undermine foundations. The ground profile is of sand, and as the Hydrology report clearly states, most of the test pits did collapse. Some areas were designated not suitable for development, however houses are been planned very close to one of these areas;
- the long term exposure the level of noise piling creates can severely affect mental health. There is also an association between noise exposure and higher rates of cardiovascular disease, as we now understand we will have to endure construction close to us for 3-4 years;
- How many houses, if any, will need to be piled;
- In our opinion, the plans need to be amended again significantly, especially in the area behind the existing properties on Bride Road, to protect our property and our wellbeing;
- We, even at this stage 15 months later, are still not clear as stated earlier, what is happening to the lane on the Northern side of our property, we currently have to protect our property from the vegetation growth within this lane, with permission and in winter time it's the only natural drainage for the field. this is not allowed to be blocked, until some other protection is put in place;
- Unless and until the Developer can adequately prove that flooding will not be caused by their plan , then is must surely be an overriding reason for the application to be rejected;
- we would want a clear assurance from the Developer that no structural damage will be caused to our property, and that full liability will be accepted by them for any and all such damage should it subsequently occur;
- The North West Area Plan - there is a real possibility that the field in question will be de-zoned as part of the revisions to the Plan;
- he Breeding Birds Assessment by Ecology Vannin Consultancy Services dated December 2023. With regard to rooks it states that the impact on these birds would be 'Slight to moderate adverse. The colonies are not under direct threat, but foraging opportunities will be impacted. The scale of impact on numbers cannot be quantified.'

- We would like to see this amended and a buffer between the trees and the development, of at least 20m, provided;
- We note that our original concerns over noise, light and odour pollution from our long established registered Boarding Kennels have not been satisfactorily addressed, A brief noise survey that made fanciful assumptions over future occupancy levels for our Boarding and Daycare business does not give a true and accurate representation of the potential impact on the proposed residential and academic properties, We again refer to the industry guidelines for new developments of residential buildings, child care facilities, educational establishments, hospitals, nursing homes etc. is a gap of 500m from established Boarding Kennels and we demand assurance and proof that every effort has been made by the developer to abate any noise and that any future homeowners, tenant, visitor or worker on the Vollan Field estate are not allowed to complain about noise, odour or light pollution from our business;
- Residential Design Guide July 2021' states that 5 to 10 dwellings per hectare is considered suitable for larger sites towards the edge of settlements. The Vollan Fields are collectively a large edge of town settlement and the proposal to create 16.8 dwellings per hectare would be over development of the site by 6.8 dwellings per hectare;
- We are not aware of any such drawing detailing our two primary windows from our kitchen. The proposed dwelling at plot 80 is 15 meters distance from our side elevation and primary kitchen windows overlooking the field. We would ask that consideration be given to increase this distance to at least 20 meters to reduce impact upon our living space;
- we consider the affordable home plots of 76 to 80 and 1 to 6 highly vulnerable to flood risk.

Updated Proposals

0.2 New Phasing Plan (update to paragraphs 6.15.2 & 6.15.3 of original Planning Committee Report)

0.2.1 The Department raised some concern with this proposal with the largest area of POS and largest children play area and the neighbourhood centre being within the last phase and sought whether some of these elements could be brought to an earlier phase. At that time (before first Planning Committee Meeting) the applicants had agreed that the second phase could include the largest area of POS and largest children play area (south-western part of site). The neighbourhood centre would still be in the fourth phase as they raise concerns of viability of the scheme; albeit this fourth phases would also include an increased total of 32 dwellings, some of which are the largest housing types proposed. Condition 17 was proposed which sought a new phasing plan.

0.2.2 However, since the application being deferred for a site visit the applicants have submitted a new phasing plan; albeit still indicative, which includes the largest area of POS, largest children play area and the neighbourhood centre (all to south-western part of site) to be included within the second phase of the development. There would be a total of 55 dwellings remain, within phase three and four. For information, 46 dwellings would be within the first phase and 52 dwellings within the second phase.

0.2.3 Accordingly, given the inclusion of the largest area of POS, largest children play area and the neighbourhood centre all proposed within the second phase, it is consider the initial concerns have been overcome. It is still considered however, that condition 17 should be retained to ensure the development is phased in a appropriate way, which includes phasing of details of; Public Open Space, Children's' play equipment, foul and surface water drainage works, surface water prevention measures during construction phase, highway works, access to section of phase to public highway & landscaping works. This is to ensure the satisfactory phasing of the development, ensure that utility infrastructure is delivered in a coordinated

and planned way, to ensure that public open space/children's play equipment are safe for use in a timely manner for future residents, ensure future residential properties are served by on-site local facilities in a timely manner and that its layout is not detrimental to the living conditions of the occupants of adjacent dwellings.

0.3 Indicative Drainage Plan to the rear of Plots 7 to 21 (updated comments to paragraphs 6.6.4 to 6.6.13)

0.3.1 On this matter the applicants have submitted amended/additional plans and have also indicated;

"With regards to the highlighted flooding being experienced by the properties on the northern side of Bride Road, this is caused in the main by topography and surface flow of rain water across the fields as the site levels falls towards Bride Road, with Fair Isle being lowest point.

The proposed development will require all rain water falling onto roads, driveways, car parks and roofs within the development, to be collected and piped away through the new underground drainage system, and discharged to sea via an existing storm water overall.

The proposed roads and the drainage systems serving individual houses will act as barriers to intercept and collect surface water flowing across the site and in so doing, will drastically reduce the current amount of water reaching the properties on the northern side of Bride Road.

Whilst the proposed drainage system will significantly improve the standing water / flooding issues currently being experienced by the existing properties, to provide further comfort to these existing residents, it is proposed to provide two further measures:

- 1. An earth bund will be provided next to the southern site boundary, which will be a physical barrier to prevent water flowing over the boundary onto adjacent properties, and*
- 2. A system of individual underground French Drains will be provided to the end of each new garden along this boundary, which will allow any rainwater falling on that garden to be collected in front of the earth bund, with water being piped away into the new underground storm water drainage system, as per the following layout. This detail will be provided behind all the existing properties, from Elleray in the southwest to Fair Isle in the northeast..."*

0.3.2 Further they comment;

"...The French Drain system to be installed into all the new properties backing onto the Bride Road properties, will be covered by a 10 year NHBS warranty. Even after the 10 year period, the individual property owners will be motivated to maintain the system to avoid the potential of any water logging of their gardens, thereby ensuring that no water will encroach over the boundary, into the existing properties. This should give comfort to the existing residents and the planning committee with regards to maintenance. In summary, with the proposed rainwater collection / drainage system and the specific measures to be provided adjacent to the properties on the Bride Road, we believe the current standing water / flood issues being experienced will be significantly improved, if not totally eliminated, and will benefit for the existing property owners."

0.3.3 The following consultees have made the following comments to the new drainage plans;

0.3.4 Flood Management Division (28.06.2024);
"FRM have reviewed all of the drainage data and have no objection to this Planning Application."

0.3.5 Manx Utilities Drainage (28.06.2024);
*"I refer to the recent drainage proposals submitted by the applicant detailing the installation of land drainage around several properties to allay concerns over waterlogged ground in these areas. Although these proposals are supported by Manx Utilities, these drainage runs would not be considered for public adoption, with only the main wastewater and surface water sewers and associated manholes being adopted.
The proposed land drainage would remain private with the relevant landowner being responsible for future maintenance.
The above comments are in addition to those issued by MU in the email dated 8th May 2024."*

0.3.6 Highway Services Drainage (28.06.2024):
"Further to drawing Hart 70-29 Indicative Drainage Plan Plots 7 to 21 dated 03 Jun 24 submitted as an additional document to Planning.

We can firm that the drainage proposals for the rear gardens of plots 7 -21 will not have a significant impact on the drainage system serving the estate roads."

0.3.7 Condition 18 was initially proposed which sought additional details to the drainage provisions to the rear of Plots 7 to 18 being submitted for approval. As outlined above the applicants have now submitted such plans at this stage, which include Plots 7 to 21, an increase of drainage provision to all the dwellings which back on to existing nine properties along the Bride Road. Substantial weight is attached to the comments received from all the drainage authorities who have considered the new proposals and have raised no objection. The Department is further comforted, that the drainage provisions proposed would ensure the surface water runoff which currently results in surface water flooding to a number of these existing properties along Bride Road, would be significantly prevented, mainly by the proposed new estate roads and drainage provisions throughout the site which would drain surface water which currently runs downwards towards the existing neighbouring properties on Bride Road. The proposed new French drains to the rear gardens of Plots 7 to 21 would mainly only need to drain surface water from these properties only and namely the water from the rear patio and gardens. These properties also have surface water drainage connections to the new estate road to the north of each plot, the surface water of the roofs, the driveway & paths would drain into the surface water drainage to the new estate road, rather than to the rear French drains.

0.3.8 Accordingly, for these reasons it is considered the drainage solution is acceptable and comply with Environment Policy 13. Condition 18 should be amended to:

C 18. Prior to the occupation of any dwelling hereby approved on Plots 7 to 21 the surface water drainage provisions (French drains and earth bund) which serve that dwelling shall be provided in accordance with the approved drawing 29 and shall be retained thereafter.

Reason: ensure that surface water infrastructure is delivered in a coordinated and planned way to prevent on or off site flooding to neighbouring properties which run along the southern boundary of the site (Environment Policy 13).

0.4 Amended Proposed Drainage Flood Flow Routing & Detention Basin Locations plan

0.4.1 The submitted drainage plan indicates the new flow from plots 7 to 21, which instead of flowing in a westerly direction, would now connect into the surface water drainage of the individual plot and run in a northerly direction to the new estate road to the north.

0.4.2 The applicants have also responded to comments made that "all Public Open Space areas are retention basis" by stating;

"This is not correct. As part of discussions with DOI Highway Drainage and DOI Flood they requested us to consider: if anything unforeseen happens to the stormwater system that we should not flood existing / proposed houses and that storm water should be retained on site. The submitted drainage drawing shows the route for any emergency flood water, and where it will discharge to, to various areas around the site. It's stressed that this will only be required in an emergency and has been agreed with DOI."

0.4.3 There are no concerns with this element of the submission.

0.5 Amended landscaping plans to show additional landscaping along the Andreas Road (western boundary of site) – Update to paragraphs 6.3.15 to 6.3.18.

0.5.1 The applicants have submitted an amended landscaping plan which includes further replacement planting along the western boundary of the site. The applicant's indicate that;

"The proposals include a very significant depth of replacement native hedge and tree planting to the northern side of the new access. Positioned behind the line of the existing hedge, once established, this planting will reinstate the screening of the site, to limit the visual impact of the new access.

The proposals have now been further amended to increase the depth of native hedge planting to the south of the Andreas Road access.

This new hedge planting to the Andreas Road boundary will be undertaken during an early stage of the construction process, to give it time to establish and grow before the final access is formed. In this regard the phasing plan has been updated as now attached.

The Andreas access will be formed approximately 3 to 4 years after the start on site, dependant on sales."

0.5.2 And

"In summary, whilst the development will result in some change to the existing boundary hedges, appropriate mitigation planting is proposed to limit the visual impact."

0.5.3 Discussion with the applicants have been had as the Department considered a grass bank should be reinstated along the majority of the Andreas Road roadside elevation and native planting to form hedging be planted above. The applicants have indicated this is their intention. However, this isn't especially clear on the submitted plans. Accordingly, it is Condition 10 remain as proposed, specifically section i) of this condition which seeks details of replacement banking/landscaping to either sides of the new accesses to the Andreas Road and Bride Road.

0.5.4 It is considered with the new grass banking and the increased level of landscaping

planted above and behind (above what currently exists along the Roadside boundary), the proposal would mitigate the loss of the existing roadside banking/hedgerow. There of course there will be a significant initial impact once the access onto the Andreas Road has been created; however, in the medium and longer terms the visual impacts of the loss would be sufficiently overcome and arguably an improvement given the level of landscaping proposed. It is noted that the creation of the new grass banking and landscaping along the Andreas Road is within the first phase of the development.

0.6 Other matters

0.6.1 The owner of the Coach House Boarding and Cattery, The Coach House, Bride Road, Ramsey which operates a kennels from the site has raised concerns that they have not been recommended for Interested Person Status. A full response of the Department can be seen online. Section 2.0 of the "DEFA OPERATIONAL POLICY – INTERESTED PERSON STATUS" it states;

"...will only be afforded to those persons who submit a written representation(s) which complies with ALL the criteria set out below"

0.6.2 One of the criteria is;

"The land referred to in (A) above must be within 20 metres of the red line boundary of the application site..."

0.6.3 The owner of the Coach House Boarding and Cattery highlights that section 4.2.2 which indicates that it is a "general guide and not set out in policy".

0.6.4 However, this highlighted section relates to overlooking as it acknowledges that 20m for overlooking is not set out in policy (e.g. IOM Strategic Plan 2016), but is often used when considering issues of overlooking. This is not indicating that the criteria set out in section 2.0 is only "general guide", rather policy for the Operational Policy of Interested Person Status.

0.6.5 The property in question is not within 20 metres of the red line boundary of the application site and therefore as outlined within the Interest Person Status of this report the owner of the Coach House Boarding and Cattery does not meet this element of the IPS criteria and therefore do not meet "ALL" the listed criteria which is a requirement and therefore not recommended for Interested Person Status.

THE REMAINDER OF THIS REPORT IS UNALTERED FROM PREVIOUS PLANNING COMMITTEE MEETING ON THE 20TH MAY 2024.

1.0 THE APPLICATION SITE

1.0.1 The application site comprises of two parcels of land. The first which is approximately 11.3 hectare in area is located on at the land at the Vollan and is made up of Fields No's 131042, 131043, 135315 and 135318. These four fields are located to the northern side of Bride Road (A10) and east of Andreas Road (A9). The character of this section of site is generally agricultural fields, fairly flat in nature and which have field hedgerows to separate each field. There are various field gates to access each of the fields. The northern boundary of the site makes up the current town boundary of Ramsey. This section of the site will be referred as the "main development site".

1.0.2 The second parcel of land is made up of two fields, No's 131085 And 135140 which are approximately 3.73 hectares in area, to the East of Royal Park housing development. The character of this section of site is generally agricultural fields, flat in nature and which have field hedgerows to separate each field. There are field gates to access each of the fields. The field's sits above the Mooragh Park Brooghs and Vollan Crescent/Ramsey Promenade. This section of the site will be referred as the "land to the east of Royal Park".

2.0 THE PROPOSAL

2.0.1 The application seeks full planning approval for a residential development comprising up to 153 dwellings and community uses with associated highway and pedestrian access and infrastructure, drainage, landscaping and public open space together with approval in principle for a primary school on land at Vollan Fields, together with enhancement of existing habitat on land to the east of Royal Park within fields No's 131085 And 135140.

2.0.2 The proposed dwellings are located within fields 131042, 131043 and 135315 only. The dwellings are a mixture of two storey terraces, two storey semi-detached, two storey detached and detached and semi-detached bungalows. The dwellings externally would be finished in painted render and all with a dark grey roof tiles. All properties would have solar roof panels and air source heat pumps. Of the 153 dwellings proposed, 114 dwellings would be available on the open market with the remaining 38 dwellings (2 and 3 bedroom dwellings) being affordable homes. Each dwelling would have two off road parking spaces associated with it. The areas proposed for housing, community uses (neighbourhood centre) and roads amount to approximately 9.1 ha. The net site density is therefore approximately 16 dwellings per hectare. Public open space (POS) is proposed interspersed within this section of the site, made up of amenity spaces, some of which include children's play facilities (three areas). In total 15241sqm comprising 7460sqm formal, 5281sq m amenity, and 2500sqm children play space.

2.0.3 The proposed community facilities (also referred as neighbourhood centre within this report/conditions) which are made up of three detached single storey buildings, located within existing field No 131043, which is to the south-western part of the site. The three buildings would surround a central car parking area (62 spaces, 4no motor bike spaces, and 4no bicycle hooped racks) for uses of the community facilities which are a nursery (133sqm), two retail units (total floor area of 286sqm) and a community hall (407sqm). To the south of the neighbourhood centre is the largest areas of public open space within the site, which includes a playing sports pitch and children's play area.

2.0.4 To the north-eastern/eastern sections of the site the application seeks approval in principle for a new primary school (2.2 hectares in area). The submission shows an indicative layout of the school, parking area, laybys and school playing field. A potential future Reserved Matters application would considered the precise details of the school. This current application only deals with the principle of the land being used for education purposes only.

2.0.5 Fields No's 131085 and 135140 are proposed for habitat enhancement situated to the south east of the development area between Royal Park and the Promenade. This area would be managed by the landowner or other appropriate body and will be retained as such through a Section 13 agreement, for a 30 year period. The works to this area relate the biodiversity gain of the overall development.

2.0.6 In terms of landscaping of the "main development site" the applicants comment;
"The proposed scheme includes the retention of the existing internal hedgerows and trees along the site boundaries where possible. A significant number of new trees will be planted along the site boundaries and within the site to provide tree-lined roads. In addition to this, a 5-metre-wide planting zone is proposed to provide screen planting along the eastern boundary of the proposed school."

2.0.7 The site would be access via two new vehicular/pedestrian accesses. First is the primary access onto the Andreas Road and the secondary access off the Bride Road. This provides a through road linking Andreas Road, running eastwards within the site, to Bride Road. The new main site access road will be 6.75 wide with a 3m wide shared-use footway/cycle way on the northern side of the carriageway and a 2m wide footway on the

southern side. The proposed footway at the Andreas entrance will continue 50m southwards to a proposed uncontrolled crossing complete with dropped kerbs and tactile paving to allow pedestrians to safely cross onto the existing footway on the western side of Andreas Road. There will also be a dropped kerb crossing to the north of the proposed access to allow pedestrians to safely cross onto the existing footway on the western side of Andreas Road. 3.15. The proposed footway from the Bride Road entrance will continue westwards along the site frontage for approximately 50m and tie in with the existing footpath opposite the junction with Vollan Close. An uncontrolled crossing complete with dropped kerbs and tactile paving is proposed to allow pedestrians to cross safely onto the existing footway on the southern side of Bride Road. There will also be a dropped kerb crossing to the east of the proposed access to allow pedestrians to safely cross onto the existing footway on the southern side of Bride Road.

3.0 PLANNING HISTORY

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

4.0 KEY DOCUMENTS/PLANNING POLICY

4.0.1 MATERIAL CONSIDERATIONS

4.0.2 Section 10(4) of the Town and Country Planning Act states:

"In dealing with an application for planning approval... the Department shall have regard to –

- (a) The provisions of the development plan, so far as material to the application,*
- (b) Any relevant statement of planning policy under section 3;*
- (c) Such other considerations as may be specified for the purpose of this subsection in a development order or a development procedure order, so far as material to the application; and*
- (d) All other material considerations."*

4.1 LOCAL PLAN

4.1.1 The application site falls within two area plans, firstly the "main development area" is within an area designated as "Mixed Use – Vollan Fields - I" under the Ramsey Local Plan 1998. The "land to the east of Royal Park" is designated as "Proposed Public Open Space – Ormly Hall - B" under the Ramsey Local Plan 1998.

4.1.2 The Ramsey Local Plan Written Statement states;

*"HOUSING
Policy R/R/P2; Specific Area Development Briefs*

These Areas, which are identified by letter and title on the Local Plan Map, should be developed in accordance with the following briefs.;

"I. Vollan Fields

An additional area has been zoned for residential development as part of an area of mixed use. This area lies to the east of the A9 and to the north of the Bride Road, limited by the Town boundary to the north and by Vollan Farm to the east. Development may proceed only in accordance with an overall scheme for the whole area. This scheme should include an appropriately landscaped soft northern edge to the Town."

4.1.4 And

"B. Ormly Hall

Development may take place only in accordance with a scheme for the whole area which:

- a) preserves as natural, green open space the land referred to in Policy R/R/P1(a);*
- b) provides for a new primary school if this is required by the Department of Education;*
- c) uses low density housing only; and*
- d) includes landscaping of the western boundary of the area and of the link to the Bride Road."*

4.1.5 Given the Mixed use designation the site has also been considered suitable for light industrial development stating;

"Industry

Policy R/I/P1 Light Industrial Development

D. Vollan Fields

The area to the east of the A9, north of the Bride Road and limited by the town boundary to the north and the Vollan Farm to the east has been re-zoned for mixed use which may include light industrial development in the eastern most area. Development may proceed only in accordance with an overall scheme for the whole area (reference; Policy R/R/P21)."

4.1.6 Chapter 5 Community Facilities indicates;

"The Department of Education has indicated that two primary schools are needed in Ramsey and that one be created by the expansion of Auldyn Infants School. The location of the second school will be subject to further consideration by the Department of Education, and will be determined having particular regard to open space and landscaping requirements (reference: Policy R/COM/PIA and B)."

4.2 ISLE OF MAN STRATEGIC PLAN

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

Strategic Policy

- 1 Efficient use of land and resources
- 2 Priority for new development to identified towns and villages
- 3 To respect the character of our towns and villages
- 4 Protection of built heritage and landscape conservation
- 5 Design and visual impact
- 10 Sustainable transport
- 11 Housing Needs

Spatial Policy

- 2 Identified Ramsey as a Service Centre
- 5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations

Environment Policy

- 4 Wildlife and Nature Conservation
- 5 Ecological Impacts
- 10 Flood Risk Assessments
- 13 No unacceptable risk of Flooding
- 14 Loss of agricultural land
- 42 Respect the local character and identity

Housing Policy

- 1 General need for additional housing from 2011 -2026
- 2 Supply of designated housing land available
- 3 Defined housing provision per area
- 4 Location of new housing and exceptions
- 5 Provisions for 25% affordable Housing
- 6 Development Briefs

Business Policy

- 9 support new retail as long as not having an adverse effect on adjacent retail areas
- 10 exceptions of neighbourhood shops in large residential areas

Recreational Policy

- 3 Requirement for Landscaped amenity areas
- 4 Requirement for Public open space

Community Policy

- 1 Provision of new neighbourhood centres
- 2 New community facilities should be located to serve the local population and be accessible to non-car users
- 5 Permission will generally be given for proposals to build new schools in accordance with policies of the plan
- 10 Fire Fighting provisions

Transport Policy

- 1 Be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.
- 2 Provision for new links
- 4 Highway Safety
- 5 Design of Highway Network Improvements
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions
- 8 Requirements for Transport Assessments

Energy Policy

- 5 Energy Efficiency

4.3 RESIDENTIAL DESIGN GUIDE 2021

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

4.4 AREA PLAN FOR THE NORTH AND WEST - Draft Plan

4.4.1 The Cabinet Office has undertaken a Preliminary Publicity which outline matters that the Cabinet Office would like to address in detail within the Area Plan and gives individuals the opportunity to comment at an early stage on these outline matters and inform the production of Draft Plan. Further public consultation was undertaken on the Draft Plan and a number of proposed modifications put forward to the Public Inquiry due to be held in July this year for the Independent Planning Inspector to consider. The later of the plans indicated that the "main development site" (RR006) is proposed as "Predominately Residential" and the "land to the east of Royal Park" as "Open Space". It should be noted that at the Preliminary Publicity stage of the area plan process the "main development site" is to be de-zoned. However, Cabinet Offices has since changed its position as mentioned above. The more

recent draft area plans and Written Statement can be viewed under the “North & West Area Plan Publicly Inquiry Page” web page.

4.4.2 The Draft Written Statement for the plan in relation to dwellings comments;

"14.1.1 Our Island Plan 2021 to 2026 identifies housing as one of the critical issues that Government needs to address. The commitment is to "tackle the housing crisis by ensuring everyone has a suitable and affordable place to call home" and this is linked to the goal that "our housing stock meets the needs of our population now and into the future." It is not the role of this Plan to fully define the term 'housing crisis' or tackle national housing issues but there is a clear need to fully understand the context within which this Plan is drafted. A clear baseline in terms of Housing Policy for the North and West is set out in the Strategic Plan which remains the statutory policy guidance in terms of overall housing numbers.

14.1.2 While the Plan Period of this Plan is to 2026, and there is the requirement to be in general conformity with the Strategic Plan, it is only prudent to take into account the time remaining in the plan period, emerging data projections, the deliverability of housing units in the next two years and the transitional arrangements from one plan to another."

14.2.3 Proposed housing allocations in this plan go modestly beyond the housing numbers specified in the Strategic Plan to take into account the changes in average household size that were at the time acknowledged as susceptible to influence from a wide range of macroeconomic factors and is in the spirit of the plan with the intention of having a regular reviews to plan, monitor and manage."

4.4.3 The statement also indicated that;

"14.3.6 Cabinet Office acknowledge that this plan comes towards the end of the plan period and is likely to last beyond 2026 until the updated Strategic Plan and All-Island Area Plan are approved and brought in to operation. It is very unlikely that all of the sites identified in this Plan and all of the associated infrastructure referred to will be fully built out by 2026. To ensure adequate delivery of housing in the plan period, Cabinet Office proposes to prorata the expected yield of proposals sites for the remaining time to deliver Housing Policy 1 of the Strategic Plan 2016. As an aside, the additional 484 units that may be delivered on the proposal Sites in the medium term provides approximately half of the anticipated uplift in housing need expressed in the Strategic Plan Review Preliminary Publicity."

4.5.6 The Written Statement indicates that a total of 770 dwellings in the North are required to meet the IOMSP total Island housing number of 5,100 dwellings between 2011 and 2026.

4.6 CLIMATE CHANGE ACT 2021;

4.6.1 *"Town and Country Planning (Development Procedure) Order 2019 amended After paragraph 2 of Schedule 1 to the Town and Country Planning (Development Procedure) Order 2019, insert —*

«2A All applications except those for approval for change of use, reserved matters, replacement windows and doors in conservation areas and minor changes

(1) This paragraph applies to applications for planning approval except those referred to in sub-paragraph (2).

(2) This paragraph does not apply to —

(a) an application for change of use only;

(b) an application for approval of reserved matters;

(c) an application to replace a window or a door of a building in a conservation area; and

(d) a minor changes application.

(3) Every application to which this paragraph applies must —

(a) demonstrate that the application has been made having regard to the following climate change policies —

(i) the maximisation of carbon sequestration;

(ii) the minimising of greenhouse gas emissions;

(iii) the maintenance and restoration of ecosystems;

(iv) biodiversity net gain;

(v) the need for sustainable drainage systems; and

(vi) the provision of active travel infrastructure; or

(b) explain why consideration of one or more of those policies is not practicable in relation to the proposed development."

4.7 Isle of Man Economic Strategy

4.7.1 The Isle of Man Economic Strategy was 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".

4.8 UNESCO Biosphere Isle of Man

4.8.1 UNESCO Biosphere Isle of Man is all about keeping the Isle of Man a special place to live, work and visit. The Isle of Man is the first entire Island Nation in the world to receive this designation. The UNESCO Biosphere Isle of Man project does not seek to prevent any specific actions, but to promote enjoying and celebrating the Isle of Man to the full, making it an even better place to be and promoting engagement. The Biosphere Reserves are about achieving a good working balance between people and nature' and the Accreditation reflects how the Isle of Man manages its environment, community and economy, acknowledging that all three components are necessary to achieve a sustainable situation. The Biosphere related guidance, as summarised below, is not formal planning policy but the designation is capable of being a material consideration.

4.9 Department of Environment, Food and Agriculture - Agriculture and Lands Directorate Forestry, Amenity and Lands - TREE PROTECTION POLICY - Department Policy Relating to the Protection of Trees – Version 2.0, December 2021.

4.10 MANUAL FOR MANX ROADS is published by the Isle of Man Government's Department of Infrastructure. Our aims are:

- to ensure the highway network enhances accessibility to goods and services and encourage a diversity of transport modes
- to ensure the highway network provides for safe interactions between transport modes
- to maintain a safe, inclusive and serviceable highway network

5.0 REPRESENTATIONS

It should be noted that full comments made by all representations are available on the Online Services – Planning Applications and any decision should read this in full. Further, the application has been re-advertised in response to issues raised and therefore there are multiple comments from various representations. The comments below are taken from the last correspondence from the relevant party only. As mentioned there have been multiple comments from the majority of each representation.

5.0.1 Ramsey Town Commissioners have made the following observations (25.07.2023):

"I am instructed to tell you that Ramsey Town Commissioners considered this application on 19th July at their monthly board meeting. They wish to submit an observation for this application. The Board raised concern with regards to the impact that an additional 153 properties would have on the infrastructure of the town, specifically the stone bridge on Bowring Road. The bridge is an aging structure which has required strengthening work in recent years. It is the main access route to, from and beyond the town for several northern villages, with the nearest diversion route via Sulby, which is a considerable diversion. The Swing bridge is narrow and one way and would not tolerate the volume and weight as a diversion route. Concerns were also raised over the provision of tertiary services, with residents often commenting on the lack of access to doctors and dentists and what the impact might be with the addition of this estate. And finally, concerns were raised over the flood risk on the site."

5.0.2 Highway Services (DOI) do not object to the application subject to conditions and make the final comments (18.10.2023):

"The applicant has provided additional information and plans in October 2023 to address items from DOI Highway Services previous response dated 20 July 2023. It is advised that an electronic copy of the supplementary TA dated 12 October 2023 online is uploaded as a direct pdf rather than a scan of a paper file as the quality and detail of the plans is not clear for readers. However, DOI Highway Services have seen a direct pdf copy of the plans and can respond to each point as itemised summary as follows:

1. Traffic calming measures and crossing warning signs should be considered on Bride Road and Andreas Road – the applicant has proposed suitable traffic calming measures on Andreas Road and Bride Road as shown on plans GA-001, GA-002 and GA-007.

2. Explain omission or re-submit Station Road accident data within the TA – the applicant has adequately explained the situation and therefore this item is addressed.

3. The main arterial road should be traffic calmed and pedestrian crossings prioritised – pedestrian desire lines between the mixed use area and northern part of the site, between the open spaces and between the primary school area and the dwellings should be enhanced, such as raised crossings or junction features – the applicant have provided suitable features to the main arterial road and therefore this item has been addressed.

4. Junction accesses onto Bride Road and Andreas Road, and pedestrian crossing on Bride Road - visibility splays for these accesses and pedestrian crossing should be confirmed to be adopted and made into footways – the applicant has provided additional footway where available and suitable, and provided deterrent paving at locations to protect visibility splays for accesses and pedestrian crossings. Therefore, this item has been addressed. The exact design of the paving that will be adopted will be agreed in future design and Road Safety Audit stages.

5. New footways fronting Bride Road should be extended to link existing footways in front of properties to the north of Bride Road, to secure adopted visibility splays at the vehicular and pedestrian crossings and to encourage pedestrian trips to/from the site – similar to item 4 above, the applicant has provided additional footway where available and suitable, and provided deterrent paving at locations to protect visibility

splays for accesses and pedestrian crossings. Therefore, this item has been addressed. The exact design of the paving that will be adopted will be agreed in future design and Road Safety Audit stages.

6. New footways fronting Andreas Road should be extended to adopted visibility splays and to encourage pedestrian trips to/from the site - similar to items 4 and 5 above, the applicant has provided additional footway where available and suitable, and provided deterrent paving at locations to protect visibility splays for accesses and pedestrian crossings. Therefore, this item has been addressed. The exact design of the paving that will be adopted will be agreed in future design and Road Safety Audit stages.

7. Uninterrupted and safe/prioritised pedestrian connections to the nursery from the surrounding dwellings should be considered – the applicant has now provided a direct crossing from the surrounding dwellings through the car park on the layout plan and therefore this item has been addressed.

8. Adopted margin of 600mm width should be provided on the proposed adopted roads where footway is omitted on one side. – this has been addressed on the revised layout plan.

9. Bus stop improvements should be proposed on Bride Road and Andreas Road – consultation with the Bus Vannin department should be undertaken to see what facilities would achieve the best outcome to encourage users of the site to use public transport – the applicant has provided bus stops on Bride Road as requested by Bus Vannin on the revised off-site highway works plans which therefore addresses this item. No bus stop shelters were recommended on Andreas Road by Bus Vannin.

10. The pedestrian crossing at the vehicular access on Bride Road would result in pedestrians crossing behind a stopped bus – this should be moved to the rear of the bus when it is stopped as vehicles are approaching the stopped bus – the applicant has moved the crossing between the two bus stops which addresses this condition.

11. The applicant should propose MOVA installation at the Parliament square signals, via a S109 agreement, to offset the traffic impacts of the development – the applicant has agreed to fund MOVA installation at this signals which is welcomed and therefore addresses this item.

12. PERS Study for Ramsey – applicant should suggest improvements funded by the development based on the audit recommendations as well as maximising/prioritising improvements to encourage sustainable travel from the site to/from Ramsey centre – the applicant has agreed to provide improvements to pedestrian access in Ramsey to the site, as per the off-site highway plan proposals, which is welcomed and therefore addresses this item. The exact design of the improvements will be agreed in future design and Road Safety Audit stages.

13. Visitor parking for the dwellings within the private parking areas should be considered at 0.25 spaces per dwelling – the applicant has added visitor parking to these private parking areas which is welcomed.

14. Motorcycle parking for the community centre and retail shops should be provided, and disable parking should be provided in front of the retail shops. Internal cycle parking stores for the nursery, community hall and retail shops staff should be provided – the applicant has provided cycle, motorcycle and disabled parking as

requested so this item has been addressed. Details of the cycle facilities should be conditioned on permission.

15. The applicant should re-assess the lay-by layout for retail shops deliveries and bin store including demonstrating swept path tracking of appropriately large delivery/refuge vehicles to use the bay safely. – the lay-by has been altered to address this item.

16. Flood risk issues, and surface water drainage not draining onto the existing and new public highway, need to be resolved with DOI Flood Risk and Drainage Teams. – further comments by DOI Flood Risk and Drainage Teams are needed to address any outstanding issues for this item.

Planning Conditions:

DOI Highway Services request the following conditions (the drawing numbers below are in relation to plans within the Supplementary TA dated 12 October 2023):

a) Site access and layout to:

- a. GA-001 – Proposed Site Access Andreas Road*
- b. GA-002 – Proposed Site Access Via Bride Road*
- c. GA-007 – Proposed Pedestrian Crossing – Bride Road*
- d. GA-015 – Proposed Site Layout - Highways Adopted Plan*
- e. 06 – Proposed Site Plan*

b) Provision of visibility splays for Bridge Road and Andreas Road accesses and crossings as per approved plans GA-001, GA-002 and GA-007 implemented before first occupation.

c) Provision of visibility splays for internal site layout accesses and internal bend forward visibilities as per approved plan GA-005 implemented before first occupation and retained for the lifetime of the development.

d) Boundary frontages onto the proposed adopted highway for all dwellings must be no more than 1m in height and pedestrian inter-visibility for driveways onto path / public road connections of 2 x 2m must be retained without visibility obstructions for the lifetime of the development.

e) Gradients: No residential driveway shall exceed gradients of 15% for the first 5.0m. No pedestrian or cycle path shall exceed gradients of 7%.

f) Provision of surfacing for parking and movement areas: Prior to the first occupation of the development, private drives, driveways and associated parking areas, local centre circulation and associated parking area must be properly consolidated and hard surfaced and drained and maintained in good working order.

g) Completion of streets: Before any dwelling is first occupied the roads and footways shall be constructed to an appropriate level from the dwelling to the adjoining street and public highway at Andreas and Bride Road (in accordance with the phasing plan TBA?) to ensure streets are completed prior to occupation and satisfactory development of the site.

h) Car Parking as per approved layout plans to be retained for the lifetime of the development.

i) Cycle sheds and secure covered parking for non-garaged dwelling units to accommodate one space per bedroom with details required for approval and provided before first occupation.

j) Cycle parking for staff and visitors at local centre- details to be submitted for approval and provided before first occupation.

k) Offsite works:

a. 4 Bus stop shelters, with details to be agreed with planning authority, shall be provided on Bride Road (2 in each direction) before first occupation of the site.

b. Pedestrian improvements as per plans GA-001, GA-002, GA-007, GA-101, GA-102, GA-103, GA-104, GA-105, GA-106, GA-108, GA-109, GA-110, GA-112, GA-113, GA-114; to be completed before occupation of the site.

l) Construction Traffic Management Plan - details required for approval.

m) Travel Plan approved: The Framework Travel Plan hereby approved shall be implemented in accordance with the measures therein.

Contributions:

S13 financial contribution for MOVA installation at Ramsey Parliament Square signals on commencement of the development – likely to be no more than £15,000.

Reserved matters:

Access, layout, lay-bys and car parking to be agreed for the primary school in a future planning application

Conclusions:

The applicant has addressed all items requested by DOI Highway Services in previous response to the application dated 20 July 2023 and the development provides suitable access, layout, road safety, accessibility and off-site highway works proposals. Accordingly, DOI Highway Services do not oppose (DNOC) this application subject to conditions and a S13 contribution for the MOVA installation at Parliament Square signals. Separate permissions will be necessary with the DOI Highway Services after grant of planning consent to transfer streets from private to public ownership as highway maintainable at public expense under a S4 Highway Agreement and for works in the highway under a S109(A) Highway Agreement. Highway Licences apply for temporary closures and traffic management on the public highway etc.

Recommendation: DNOC"

06.03.2024

"Highway Services HDC have reviewed the updated information submitted online for the above application within the 8 Mar 2024 publication list and HDC cannot offer anymore comments to that made on 18 Oct 2023. Accordingly, HDC still do not oppose (DNOC) the application subject to a conditions outlined in the HDC comments on 18 Oct 2023 - please note that the drawing revision numbers have changed but the general drawing numbers stated in the response are still the same."

5.0.3 Public Estates & Housing Division do not object to the application making the following comments (18.08.2023);

"We refer to the aforementioned planning application, and we can confirm that we have looked at the detail of the application and have considered the provision of a

25% Affordable Housing requirement. We have held preliminary discussions with the applicant who has included in the current application for the provision of 38 affordable homes, comprising two-bed and three-bed dwellings.

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

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

The 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 affordable housing, based upon the usual calculation of 25% of the number of units approved within the application, this being 38.25 comprising 38 affordable dwellings and a Commuted Sum in lieu of 0.25 of an affordable unit. Thank you for giving us the opportunity to comment on the proposal."

19.02.2024

5.0.4 It was further clarified with Public Estates & Housing Division that (04.03.2024):

"My email in the attachment confirms our agreement to the Commuted Sum of £30,000 per dwelling in this location and therefore £7,500 for 0.25 of a unit."

5.0.5 Manx Utilities do not object to the application subject to conditions and make the following comments (14.09.2023);

"Manx Utilities Authority has assessed the above planning application and would like to advise you that the Authority has no objection to the application subject to the following condition/s:-

There must be NO discharge of surface water (directly or indirectly) from this proposed development to any foul drainage system(s) so as to comply with the requirements of Manx Utilities and the Sewerage Act 1999.

The proposed dwelling must be connected to the public sewer(s) in a manner acceptable to Manx Utilities. All drainage works must conform to the requirements of "Manx Sewers for Adoption", any necessary CCTV surveys are to be carried out at the developer's expense.

In accordance with the Sewerage Act 1999, 153 communication fees of will be payable to Manx Utilities Authority in respect each property being connected (directly or indirectly) to the public drainage system..."

5.0.6 Environmental Protection (DEFA) making the following comments:

02.09.2023

"Following the receipt of complaints from the residents of Grand Island about nuisance dog barking coming from the neighbouring Coach House Kennels and Cattery, a statutory noise nuisance abatement notice was served on the business. The business has operated boarding kennels in line with planning approval for many years and has also recently obtained a certificate of lawful use for the operation of 'doggy day care' facilities at the site. There is no guarantee that we will be successful in enforcing the

requirements of the notice if it is breached and I have concerns that future occupiers of the proposed development may be subject to unreasonable levels of noise if it goes ahead.

I would recommend against the development of residential property on land surrounding the Coach House Kennels and Cattery."

26.03.2024

"...I believe that Figure G.4 in the attached noise assessment report Ref: 'RA00807 – Report 1' by Resound Acoustics correctly identifies the homes where the occupiers could be at a realistic risk of noise nuisance.

I note the following from the report:

the Executive Summary states:

"...Hartford Homes intends to install some form of mechanical ventilation in Plots 1 to 6, 35 to 41, and 146 to 153 inclusive..."

Section 6.21 states:

"Closing any form of window will result in much lower noise levels than were set out in this report, so Hartford Homes could consider using some form of mechanical ventilation, either a whole house system, or a room-by-room system, so that future occupants do not need to open their windows to obtain ventilation or to avoid overheating."

and Section 7.8 in the Conclusions states:

"...Hartford Homes intends to install some form of mechanical ventilation in Plots 1 to 6, 35 to 41, and 146 to 153 inclusive..." I have since had confirmation from Hartford Homes that the ventilation systems would be designed in accordance with Approved Document F (Ventilation) of the building regulations and would be Mechanical Ventilation with Heat Recovery (MVHR).

On the condition that whole home MVHR is incorporated into the properties that are to be built on Plots 1 to 6, 35 to 41, and 146 to 153 inclusive in the attached site plan I would be happy to withdraw my previous objection to the application."

5.0.7 Ecosystem Policy Officer (DEFA) do not object to the application subject to conditions and make the following comments (08.03.2024):

"The Ecosystem Policy Team can now confirm that a suitable level of ecological assessment has been undertaken and we are content with the following submitted information-

- Manx Wildlife Trust's (MWT) 2 Preliminary Ecological Appraisal Reports (PEAR) for the Vollan Fields A and the Vollan Fields B, both dated March 2023.*
- Isle of Man Fungus Group's 2 Vollan Fields Survey Reports – The first for Fields 1 -3 and the second for fields 4-7.*
- MWT's Bat Activity Report for the Vollan Fields dated December 2023.*
- MWT's Breeding Bird Survey Report for the Vollan Fields dated December 2023.*
- MWT's Habitat Enhancement Works – Land East of Royal Park dated March 2023*
- Hartford Homes' Wildlife Mitigation Plan dated February 2023 (drawing No. 13 Rev A)*

- *Hartford Homes' Construction Environmental Management Plan for the Vollan Fields dated January 2024.*
- *Hartford Home's Landscape Masterplan (Drawing No. 01 Rev K)*

We can also confirm that the applicants have adequately dealt concerns raised in our original response to this application dated 21st July 2023.

The main ecological mitigation is to be provided off-site in field's numbered 131085 and 135140. Basic details are provided in 'MWT's Habitat Enhancement Works – Land East of Royal Park' dated March 2023. A more detailed habitat creation and management plan incorporating 30 years of ongoing management, timescales for planting and protection measures for rare fungi (See the Isle of Man Fungus Group's Survey of Vollan Fields 1-3), will need to be secured via a Section 13 Agreement which Hartford Homes have already agreed to in section 2.65 of their 'Statement in response to Third Party Consultations' dated February 2024.

As well as this S13 Agreement, the Ecosystem Policy Team also request that the following conditions are secured on approval:

- *No works to commence unless details of a suitably qualified Ecological Clerk of Works (ECoW) have been submitted to Planning and approved in writing. The ECoW shall be responsible for overseeing the various wildlife mitigation measures and the protection measures contained in the Construction Environmental Management Plan, throughout the duration of construction works;*
- *All works to be undertaken in accordance with the Hartford Homes' Construction Environmental Management Plan (CEMP) for the Vollan Fields dated January 2024;*
- *All works to be undertaken in full accordance with Hartford Homes' Wildlife Mitigation Plan dated February 2023 (drawing No. 13 Rev A);*
- *All works to be undertaken in full accordance with Hartford Home's Landscape Masterplan (Drawing No. 01 Rev K);*
- *No works to commence unless a landscaping schedule has been provided to Planning and approved in writing. To note: The MWT recommended in their PEAR dated March 2023 that a 20m buffer between the woodland to the north of field 135316 and any development should be maintained. This was reduced to 7m buffer following the bat survey, on the condition that an area of tall trees was to be planted in this area to shield the woodland from the development and any artificial lighting. These trees need to be planted early on in the construction period in order to give them a longer period to grow and provide this protection – thus the requirement for a landscaping schedule to secure planting at specific times.*
- *All works to be undertaken in full accordance with the tree retention and protection measures, including use of Construction Exclusion Areas, shown in Manx Roots Tree Protection Plan North East (Drawing No. TP-061222-NE_revD) and Tree Protection Plan South-East (TP-061222-SW_revD);*
- *No works to commence until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/23 on Bats and Artificial Lighting (2023), has been submitted to Planning and approved in writing. All works must then be undertaken in full accordance with this plan;*

· The standard replanting condition for the replacement of any tree or shrub which dies or becomes damaged within 5 years from the date of planting, should be applied."

5.0.8 Manx National Heritage objects to the application on the following grounds (03.11.2023):

"I write on behalf of Manx National Heritage ('MNH'), whose statutory responsibilities pertaining to the protection of the cultural and natural heritage of the Isle of Man are defined under the terms of the Manx Museum and National Trust Act.

The Manx Wildlife Trusts Preliminary Ecological Appraisal Report recommends that a buffer of at least 20 m should be maintained between the development and a band of mature woodland, to the North of the site, surrounding the neighbouring Grest Farm. The application's tree protection plan shows that plots 146 to 149 backing straight on to the trees. We would like to see this amended and a buffer between the trees and the development, of at least 20m, provided.

We are also concerned about the effects of lighting on wildlife, especially nesting birds and bats. We would like to see that wildlife friendly lighting such as that with a high amber tone which, emits a light that is less harsh than traditional LED, be included as a condition of any planning approval.

We note that the DEFA Ecosystem Team raise concerns about flood lighting above the playing pitch adjacent to the above mentioned woodland. We would like to see either this pitch moved away from the trees, if it is to be flood lit, or a condition of planning approval that no floodlighting can be installed either during the construction stage or in the future."

5.0.9 Flood Risk Management Division (DOI) comment (18.03.2024);

"FRM are happy with the revised drainage plans

The revised drainage plans should be conditioned to the application should it be approved (DWG 22-111-05 & DWG 22-000-06)"

5.0.10 Business Agency (DED) support the application making the following comments (14.08.2023);

*"This comment has been provided by Officers from within the Business Agency and as such, should be considered as **Officer comment only** and, therefore, not the view or official position of the Business Agency Board, or political members of the Department for Enterprise.*

We note that the eastern site, are out with the Existing Settlement Boundaries as annotated on the 'Draft Proposals Map 4 RAMSEY' forming part of the Draft Area Plan for the North and West published 24th June 2022. However, the two sites are included on the extant Ramsey Town Plan 1998, map 1.

The following comments on the scheme proposals, are made in light of the Isle of Man Economic Strategy: November 2022, which strengthens Government's economic drivers to:

". . . . develop 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, we aim to make the Island a more attractive and prosperous place to live and work, which in turn will sustain and grow productive businesses and

services. Combined, this will provide more diverse and sustainable public finances that support the best possible public services and quality of life for all of our Island residents. We will achieve this through a significant £1bn long term public and private investment programme – investing in our people, our economy, our Island and our public services to secure 5,000 new jobs and a £10bn economy with infrastructure that can support 100,000 Island residents over the next fifteen years, with appropriate incentives / disincentives to achieve targeted and sustainable population growth”.

The Business Agency is pleased to endorse this application, noting particularly that the proposals for 153 homes, noting that 114 No. ‘open market’ properties, which include a mixture of 2 and 3 bed bungalows and 3, 4 and 5 bed houses. There are 39 No. affordable homes provided (25.5% of the total) which complies with the IOMSP Housing Policy 5, which include 2 and 3 bed house types which are considered to meet a major strategy driver in the Economic Strategy to ‘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’.

‘Section 20. National Outcomes and Indicators’ of the Island Plan also sets out that Government will seek to improve infrastructure and services, specifically Housing, with +1,000 additional homes occupied by the end of the parliamentary term, measured using Census information supplemented by additional measurement methods.

The Economic Strategy goes on to state that we should create;

‘A more vibrant place for residents to live, building great communities with better services, and a higher quality of life’. It also seeks to ‘re-adjust the Island’s offering to target new younger workers and families, while encouraging our young people to stay and build their futures on the Island’ and proposes that ‘attracting more economically active people will help generate further income to be reinvested into the Island’.

The ‘Labour Market Statistics’ report produced by the Cabinet Office clearly outlines a low unemployment rate at 0.5% in the June 2023 report, with circa 788 vacancies noted at the Job Centre. This scheme, a mix of 2 and 3 bed bungalows, 2 bed apartments and 2, 3 and 4 bed houses delivers on the broader desires to see more multi-generational housing made available as set out in the Island’s Strategic Development Plan. In so doing, the provision of housing seeks to alleviate one of the barriers to relocating to the Island, which is the availability and choice of housing.

The application provides a Summary of Economic Benefits, stating that the proposals will contribute towards achieving the economic aims of the Isle of Man Government by supporting inward investment, providing homes and job opportunities and by making the Isle of Man a more accessible and attractive place to live and invest. The applicant estimates that the proposed development would generate the following economic benefits:

- *A total capital investment in the order of £50 million which represents a total economic output of over £142 million; the Planning Statement accompanying the application quotes the following as justification for this;*

“A report by UK Construction Council of the Confederation of British Industry showed that via these indirect channels, construction projects send ripples of economic activity through the wider economy generating £2.84 in total economic activity for every £1 spent construction projects (CBI, Bridging the Gap: Backing the Construction Sector to Generate Jobs, 2012)”.

The Agency has not been able to validate these figures however, we note that the research conducted for the February 2020 CBI report entitled ‘Fine Margins: delivering financial sustainability in UK construction’ indicates that ‘every £1 spent on UK

construction creates £2.92 of value to the UK. The industry employs 2.3 million people directly – supporting over 3 million more indirectly – and construction activity contributes 6% of GVA’. This might suggest that the scheme is worth £146 million in the UK context.

- *Supporting some 100 jobs in the construction industry;*
- *Delivery of 153 new homes towards the housing needs identified in the Strategic Plan;*
- *The scheme includes a varied housing mix, predominantly family housing which will help to attract and retain the economically active population through the provision of housing accommodation which supports the vision within the Isle of Man.*

In respect of the Economic Strategy, the scheme delivers:

- *39 affordable houses which will cater for all 20 people of those on the current Register for First Time Buyers in the North area;*
- *Community uses including two local convenience shops, a community hall and nursery unit which will provide day to day essential services and create approximately 15 jobs;*
- *The provision of a nursery will provide childcare which will help to remove barriers to employment;*
- *Provision of land to accommodate a future two-form entry primary school to be delivered by the Department of Education which would support the Island’s education infrastructure;*
- *Provision of publicly accessible open space on-site;*
- *Provision of over 3ha for habitat enhancement situated to the east of Royal Park;*
- *Additional household expenditure to support the local economy.*

The scheme delivers a low carbon development through the provision of highly energy efficient buildings that are highly insulated with air source heat pumps, roof mounted PV panels and EV charging infrastructure which the Business Agency therefore considers that these proposals go some way to ‘considering how our Climate Change commitments can inform and positively influence our economic growth, opportunities and stability over the long term’.

In conclusion, the Business Agency reiterates its support for these proposals which it considers maximises the development of a site designated for residential development, thereby directly delivering aspects of the Island Plan and Economic Strategy and the Built Environment Reform Programme, released in July 2022 by the Cabinet Office, which seeks to improve infrastructure and services, specifically Housing, with +1,000 additional homes occupied by the end of the parliamentary term.

I am grateful for this opportunity to offer the Business Agency’s comments and support for this scheme and trust you find them of use.”

- 5.0.11 Manx Care -Executive Director of Health Services comments (19.02.2024);
“...In terms of dental provision, there is only one NHS dental provider in Ramsey which is Smile based in RDCH who are currently unable to fulfil their NHS contract due to dentist recruitment issues. Given we have no additional identified funding for provision of NHS dental services in the north (or indeed anywhere on island), the construction of additional properties in the north will place additional demand on the local NHS dental services which we will struggle to accommodate based on our current budgetary allocation.”

- 5.0.12 DOI Highway Services Drainage (17.04.2024);

"...We are now satisfied that the surface water drainage system serving the highway within the proposed development is satisfactory.

Recommendation: The proposed surface water system meets our highway drainage requirements and in this respect the highway within the development is suitable for adoption under Section 4 of the Highway Act 1986. Please note that this recommendation does not guarantee adoption as there are other criteria to be met before this can occur. If the Applicant wishes to enter into a Section 4 agreement we recommend that they discuss this with our Highway Asset Management Team who administer the adoption process. Ideally this should be done prior to the determination of the planning application as any amendments required to the highway layout post planning (if approved) might need to be resubmitted to them for approval."

5.0.13 Department of Education, Sport & Culture comment (01.05.2024);

"Education capacity in Ramsey.

Primary

The planning site is in the catchment of Bunscoil Rhumsaa primary school. This school is within capacity with a current 23/24 roll of circa 461 (including SPC unit) compared to our stated mainstream capacity of 566.

The school was designed to accommodate future extensions to increase capacity when needed, at both ends of the junior building wings – this could increase capacity to circa 650. As you are aware the application includes provision for the siting of a new primary school. I can confirm this site identified appears suitable for the development of a one or two-form entry school. Whether we move forward with enlargement at Bunscoil Rhumsaa to meet future additional demand or a new school provision at this location, will be a decision for the Department in the longer term, depending on educational policy, the extent / location of future residential development in the town, and funding.

Secondary

The planning site is in the catchment of Ramsey Grammar school. This school is running at capacity with a current 23/24 roll of circa 991 (including SPC unit) compared to our stated mainstream capacity of 943, which has been increased through the provision of mobile classrooms to 978.

Whilst the existing east and west sites are constrained by the main Lezayre Road to the front, existing residential to the front and sides, and the golf course to the rear, and we do not wish to see any future reduction in external recreation space, there are development opportunities at both sites. There are extension infill opportunities, and potential to increase density by two storey accommodation rather than single as existing, which could enable the capacity to grow to circa 1200 / 7-form entry. Our requirement to grow the school capacity is identified within our Strategic Needs Impact Assessment (SINA), as submitted to Treasury.

IOMG / Treasury must support such new educational development (and staffing / revenue implications) , if new residential development is be approved / progress at this site (and other sites in the town / RGS catchment), in order that we can accommodate the existing and arising educational needs."

5.0.14 Forestry, Amenity and Lands Directorate comment (09.05.2024);

"The application involves the removal of two category B sycamore trees. This would usually result in an objection under the Tree Protection Policy, in this instance, however, we will be withholding our objection due to the scale of the mitigation proposed, and the limited contribution the trees make to the landscape due to their limited size and age. If this application is approved, I recommend that a detailed planting plan including species of trees, size at the time of planting, planting

methodology, and aftercare plan, is requested as a pre-commencement condition, as well as adherence to the tree protection plan that has already been provided.”

5.0.15 Comment's were sought (19.02.2024 & 18.04.2024 & 29.04.2024) from Manx Care (regarding GP's capacity); however no response was received.

5.0.16 A number of private representations have been received from the following addresses who have objected to the application:

- Greenbank, Bride Road, Ramsey (27.07.2023 & 08.11.2023 & 27.03.2024);
- 12 Ormly Avenue, Ramsey (06.07.2023);
- Pendle, 5 Brookfield Avenue, Ramsey (21.07.2023);
- 36 Cooil Breryk, Ramsey (22.07.2023);
- Meadow View, Andreas Road, Dhoor, Lezayre (23.07.2023);
- 6 Thornhill Close, Ramsey (24.07.2023 & 26.07.2023);
- 47 Lezayre Park, Ramsey (23.07.2023, 09.11.2023 & 28.03.2024);
- Woodland, Grove Mount West, Ramsey (14.07.2023 & 08.03.2024);
- Elleray, Bride Road, Ramsey (24.07.2023, 03.11.2023, 03.01.2024 & 25.03.2024);
- Fasque, Andreas Road, Ramsey (07.11.2023, 26.07.2023 & 28.03.2024);
- 2 Ormly Avenue, Ramsey (27.07.2023, 09.11.2024 & 28.03.2024);
- Thie Y Vollan, Bride Road, Ramsey (28.07.2023, 13.11.2023 & 30.03.2024);
- Fair Isle, Bride Road, Ramsey (07.11.2023, 25.03.2024 & 26.03.2024);
- Thie Mooar, 9 Grand Island, Ramsey (03.04.2024);
- The Coach House, Bride Road, Ramsey (17.07.2023 & 18.07.2023);
- 6 Summerland, Ramsey (25.07.2023);
- 1 Croit Ny Kenzie, Andreas (27.07.2023);
- Brackney, Bride Road, Ramsey (24.07.2023);
- 53 Royal Park, Ramsey (06.07.2023);
- Anchor Down, Bride Road, Ramsey (26.07.2023 & 07.11.2024);
- 40 Royal Park, Ramsey (27.07.2023);
- Ballacarberrry House, Andreas Road, Dhoor, Ramsey (27.07.2023 & 08.11.2023);
- 8 Princes Road, Ramsey (27.07.2023);
- 80 Greenlands Avenue, Ramsey (27.07.2023);
- 17 Rheast Mooar Close, Ramsey (28.07.2023);
- Penryn Lodge Apt, St Olaves Close, Ramsey (07.07.2023);
- Vollan Garden, Bride Road, Ramsey (26.07.2023);
- Rostherne, Bride Road, Ramsey (28.07.2023 & 10.11.2023);
- St Bridgets, Bride Road, Ramsey (28.07.2023 & 31.07.2023) – included a petition;
- 122 Royal Park, Ramsey (31.07.2023);
- 45 Royal Park, Ramsey (02.08.2023);
- Shearwater, The Dhoor, Andreas Road, Lezayre, Ramsey (27.10.2023);
- Wavertree, Ormly Avenue, Ramsey (14.07.2023);
- Ormly Hall, Bride Road, Ramsey (17.07.2023);
- 117 Greenlands Avenue, Ramsey (20.07.2023);
- Ballakesh Farm, Lhen Road, Bride (20.07.2023);
- The Haven, Dogmills, Ramsey (20.07.2023);

5.0.17 Full details of the comments can be viewed on the Planning Departments website. The main objections/concerns are;

- Flood concerns, namely to the properties which run along the south boundary of the site along Bride Road;
- Highway safety matters, give to the increase in vehicular traffic caused by the development on already congested roads;
- Impacts upon existing Doctors/Dentist services which are at capacity;
- Site has been de-zoned by the Draft Area Plan for the North and West;

- The development will have an adverse visual impacts to the area and out of keeping with the character of the area;
- Impacts upon the ecology/wildlife in or around the site by the development; and
- Loss of agricultural land.

5.0.18 The following are summarised comments/statements made by local residents;

- Disturbance by construction;
- Concerns of additional traffic generate by school and new dwellings;
- Loss of wildlife;
- Flooding concerns due to high water table in area;
- Impacts upon amenities due to loss of privacy, light, dark skies and impacts upon our visuals;
- Loss of lights due to new landscaping;
- Proposal would result in loss of biodiversity, increase light pollution and compressions the Dark Sky's site at Mooragh Park;
- The density of the development is extremely extreme, equating to 400+ additional people and 200 to 300+ extra cars;
- What guarantees will there be though that the new owners don't dig out the existing plants in favour of 'more attractive' / maintainable/ private hedges or fences;
- It also doesn't seem right that developers can say they are "mitigating" the ecological impacts of one site being ruined, by planting some wildflowers in an entirely different location;
- There are significant flooding issues and high water tables in the fields throughout the year, causing flooding into our neighbours gardens and onto the roads. Residents of Royal 9 of 15 Park are also experiencing flooding problems in their brand new Hartford Homes gardens, as are property owners in Ormly Avenue;
- Can our small local fire service cope if there were to be a large-scale fire;
- Bride Road (and Bowring Road) is already extremely busy with traffic especially at peak times, including work/school commutes and weekend traffic/ HGV traffic to the amenity site and existing building sites, which already makes it difficult to get out of/into our drive;
- If the development is given the go ahead, how far into the distant future will the 'community/ recreational facilities' actually be created? They are planned as Phase 4 of 4;
- Are they suggesting that the proposed Open Spaces are going to be usable? It seems they are in the most floodable and marshy areas of the fields;
- A cantilever bus shelter proposed immediately opposite our home, in lieu of the current inconspicuous bench and flagged bus stop. This would negatively impact our visual outlook and increase the potential disturbance from antisocial behaviour and noise;
- The new, second bus stop that is proposed opposite the first, on the northbound carriageway adjacent to our next-door neighbours' home, is also of concern. Having two bus stops so close to each other will inevitably cause traffic issues and safety concerns at what is already a difficult junction to manoeuvre;
- As Bride Road will become sandwiched between several large housing estates – Ormly Estate, Royal Park, and the new proposed 'Vollan Fields' development - should it not have its speed limit reduced to 20mph and with traffic calming measures added;
- The Stone Bridge on Bowring Road isn't subject to a weight limit. There is therefore no restriction or control on HGV movements or the number of light vehicles, i.e. cars, that can cross the bridge and structural concerns;
- Will there be sufficient parking in the town for the extra vehicles attending the GPs, dentists, pharmacies, vets, supermarkets, primary and secondary schools, and shops;
- Can the town's social facilities (infant school, primary school, secondary school, nurseries, hospital, GP surgery, dentists, pharmacies, vets, supermarkets etc) and

local amenities/utilities (waste collection, amenity site, drainage, sewerage, water supplies, 12 of 15 electricity, fibre etc) genuinely cope with this additional level of population;

- The lower Milntown proposal 20/010801/B was recently dismissed at appeal for the following reasons, which surely also apply to this proposal for Vollan Fields;
- there are a number of eye-sore brownfield sites and derelict buildings in Ramsey and the North that should instead be the first to be developed;
- The 2021 census showed a high property vacancy rate of 16% of existing housing in the town;
- The Cabinet Office's draft area development plan for the North and West proposes removing the Vollan Fields as an area for development altogether;
- Fields are used for grazing of cows and sheep and once built on will be lost forever;
- Government is concerned that our Island should produce as much as possible for us to be self-sufficient;
- Should build on existing brown field sites first;
- Our roads are a disgrace and for emergency services to have access to properties will be a struggle due to the increased traffic;
- The road to Bride is already busy with heavy traffic heading to the amenity site;
- The roads around this proposed development have not changed and they are still country roads with one lane in and one lane out of Ramsey;
- These roads have blind corners and twisting country lanes and are an accident waiting to happen both on Bride Road and Andreas Road;
- It seems we are already to lose more the green lungs which make our town pleasant to live in;
- A new dwelling directly adjacent to our property which will completely remove our view from the living quarters, will potentially impact our right to light and our privacy;
- It is understood that nobody has a right to a view, however, it is rather inconsiderate to block off an outlook from an existing living space;
- The development proposal appears to be a mass of standard traditional housing which we appear to be accustomed to with no foresight to modern building techniques to assist with blending the properties into the landscape;
- The proposed houses on Bride Road in particular are completely out of keeping with the character of the area;
- The Vollan Fields are not included in the North West Plan for development and the North West public consultation strongly suggested that the Vollan Fields are to be de-registered for any form of development. We suspect this would be in relation to the immense damaging impact on fine agricultural land, biodiversity, its unsuitability for development due to very poor ground conditions, a road network which is unable to accommodate additional traffic, inadequate infrastructure and the destruction of a stunning landscape which are all points detailed further in our objection;
- We highly suspect that the developer is attempting to expedite planning before the plan is passed. We would respectfully ask that the Planning Committee takes the fundamental reasons for exclusion of the Vollan Fields from the plan into its consideration;
- Some residents on Bride Road that live next to the Vollan Fields are elderly. The impact it will have on them is unthinkable;
- The proposal is urban sprawl with high density housing which is a very unwelcome intrusion on the Manx countryside and the areas ecological system;
- The 'Vollan Fields' were zoned as residential in the 'Ramsey Local Plan 1998' and perhaps we are better positioned to recognise the damaging effects these large developments have on our environment than we did back then. Just because it was zoned 25 years ago shouldn't necessarily determine the outcome of the submission as a foregone conclusion;

- The Isle of Man is the only entire jurisdiction in the world to be designated as a UNESCO Biosphere Reserve;
- Large scale developments that destroy the countryside contravene the strategy to protect biodiversity, especially those that are unjustified;
- There will be a devastating effect on the areas ecology and wildlife;
- The 'Preliminary Ecological Appraisal' advises at Clause 4.20 that Starling and House Sparrow were recorded which are coded medium conservation status and Herring Gull, potentially roosting, which is a red coded high conservation status;
- There are two registered Rookeries which have been present for a long time, one at Ormly Hall, Bride Road and one next to the Vollan Fields at Grest Farm;
- Proposal is contrary to IOM Strategic Plan Policies;
- The existing drainage in Bride Road is at capacity and evidently unable to withstand pluvial flooding events;
- There is nowhere for the huge amount of field surface water to be discharged and it is no exaggeration when describing the volume of water as enormous;
- Due to the extreme amount of water, the field banks have previously 11 burst, flooding Bride Road;
- There is a very serious concern that the existing properties which bound the site would end up flooded, especially as it became more developed because the water table will rise and also direct water towards the houses on Bride Road;
- The fields are absolutely saturated and simply unsuitable for any form of construction;
- The recent Royal Park development by Hartford Homes has sold properties which are now experiencing flooded gardens and in some cases are unusable. This is not what anybody expects when purchasing a supposed premium home;
- Our property does not have a rear boundary wall, only a fence so it is a concern that we would be highly exposed to flooding;
- The trial pits appear to have evaded locations of serious flooding, in particular the locality of a property known as 'Fair Isle' which experiences severe flooding events;
- The 'Site Hydrology and Flood Risk' statement dated 29th March 2023 submitted with the application is alarmingly dismissive and clearly hasn't captured or appreciated the serious flooding issues that exist in the area;
- Existing Bride Road services would therefore be reliant upon discharging a significant amount of surface water, especially as the water table rises, which is already at capacity despite other catchment areas within the proposed development;
- Contrary to Environment Policy 13;
- The Bride Road junction which exits onto the Andreas Road has a very poor visibility splay from the right and is especially difficult when turning right to head towards Andreas;
- The majority of homeowners use their cars on a daily basis and to expect people to cycle or walk in inclement weather, long distances, school drop offs and collections, transporting goods and shopping is inappropriate and wishful thinking;'
- Development is not therefore essential and there is an abundance of properties available on the marketplace;
- The proposed Poyll Doeey development by others which is at planning stage includes 207 new homes in the centre of the town. Both developments combined would create a minimum of 360 new homes and potentially over 600 more cars using the already congested roads;
- Concerns of heat pump noise;
- Contrary to Environment Policy 14 due to loss of agricultural land;
- An increase in traffic using the town's road network is only going to increase congestion beyond that already experienced and the probability of more accident;
- The bus stop is so close to the Ormly Avenue junction, it impedes visibility to the left whilst exiting onto the Bride Road when buses are stationary. The bus stop is simply very poorly positioned and needs to be considered for relocation elsewhere;

- doesn't comply with the 'Manual for Manx Roads' at clause 5.1.52 where it states 'Bus stop locations should be included in the road safety assessment process to ensure the location of the bus stop does not create a road safety risk to 'other traffic';
- The queues to eventually progress through Parliament Square at peak times is significant which often starts at Bowring Road;
- It is suggested that a development of 153 new houses will result in a forecast 'negligible queuing increase'. It is unclear how the introduction of a further significant amount of vehicle users is going to result in a negligible impact when the road network is already at capacity;
- Bride Road is already busy as it exists and there is also daily hauliers using the road to access the 'Wrights Pit' at the Point of Ayre and farming machinery in relation to local farms. The level of extra traffic generated is a serious concern;
- The i-Transport proposals do not comply with the Isle of Man Strategic Plan 2016;
- The i-Transport report is misleading and suggests that the additional traffic will have minimal impact;
- The North West Plan downgrades this area for development which will have a significant impact in the volume of and nature of vehicular movements at site level or on the local or wider highway network affecting key junctions which may already be congested;
- The North West Plan downgrades this area for active travel because the site is located more than 1km cycling distance from an active travel link;
- There is already a traffic congestion issue at the two schools on Lezayre Road;
- The speculative figures in the i-Transport are just that and seem rather conservative;
- Vagueness with regard to construction traffic movements and how it would impact existing residents;
- Judging the many issues, it is our opinion that representation from i-Transport hasn't visited the site, which we consider of utmost importance, to fully appreciate the enormity of the overall infrastructure requirements. The proposals have likely been developed 'off plan' only. If the site and the town have been visited then it has been totally misunderstood;
- In essence, it is the local public which experience the existing issues on a daily basis and it is their first-hand knowledge which should therefore take precedence. The 'i-Transport' 17 report has been produced by a company located off the island and it is therefore not going to be conversant or appreciative of all the issues encountered by the locality;
- Our neighbours had to call out the MUA on Wednesday 28th December 2023 to pump away flood waters from their garden due to the severity of the water levels which impacted on their sanitary appliances;
- The area has experienced severe flooding issues over the Christmas period. The ground is saturated to the point that there is nowhere for the water to go and the existing drainage system is completely overwhelmed;
- the 'BB Consulting Engineers' 'Planning Statement Relating to Drainage' Issue 3.0 dated 25.04.2023 which advises that the calculations for the outflow of foul water is within parameters of the existing drainage system of the area. This is factually incorrect as demonstrated in the images within this document;
- The MUA has checked the main drain and there are no blockages which would suggest that the existing drainage system is simply overwhelmed and unable to withstand the current volume of water as a result of a high water table. The proposals do not include for any replacement of the drainage infrastructure which appears to be inadequate;
- The drainage system is connected to the Mooragh Park pumping station which doesn't operate, as expected, during high water which is one potential reason the water is building up in the area. If another 153 homes are to be linked into the existing system from this proposed development alone, it simply won't cope;

- The proposals haven't taken into account the seriousness of the situation and the Engineers suggestion that the existing drainage capacity is sufficient to withstand a further 153 properties is alarming and very worrying;
- Since the Royal Park development, properties which didn't flood are now flooding. Our neighbours had to call out the MUA on Wednesday 28th December 2023 to pump away flood waters from their garden due to the severity of the water levels which impacted on their sanitary appliances;
- We refer you to the 'BB Consulting Engineers' 'Planning Statement Relating to Drainage' Issue 3.0 dated 25.04.2023 which advises that the calculations for the outflow of foul water is within parameters of the existing drainage system of the area. This is factually incorrect as demonstrated in the images within this document. The drainage system is not capable;
- The North West public consultation did in fact strongly suggest that the Vollan Field area be de registered from any form of development. The NWP for reasons unknown still remains a 'draught' document;
- Development on the existing site will eliminate open spaces and important landscape settings at what is a beautiful location;
- The ground soil in this location at present can support high levels of crop growth;
- Perceived population growth on the island is speculative at best and has not yet occurred;
- A number of similar properties of the type suggested by this development remain unoccupied and for sale in the Jurby area;
- Reduced health care needs, there is already a clear lack of doctors and dentists on the island and in terms of the North, the Ramsey Group Practice is already operating at full capacity;
- The design of the proposed properties. They are all modern in design and appear to be of a bland and repetitive style;
- It is clear to us that the developer is attempting at this early stage to mitigate against a serious noise issue at the location. Any potential buyers will be subject to sever noise pollution from this business;
- The noise emissions from properties with air source heat pumps installed;
- The potential loss of this agricultural land would contravene The Isle of Man Strategic Plan 2016 and the Environment Policy 14;
- We are of the opinion that despite several communications made by other residents opposed to this development to Manx Utilities and the IOM Government Flood Hub they still do not grasp the very real and serious issue of flooding on the Vollan Fields site;
- On the amended plans (as we have interpreted them) there is now to be a Detention Basin in the location of the field. Oddly enough on the exact site where the field regularly floods during high rainfall periods. They also classify this land as 'seasonal wetlands';
- It is worthy to note at this point that in the BB consulting report - dated 9th Feb 2024 an Addendum to site Hydrology and Flood Risk' - it highlights that the proposed drainage system and associated gullies are reliant on good and effective maintenance;
- In the Ramsey Local plan - Clause 3.6b (c) states the use of low density housing only. From the plans submitted by the developer, this is a high density estate, with little room between the proposed properties. This isn't in keeping with other properties within the area;
- This planning application isn't required in Ramsey and would be a blight on the character of the historic and beautiful landscape in and around the Vollan Fields and Bride Road areas;
- We cannot see how the proposed building of 153 homes and as suggested (by the i-Transport report) an extra 395 vehicles WILL NOT adversely impact on a local transport network that is already congested;

- we believe the contents of the 'i-Transport' report are misleading and optimistic at best– undertaken and produced by a company (with respect) who do not understand the complexities and issues on the Isle of Man, in particular within the North of the Island;
- the developers have failed to consider this with the proposal of 5 dwellings on the Bride Road elevation, next to the property Elleray, which will clearly overlook our main living area and garden taking away any privacy that we have;
- It's a concern to all residents the impact of the flooding and how it could increase when 153 homes might be developed on the site, how will the rainwater runoff and where to;
- The Bride Road is already a very busy road, for commercial vehicles as well as cars, lots of which travel at speeds above the 30mph limit. It is a reasonably accurate average to assume that each new house will own two vehicles meaning that this development could potentially bring a further 306 vehicles to the area;
- The proposal of a school and small shops comes across as a bit of a red herring to us. It is quite often that this type of suggestion is thrown in to appease the planning department but quite often they never actually materialise. Why is another school required when the existing schools don't seem to be at full capacity and if it did get built where would the teachers come from, there is already a shortage of staff for schools on the Island;
- Regardless of however many "mitigations" are put in place we feel that they will in no way compensate for the total destruction of habitat and feeding grounds of the many birds, bats, frogs, lizards etc that use these fields;
- In the draft north and West area plan Vullan Fields RR006 were showing as de-zoned for development due to poor drainage, Visually intrusive;
- The volume of field surface water is enormous, leaving no place for proper discharge. This results in the formation of a lake near the property during the autumn and winter months, with water flowing onto Bride Road from the access gateway during heavy and prolonged rainfall. The field banks have previously burst due to the excessive water, causing flooding in Bride Road;
- We note that as a result of the Noise Assessment report, mechanical ventilation is proposed for 21 dwellings in an attempt to reduce noise levels. We wonder if the future owners of these 21 dwellings are expected to not make use of any outside areas or their own gardens during the summer months, which is usually one of our busiest periods? In our opinion, installing mechanical ventilation just highlights that there is a noise problem and for Hartford Homes to want to locate houses and education so close by shows disregard to future home owners and pupils;
- Because of noise from barking, boarding kennels are more appropriate in rural than urban locations. It is staggering that such a large development of houses and education should be contemplated immediately adjacent to our kennels;
- A recent residential development at Grand Island is already causing a significant impact on our Day Care business because of alleged unacceptable noise levels and we are very concerned as to the viability of our business if planning approval is given at Vullan Fields;
- please consider the impact that the influx of new residents (500+?) and vehicles (200+?) will have on the already pressurised infrastructure and amenities of our beautiful town;
- The houses will not be affordable for the first time buyer;
- It is questionable if this site visit period over one visit, 50 minutes at midday was adequate for an accurate and conclusive audit for this development as it will not take into account traffic outside of this 50 minutes or other periods of the year. Please note the Civic Amenity Site is closed daily during this period and also is outside of school opening and closing hours;

- The contractor has proposed measures to mitigate some of these flood issues and one concerning proposal is to construct a 600mm high bank with hedge over to one of the properties which is two properties away from ours. Surely this will move the problem to another area and possibly towards our property. This indicates the developer is aware of the issue but has failed to treat the problem at source and damages any confidence we have in the developer to consider us within their development plans;
- There is a large rookery adjacent to our property and another rookery nearby at Grest Farm. These birds are regularly seen in these fields and are known to feed in these fields;
- We regularly see the various species of wildlife mentioned in the ecology report within the fields with some frequently visiting our garden including bees and bats;
- The level of the site is rising in height significantly as it distances from our property indicating the floor levels of the proposed properties will be much higher than the floor level of our property. The proposed property types adjacent to our property have living arrangements at the rear which are facing our bedrooms. This will impact on our privacy;
- The proposal that the developer has submitted for planning approval clearly does not include an appropriately landscaped soft northern edge to the Town;
- Currently there are not the jobs within the Ramsey area to support the number of residents of the proposed development, and we would submit that the reality is that most of the residents would have to travel to Douglas for their employment;
- The applicant also makes great play of persons walking or cycling into Ramsey. We know, as cyclists, that the journey up or down Bowring Road can be daunting to any pedestrian or cyclist due to the large number of very large HGVs using this road to access the industrial areas of the Andreas Airfield, along the Andreas Road, and the pits at the Point of Ayre, along the Bride Road;
- We would say that the fields in question are currently not designated for future development in the draft North and West Area Plan. The applicant has also not shown within their application that there is an overriding national need in land use planning terms which outweighs the requirement to protect these areas. There are also suitable alternatives available and brownfield sites that could be utilised for building in the future, both in the North and Island wide;
- We also note that in drawing ITB17390-GA-001, showing the position of the relocated 30mph signs, it shows the signs as derestricted when heading out of Ramsey. They are in fact 40mph and were changed to that speed limit due to a campaign from the residents of The Dhoor objecting to the large number of vehicles speeding through the area;
- The completed development would bring more noise, a loss of privacy and an uninspiring view of a large housing estate;
- My garden gets standing water in it during the winter months this is getting progressively worse, this is not due to water running directly off the field, so I believe it must be due to the high and rising water table, as I have a solid wall with field;
- A bund has been suggested for my neighbours but does not extend to mine;
- The report appears to have not taken a great deal of notice of resident's concerns, in the original representations, which I find concerning;
- I have spent time in a property on the Bride Road that backs onto the fields for the site of the proposal and they are massively waterlogged in the wetter months. It looks like there are large ponds in the fields. I find it ludicrous that the plans state there is no issue with standing water/flooding, especially as on the IOM Flood Hub Map indicates that the field has medium likelihood for standing water;
- I object to the proposal to "enhance" the habitat in that field and field reference 135140 I object because there is no information given about the future management and control of those areas. There is no information regarding who will take responsibility of the maintenance and up keep of those areas. At the moment the

fields are used and zoned for agricultural land and actively managed by the owners/farmers. The proposal to turn these agriculturally managed areas into some form of wild wilderness is likely to give the appearance and impression that these areas are abandoned and that in turn is likely to encourage anti-social behaviour and disruptive occupation of the area which is currently not used or occupied in any way that is disruptive to the neighbours;

- The proposal to "enhance the environment " of the two fields is nothing more than green washing and an attempt to justify a higher density of development in the proposed housing development area;
- Would it not be better to make concentrated efforts to regenerate the centre of Ramsey itself, with government sponsored initiatives to refurbish existing buildings, or build in the gaps caused by demolition of previous buildings, keeping a lively and healthy central hub, rather than extending ever outwards; and
- Large Developers should be made to use brownfield sites and provide truly affordable homes.

6.0 ASSESSMENT

6.1 APPROACH TO ASSESSMENT

6.1.1 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;
- (e) Potential drainage/flooding issues;
- (f) Potential impacts upon ecology;
- (g) Affordable housing provision;
- (h) Public Open space provision;
- (i) Impact upon public services;
- (j) Environmental Protection issues (noise);
- (k) Loss of agricultural land (EP14);
- (l) Climate Change/ UNESCO Biosphere Status; and
- (m) Archaeology

6.2 PRINCIPLE OF DEVELOPMENT (Strategic Policy 1 & 2, Spatial Policy 2 & 5, General Policy 2, Housing Policy 1, 2, 3, 4 & 6, Business Policy 9 & 10, Community Policy 1, 2 & 5 AND RAMSEY LOCAL PLAN 1998 – "I. Vollan Fields & B. Ormly Hall")

6.2.1 The first and one of the main issues relating to this application is the principle of development on this site, namely residential, education purposes (primary school) and community uses, together with enhancement of existing habitat on land to the east of Royal Park.

6.2.2 The Ramsey Local Plan has been adopted since 1998 and is currently the only extant adopted local plan and forms part of the Development Plan with significant planning weight.

6.2.3 Since the adoption of the Ramsey Local Plan, the Isle of Man Strategic Plan has been adopted (June 2007 & 1st April 2016). Within this document Strategic Policies 2 & 5 require that new dwellings/employment/services be located within existing sustainable settlements. Spatial Policy 2 also indicated that outside Douglas development will be concentrated on a total of five Service Centres to provide regeneration and choice of location for housing, employment and services, one of these service centres is Ramsey. The "main development site" is shown within the "Local Plan Boundary (Ramsey Town)" under Map No. 1 (north) forming part of the adopted Ramsey Local Plan.

6.2.4 In terms of housing need, more recently the update to the Isle of Man Strategic Plan 2016 (updated) has been undertaken and adopted, which identified that a total of 770 new dwellings are required to be provided between the years of 2011 to 2026 in the north of the Island alone. Given Ramsey is regarded as the main Service Centre in the north of the Island, it is reasonable to consider the majority of these dwellings are likely to be provided in Ramsey, especially given designated residential land is still available under the Ramsey Local Plan which was adopted in 1998. It is also noted that the two other sites within/boundaries of Ramsey have recently been refused (22/00679/B is currently at an appeal & 20/01080/B was refused at Appeal) which would have provided a total of 343 residential units (dwellings and flats). The current site (8.4ha) is the largest site designated for development, with the remaining sites (some brownfield sites) not of a size to accommodate the level of development proposed. Some have current extant planning approvals, while some have either expired approvals or no planning history. These are;

- Premier Road (0.3 ha) – Approval for eight townhouses PA 22/01340/B (S13 outstanding);
- Thornhill (0.8 ha);
- Andreas Road (1.6 ha) – To west of current application site and shares same Development Brief within Draft Written Statement
- Former Albert Road School Site (0.39 ha) - Approval for multi-purpose building containing three units of commercial use (Classes 1-4), offices, four apartments and three townhouses with associated parking and access PA 16/01103/B (now expired);
- Adj Collins Lane West Quay (0.03 ha) -Approval for approval in principle for the erection of a four storey apartment block PA 23/00446/B;
- Former Car Show Room site West Quay (0.23 ha) – Approval for Erection of a building to provide retail and office space PA 21/00585/B; and
- Plots either site of East Street (0.07 ha).

6.2.5 The Cabinet Office on a year basis undertakes a “Residential Land Availability Study” which looks at planning approvals and land monitoring, the latest of which runs between 2001 and April 2024 (soon to be published at the time of writing this report). The Department has sought comments from Planning Policy Team (Cabinet Office) to advise on the number of dwellings that would be need and they have advised 84 units are still required to the North of the Island up to 2026 to meet the Strategic Plan housing target of 770 units. While the proposal would accommodate 153 dwellings and therefore an overprovision, albeit it is noted that it will likely take a number of years (applicants have indicated the site would likely take 2 to 3 years) for these be developed in full. Accordingly, it is reasonable to consider that this over provision is not unreasonable at this time.

6.2.6 As outlined previously the Ramsey Local Plan indicates that the “main development site” is designated as “Mixed Use – Vullan Fields - I” and that this is zoned for residential development as part of an area of mixed use as well as light industrial use to the eastern part of the site, which is presumed (not indicated on maps) to be the area which is proposed to accommodate the new primary school under this proposal.

6.2.7 On this point the applicants comment;

"It is noted that the eastern part of the development area is zoned for possible light industrial use in the Ramsey Local Plan (1998). This use has been considered by Hartford Homes; however, it is not considered suitable for such use and there is no

market for such in this location. Furthermore, it is considered that industrial uses on the site would not be appropriate given that the site is surrounded by residential uses."

6.2.8 The Department would share this view that light industrial uses on this site are perhaps not the ideal location for them, with land for such uses still available in Ramsey and zoned as such under the local plan, namely Gladstone Park and Poyll Dooley area. Furthermore, comments from the Department, of Education, Cultural and Sport in relation to a potential need for a future new primary school would support the need of the eastern part of the site being available for education uses. It is noted the Local Plan had indicated that part of the "Ormly Hall" and also "Poyll Dooley/Ballachrink" sites could accommodate a new primary school, but this did not come to pass, presumably at the time the Department of Education consider unnecessary. Since the Local Plan came into effect in 1998, Auldyn Infants School has been redeveloped and a new junior school has also been delivered on an adjacent site with both schools renamed as Bunscoil Rhumsaa (infants and juniors) located off Lezayre Road. However, as outlined by the representations received by the Department of Education, Sport & Culture (DESC) this site could accommodate a one or two-form entry school. DESC do indicate that;

"Whether we move forward with enlargement at Bunscoil Rhumsaa to meet future additional demand or a new school provision at this location, will be a decision for the Department in the longer term, depending on educational policy, the extent / location of future residential development in the town, and funding."

6.2.9 This element of the proposal is only in principle at this stage and no details relating to the school are known, only an indicative layout of a school, parking, access arrangement and playing fields are shown. Any future Reserved Matters or Full application would considered the details. This is only considering whether the principle of a primary school is suitable on this section of the site. It is noted that the Draft Area Plan for the North and West does not designated any sites for a new primary school in Ramsey. It is noted that where Royal Park housing development is located "Ormly Hall", there was potential provision for this area to be used fully or in part for a new primary school if this was required by the Department of Education. It is presumed that this need at the time was not required; hence the development of the site for housing only. However, there has clearly been the potential provision for a new primary school for this area since 1998.

6.2.10 On this matter the applicant's comment;

"Whilst the primary school provision in the Local Plan has therefore been delivered, the rationale for the inclusion of land for a primary school is based on pre-application discussions with the Department of Education in October 2022. At that time, the Department of Education advised that they wished to preserve the option for the development of further primary capacity in North Ramsey, should significant further residential development continue in this catchment. The Department of Education considered that the proposed area within the development site to be reserved for a primary school to be appropriate"

6.2.11 Overall, the site is designated as mixed use and arguable a second primary school historically has been sought to serve the northern part of Ramsey and this is the last site currently designated for development which could accommodate a new primary school. Further, its location is within close proximity to "Ormly Hall" which was identified as a possible site to accommodate such provision.

6.2.12 In relation to the works to the "land to the east of Royal Park" this is designated as "Proposed Public Open Space – Ormly Hall – B". The area plan seeks that the fields in

question indicates; *"..this land is judged unsuitable for built development, being very open to view from off-shore and from land to the north and south; it should remain as natural, green open space, but might be used as such in association with existing or proposed adjoin used;"*. Again it is considered the proposal for this area for habitat enhancement would comply with the land use designation.

6.2.13 A number of local residents have rightly question whether the new Draft Area Plan for the North and West should be considered as part of this assessment. This is a common question when a new area plan is being prepared and a current live application is in the process of being determined. As outlined in section 4.4 of this report, the Inquiry is into the Draft Plan as published in June 2022 and the proposed modifications represent Cabinet Office's current position which is to zone the land for residential uses for the Inspector to consider, hence why the later area plan maps say they are indicative and don't replace the Draft Plans published in June 2022, which proposed de zoned the land for development.

6.2.14 As the Area Plan is still at a draft stage and is potentially likely to change given the following steps are still required to be undertaken, which include;

- Public Inquiry (July 2024) where an Independent Inspector will hear evidence and make recommendations to the Cabinet Office;
- the Cabinet Office can then make modifications (taking the Inspectors recommendations into account or not);
- Any additional modifications will be published by the Cabinet Office for persons to comment further;
- The Cabinet office will finalise the Area Plan for adoption; and
- The Area Plan is submitted to Tynwald seeking it to be adopted (could be refused).

Accordingly, until the Area Plan is adopted there can be no planning weight attached to the Draft Area Plan for the North and West at this stage.

6.2.15 The extant Area Plan is the Ramsey Local Plan 1998 and it is considered the proposed works of residential, mixed use (neighbourhood centre) and a new primary school would all comply with the relevant land use designations. Accordingly, as with other recent approvals for new housing in the North of the Island recently (Jurby, Andreas & Sulby), the Department must base its decision on current extant planning policy. This is not an automatic reason to allow development, as further material planning matters as indicated previously need to be considered to determine if the proposals are on the sites are appropriate.

6.3 THE POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE AREA (Strategic Policy 1, 4 & 5, General Policy 2 and Environment Policy 42)

6.3.1 In terms of the potential impacts upon the visual amenities of the area, it is considered the "main development site" will be publically visible from a number of locations along the Bride Road to the south and more distant views to the northeast. Further, public views from the Andreas Road to the west and North West will be apparent. The proposals to "land to the east of Royal Park" would be publically apparent from the housing estate road Royal Park.

6.3.2 Regarding the "main development site" the fact remains the site which is currently made up of agricultural fields and therefore characterised as a parcel of undeveloped land on the outskirts of Ramsey will visually change significantly to a residential housing development and arguably will appear more as an urban extension of the settlement of Ramsey. However, visually the works will appear as an extension, which is presumed why the site was designated for development in 1998. The appearance of housing development on the edge of a settlement boundary is not new concept; this has occurred a number of occasions,

specifically in this area when the new housing was constructed to the south of the site (Ormlly estate/Rheast Mooar areas) and west (Clifton Drive/Thornhill areas) a few decades ago and the Royal park (Phases 1 & 2) in more recent times to the south of the "main development site". It would clearly have been considered and accepted that designating this land for development would consequently change the character of the existing agricultural fields to housing development; albeit this is not an automatic reason to approve the application and it still needs to be considered whether the visual impact is appropriate.

6.3.3 In terms of housing density, the areas proposed for housing, community uses and roads amount to approximately 9.1 ha and therefore the net density is approximately 16.8 dwellings per hectares.

6.3.4 In terms of the density of the application site and that of the surrounding housing developments it is important to note the guidance within the Residential Design Guide 2021. This indicates that:

"Land is a finite resource and it is important to strike a balance between the need to make best use of land (i.e. by maximising densities, so that as many dwellings as possible can be provided on the least amount of land thus reducing the need to develop new areas) and the need to make sure that new developments are attractive and fit-for-purpose. The Site Assessment Framework for the Area Plan for the East contained broad assumptions about typical densities for different locations and types of developments, and these can provide a helpful starting point. However, these should not be taken as targets. In reality, the development that takes place may be of a higher or lower density and, as determined by the context of the site and/or the location."

6.3.5 The Residential Design Guide (RDG) indicates that:

- o Very high density about 100-450 dwellings/hectare Promenade or very centre of town development (typically apartments);
- o High Density about 40-100 dwellings/hectare (Town centre typically apartments or terraced housing;
- o Medium Density 15-30 dwellings/hectare (large sites close to the settlement centre, typically estates incorporating different dwelling types including some apartments and terraced housing;
- o Low 5-10 dwellings/hectare (larger sites towards the edge of settlements, consisting mainly of houses and bungalow with relatively few apartments or terraces;
- o Very low 2 dwellings/hectare (houses set in parkland by substantial grounds.

6.3.6 As outlined previously, the application site would represent 16.8 dwellings/hectare. The proposal would therefore be considered on the lower side of a "Medium Density" development.

6.3.7 While the Draft Plan has no material planning weight at this stage, it is noted that the "Built Environment Proposal 3" and the "Development Brief" for the site indicate that the application site should have a minimum density of the net developable area of 35 dwellings per hectare of the net developable area. For information the definition of "net developable area" within the Draft Area Plan is;

"The net developable area excludes all areas for community uses, open space, landscaping, highways or uses other than residential but includes private gardens and shared internal spaces."

6.3.8 Using the above definition of net developable area in terms of what areas of a site can and cannot be included in the calculation the site equates to 30 dwellings per hectare. On this point the applicants comment (email dated 08.05.24);

"In response to your question, based on the new definition in the Draft North & West Area Plan, the density is approximately 30dph so the proposals are therefore broadly

compliant with draft Built Environment Proposal 3. However, we don't understand why the Draft Plan is proposing a new net density definition and we are concerned that draft Built Environment Proposal 3 changes the settlement hierarchy densities provided in the Residential Design Guide. Having different guidelines in the Area Plan is going to lead to significant confusion. Ultimately, the scheme complies with the definition of net density within the Residential Design Guide and the new definition in the draft Area Plan. Therefore, the scheme complies either way."

6.3.9 The most recent planning approval for residential development in the area was Royal Park (Phase 2 – PA 16/00232/B) which was approved after an appeal for 81 dwellings. This site equated to 19.1 dwellings per hectare / 7.7 dwellings per acre. The Ramsey Local Plan indicated that this site should be "low density". The Planning Inspector when considering this matter commented accepted that;

"In new housing developments one main aim in considering lower housing densities is generally to protect a locality's 'single dwelling' character and its landscape setting. Clearly, that is what the RLP seeks to do in referring to the requirement for 'low density' housing in both Phases 1 and 2 of the initially approved scheme. The density of any proposed housing development should maintain the prevailing character of the immediate area. Arithmetic compliance with any given figure does not necessarily mean that a proposal will be acceptable. The opposite is also the case in that non-compliance does not necessarily mean that a proposal is unacceptable.

It is necessary to consider other criteria to assess the suitability of a scheme, including shape and topography of the site, the form of layout, spacing between dwellings, amenity and privacy and access and parking. It is generally accepted by LPAs in the UK that exceeding any density figure should only result in a scheme being rejected if demonstrable harm is caused to the character or amenity of an area. Exceeding a density figure is not usually sufficient, in itself, to refuse an application for development. In my view this is an appropriate and well-balanced approach and one that I consider should be applied in this case.

Thus, in conclusion on this consideration/issue I consider that the figure of 7.7 is on the very limit of what might be considered 'low density' in this area and that it is necessary to consider the specific effects of a development of this density and whether or not it protects the locality's established 'single dwelling' character and its landscape setting."

6.3.10 It is worth noting that the recently approved development of Royal Park Phase 2 equates to a density of 19 dwellings per hectare.

6.3.11 As outlined by the previous Inspector's comments, it is important to consider not just the density numbers, but how a development would fit with the area/street scenes.

Principle Viewpoints

Bride Road

6.3.12 As outlined previously, one of the main public views would be from various locations along Bride Road. Currently, when viewing the site along Bride Road it is made up of Manx sod banks with landscaping in places, where views across the agricultural fields can be obtained in places. Further, this general character is broken up with the 9 residential properties which run along the northern side of Bride Road. These properties are made up of two storey semi-detached and detached dwellings and single storey detached bungalows. Drawing "Street Elevations Sheet 1 of 3" is useful in consideration of the potential impacts.

6.3.13 The proposed development includes a total of 11 dwellings which directly face towards Bride Road and will likely be the prominent features of the entire development when viewed along Bride Road. The dwelling will be made up of two storey terraces and semi-detached

dwelling and also single storey terraced bungalows. The design, form, finishes and size would fit well within the street scene, especially as their front elevations direct face towards the Bride Road, with match that of the existing properties along the road, which vary in design, finishes and sizes. Towards the south-western corner of the site the area makes up the largest area of public open space (playing pitch) and a children play area. This layout with large open space would again help reduce the visual impact by the development from Bride Road; albeit it is accepted that views of the "Mixed Use" area will be apparent, albeit the closest building in this mixed use area would be approximately 70 to 95m away from the Bride Road.

6.3.14 The works does involve the removal of large sections of the roadside grass banking/hedgerows for the create a new accesses (vehicular and pedestrian), creation of a footpaths and ensure appropriate visibility splays for all new access. It is proposed to replace these with new native hedgerows/thicket set into the site. This will clearly have an initial visual impact to the area; albeit with an appropriate level of landscaping and/or creation of grass banking (condition should be attached for further information) it is consider the impact would be overcome in the medium term. Further, approximately two thirds of the existing grass bank/hedgerows along the western boundary would be removed/alterd (to be reinstates further into the site) to create a new road access, creation of a footpath and ensure appropriate visibility splays. This will initially have a significant visual impact, albeit with new landscaping/creation of new grass banking (condition should be attached for further information) it is consider the impact would be overcome, although the loss of the existing banking/landscaping is a negative aspect of this application which weighs against it.

Andreas Road

6.3.15 The main views of the development from Andreas views would be mainly when traveling from Andreas, heading towards Ramsey and passing the Grest Care Home. The north-western corner and the western boundary of the site would be very apparent from the Andreas Road at this location, again changing the character dramatically from open agricultural fields to a residential character. Further, approximately two thirds of the existing grass bank/hedgerows along the western boundary would be removed/alterd (to be reinstates further into the site) to create a new road access, creation of a footpath and ensure appropriate visibility splays. This will initially have a significant visual impact, albeit with new landscaping/creation of new grass banking, it is consider the impact would be overcome in the medium term.

6.3.16 The type of dwellings which face towards Andreas Road are generally the larger two storey detached properties. A total of five dwellings (plots 88, 89, 90, 91 & 92) face towards the Andreas Road which with areas of open space/landscaped areas between the properties and the Andreas Road. The roadside frontage measures approximately 155 metres and with the siting, setback position and design/size of the properties, it would appear as a low density form of development in this section of the site. Of course, views further into the site will be apparent from the Andreas Road, namely when viewed from the new access/estate road and beyond into the site, although it is likely the five plots mentioned above are likely to be the prominent properties seen.

6.3.17 The proposed dwelling on Plot 88 (bungalow) also take into account the general building line which is formed by the existing residential properties of "Trincomalee", "Fasque" and "St Bridgets" which run along the eastern side of Andreas Road. Again the dwellings along this area of the Andreas Road are made up of various styles (single and two storey), designs, sizes and finishes. It is consider the five plots which all differ in design, would fit with the existing properties in this area and would be appropriate along the western roadside frontage of the site.

6.3.18 Accordingly, whilst there will be an impact to the visual amenities of the area over the current situation (i.e. agricultural fields); it is considered the proposals would be acceptable and comply with General Policy 2 of the IOMSP and the aims of the RDG.

Views from the northeast (Bride Road)

6.3.19 When travelling from Bride Village towards Ramsey (past the Civic Amenity Site) there are potentially likely to be more distant views of the application site, albeit these would not be prominent and while there would be an increase of built development; namely the upper sections/roofs of dwellings sited to the western most side of the "main development site", the development would not introduce a significant adverse visual impacts to warrant a refusal from these public views. It is noted that from these views a large section of the site would likely be screen by existing built form (Vollan Farm/The Coach House) and existing landscaping. The proposal also introduces a 5 metre wide zone along the northern/western boundaries of the site to create a structure/screen planting area which would be planted within the first phase of development which in time will further limit the appearance of the new development.

Secondary Viewports

Views from the northwest (Andreas Road)

6.3.20 Views from the northwest when travelling from Andreas Village towards the site will generally be well screened from the site, given the topography of the land between and landscaping features between and along the roadside.

Views from the south (Mountain Road)

6.3.21 Very distant views are potential from the Mountain Road (namely approaching Ramey and passing Guthrie's Memorial), albeit it is considered the development will not be prominent feature, rather appear as a urban expansion of Ramsey, blending in with the existing development to the northern parts of Ramsey.

Development design/layouts

6.3.22 In relation to the overall design approach, the proposed dwellings would be a mixture of housing styles and size, including terraces, semi-detached and detached properties as well as bungalows which are generally interspersed throughout the site, to avoid single type of house design dominating a street scenes, rather have a mixture to add interest.

6.3.23 The dwellings are finishes in painted render (with differing colours), with some dwellings a mixture of the render and cladding (first floors and dormers) and stone cladding (porches or plinths), all have dark grey interlocking tiles to pitched roofs, and black coloured upvc windows/water goods/frames.

6.3.24 As outlined within the landscaping scheme, the estates road are proposed to be tree lined, with the main estate road having larger Native tree planting and the secondary estate roads with dwellings located would have smaller ornamental tree planting to the majority of front gardens. The dwellings are generally setback with front driveways and gardens and ornamental planting included to each dwellings frontage. The design of boundary fences/walls has been carefully undertaken, to ensure any properties boundary which faces towards a public highways are not just unattractive 1.8m high fencing, but with close boarded fence over dwarf rendered wall with pillars between to add interest and increase quality throughout the development. Existing hedgerows are retained and new landscaping planting throughout the estate will result in a development with a good level of landscaping.

6.3.25 Overall, it is considered for the reasons indicated within this section of the report; it is considered the density, design, layout, landscaping and housing sizes/types all ensure the works would not affect adversely the character of the surrounding landscape and townscape

and would respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them complying with General Policy 2, Strategic Policy 4 & 5 and Environment Policy 42 and Strategic Policy 1 which seeks developments should make the best use of resources by optimising the use of unused and under-used land, ensuring efficient use of sites, taking into account the needs for access, landscaping, open space and amenity standards; and being located so as to utilise existing and planned infrastructure, facilities and services. It could be considered the proposal would comply with these requirements.

6.4 POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES (General Policy 2 and Residential Design Guide)

6.4.1 The residential properties potentially most impacted by the development would be those immediately surrounding the site, namely to the north, south and west of the site. To the north are Grest Cottages & Grest Bungalows, to the south are the properties to the northern and southern side of Bride Road and to the west are the properties to the eastern side to the Andreas Road. There may be other properties which may be affected by the development, albeit the properties outlined are more likely to be impacted.

6.4.2 Generally, the main issues relating to the impacts upon residential amenities are; overbearing impacts upon outlooks, loss of light, and or loss or privacy.

6.4.3 It should be highlighted that while the concerns of loss of a views, construction impacts and loss of value to a property are wholly understandable, they are not material planning matters and cannot be taken into account when considering the application.

Properties to north of site

6.4.4 The two closest properties are Grest Cottages & Grest Bungalows, with the latter having direct views towards the northern boundary of the site/ Grest Cottage gable elevation faces the site (no windows within), albeit windows to the rear outrigger face towards the site. The two storey dwellings on Plots 92, 93, 94 would direct face towards these properties to the north. It is proposed to plant 3 trees and native shrub/bushes between the new dwellings and existing properties to the north. The existing grass banking and landscaping would also be retained. Distances of approximately between 35m to 43m would be retained between the new and existing dwellings.

6.4.5 Overall, while there will be impacts to the neighbouring properties by the development over the existing situation (open agricultural fields), it is considered given the distance the new dwellings would be sited away, the scale of development in this area of the site and existing/proposed landscaping; the impacts upon the existing dwellings would not be so significant to warrant a refusal.

Properties to the south

6.4.6 Arguably, the properties to the northern side of Bride Road which are directly adjoining the application site are most likely to be affected by the development, these totalling nine properties (Elleray, Greenbank, Thie Y Vollan, Roundhay, Vollan Garden, Erinbrae, Anchor Down, Rostherne and Fair Isle). Currently, all these properties to their northern elevation/rear gardens have open views across the application site. The dwellings Elleray and Fair Isle would also have proposed development to the side boundaries of their properties. These outlooks will dramatically change and outlooks from these properties will be contained to their own gardens only, given a total of 15 new dwellings (Plots 7 to 21) will run along the rear boundaries of these nine existing properties. These new dwellings are made up of semi-detached and detached bungalows. The new dwellings would be sited between 21m and 27m from the existing properties mentioned above (see drawing "Proposed Site Plan Sheet 2 of 3"). The proposed new rear boundaries which back onto the existing

nine properties would be made up of a 1.8m high timber fence and planting of native hedgerow.

6.4.7 In terms of the potential impacts upon the nine properties outlined above, it is considered given the distance the new dwellings would be sited away (over 20m), the height of the new dwellings (single storey) and the proposed boundary treatments proposed, it is not considered the proposed development would give rise to overlooking, loss of light and/or have an overbearing impacts and it is not considered the application should be refused on this ground. Furthermore, the development to the side boundaries of Elleray and Fair Isle are considered appropriate and would not give rise to any significant adverse impacts to amenities. As outlined there will be significant impacts by the development in terms of loss of views that the owner/occupants currently enjoy; however, as outline previously this is not a material planning matter that can be consider, albeit totally understandable.

6.4.8 In relation to the properties to the southern side of the Bride Road which directly face towards the site (opposite side of road), the properties most affected would be Nrs 71 to 77 Bride Road, Nr 2 Ormly Avenue, Killiney and Reayrt-y-Chronk.

6.4.9 Nrs 71 to 75 Bride Road have views to the southern section of the site and namely have views towards the larger area of Public Open Space/children's play area. The latter would be sited approximately 43m to the closest window/property of Nr 75. In terms of the impacts to these five properties, while the character and use of the agricultural land will change to POS/children's play area and this will likely increase a higher level of general disturbance/noise by the new uses; over the existing situation, it is not consider the impact would be so significant to warrant a refusal. The element of the proposals which would likely impact Nrs 76 & 77 Bride Road and Nr 2 Ormly Avenue would be the five proposed dwellings located opposite these existing properties. The five dwellings are made up of a pair of semi-detached and three terraced properties, all two storeys. These new dwellings would be sited approximately 35metres from the existing properties on the opposite of the Bride Road. It is considered the distance between these properties would ensure there would be no significant adverse impacts to warrant a refusal.

6.4.10 Concerns have also been raised of the upgrade of the existing bus stop (southern side of Bride Road) which is immediately adjoining/forming part of the front boundary of Nr 2 Ormly Avenue (opposite Elleray). Currently a bench and bus stop post/sign make up the bus stop. It is proposed to install a cantilever shelter which sited on the same footprint as the existing bus stop area. This is outside the red line of the application site and such works could be undertaken now without planning permission (works could be undertaken by the DOI). However, it is considered if this did form part of the application then impact upon the amenities of Nr 2 would not be significant, namely given its modest size of the shelter and landscaping which current fronts Nr 2 which would limit its appearance.

6.4.11 The properties Killiney and Reayrt-y-Chronk which are located opposite to the eastern section of the site, would directly look towards a total of six new dwellings, made up of three terraced bungalows and three terraced two storey properties, which are approximately 29m away. Between these properties landscaping of a new hedgerow and trees are proposed. Given the distance between the existing and proposed dwellings, landscaping and height of the proposed dwellings, it is considered the impacts would not have an adverse impacts to neighbouring amenities.

Properties to the west

6.4.12 The properties most likely to be affected by the development are Trincomalee, Fasque and the dwelling approved more recently to the south of Fasque. These three properties are immediately adjoin the western boundary of the site and Trincomalee directly faces towards

the new nursery building (approx. 27m away) and Fasque faces towards the new Community Building (approx. 30m). The new dwelling to the south of Fasque (not shown on plans) faces the area of POS. The two new buildings mentioned above are single storey in nature. It is proposed to plant a new hedgerow along the western boundary of these properties, albeit no new landscaping is proposed to the boundary with Trincomalee, given there is an existing substantial landscaped boundary.

6.4.13 In terms of Fasque and the new dwelling, they currently have views of the site above their existing timber fence. Again as is the case for the nine properties which run along the northern boundary of Bride Road, their views will change significantly, albeit again not a reason to refuse the application. Given the distance the proposed buildings would be site from these existing properties, existing/proposed landscaping and the size/height of the new buildings, it is not considered the potential impacts upon neighbouring amenities are so great to warrant a refusal of the application.

6.4.14 Overall, whilst the proposed development will undoubtedly have change in character and views of what the current residents surround the site current have; in term of material planning matters that have been outlined within this section of the report, it is considered the potential impacts upon residential amenities (loss of light, overlooking and/or overbearing impacts upon outlook) would not be so significant and therefore comply with General Policy 2 of the IOMSP and the RDG.

6.5 POTENTIAL IMPACT UPON HIGHWAY SAFETY / PARKING PROVISION / TRAVEL OPTIONS (Strategic Policy 1, 2 And 10, Spatial Policy 2, General Policy 2, Transport Policy 1, 2, 4, 5, 6, 7 & 8, Active Travel, Climate Change Act 2021 and Manuel For Manx Roads)

6.5.1 The proposed development included two new accesses, one onto Andrea Road as the principal access and one onto the Bride Road as the secondary access. This provides a through road linking Andreas Road, running eastwards within the site, to Bride Road. The new main site access road will be 6.75 wide with a 3m wide shared-use footway/cycle way on the northern side of the carriageway and a 2m wide footway on the southern side. As outline in section 6.3 of this report, this is to provide the accesses and visibility splays of 2.4m x 120m (including a 0.5m offset) in both directions for the access along Andreas Road and 2.4m x 59m to the access on Bride Road.

6.5.2 Furthermore, the submission includes a new footpath at the Andreas entrance which will run 50m southwards to a proposed uncontrolled crossing complete with dropped kerbs and tactile paving to allow pedestrians to safely cross onto the existing footway on the western side of Andreas Road. There will also be a dropped kerb crossing to the north of the proposed access to allow pedestrians to safely cross onto the existing footway on the western side of Andreas Road. At the new access onto Bride Road it is proposed to install a new footpath which continues westwards along the site frontage for approximately 50m and tie in with the existing footpath opposite the junction with Vullan Close. An uncontrolled crossing complete with dropped kerbs and tactile paving is proposed to allow pedestrians to cross safely onto the existing footway on the southern side of Bride Road. There will also be a dropped kerb crossing to the east of the proposed access to allow pedestrians to safely cross onto the existing footway on the southern side of Bride Road.

6.5.3 In terms of other highway/parking works and proposals the applicants have indicated;

"The proposed development considers the needs of travelling by different means, and where possible reduces the need for people to travel by providing a neighbourhood centre.

Thought has been given to how pedestrians, cyclists and drivers would move through the development and connect with existing transport networks, including footpaths, cycle routes and nearby bus stops.

Provisions have been included to allow a future bus route to run through the site if required.

Car parking has been located close to dwellings, as this is most convenient for the property owners, particularly those with young children and for food shopping trips etc. Parking close to homes also benefits EV charging, which should help promote the adoption of electric vehicles.

The development incorporates appropriate provision for the secure and convenient storage of bicycles, either in garages or bicycle storage sheds within private gardens.

Traffic management and subtle changes in street materials is used to reduce vehicle speeds, and suitable signage would be used to remind drivers that children may be at play in the neighbourhood."

6.5.4 Firstly the potential highway implications by the development on the existing highway, the applicants provided a detailed Transport Assessment (TA) as part of their application, prepared by iTransport. Further and update version of the Assessment and additional plans and information were submitted following initial Highway Services comments. Highway Services have consider all the information submitted and have raised no objection to the proposal.

6.5.5 The conclusion of the Transport Assessment indicates;
"Having regard to the analysis contained in this document and in accordance with the requirements of the Isle of Man Strategic Plan 2016, it is concluded that there are no valid highway or transport reasons for objecting to the proposed development. The development proposal would:

- enable new residents to have appropriate opportunities to travel locally to a wide range of employment, retail, education, and leisure opportunities by modes of transport other than the private car;*
- be designed to minimise journeys, especially by private car;*
- have safe and convenient access for all highway users, together with adequate parking and servicing arrangements; and*
- not have an unacceptable impact on road safety or traffic flows on the local highway network."*

6.5.6 The submission also includes a Travel Plan prepared by iTransport, which seeks to focuses on promoting sustainable travel to the proposed development among new residents and potential visitors by providing non-car mode travel options for local journeys and in particular reducing single occupancy car journeys and influencing modal choice. This has been prepared to comply with the IoM Travel Plan Policy and IoM Travel Plan Guidance. The Travel Plan indicates that;

"There are bus stops located on Andreas Road and Bride Road within the generally recommended 400m walking distance. These buses provide services to Bride, Andreas and Jurby, as well as regular services into central Ramsey where further buses are available for access to Douglas and the south of the island. The site is therefore accessible to regular bus services that provide direct connections to the key destinations to accommodate a range of journey purposes, including travel to/from work and shopping trips."

Cycle/walking provisions

6.5.7 The proposal includes a total of 10 Sheffield stands, i.e., accommodating 20 cycle parking spaces, would be provided within the neighbourhood centre. For the dwellings that would have a garage, cycle parking for the proposed houses would be accommodated in garages. For the proposed properties that do not have a garage, a suitably sized shed would be provided in rear gardens to accommodate the provision of a minimum of one cycle parking space per dwelling in accordance with the minimum cycle parking standards set out in MfMR.

6.5.8 In addition to the proposed pedestrian provision as outlined in section 6.5.2 of this report at the site access junctions onto Andreas Road and Bride Road, a further pedestrian / cycle connection is to be provided onto Bride Road in the south-west corner of the site. It would also provide a direct connection to the proposed neighbourhood centre for existing residents in the local area. The pedestrian/cycle way would have a width of 3.0m. Highway Services are content with the level of cycle parking provisioned and provision throughout the site. The new accesses proposed would link into the existing highway network and connect to or link to the existing footpaths/roads networks. There is a footway (1.5m-1.8m wide) located on the southern side of the A10 Bride Road along the entirety of the site frontage. There is a footway located on the western side of A9 Andreas Road/Bowring Road, typically a minimum of 1.7m wide. Both footpaths provide access to Ramsey town centre.

Parking Provision

6.5.9 The majority of the proposed dwellings would have least two off road parking spaces, within their plots, the exception being Plots 1 to 6 and Plots 76 to 80 which have a shared communal parking area, albeit each dwelling would have two off street parking spaces allocated to them (should be conditioned). A total of 72 properties across the site have garages, with 83 properties having no garage. Garages are not counted as part of the total number of parking spaces for each house and therefore adequate parking provision is still provided for these. Each dwelling is provided with a dedicated 32amp spur to allow homeowners to easily install an EV charger unit in the future that fulfils their vehicle requirements.

6.5.10 In terms of parking provision associated with the neighbourhood centre, there are total of 62 spaces (inc 4 accessibility spaces), 4no motor bike spaces, and 4no bicycle hooped racks.

6.5.11 Highway Services have consider the level of parking associated with the development within the site (AIP for school parking not considered at this stage) and have no objections. The Department also has no objection and therefore the development in terms of parking provision would comply with Transport Policy 7.

Servicing of site (refuse collection/fire engines/delivery wagons etc)

6.5.12 Refuse from the proposed houses would be collected from the kerbside and swept path of a 11.347m long 4-axle refuse vehicle within the site and demonstrates the vehicle can enter the site, turn within, and leave in forward gear and therefore the site layout makes adequate provision for refuse collection arrangements. Fire vehicle can also access the site for an 8.6m long pump appliance to get within 45m of each dwelling house and the vehicle will not be required to reverse more than 20m. For the neighbourhood centre a dedicated loading bay is provided to the north of the vehicular access/egress to the neighbourhood centre. It has dimensions of 12.0m long by 3.0m wide. A large 12m long rigid delivery vehicle can safety enter, set down to unload, and exit the proposed loading bay. Refuse vehicles can also access the neighbourhood centre. Highway Services have no objection to the application in this respect.

Sustainable travel options

6.5.13 Transport Assessment/Travel Plan submitted outline the various sustainable travel options available to residents/visitors to the development. As outlined previously cycling/walking which generally use the same provisions have been summarised in section 6.5.7/6.5.8. While provisions have been provided throughout the site to the satisfaction of Highway Services, there still need consideration to whether these are accessible/reasonable distance to services i.e. town centres; otherwise this would discourage such method of travel. Further, location of public transport links needs consideration.

6.5.14 The Manual for Manx Roads indicates that a walkable distance from a residential property to a town centre is generally 800m (10mins walk / 0.5miles) which is regarded as a comfortable distance to walk, albeit it indicates this isn't a upper limit and that a distance under 2km (1.2miles) has the greatest potential to replace short car trips. The IOM Active Travel Strategy also identifies a 2.5 miles (4km) threshold where the working population can realistically switch from motorised transport to active travel modes. Within the Manual for Manx Roads, it outlines that cycle facilities/infrastructure should follow the guidance of the Local Transport Note 1/20: Cycle infrastructure design. This indicates that; "Two out of every three personal trips are less than five miles in length – an achievable distance to cycle for most people.", and therefore cycling distances for journeys of at least 5 miles (circa 8km) is not uncommon.

6.5.15 The submitted Travel Plan refers to and considered the IOM Active Travel Strategy and the applicants Travel Plan proposes to implement measures which support the strategy. The Plan also indicates that the site being within 2km of Ramsey Town Centre, and leisure facilities at Mooragh Park, Ramsey & District Cottage Hospital and a number of health facilities, Gladstone Park Industrial Estate and Shoprite (soon to be Tesco). Bunscoill Rhumsaa Primary School, Ramsey Grammar Schools and further employment facilities located along are within 4.0km of the site. They are all within range when a person/s is reasonable able to walk/cycle for the specific purpose and therefore it is more people will walk/cycle rather than use a car if they choose.

6.5.16 In relation to public transport provision, the main provision is via the public bus network. The Travel Plan identifies that;

"There are bus stops located on Andreas Road and Bride Road within the generally recommended 400m walking distance of the site. The bus stops on Andreas Road are located immediately to the north of the site frontage, opposite the Grest Care Home, approximately 320m from the centre of site. There are also two pairs of bus stops located on Bride Road; opposite the junction with Ormly Avenue to the south of the site (approx. 320m from the centre of site), and adjacent to the recent residential development on the former Grand Island Hotel site to the south-west, approx. 375m from the centre of site. The bus services and frequency of routes currently operating from these stops.."

6.5.17 And

"The no. 18K service provides future residents with the possibility of commuting into Ramsey for employment purposes by using the 06:26 service, arriving into Ramsey at 07:12. The no. 5/5A bus service also provides hourly services to Ramsey throughout day Monday to Saturday. Ramsey Grammar School, which provides secondary school education, is also accessible by bus via the 20A service in the morning departing at 08:23, arriving at the school at 08:31, and by using the 20 service in the afternoon, departing the school at 15:47, arriving at Bride Road at 16:21."

The site is therefore accessible to regular bus services that provide direct connections to the key destinations to accommodate a range of journey purposes, including travel to/from work and shopping trips."

6.5.18 Accordingly, it is accepted that the site would have a reasonable level of bus provision. Highway Services have raise no objection on this point.

6.5.19 It is also noted that the new road networks within the estate has been designed to be able to accommodate a bus route should Bus Vannin consider such provision is appropriate in the future. Furthermore, improvements to existing bus stops along the Bride Road through the provision of improved bus shelters along Bride Road (total of 4). It should be noted that 2 out of the 4 bus shelters fall outside of the application site and therefore a Grampian style condition would need to be attached for these i.e. before any development commences the bus stops to the southern side of Bride Road need to be completed. Similar condition/s would need to be included to the indicated foot path improvements works, as some fall outside the application site. It should be noted these works outside the planning application would be able to be carried out by the DOI, without the need for planning approval (whether this application is approved or not). Highway Services have no objection to these works.

6.5.20 The Travel Plan also right identifies that the provision of a neighbourhood centre, comprising local shops, a nursery, and a community hall will provide opportunities for future residents to satisfy some of the reasons for making a journey without the need to leave the site. Furthermore, this of course also applies to existing residents of the area, which a significant number of the residential properties to the northern part of Ramsey would be under the above mention distances for walking/cycling distances and can also use the new neighbourhood centre.

Traffic generation

6.5.21 A concern raised by residents of the area and Ramsey, are the potential additional traffic generated by the proposal on the existing highway network in the immediate area and further south along Andreas Road/Bowring Road/Ramsey Stone Bridge.

6.5.22 The Transport Assessment (TA) considered this element in detail outlining the characteristics, road widths, speed limits and connections the Andreas Road and the Bride Road have. The TA also identifies the road networks the Bride and Andreas Roads connects too, including Bowring Road through to Parliament Street. Accordingly, it does not just consider the immediate highway network around the application site, but also how the development will impact the highway network within Ramsey.

6.5.23 Traffic surveys where undertaken of the existing traffic flows at seven locations, including along Bowring Road and Parliament Square to determine the baseline conditions during morning peak periods (08:15 – 09:15hrs) and afternoon peak periods (16:30 – 17:30hrs). Highway Services have no objection to this mythology/timings.

6.5.24 Further, vehicle speeds where surveyed using Automatic Traffic Counters along Bride Road and Andreas Road to assist in the determination of visibility splays for the new access points. Highway Services have raise no objection to the visibility splays provided for the new accesses.

6.5.25 The Transport Assessment outlines that it establishes the likely traffic impacts of the site, quantifying the increase in traffic flows on the key parts of the local highway network. It uses the existing survey data collected and then estimates using comparable survey data contained within the Trip Rate Information Computer System (TRICS) trip generation database based on the types and level of development proposed in this case the 153

dwellings, neighbourhood centre and the primary school. It is noted that the TA outlines that its assessment is based on a development quantum of 160 dwellings and therefore provides a robust assessment.

6.5.26 It calculates that;

"A development of 160 dwellings would typically generate 91 two-way vehicle movements during the morning peak hour, and 92 two-way trips during the evening peak hour. This equates to just over one vehicle every minute."

6.5.27 Regarding the neighbourhood centre the TA considers that it is of a scale that is ancillary to the proposed residential uses and is mainly likely to attract and serve residents living within the site and the immediate surrounding residential areas that are within easy walking distance of the site, which also reduces the need for residents to travel off site for everyday shopping needs. However, in order to undertake a worst-case assessment, an analysis has been undertaken to establish the likely generation of trips external to the site. The Transport Assessment does consider each use separately and various assumptions are made for these uses (i.e. residents on or off site).

- 160 dwellings – 92 vehicle trips during the weekday morning peak hour (0800-0900) and some 91 two-way vehicle movements in the weekday evening peak hour (1700-1800);
- Retail Units – 12 vehicle trips during the weekday morning peak hour and some 12 two-way vehicle movements in the weekday evening peak hour;
- Community Hall – 8 vehicle trips during the weekday morning peak hour and some 1 two-way vehicle movements in the weekday evening peak hour;
- Nursery – 14 vehicle trips during the weekday morning peak hour and some 7 two-way vehicle movements in the weekday evening peak hour; and
- Primary School – 269 vehicle trips during the weekday morning peak hour and some 29 two-way vehicle movements in the weekday evening peak hour

6.5.28 Using these figures, the overall assessment concludes that;

"The analysis indicates that, on the basis of the 85th percentile trip rates, the proposed development, including the primary school, is forecast to generate a total of 395 two-way vehicle trips during the weekday morning peak hour and some 140 two-way vehicle movements in the weekday evening peak hour."

6.5.29 Using these figures and additional current and future predications and additional considerations the Transport Assessment concludes on the matter of traffic impacts (with and without primary school included) upon the highway network within Ramsey that;

"On this basis, the following conclusions can be drawn from the traffic analysis:

- *The proposed access junctions onto Andreas Road and Bride Road provide ample capacity to serve the proposed development and would operate with negligible levels of queuing and delay;*
- *The analysis undertaken demonstrates there would be negligible increases to queuing and delay at the majority of junctions along the A9 Andreas Road / Bowring Road corridor with the junctions assessed generally operating well within capacity in the 2026 with development scenario;*
- *The A9 Bowring Road / Derby Road Mini-Roundabout and A9 Bowring Road / Station Road Mini-Roundabout are forecast to be approaching theoretical capacity in the 2026 design year in development scenario including the on-site primary school in the weekday morning and evening peak hour periods with modest additional queuing and delay at the junction. The addition of the forecast development traffic (excluding the school) would result in modest additional queuing and delay at the junction and the junction would continue to operate efficiently in 2026 with the development."*

6.5.30 The Transport Assessment overall concludes that;
"Having regard to the analysis contained in this document and in accordance with the requirements of the Isle of Man Strategic Plan 2016, it is concluded that there are no valid highway or transport reasons for objecting to the proposed development. The development proposal would:

- enable new residents to have appropriate opportunities to travel locally to a wide range of employment, retail, education, and leisure opportunities by modes of transport other than the private car;*
- be designed to minimise journeys, especially by private car;*
- have safe and convenient access for all highway users, together with adequate parking and servicing arrangements; and*
- not have an unacceptable impact on road safety or traffic flows on the local highway network"*

6.5.31 Overall, the Department gives significant weight to the conclusions of Highway Services (DOI) who find the overall development and its impacts in relation to highway safety, traffic generation and consequence impacts upon the highway network to be acceptable complying with Transport Policy 4 and Manual for Manx Roads.

Offsite works

6.5.32 A number of offsite high works proposed to be undertaken, albeit these fall outside the red line of the application. These works included two bus stops upgrades to the southern side of Bride Road (two bus stops upgrades and footpaths to northern side of Bride Road are within red line and can be conditioned) including dropped kerbs/tactile paving in places along Bride Road and similar works along the Andreas Road and Bowring Road up to Ramsey Stone Bridge. These works have been agreed with Highway Services (DOI) who are able to undertake (without planning permission) as part of highway works. Given they fall outside the application site a Grampian style condition would need to be attached to any approval which required such works to be completed prior to any works on the application site commencing.

6.5.33 Highway Services have also sought a financial contribution for a Microprocessor Optimised Vehicle Actuation (MOVA) installation at Ramsey Parliament Square signals on commencement of the development – likely to be no more than £15,000. The applicants have agreed to this improvement to the signals which is generally regarded as a more responsive to traffic conditions and often leads to a significant increase in capacity at a junction. The MOVA assesses the traffic flows approaching on each arm of the junction and then calculates which arm should be allocated what green time and seeks to determine a set of signal timings which will maximise the throughput of the junction under the current conditions.

Conclusion

6.5.34 The development has clearly outlined a number of sustainable transport options, which include improvements to existing bus stops and the upgrading of the new footpaths, would meet the aims of Strategic Policy 10 which seeks new development should be located and designed such as to promote a more integrated transport network with the aim to: (a) minimise journeys, especially by private car; (b) make best use of public transport; (c) not adversely affect highway safety for all users, and (d) encourage pedestrian movement. The proposal meets all of these aims as well as those of the Transport Policy 1, 2 & 5 of the IOMSP, Active Travel Plan, Manual for Manx Roads.

6.5.35 The proposal would provide safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space and does not have an

unacceptable effect on road safety or traffic flows on the local highways complying with General Policy 2. It has been designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by the development in a safe and appropriate manner and therefore also comply with Transport Policy 4 & 6 and Manual for Manx Roads.

6.5.36 The parking provisions of all elements of the development meet Transport Policy 7 of the IOMSP.

6.5.36 As mentioned previously the applicant has provided a Transport Assessment and therefor complies with Transport Policy 8.

6.5.37 Overall, it is considered from a highway safety aspect, parking provision and all other relating matters indicated within this section of the report, it is considered the proposal would be acceptable complying with all the relevant policies stated.

6.6 POTENTIAL DRAINAGE/FLOODING ISSUES (Environment Policy 13)

6.6.1 The site is not within a high flood zone in terms of river or tidal flooding; however, there are sections of the site which are identified as having surface water flooding and from representations made by local residents (namely the properties to the northern side of Bride Road which back onto site) and photographs, it is very clear there is significant surface water flooding occurring especially to the southern boundaries of the site (Bride Road boundary of site). Consideration of foul water needs consideration also to ensure there is sufficient capacity to accommodate the development.

6.6.2 As part of the application submission a number of documents and drainage plans have been submitted. The Planning Drainage Statement indicates that there is an existing public combined drainage system, flowing from north to south and a surface water drainage system within Vollan Crescent flowing from west to east.

Foul drainage

6.6.3 The statement indicates that the proposed layout and topography of the development site permits the use of a gravity foul drainage system which would be within the proposed highways of the site which connects into the existing public combined sewer within Vollan Crescent. Manx utilities have confirmed that there is adequate capacity within the Vollan sewage pumping station (located at Mooragh Park) and Balladoole Waste Water Treatment Works (located next to Balladoole Civic amenity site) to receive the foul flows from the proposed development.

Surface water flooding/runoff

6.6.4 It is proposed that the surface water flows from all impermeable areas of the proposed development are to discharge via a new surface water drainage system to the existing surface water drainage system within Vollan Crescent at an existing tail. The applicants confirm that;

"calculations have been undertaken to confirm there is adequate capacity within the existing downstream, public surface water drainage system from the proposed connection to the ultimate discharge point to the Irish Sea on Vollan Crescent. The design criteria for these calculations is a 1 in 100 year storm event +30% climate change allowance. The unattenuated direct discharge of the surface water flows has been agreed with MUA."

6.6.5 As outlined earlier, this is a main issue for a number of immediate neighbours to the development, and rightly so given the existing situation. The works proposed to address this matter include re profiling of the land to form a detention area (to the rear gardens of plots 7

to 18), with land drainage connected to a new surface water system. While all drainage authorities (Manx Utilities, Flood Management Division (DOI) & Highway Services Drainage (DOI)) had consider this matter and all other drainage elements and had no objection, the Department wished further comfort that this specific issue had been addressed.

6.6.6 Flood Management Division commented (emailed 09.05.20204):

"The Flood Management Division (FMD) of the Department of Transport have reviewed the proposals from a flood risk perspective and are satisfied with what is proposed. FMD was made aware of the two areas of pluvial flooding from south west corner of the where the public open space and playing pitch are proposed and the flooding behind the existing properties on Bride Road (proposed houses 7-18). We had discussions early on with the developer about our concerns about these two areas and asked for them to consider overland flows routes and other solutions to these issues.

The developer has provided the overland routes, detention basins and ground profiling to contain any overland flow that is not captured by the surface water drainage system which is designed for the 1in 100 plus climate change event. These detention basins and ground profiled areas will drain back into the surface water via land drains. In response to your two questions (underlined)

- 1. Are you able to confirm that the concerns raised by the local residents in relation to surface water/flood water (namely Fair Isle, Elleray, Anchor Down, Greenbank, Thie-Y-Vollan, Rosterne, Vollan Garden) have been addressed by the submission please? The Planning Committee will want assurances (as we all will) that the development would not make the situation and ideally improve it.*

Yes the surface water drainage system will intercept the water from the impermeable areas for a storm up to a 1 in 100 plus climate change event which is an event that only has a 1% chance of occurring in any year. Any overland flow not captured by this system will them flow to the landscaped area where it will drain back into the surface water system.

- 2. Are you also able to comment whether the larger public open space (southwest corner of site), which includes a detention basis will be useable as public open space?*

The detention basin is only occupying one area of the public open space and will only be active in very wet periods this is to capture overland flow not captured by the surface water system.

I would say we need to make sure that the landscaping areas and the detention base are constructed properly so that the water flows into them and that undertake their function. Could a condition could be added to cover this?

I also agree with Chris (Highway Services Drainage) that the greatest risk of flooding is during construction phase so this will have to be managed. If a condition could be added for construction phase surface water runoff management plan to be produced if approved?"

6.6.7 Highway Services Drainage commented (email 08.05.2024);

"The drainage system serving the estate roads exceeds our design requirements and we are satisfied with the location and number of road gullies that will drain surface water (SW) runoff from them. The Applicant is also proposing to improve the highway drainage on Bride Road which is welcomed. They have also provided flow exceedance routes and flood detention areas in the unlikely event that the drainage system becomes blocked or overwhelmed.

Whilst not necessarily in our remit, we have the following comments to make with regard to surface water flooding and the proposed detention areas: -

Just over 37% of the 11.3ha site will be impermeable (highway, houses and driveways etc.) which will be positively drained into the proposed SW water drainage system. The system has been size to cope with a 1:100yr + 50% cc storm event which is beyond our requirements and most likely MU's current ones as well. This should result in a significant reduction in the current greenfield flooding issues being experience by residents in the area.

The 2 areas of main concern appear to be behind plots 7 – 18 and the large area of POS adjacent to Bride Road. With reference to section 4.4 Overall Catchment Review in the "Addendum to Site Hydrology and Flood Risk Statement" dated 9th February 2024. The catchment area draining to the low point in the POS is noted as being reduced by 39% from 14,000m² to 8,500m². Based on a rough estimate of a 1:100 yr + 30% CC 6 hour storm event producing a 100mm of rainfall then the accumulated volume of water would be reduced by 5,500m³. Likewise, the area draining to the low point behind plots 7 – 18 is noted as being reduced by 89% from 18,000m² to 2,000m² so the accumulated volume would be reduced by 16,000m³. This should significantly reduce the flooding issues in the areas especially as both are to have land drains draining them to the SW drainage system. Please note that the land drains at the rear of plots 7-18 have not been shown on the drainage drawings. Based on the storm event above, the estimated post development accumulated volumes for the 2 areas would be 850m³ and 200m³ respectively. If these volumes can be contained within the site whilst draining into the SW system without affecting any properties on or off it, then offsite surface water flooding could be eliminated. Malcolm at FMD should be able to confirm this.

The detention basin areas provide SW storage during extreme storm events or when the SW drainage system becomes blocked or overwhelmed. Two areas are positively drained but the others will drain via infiltration and or evapotranspiration. They do not form part of the SW drainage system and are unlikely to be adopted by MU."

6.6.8 Manx Utilities commented (09.05.2024);

"Manx Utilities have reviewed the drainage proposals for PA 23/00744/B for the construction of 153 dwellings and associated drainage off Andreas Road Ramsey and can comment as follows:-

- The proposed foul and surface water infrastructure has been designed in accordance with Manx Sewers for adoption and Manx Utilities requirements.*
- The surface water infrastructure design includes the latest uplift to 1:100 yr plus 50% climate change which Manx Utilities is requesting for all new adoptable drainage systems.*
- Manx Utilities can confirm that capacity exist within the Vollan sewage pumping station and Balladoole WwTW to receive the foul flows from the proposed development.*
- Manx Utilities met with residents along Bride Road to discuss the flooding concerns in the area. The main cause of this flooding appeared to be overland surface water flows from the proposed site flowing to the low area in the SE corner of the site. Once the site has been developed, the majority of these overland flows will be captured in the new positive surface water drainage system serving the estate therefore greatly reducing the impact within the area. Land drainage will also be installed through the rear of plots 7-18.*

- *The developer has indicated that they will be entering into a section 8 adoption agreement for the adoption of both the foul and surface water infrastructure for this development. A S8 adoption application will be required prior to construction work commencing on site.*
- *The detention basins/ swale areas which will accommodate exceedance flood routing away from the highway/ properties into soft landscaped areas will not be adopted by Manx Utilities.*

The addition of a new surface water drainage system as part of this development is welcomed by Manx Utilities. During heavy rainfall events, the existing foul sewers serving the properties along Bride Road have been utilised as a route for residents to drain flooded/ waterlogged gardens which greatly impacts the downstream foul sewerage network causing surcharging. The installation of a new surface water system will remove the requirement for this, resulting in a reduction of rainwater being pumped from Vollan PS to Balladoole WwTW for unnecessary treatment.”

6.6.9 Overall, with the drainage schemes in place the Department is satisfied from the evidence submitted by the application and the comments received from the drainage authorities who have made comments during the application process and also providing further comments (section 6.6.5 to 6.6.7) on this specific matter, that the proposal would result in a reduced surface water runoff/flood event to the neighbouring properties and therefore would not increase flooding to these properties along Bride Road. This especially confirmed by comments received and outlined within section 4.4 Overall Catchment Review in the “Addendum to Site Hydrology and Flood Risk Statement” dated 9th February 2024 which concludes that there would be a reduction in water runoff to the low point behind plots 7 – 18, being reduced by 89% from 18,000m² to 2,000m² so the accumulated volume of water would be reduced by 16,000m³. Accordingly, the proposal is considered from this aspect to comply with Environment Policy 13.

6.6.10 A matter of potential maintenance/access of this area also needs consideration. The Department has had experience where a situation (Little Meddows, Andreas) where drainage works were undertaken as part of the Little Meddows housing development which ran under a number of rear gardens, but these were poorly installed at the time and is now causing issues with flooding in Andreas Village, given each part of the drain is owned privately by each owner and therefore Manx Utilities cannot resolve the long standing issue as they are not publically adopted. This potential issue was put to the applicants, as the Department did not wish to see this situation occurring to the rear drainage works to plots 7 to 18.

6.6.11 The applicants have initially consider two potential options, both include covenants which include access/retention of the drainage works. Furthermore, there are two possible options put forward (email dated 10.05.2024);

Option A

We would form shallow channel separated from the proposed gardens by an additional fence with gates for access. This should provide a deterrent to the homeowners to alter the channel. We would provide an outlet from each channel to plot drainage.

Option B

We would form a reasonable sized French Drain (approx. 0.6 to 1m m deep x 0.6m wide below ground level. Within each plot we would have an outlet into the property surface water drain. The French Drain would need to decent size so that it was difficult to remove and being below ground less likely to be tampered with.”

6.6.12 Both Flood Management Division and Manx Utilities have confirmed the principle of such works would be acceptable, although it is considered a condition should be submitted to seek further details be submitted and such works are then completed and maintained thereafter.

6.6.13 The Department is also comforted that the larger area of Public Open Space (south-western corner of site) which forms a detention basin would still be useable as open space, with perhaps the exception in very wet periods, as confirmed by the Flood Management Division who commented; *"occupying one area of the public open space and will only be active in very wet periods this is to capture overland flow not captured by the surface water system."*

Highway drainage

6.6.11 Highway Services Drainage who consider the potential impact of surface water entering onto the public highway have confirmed that the proposals meets their highway drainage requirements and in this respect the highway within the development is suitable for adoption under Section 4 of the Highway Act 1986.

Adoption

6.6.12 The proposed foul and surface water infrastructure has been designed in accordance with Manx Sewers for adoption and Manx Utilities requirements and Manx utilities are happy to adopt these. The elements that Manx utilities are not proposed to be adopted are the detention basins/swales. These elements generally form part of Public Open Spaces and the applicants have confirmed that the Local Authority would be adopted and maintained. The applicants indicated these areas are shallow profile parcels of land to allow mowing as part of general maintenance (see drawing 22-111-05 – BB Consulting). A condition should be attached to seek additional plans/sectional drawings for these detention basins/swales.

Conclusion

6.6.13 It is noted that all drainage authorities have considered all aspects of drainage for the scheme and have raised no objection, which given the Department significant comfort, especially given the existing situation of surface water flooding to the rears of properties along the Bride Road from surface water runoff. Accordingly, the Department is comfortable that all aspects of drainage/flooding are acceptable and will ensure the development will do result in an increase on or off the site complying with Environment Policy 13 of the IOMSP.

6.7 POTENTIAL IMPACTS UPON ECOLOGY & TREES (ENVIRONMENT POLICY 4 & 5)

6.7.1 The two parts of the application site and the works proposed to be undertaken need to be considered in terms of potential ecology impacts and potential impacts upon trees. The submission includes a number of reports on this matter, which include Preliminary Ecology Appraisals, Habitat Enhancement Works, Arboricultural Impact Assessment, Breeding Bird Survey, Bat Survey and Fungi Surveys.

6.7.2 The "main development site" and the "land to the east of Royal Park" is made up currently of agricultural fields, with boundaries made up of hedgerows. Various aerial photographs the Departments has available (2012, 2018 & 2021), shows the fields in question being uses for livestock (sheep grazing) purposes.

6.7.3 The Preliminary Ecological Survey indicates that there are no major ecological constraints to development on the development site. Further recommendations are made for seasonal surveys for grassland fungi, breeding birds and bat activity. These have now been undertaken. The statement indicates that there is potential opportunities for enhancements on the "main development site" which includes the retention of field hedgerows and widening these with additional planting; provision of artificial roosts and bee bricks in new buildings;

fencing allow for the migration of wildlife; and areas of public open space managed without pesticide/herbicides.

6.7.4 In terms of the "land to the east of Royal Park" it is proposed to use these existing fields for the purposes of "Habitat Enhancement Works". Manx Wildlife Trust have prepared a report on this basis and it recommends that field 131085 is planted with a mix of native woody species to create a mixed scrub habitat with scattered trees. Field no. 135140 is to be enhanced to create other neutral grassland through a beneficial management regime. The report outlines that in order to achieve biodiversity net gain the proposed habitats will need to be managed for a minimum of 30 years from the date of creation. This enhancement works will be formally agreed through the Section 13 Legal Agreement, essential indicating the works outlined in Manx Wildlife Trust Report are fully undertaken and maintained.

6.7.5 The main policy to consider is Environment Policy 4 which states that development will not be permitted which would adversely affect; species and habitats of international importance; species and habitats of national importance; and species and habitats of local importance such as Wildlife Sites, local nature reserves, priority habitats or species identified in any Manx Biodiversity Action Plan. Environment Policy 5 indicates that under exceptional circumstances where development is allowed which could adversely affect a site recognised under Environmental Policy 4, conditions will be imposed and/or Planning Agreements sought.

Bats

6.7.6 The Bat Report submitted (undertaken by Ecology Vannin) concludes;
"Baseline conditions found low levels of activity by four species and one genus of bats (Myotis) that are likely to be impacted by the proposed development. In the absence of mitigation the proposal will likely disrupt existing commuting and foraging routes and reduce foraging resource within the site boundary.

Mitigation has been designed to address these issues through sensitive lighting in accordance with industry standards, protection of key habitats through buffering habitats (grassland, trees and scrub) and extensive provision of artificial roosting niches suitable for species tolerant of sub-urban environments.

It is expected that in the medium to long terms (10-30 years) this would likely result in a neutral (no net loss) of bat activity and potentially slight beneficial (net gain) for bats."

Birds

6.7.7 Within the Preliminary Ecological Survey it indicates that seven bird species were recorded during the walkover, these being;

- Blackbird (green listed);
- Wood Pigeon (green listed);
- Starling; (amber listed)
- Hooded Crow (green listed);
- Carrion Crow (green listed);
- Herring Gull (red listed); and
- House Sparrow (amber listed).

6.7.8 The report indicates that the grassland within the sites are suitable habitat for foraging birds and the hedgerows provide nesting and foraging habitat. The woodland adjacent to the north of the site provides suitable nesting and foraging habitat. The report outlines that a summary of species records from Manx Birdlife identifies that the key species which are likely to use the site include Barn Owl, Common Linnet, Common Starling, Eurasian

Curlew, Eurasian Oystercatcher, Eurasian Tree Sparrow, Great Spotted Woodpecker, House Sparrow, Meadow Pipit and Red-billed Chough.

6.7.9 Following the Preliminary Ecological Survey being undertaken a further Breeding Birds Report has submitted as part of the submission. For the "main development site" the report indicates that;

"A total of 28 species were recorded using the site or within sufficient proximity to be considered potentially impacted by any proposed development. Of this total, 19 species were allocated a breeding status.

Breeding status of 'definite' was only ascertained for two species (Blackbird Turdus merula and Rook Corvus frugilegus), 'probable' for 12 species and 'possible' for 5 species.

Numbers of territories were generally low, with Wren Troglodytes troglodytes being the most numerous with 5 territories. Rook was by far the most numerous species with 35 apparently occupied nests (AON) in the canopy of woodland immediately adjacent to the northern boundary."

6.7.10 The "land to the east of Royal Park" the Breeding Birds Report indicated;

"A total of 17 species were recorded on or immediately adjacent to the site, with breeding status assigned to 10 species. One species (Blackbird) was recorded as 'definite' breeding status, with 7 'probable' and 2 'possible'. Territory numbers ranged from 1-4 with Wren being the most numerous."

6.7.11 The Breeding Birds Report concludes;

"The baseline ornithological interest has been determined from field survey and historical data and the likely impacts from development assessed. Mitigation has been designed to be proportionate and appropriate to key species and broadly beneficial for the wider assemblage of common and widespread species.

The construction phase will undoubtedly cause some disturbance and displacement of farmland passerines (including red list species) although from baseline information this will only impact a small number of territories of mainly common and widespread species but also red list species that are potential breeders e.g. Common Linnet.

Mitigation has comprised on-site retention, creation and enhancement of key habitat types (hedgebank, scrub and grassland) where practically possible and extensive installation of artificial nesting niches. In addition, plans have utilised the enhancement of off-site compensatory habitat in Site B for the benefit of key species associated with hedges, grassland and scrub.

It is anticipated that in the medium to long-term) 10-20 years the habitats should support no net loss of site avifauna in terms of species diversity and likely gain in abundance of species tolerant of sub-urban environs e.g. House Sparrow, Blackbird and Dunnock."

Fungi

6.7.12 The Revised Fungi Survey (IOM Fungus Group) have undertaken surveys throughout the two sites and both site where identified to have the "regional importance" category – having between 6 and 10 waxcap species. The reports concludes that;

"However knowing the value of many other richer small grassland sites these fields do not merit conservation measures as waxcap grasslands."

6.7.13 For information a Waxcap grassland is short sward, nutrient-poor grassland that supports a rich assemblage of larger fungi, particularly waxcaps.

Common Lizards/Common Frogs

6.7.14 Within the Preliminary Ecological Survey it indicates that neither were observed during the survey of the sites, although there are records of these within 500m of the site. There are suitable lizard/frog habitats within the site; albeit this is impacted by the rotational grazing that occurs on the site.

Invertebrates

6.7.15 The Preliminary Ecological Survey indicates that the site is likely to support a range of common invertebrates.

Schedule 7 and rare and scarce plant/ Schedule 8 Plants

6.7.16 There were no species found during the Preliminary Ecological Survey.

Wading Bird survey

6.7.17 No evidence of use of any of the fields by Wading Birds.

6.7.18 The Ecosystem Policy Team have considered the application and the various ecology reports and have confirmed that they consider there to be; "a suitable level of ecological assessment has been undertaken and we are content". They have indicated subject to a number of conditions listed (see email 08.03.24) and that; "A more detailed habitat creation and management plan incorporating 30 years of ongoing management, timescales for planting and protection measures for rare fungi (See the Isle of Man Fungus Group's Survey of Vollan Fields 1-3), will need to be secured via a Section 13 Agreement which Hartford Homes have already agreed to in section 2.65 of their 'Statement in response to Third Party Consultations' dated February 2024." They have no objection to the application.

6.7.19 When any un-developed site is proposed for development, there will be an impact upon the biodiversity of the site. This site is no exception, as is the case with most residential and non-residential development. However, for the reasons outlined in this report and the submitted reports undertaken by the relevant qualified persons, it is considered that with the appropriately worded conditions/S13 Agreement; which include mitigation measures, the proposed application would comply with EP 4 and 5.

Trees

6.7.20 In relation to impacts upon trees within the site a total of 5 trees are proposed to be removed, namely to enable new accesses/footpaths/visibility splays along the southern and western boundaries of the site. Of these there are two category B sycamore trees which the Forestry, Amenity and Lands Directorate have commented would normally result in an objection in line with their "Tree Protection Policy". However, given the significant number of new trees proposed to be planted in terms of mitigation and the limited contribution the trees make to the landscape due to their limited size and age, they have no objection. The Department would agree with this view and therefore subject to the conditions outlined by the Directorate there are no concerns to the loss of trees in this instance, particularly given to the significant of tree planting proposed.

6.7.21 It is noted that there are two groups of Registered Woodlands to the north (Grest Farm – ref RA1594) and south (Ormly Hall – ref RA1674) of the site. These areas have biodiversity interest. Neither of these areas are affected by the works.

6.8 AFFORDABLE HOUSING PROVISION (GENERAL POLICY 4 AND HOUSING POLICY 5)

6.8.1 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. This policy will apply to developments of 8 dwellings or more. Given submission proposed 153 dwellings this equates to 38.25 affordable dwellings. A Section 13 Legal Agreement would need to be entered into by the applicant and the Department to ensure the affordable housing is provided. The applicants have proposed 38 dwellings provided on the site whilst the balance of the 25% (0.25 units) will be paid by Commuted Sum (£7,500). This is acceptable to the Public Estates & Housing Division, the applicants and the Department. The proposal therefore complies with Housing Policy 5.

6.9 PUBLIC OPEN SPACE PROVISION (RECREATION POLICY 3 (inc Appendix 6) & 4)

6.9.1 The application provides Public Open Space (POS) in the form of formal, amenity and play space within the site. Under the requirements of Appendix 6 of the IOMSP the proposal should provide a total of 13,248sqm (1.32 hectares / 3.27acres) POS which is broken down to 7,452sqm in Formal space, 2,484sqm in Play space and 3,312sqm in Amenity space.

6.9.2 The scheme provides approximately 15,734sqm of POS over the two application sites. This is broken down as 7,460sqm in Formal space, 2,500sqm in Play space and 5,774sqm in Amenity space. Therefore an overprovision of 2,489sqm in POS. Accordingly, in terms of area of provision the proposal would meet the requirements of the IOMSP.

6.9.3 It should be noted that all of the public open space provision is provided within the "main development site". The "land to the east of Royal Park" which is proposed to have habitat enhancement, is not included within the public open space provision. The habitat enhancement equates to approximately 37,300sqm (3.73hectares / 9.2 acres) in area.

6.9.4 The main areas of POS are provided in four areas throughout the "main development site". The applicants explain that;

"The proposals include natural play areas for younger children, including stepping stones, balance beams and large diameter pipe tunnels, to encourage creative play..."

And

"There are also smaller areas of landscaped open space distributed throughout the site to create a natural setting for the development.

'Formal' use POS is provided in the form of a sports pitch in the south-western corner of the site, close to the community facility. This will not be flood light lit, to avoid impact on neighbours and habitat. Also, whilst not forming part of these proposals, a possible future primary school in the north-eastern part of the site could include a sports field, which may be available for community use.

Other areas on-site are proposed to be planted for habitat and biodiversity, for the community and educating children.

The proposed development is also within easy walking distance of the existing playgrounds and the playing fields situated at Mooragh Park."

6.9.5 A Section 13 Legal Agreement would need to be agreed between the applicants, Ramsey Commissioners and the Department in terms of the POS being adopted by the Commissioners including the provision of play equipment (details should be conditioned). There is an initial agreement (Heads of Terms) from the Commissioners on this matter.

6.9.6 Overall, the proposal would provide more be an over provision of Public Open Space. Further the open space is well placed within the site and easy access for new residents and for existing residents in the area and therefore complies with Recreation Policy 3 4 & 5.

6.10 IMPACT UPON PUBLIC SERVICES/ADDITIONAL PROVISIONS TO SERVICES (schools, GPs & Dentists)

6.10.1 A number of concerns raise is by local residents who have indicated that GPs and Dentists are already at capacity and any additional housing would increase the pressure on these existing services. This is clearly a reasonable concern to have, one which is becoming a common theme with planning applications for new housing throughout the IOM.

6.10.2 There are no planning polices which specifically deal with this matter. The IOMSP does indicate;

"10.5 Civic and Community Facilities

10.5.1 Community facilities are those services or facilities that provide for the needs of the Island population. As such, they should be appropriate to the needs of the Island's population and be located as to be easily accessible. Community facilities include community centres, medical facilities, places of worship, schools, nurseries, library services and premises which provide an element of care for those sectors of the community that are in need of this.

10.5.2 It is not for the Strategic Plan to address or determine the needs for community facilities, but to address the land use issues arising from such proposals. Where there are known site requirements these will be safeguarded in the relevant Area Plans for that area. Proposals for such uses will therefore be assessed against general criteria based policies.

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

6.10.3 In relation to the principle of the new school, Community Policy 5 does indicated that permission will generally be given for proposals to build new schools, subject to their being sited and designed in accordance with the other policies of this plan, having particular regard to the potential for community use of the buildings and the associated Open Space. The site being located adjacent to the proposed 153 dwellings and existing dwellings in Ramsey would meet the aims of the policy. Further, while the design is at an indicative stage, DECS are content that the size of the site can accommodate a one or two form primary school. There are no objection from DECS that the proposal would result in a significant adverse impact upon the existing school places. Furthermore, there appears to be potential options available to DESC in terms of either a new school on this site or potential to expand the existing primary school.

6.10.4 Healthcare is more difficult, there is no specific provision for this site to provide facilities and no published strategy has been identified in the consultation response which identifies this site as being where new facilities are required/should be provided. It is therefore considered that this is not, in itself, an automatic reason for refusal but rather something to be considered as part of the planning balance. The Strategic Plan and wider policy framework (Island Plan/Economic Strategy) encourage more housing/infrastructure for population growth and so investment in more school/education/healthcare places could reasonable be seen as part of that requirement.

6.10.5 It is further noted from the response from Manx Care in relation to dental care appears to indicate that the issue is one of recruitment, rather than physical buildings to accommodate such provision. The element of recruitment falls outside the remit of planning. Again, while no comments have been received from Manx Care in relation to GPs, during the pre-application stage of the application comments (emailed dated 27.01.2023) where received from Manx Care indicating that

"...The problems within the NHS reach wider that the Island and there are no short term fixes. We cope quite well considering the pressures we are all under and are always actively trying to recruit, adapt, change and learn. I'm sure this will also be the case here."

6.10.6 On this matter the applicants comment;

"In terms of healthcare impacts, there site is in close proximity to Ramsey Group Practice, Ramsey and District Cottage Hospital and Smile Dental Care. It is understood that at the time of submitting this application, the GP surgery has capacity for additional patients but Smile Dental Care is not currently accepting new patients. Through discussion with Ramsey Group Practice, it is also acknowledged that the new residents will not all be new to the town and will not arrive all at once, and as such local infrastructure will have time to adapt."

And (within response to third party consultations)

"In terms of GP services, it is noted that Ramsey Group Practice is the only doctors in the town and according to their website as of February 2024 the practice is currently receiving new patients."

Whilst GP capacity is an ever-evolving situation it is fully acknowledged that GP services generally are under pressure and the 2019 Health and Social Care Review report raised concerns about the adequacy of GP provision across the Isle of Man. This however is an Island-Wide issue and not something that an individual development proposal can resolve. Nor is it relevant to a specific site, as clearly wherever new housing is developed in Ramsey the same issue will be present. This issue is ultimately not in the gift of an individual planning application to resolve if GP capacity is an existing problem."

6.10.7 In relation to the principle of the new school, Community Policy 5 does indicated that permission will generally be given for proposals to build new schools, subject to their being sited and designed in accordance with the other policies of this plan, having particular regard to the potential for community use of the buildings and the associated Open Space. The site being located adjacent to the proposed 153 dwellings and existing dwellings in Ramsey would meet the aims of the policy. Further, while the design is at an indicative stage, DECS are content that the size of the site can accommodate a one or two form primary school.

6.10.8 The applicants also comment that;

"In terms of education, it is estimated that the proposed development would generate the need for approximately 31 primary school places and 31 secondary school places. This is based on the Department of Education's formula that new housing generally creates a demand for 1 primary place & 1 secondary place per 5 dwellings (excluding retirement units)."

6.10.9 In terms of the proposed development impact upon the existing school capacity, there is no objection from DEC and from their comments and comments from the applicant's above,

there would seem to be appropriate provision, without the need for major expansion at either primary or secondary schools in Ramsey.

6.10.10 The application does also proposal a new nursery within the neighbourhood centre of the development. A community hall is also proposed. These will have an appropriate and beneficial uses to the new and existing residents in the area. Community Policy 2 seeks new community facilities should be located to serve the local population and be accessible to non-car users.

6.10.11 In terms of local shops, there is no local convenience provision in the northern area of the town. Shoprite (soon to be Tesco) supermarket is within approximately 2km of the site. It is not considered the proposal of a two retail units (total 286sqm) onsite would harm the retail element of Ramsey town centre. Furthermore, this level of development is generally supported by the IOMSP as Business Policy 10 indicates that retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas. The two retail units are generally larger than what is generally permitted as a "neighbourhood shops" which is defined in the IOMSP as; "not normally comprise more than 100sq metres of floor space". However, as outlined earlier, there are no retail units within this existing area or nearby residential estates which have been built over a number of decades without any such provisions.

6.10.12 Furthermore, given the retail units, community hall and nursely and large children's play area and playing fields are all within close proximity to each other, this is reasonable to be considered to form a "neighbourhood centre". On this, the IOMSP indicates:

"The provision within residential areas of small shops, often combined with sub-post offices and off-licence facilities, occupies an important place in the range of shopping facilities available. Many people are dependent on such shops, these being the only shops to which access can be gained easily on foot, without relying on public or private transport. In addition, such a facility may not only be considered a desirable service, but may also serve as a focus of community life and help sustain a small community."

6.10.13 Accordingly, it is considered the level of retail units proposed would serve the proposed dwellings and existing residential properties are at a sufficient and appropriate scale, without having an adverse impact upon Ramsey Town Centre and therefore comply with BP10. Furthermore the provision of a neighbourhood centre could meet the aims of CP 1 & 2 and be beneficial to existing and new residents of the area.

6.11 ENVIRONMENTAL PROTECTION ISSUES (NOISE) (General Policy 2)

6.11.1 A concern has been raised from The Coach House where a kennels/doggy day care operate from. Concerns is raised that having the site being developed for main residential purposes will increase pressures on their business due to the potential future residents complaining of noise created by dogs barking.

6.11.2 The Department sought advice on this matter form Environmental Health (DEFA), who did raise initial objection to the development on the following grounds;

"Following the receipt of complaints from the residents of Grand Island about nuisance dog barking coming from the neighbouring Coach House Kennels and Cattery, a statutory noise nuisance abatement notice was served on the business. The business has operated boarding kennels in line with planning approval for many years and has also recently obtained a certificate of lawful use for the operation of 'doggy day care' facilities at the site. There is no guarantee that we will be successful in enforcing the requirements of the notice if it is breached and I have concerns that future occupiers

of the proposed development may be subject to unreasonable levels of noise if it goes ahead."

6.11.3 In response the applicants have submitted "A Noise Assessment" undertaken by Resound Acoustics Limited, which has considered the potential impacts of noise to future residents of the development. This included sound measurements from the site to observe noises levels in the area and from the kennels. It should be noted that this application cannot deal with any issues at the source of the noise. As outlined from Environmental Health they have issued a Noise Abatement Notice on the business and it is their own Legislation which requires to take the appropriate action, if needed.

6.11.4 The Noise Assessment concludes;

"...7.6 The assessment outcomes during the daytime are considered to be broadly acceptable, and while the numerical assessment suggests that the evening and night-time outcomes are more adverse, the kennels was observed to be largely silent during these periods and the adverse outcomes are linked to the precautionary assumption that it could be noisy, rather than it actually being noisy.

7.7 Furthermore, should the current nuisance action be successful, it is expected that dog sound levels at the Vollan Fields site will reduce from the levels measured for this report. If the action is not successful, it is expected that the noise levels will remain at current levels.

7.8 On balance, it is considered that noise from Coach House Kennels and Cattery is unlikely to lead to complaints from future occupants of Vollan Fields, should it be permitted, and specific mitigation measures are not warranted to protect future occupants against it. Notwithstanding this, Hartford Homes intends to install some form of mechanical ventilation in Plots 1 to 6, 35 to 41, and 146 to 153 inclusive, should Coach House Kennels and Cattery remain in operation at its current levels. The plots proposed to have some form of mechanical ventilation are shown in Figure G.4 in Appendix G

7.9 On the basis of this assessment, it is considered that noise from Coach House Kennels and Cattery should not be considered a bar to the proposed development."

6.11.5 In terms of the system mention in paragraph 7.8 above i.e. the Mechanical Ventilation with Heat Recovery (MVHR), this is a system which delivers fresh filtered air into a building without creating uncomfortable drafts, and without creating excessive demand on heating and cooling systems. It works by recovering the thermal energy from the air within the building and using this to precondition the outside fresh air as it is drawn into the building. It works equally well in both summer and winter. Essentially, this system is proposed to be installed to Plots 1 to 6, 35 to 41, and 146 to 153 inclusive, which are the dwellings closest to the kennels and potential reduce the need to open windows to these properties. It does have further benefits as is the **only form of ventilation that cuts out almost all of the ventilation heat losses**, which make up to 30% of the heating demand of a dwelling and is predictable and consistent in providing the required amount of fresh air into each room, as well as extracting stale and polluted air where needed. This system is general used in low energy building/Passivhaus. The inside air quality is generally also greater. Accordingly, while the applicants have proposed this measure as a mitigation method, the occupants of these dwellings arguable may have a greater air quality within their properties and decreased energy requirements.

6.11.6 Following the submission of this Noise Assessment, Environmental Health have considered this information and raise no objection, subject to a condition being attached for the mitigation measures outlined.

6.12 LOSS OF AGRICULTURAL LAND (Environment Policy 14).

6.12.1 Concern has been raised that the proposal would result in the loss of agricultural land, which in turn reduces the Island self-sufficiency for food. In terms of planning policy Environmental Policy 14 considers the loss of agricultural land, namely the versatile agricultural land. The site has been rated as having a 2/3 class, i.e. an equal mixture of Class 2 and 3 soil. The highest quality soil is Class 1 and the lowest is Class 5. The IOMSP states;

"...A recent study on agricultural soils on the Isle of Man(1) revealed that the majority of the agricultural land on the Island (80.26%) fell within Class 3, based on the land use capability class system in England and Wales (classes range from Class 1 to 5, with Class 1 being the most versatile land). Class 3 land characteristics can be summarised as land with moderate limitations which restrict the choice of crops and/or demand careful management. Only 4.87% of agricultural land falls within Classes 1 and 2. According to the agricultural land use capability map (figure 4 of the study), all of the Class 1/2 land of which Class 1 is the dominant class can be found in the south of the Island to the east of Ballasalla. New Area Plans will include a general presumption against the release of Class 1 and 2 agricultural land for development.

The highest level of protection will apply to the highest graded quality of land with Classes 1 and 2 soils being afforded most protection from development and being taken out of agricultural use. Where there is a proposal to develop land which is categorised in the Agricultural Soils of the Isle of Man report as being mixed Classes 2 and 3, those wishing to develop the land should ascertain which parts of the site represent higher grade of soil with these parts being avoided for development purposes."

6.12.2 In terms of the last paragraph of the previous text, the applicants are proposing to develop the entire site and therefore there would be the loss of Class 2 and 3 land. This weighs against the application.

6.12.3 As outlined, the site is not within the highest Class of soil quality, although is essentially above average. The EP14 indicates that for this Class of land (2/3) the permanent loss of important and versatile agricultural land (Classes 1-2) will not be permitted except where there is an overriding need for the development, and land of a lower quality is not available and other policies in this plan are complied with. This policy will be applied to (a) land annotated as Classes 1/2 on the Agricultural Land Use Capability Map; and (b) Class 2 soils falling within areas annotated as Class 2/3 and Class 3/2 on the Agricultural Land Use Capability Map. It needs to be noted that the site is designated for development and therefore when the local plan was adopted there was an acceptance that the agricultural land would be lost. This weighs in favour of the development.

6.12.4 In terms of need of the development this is addressed within section 6.2 of this report. Again this weighs in favour of the development.

6.12.5 Accordingly, while the loss of the agricultural land is unfortunately, it is considered the merits of the proposal could be considered to outweigh the loss and comply with EP14, especially given the land is designated for development.

6.13 Climate Change/ UNESCO Biosphere Status (Climate Change Act 2021 and The Strategic Aim, Strategic Policy 1, Energy Policy 5 of the IOMSP)

6.13.1 In terms of the Climate Change Act this has now received Royal Assent; however, has not yet become enacted (Appointed Day Order has not yet been agreed for it to come into force) and therefore has only limited material planning weight. However, it does give a clear direction of travel. The Residential Design Guide 2021 (RDG), specifically relating to "Sustainable Construction" which does include a number of aspects including, construction materials, building design and climate change resilience. It should be noted that should the Act become into force, there is further work to be undertaken for each of the following topics;

"(a) demonstrate that the application has been made having regard to the following climate change policies —

- (i) the maximisation of carbon sequestration;*
- (ii) the minimising of greenhouse gas emissions;*
- (iii) the maintenance and restoration of ecosystems;*
- (iv) biodiversity net gain;*
- (v) the need for sustainable drainage systems; and*
- (vi) the provision of active travel infrastructure; or*

(b) explain why consideration of one or more of those policies is not practicable in relation to the proposed development."

6.13.2 In relations to sustainable construction/climate change measures the applicants have indicated the following which again address some of the points raised by the Act and the RDG;

"The Planning Statement covers in detail how the proposals constitute sustainable development. The key points are summarised below:

- The land is zoned for mixed uses, including for residential use.*
- The development site is in close proximity to local services and is situated on a bus route and connects to existing footpaths, which would encourage walking and cycling, and reduce car use, in accordance with the Island's Active Travel ethos.*
- The proposed design seeks to make the most efficient use of the application site whilst providing the required public open space.*
- Manx Wildlife Trust has carried out a survey of the site and produced a 'Preliminary Ecology Assessment', as well as assisting with the landscape design of the site. The existing site is shown to not be of high ecological value.*
- The existing development site is currently agricultural fields used for grazing. The proposed development includes new trees and shrub planting, increasing the current canopy cover, to provide additional ecological habitat and improve biodiversity.*
- The use of modern construction methods achieves good thermal insulation levels and reduce energy use.*
- Use of efficient heating systems and controls, including Air Source Heat Pumps and roof mounted PV panels.*
- Natural daylight into habitable rooms is maximised to reduce use of artificial lighting.*
- Low energy LED light fittings will be used throughout the development*
- Water efficient sanitary appliances is used throughout.*
- Provision is made for electric vehicle charging points to be fitted if required.*
- Construction materials and labour would be sourced locally where possible, to reduce the carbon footprint of the development.*
- Provision of cycle stores for properties with no garages.*
- Surface water will be disposed of sustainably subject to agreement with the drainage authority.*

It can be seen that significant steps have been taken to make this one of the most sustainable developments of its type, which would help with climate change mitigation

whilst also providing much needed homes for the north of the island, to support Ramsey's position as a Service Centre."

6.13.3 Within the representation section of this report comment has been made that the IOM UNESCO Biosphere Status. Under the Biosphere the IOM as a whole is split into three zones, Core, Care and a Sustainable Development Zones. The majority of the Island is zoned within a Care Area. All parts of the application sites are within a "Sustainable Development (Transition) Areas". This is described as; "within a Towns, Villages, Man-made surfaces including Buildings, Rail and Roads". Further the "Sustainable Development Area" covers our urban areas and all remaining areas outside of Core and Care Zones, with a focus on developing our communities and economy in a responsible way.

6.13.4 It should be noted that the purposes of the Biosphere Status is not intended to raise new restrictions additional to the usual considerations for wildlife and the countryside, though it is clear that it does bring special emphasis and an international focus on the protection of sites on the Isle of Man and sustainable forms of development in appropriate places. Further the "The Zonation Guide for Appropriate Uses" suggests that development in such "Sustainable Development Zone" are both "allowable and encouraged". The emphasis of the Biosphere status is on promoting innovative approaches to sustainable development, so the question is essentially, is the development sustainable, in terms of its positive or negative effects on the environment, society and economy, taking account of the specific proposals and the site and position.

6.13.5 It is worth noting that there are no specifically planning policies which restrict development because of the UNESCO Biosphere status. However, it would appear from existing planning policies seeking to protect the environment/ecology etc (and other legislation within DEFA) are still in place to ensure the impacts to the most sensitive areas like the "Care & Core Zones" are still protected from development which causes harm, as well as sites within a "Sustainable Development Zone". Overall, the proposal sitting within a "Sustainable Development (Transition) Areas" would not go against the aims of the UNESCO Biosphere.

6.14 ARCHAEOLOGY

6.14.1 As part of application an "Archaeological Desk-Based Assessment" has been undertaken to determine the archaeological potential of the site, namely the "main development site". There are no designated archaeological assets (Ancient Monuments or Registered Buildings) within the study site itself. This assessment indicates;

"In March 2023, a geophysical survey was undertaken at the study site. The survey detected a limited number of anomalies, the majority of which were interpreted as being associated with agricultural activity in the form of former field boundaries, a possible trackway, and evidence for ploughing. It is likely that such features date to the Post-Medieval and Modern periods and of limited archaeological interest."

6.14.2 And

"Based on the assessment undertaken, there is considered to be a moderate to high potential for archaeological remains dating to the Prehistoric period within the study site of local to regional significance. There is considered to be a low potential for all remaining periods.

Agricultural activity from the Medieval period onwards is considered likely to have had a low to moderate, but widespread, negative impact on below ground archaeological deposits.

Due to the potential for below-ground Prehistoric deposits within the study site, should Manx National Heritage consider that further archaeological investigation is

necessary, then the next stage of investigation should consist of a programme of trial trenching informed by the results of the previous geophysical survey."

6.14.3 No objection to the application has been received from Manx National Heritage in terms of the findings of the report in terms of archaeology.

6.15 Other Matters

6.15.1 A indicative phasing plan has been initially submitted with the application which splits the site into four phases, these being;

- First phase- the new access onto Bride Road, eastern section of main estate road and southern section of dwelling houses;
- Second phase – the new access onto Andreas Road and the remainder of the main estate road and dwelling houses to the northern and southern central parts of the site;
- Third phase – dwelling houses to north west corner of the site; and
- Fourth Phase – dwelling houses to south-western part of site (21 dwellings), neighbourhood centre, largest area of POS and children play area.

6.15.2 The Department raised some concern with this proposal with the largest area of POS and largest children play area and the neighbourhood centre being within the last phase and sought whether some of these elements could be brought to an earlier phase. The applicants have indicated that the second phase could include the largest area of POS and largest children play area (south-western part of site). The neighbourhood centre would still be in the fourth phase as they raise concerns of viability of the scheme; albeit this fourth phases would also include an increased total of 32 dwellings, some of which are the largest housing types proposed.

6.15.3 It is considered this proposal in principle the Department would support and therefore a condition should be attached for a further phasing plan to be submitted. This phasing plan would also likely need to tie in with other elements of the proposal.

7.0 SECTION 13 LEGAL AGREEMENTS

7.1.1 The applicants have agreed with the Housing and Estates (DOI) and the Department that 38 affordable units will be provided onsite and the commuted sum payment for the 0.25 unit (£7,500) will also be made.

7.1.2 In respect of a Public Open Space the applicants have confirmed that an agreement has been agreed with Ramsey Commissioners to adopt the areas of POS and children's play areas/equipment.

7.1.3 The S13 agreement should also provide details of a scheme for a long-term habitat enhancement and management plan for the fields to the "land to the east of Royal Park".

7.1.4 S13 financial contribution for Microprocessor Optimised Vehicle Actuation (MOVA) installation at Ramsey Parliament Square signals on commencement of the development – likely to be no more than £15,000.

8.0 CONCLUSION

8.0.1 Overall, it is considered the proposal has a number of issues which need to be considered. The proposal would be developing a site (main development site) which is designated for "Mixed Use", where as the "land to the east of Roy; Park" is designated as "Proposed Public Open Space" under the Ramsey Local Plan 1998.

8.0.2 The "main development area" will clearly chance the landscape character of the site/area from one of undeveloped agricultural fields to a residential development in the main,

including neighbourhood centre and potential future school. However, as discussed within this report it is considered the visual harm caused by the development is not so significant to warrant a refusal. The development will appear as an extension of Ramsey which is within the "Town Boundary" as outlined by the existing Ramey Local Plan. The proposal would equate to a sustainable development given its closeness and good pedestrian and cycle links to Ramsey Town Centre, with appropriate public transport links and would meeting the overarching aims of the IOM Strategic Plan i.e. "Towards a Sustainable Island" and other Government strategies outlined in this report.

8.0.3 There are no highway safety/parking concerns raised by the development and with appropriately worded conditions will result in improvements to the roadside frontages of the application site being improved and provisions of an upgraded bus stop and improvements to the existing pedestrian works.

8.0.4 There proposed development will not result in an unacceptable risk from flooding on or off site.

8.0.5 Finally, there are no significant impacts upon protect species on this site (namely birds/bats/Fungi, Schedule 7 and rare and scarce plant or Schedule 8 Plants), while there are significant levels of mitigation proposed/conditioned.

8.0.6 It is considered that the proposal would contribute to the supply of housing (including 38 affordable houses) as a sustainable urban extension to a settlement identified near the top of the settlement hierarchy.

8.0.7 The application includes a suitable level of Public Open Space throughout the development, including a variety of children plays areas/spaces for various age groups all within a walk able distance within the site for future occupants and also for existing residents in nearby housing developments.

8.0.8 While the development will have an impact upon public services (GPs/dentists, school capacities) given additional persons who would live in the catchment of such services. However, for the reason outlined in this report it is not considered this impacts would be adverse and not a matter which this application alone could necessary address.

8.0.9 In conclusion for the reasons indicated within this report the proposal overall, would not have any significant adverse impacts upon public or private amenities and would therefore comply with the planning policies of the IOM Strategic Plan 2016 outlined within section 4.0 of this report, the Residential Design Guide 2021, Ramsey Local Plan 1998 and Manual for Manx Roads.

8.0.10 It is recommended that the planning application be approved for the reasons given, subject to the Section 13 Legal Agreement been signed and the conditions listed.

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:

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

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.2

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

Site Address : Field 434112
Douglas Road
Ballasalla
Isle Of Man

Applicant : Dr John Taylor OBE

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

Planning Officer : Hamish Laird

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

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

Reason: In the interests of visual amenity.

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

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

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

Reason: To protect the visual amenities of the area.

C 5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no plant, equipment, structure, garage, car port, gate, fence, wall, or other means of enclosure, or hardstanding area shall be erected or installed within the

curtilage of the application site hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

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

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

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

Reason for approval:

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

Interested Person Status – Additional Persons

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

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

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

Planning Officer's Report

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

0.1 PREAMBLE

This application is being further considered by the Committee after deferral from its sitting 10th June 2024 in order for the members to conduct a site visit.

The site visit was carried out 27th June 2024.

1.0 THE SITE

1.1 The site is part of a field which sits one field in from the south-west side of the A5 Castletown Road on its approach into Ballasalla, and to the south west of a lane which links

the A5 with the steam railway line. The first part of this lane serves an existing residential property, Arborfield, which is not within the applicant's ownership, and sits on the corner of the lane and the A5 and is part of a public footpath: the southern spur off the lane is a private road which serves the former Ballawoods Gatehouse. The proposed development site extends to approximately 0.49 hectares and consists of grassland.

1.2 Ballawoods Gatehouse was approved for redevelopment in the form of a completely new house further into the field, together with the replication of the original gatehouse on the other side of the railway line (17/01076/B, 18/00197/B and 23/01498/B which is pending consideration). These works have not been completed and the new house is not yet occupied. The gatehouse which is a relatively small structure located opposite the site on the south-east side of the railway, is as existing.

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

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

2.0 THE PROPOSAL

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

2.2 The Planning Statement accompanying the application advises:

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

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

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

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

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

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

"3.9 When the solar trackers come to the end of their operational life, estimated to be 30 years, the Development will require decommissioning. All solar PV array infrastructure would

be removed from the site and recycled or disposed of in accordance with good practice and market conditions at that time.

3.10 Decommissioning would be expected to take approximately 3 months.

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

2.4 The three pole-mounted photovoltaic trackers would be sited to the south of the car park, WC, and data centre, and would comprise flat solar PV panels measuring approx. 8.65m long x 5.5m wide, mounted on a stem which would have a 'hub' height of approx. 2.65m and would track the sun's movement where they would appear at varying heights of approx. 3.5m when laying in a flat, horizontal position; approx. 6.0m when tracking the sun at an angle of 40o; and approx. 6.6m when tracking the sun at an angle of 70o.

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

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

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

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

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

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

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

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

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

PLANNING POLICY

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

Ballamodha, Earystane and St Marks (D14)

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

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

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

Objectives include:

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

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

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

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

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

- i) to be accompanied by an Environmental Impact Assessment in certain cases; and

ii) ii) to be accompanied by suitable supporting environmental information in all other cases."

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

(c) Energy industry

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

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

4.0 PLANNING HISTORY

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

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

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

5.0 REPRESENTATIONS

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

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

Our concerns relate to the following:

Wardell Armstrong have assessed the habitats within the red line boundary of the application and concluded in Table 3 that "There is negligible suitable habitat on site for bats. The distance of the site from a suitable bat feature (hedgerow, mature tree, building etc.) means that it is unlikely bats will be utilising the site for foraging or commuting." However, when assessing wildlife impacts with wind turbines it is important to take account of other

commuting, foraging, nesting and roosting habitat outside of the red line boundary which are likely to bring bats and birds on to the site and therefore into conflict with turbines. In this case, the surrounding hedges/hedge banks and mixed plantation woodland, including hedges which are immediately adjacent to the red line boundary - a hedge bank approx. 30 m to the north of the turbine and adjacent to the site compound, a hedge bank approx. 40m to the west of the turbine and a mixed woodland hedge approx. 100m to the east of the turbine. We are currently not confident in the assessment because the site's surroundings have not been at all taken into account or characterised. It would also be useful if exact measurement could be provided to show the distance between the turbine and surrounding habitat features.

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

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

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

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

5.3 DEFA Ecosystem Policy Officer's further comments received on (18/1/24) are as follows:
"Forward to the below, we now understand that in addition to the hedges adjacent to the 5.4 DEFA Ecosystem Policy Officer's comments received on (5/2/24):

in the same field as the wind turbine is to be located. In the area approximated in red below. Meaning that even more habitat suitable for bats and birds, and which will bring them in close proximity to the turbine blades, is now present. More information about this tree planting should be provided prior to determination and the Ecosystem Policy Team re-consulted on the application, as this may make the location of the turbine unsuitable."

5.4 DEFA Ecosystem Policy Officer's comments received on (5/2/24):
"Correspondence has now been received by the Planning Department which details that there is an active bat maternity roost in Arborfield, Douglas Road. This roost is unknown to the Ecosystem Policy Team and therefore we cannot confirm its presence - site visits and bat surveys would be required. However, the presence of an active maternity roost in Arborfield, which is located approx. 200m to the north east of the turbine site, emphasises the need for the applicants to obtain bat surveys prior to granting of Planning permission for a wind turbine in this location because bats, including young bats which are learning to fly and feed

themselves at certain times of the year, will be present in the local area and using the fields around the wind turbine, particularly the woodland and hedge banks, for feeding and commuting. The Ecosystem Policy Team currently object to this application because of the lack of bat survey effort."

5.5 DEFA Ecosystem Policy Officer's comments received on (12/4/24):

"The Ecosystem Policy Team can confirm that we have no objection to this application in regards to potential impacts on bats, now that the wind turbine has been removed. We can also confirm that we content with Wardell Armstrong's Preliminary Ecological Appraisal Report dated March 2024.

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

We note that the Agent's response to our previous comments states that bat surveys are to be undertaken prior to the submission of a separate application for a wind turbine, and we are content with the bat survey effort suggested for the habitat as it is currently. However, we don't yet see that our comments regarding recent tree planting within field 414112 have been taken into account. The newly planted trees won't at the moment be providing good habitat for bats. However, they will do in years to come when they are more grown and so increased bat activity in proximity to the wind turbine should be expected and considered in any future ecological assessment."

5.6 DoI Highways Services 22/12/23 advised:

"o 23/01364/B - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking, due to it being an existing driveway, as the access is suitable for the proposals and the turbine is relatively small to be delivered."

5.7 DoI Highways Services 11/4/24 advised:

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

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

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

Manx Utilities has no concerns about installations which are not connected to the network. There does not appear to be an application for a grid disconnection currently. Before planning permission is granted, we advise that this is submitted if the applicant intends to operate a fully off-grid energy system as appears to be the case from the planning application, before

any new generation equipment is commissioned. If instead the intent is to retain the domestic supply to Gatekeeper's Cottage, Manx Utilities will still need to carry out a detailed network study to ensure that there is no risk that the generators could back-feed the network in the event of a fault at the property. This will be required even if the intent of the applicant is to use all electricity generated at the site itself.

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

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

"Thank you for forwarding your response onto us.
I've included your direct response for the benefit of my colleagues, cc'd in:

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

"Our response:

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

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

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

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

MUA continues its comments:

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

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

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

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

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

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

REPRESENTATIONS

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

"Background:

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

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

History of the Applicants Planning.

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

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

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

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

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

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

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

If we Google Hydrogen Gas production we get:

How do you turn water into liquid hydrogen?

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

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

Where would this fuel be stored?

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

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

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

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

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

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

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

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

Development within land-use zones.

General Policy 2

"Provided that the development"

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

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

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

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

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

Taken from DEFRA comment:

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

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

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

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

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

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

From Wardell Armstrong ecological report:

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

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

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

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

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

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

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

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

This is perhaps showing little regard for Manx Planning law.

Potential for noise Nuisance and Flicker

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

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

UK Planning guidance on wind turbine siting

Planning Practice Guidance: Noise (PPGN) In March 2014, the Government released the PPG on noise, revised July 2019. This document sets out a number of principles and reinforces the guidance set out in the NPPF and NPSE. Paragraph 001 of PPGN notes that: "Noise needs to be considered when new development may create additional noise and when new developments would be sensitive to the prevailing acoustic environment."

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

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

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

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

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

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

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

REPRESENTATIONS ON BEHALF OF THE APPLICANT

5.11 In a letter dated 20 March, 2024, the PPLIOCNAT RESPONDED TO POIUNTS AND CONCERNS RAISED FLOWING ION FROM THE CONSULTATION PROCESS ADVISING AS FOLLOWS;

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

Summary

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

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

Introduction

On 14 December 2023 the above application was submitted to the Local Planning Authority for consideration. Following formal consultation with the statutory consultees including those with Interested Person Status, several comments have been uploaded. This letter summarises the additional work that has and will be undertaken on behalf of the Applicant to address the consultee comments in relation to the above application. All plans and documents have been updated where necessary to reflect the proposed changes to the previously submitted scheme.

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

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

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

Our response:

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

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

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

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

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

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

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

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

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

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

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

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

Manx Utilities

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

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

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

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

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

Our response:

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

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

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

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

DEFA - Biodiversity and Ecosystem Policy Officer

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

A precautionary approach is recommended for free standing micro-turbines and it is the Ecosystem Policy Teams recommendation that they should not be located within 30-50m of known bat flyways in order to reduce the collision risk to bats from the rotor blades. As stated

above, the turbine is located 30m and 40m away from 2 different hedge banks and so bat activity effort is required in order to determine whether the surrounding hedges are used as bat flyways and therefore whether a lower 30m buffer between the turbine blades and hedge bank is appropriate.

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

The Ecosystem Policy Officer currently objects to the application stating:

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

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

Our response:

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

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

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

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

Summary

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

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

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

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

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

Conclusion

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

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

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

ASSESSMENT

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

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

Visual Impact

6.3 The scheme originally included the siting of a wind turbine, however, this element of the proposals has been deleted, and the application now relates to the consideration of the visual impacts of the three pole-mounted photovoltaic trackers with associated equipment, containers housing the Data Centre and WC and parking area (part retrospective) will clearly contribute to energy generation and a reduction in CO2 emissions in line with Government Policies and aims. The main sources of visual effects would arise from the pole-mounted photovoltaic trackers and the containers housing the WC and Data Centre. Bearing in mind that the site is located in the open countryside, and the provisions of Policy ENV1 which seeks to protect the countryside for its own sake, and the requirements of Policies GEN2 b) and c) which require new development to blend in with the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them; and, not to adversely impact on the quality of the local townscape and/or landscape.

6.4 It is noted that the mound on the site is connected with the previously approved application for a Borehole and its visual impact on the character of the site and surroundings is limited by its position behind existing hedging which screens it from the highway both down the access lane leading to the site and alongside the A5. It is considered that this, with the backdrop of the existing trees will lead to there being a minimal adverse visual impact from the proposed works on the character of the suite and surroundings. In respect of the solar PV arrays, these would track the movement of the sun and their height would vary from

a 'flat' array at approx. 3.5m high above ground level when laying in a flat, horizontal position; approx. 6.0m when tracking the sun at an angle of 40o; and approx. 6.6m when tracking the sun at an angle of 70o. As has been the case in other applications for wind turbines, which at small scale have a hub height of 9.0m and turbine blade tip height of approx. 11.5m high, it is unusual if such structures cannot be seen from anywhere. In this case, where no wind turbine is involved, the maximum height of the proposed development would be approx. 6.6m, which is significantly lower than the height of the above example of a working wind turbine.

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

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

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

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

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

Noise and disturbance

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

- o Concerns regarding potential for H2 production on site.

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

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

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

- o Proximity to gas pipe.

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

- o Impact on amenity due to noise and disruption.

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

- o Proximity of the wind turbine to Arborfield.

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

- o Wind turbine flicker.

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

- o Concerns regarding bats and birds.

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

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

Noted this has been covered elsewhere in this Report.

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

Birds and Bats

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

Access and traffic generation

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

Other Matters

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

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

Environmental Impact Assessment (EIA)

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

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

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

6.19 In this case, if this were the UK, the proposed development would not constitute a schedule 2 development as defined by Regulation 2(1) (3)) as it is not on a site measuring

more than 0.5 hectare, it does not have 2 or more turbines, and the wind turbine does not have a hub height of 15 or more metres. Given the deletion of the wind turbine, EIA is not required for the 3 No. Solar Trackers or for the Data Centre and WC porta cabins.

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

Conclusion

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

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

7.0 RECOMMENDATION

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

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.3

Proposal : Construction of 18 houses and associated infrastructure
Site Address : Crosby Meadows Estate
Part Fields 320653, 324323, 324324, 324321 , 324318,
320649 & 324320
Ballaglonney
Main Road
Crosby
IM4 2EE

Applicant : Mr Mark Pearce
Application No. : 22/00475/B- click to view
Planning Officer : Paul Visigah

RECOMMENDATION: To APPROVE the application subject to a legal agreement

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

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

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

C 2. No development in connection with the development hereby approved shall be occupied/brought into use unless the Temporary Bio Disc Sewage Treatment Plant has been provided in accordance with the approved plans (Drawing No. 22/01/PL02A received 7 March 2023). The foul and surface water drainage system[s] shall be retained thereafter in accordance with the approved scheme until such time as the Crosby Sewage Treatment works in completed and commissioned.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

C 3. Within three (3) months of completion of the Crosby Sewage Treatment works which is currently under construction, the use of the temporary Bio Disc approved for the site shall be discontinued and the 18 dwellings hereby approved shall be connected to the public sewerage network served by the Crosby Sewage Treatment Works.

The connections to the public sewerage network shall be retained as such thereafter.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

C 4. Notwithstanding the details that have been submitted the following highway elements shall be implemented for the development hereby approved:

- a) Site access and layout to accord to Drawing No. 22-01-PL02 (Site Plan) received 7 Mar 23.
- b) Boundary frontages onto the proposed adopted highway for all dwellings must be no more than 1m in height.

- c) Gradients: No residential driveways shall exceed gradients of 15% for the first 5.0m. No pedestrian or cycle paths shall exceed gradients of 7% throughout the site.
- d) Provision of surfacing for parking and movement areas: Prior to the first occupation of the development, private drives, driveways and associated parking areas, local centre circulation and associated parking areas shown on the approved site plan must be properly consolidated and hard surfaced and drained and maintained in good working order.
- e) Completion of streets: Before any dwelling is first occupied the roads and footways shall be constructed to an appropriate level from the dwelling to the adjoining streets to ensure streets are completed prior to occupation and satisfactory development of the site.
- f) Car parking for plots 33-39 as per approved site plan to be retained for the lifetime of the development.
- g) Cycle sheds or secure covered parking for non-garaged dwelling units to accommodate one space per bedroom with details required for approval and provided before first occupation.
- h) The proposed footpath links to the Heritage Trail and Eyremont Terrace on the approved site plan shall be completed before first occupation of the dwellings and retained thereafter.

These highway elements of the proposal shall be provided in accordance with the approved details and thereafter retained as such.

Reason: In the interests of amenity and highway safety.

C 5. Notwithstanding the details that have been submitted, the development hereby approved shall not commence until an updated landscaping plan which includes the retention of the hedgebank and trees situated southwest of Plots 40 to 46 on the updated site plan dated 07 March 2023. The trees and hedgebank shall be retained and protected from damage or destruction during and after construction.

The detailed landscape strategy shall include details of new planting including species composition (the species should be native, or other well established species), plant sizes and proposed numbers/ densities and a programme for the implementation, completion and subsequent management of the proposed landscaping. No Wildlife Act 1990 Schedule 8 non-native invasive plant species are to be planted on site.

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

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

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

C 6. Prior to the installation of external lighting within the site, a Lighting Plan shall be submitted to and approved in writing by the Department.

The lighting plan shall be designed in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018).

The lighting of the site will be designed utilising inward directed led lighting columns to provide required site illumination without creating undue light pollution.

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

The development shall not be carried out other than in accordance with the approved plan, and shall be retained as such thereafter.

Reason: To provide adequate safeguards for the ecological species existing in the locality.

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

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

C 8. No construction work may be undertaken on the site other than between 0800 and 1900hrs Monday to Saturday inclusive.

Reason: to ensure that the living conditions of those living near the site are not adversely affected.

C 9. Prior to the installation of external finishes and materials, a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs, shall 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: In the interests of the character and appearance of the site and surrounding area.

C 10. No part of the development hereby approved shall be occupied/brought into use until the Amenity/Open Space provisions and associated landscaping, shown on the Updated Site Plan (Drawing No. 22/01/PL02A received 7 March 2023) are completed and available for use and thereafter retained.

Reason: To ensure that the Amenity and Open Space is provided in a timely manner and contributes to the creation of a high quality, accessible, safe and attractive public realm.

C 11. Prior to the commencement of the development hereby approved details of bin storage for the terrace of dwellings (Plots 33 to 39) approved as part of the application shall be submitted to and approved in writing by the Department. These details shall include details of enclosure for bin storage area, capacity and type of bin storage provision. The development shall not be occupied until the bin storage area has been provided in accordance with the approved plans and shall be permanently retained thereafter and solely for the purpose of refuse storage.

Reason: In the interests of the appearance of the development and of the amenities of the area.

Note: FOR YOUR INFORMATION

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

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

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

Reason for approval:

Overall, it is considered that although the shortfall in affordable housing provision weighs against the proposal (as it would fail to fully comply with the requirements of Housing Policy 5), it is concluded that the proposals align with the requirements of General Policy 2; Strategic Policies 1, 2, 3, 4, 5, and 10; Environment Policies 3, 4, 5 and 42; Housing Policies 1, 4, and 6; and Transport Policies 1, 4, 6 and 7; the Area Plan for the East 2020, and the Residential Design Guide 2021, as the principle of the development is in accordance with the land use designation and the wider policy framework, and the proposed buildings are of a good design and layout. Furthermore, the proposals would not have significant adverse impacts upon public or private amenities, or parking and highway safety, and therefore would comply with the relevant planning policies listed.

Interested Person Status – Additional Persons

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

- o Manx Utilities Drainage
- o Manx National Heritage
- o The Roads Policing Unit of the Isle of Man Constabulary

It is recommended that the following Government Department should not be given Interested Person Status on the basis that the submission is considered to be material;

- o The Tynwald Commissioner for Administration

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

Ballaglonney Cottage, Main Road, Crosby;

Hall Caine Pavilion, Old Church Road, Crosby for Marown Memorial Playing Fields Limited; and
1 Eyremont Terrace, Crosby;

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

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

51 King Orry Road, Glen Vine; and

Rhynefield, West Baldwin

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

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

15 Cherry Tree Drive, Crosby, as they have not submitted what would be considered to be a representation as set out in the IPS Guidance.

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS A SECTION 13 LEGAL AGREEMENT IS REQUIRED FOR AFFORDABLE HOUSING, AND AS THE LOCAL AUTHORITY HAS MADE WRITTEN REPRESENTATIONS OBJECTING TO THE APPLICATION AND THE APPLICATION IS RECOMMENDED FOR APPROVAL.

1.0 THE SITE

1.1 The application comprises Part Fields 320653, 324323, 324324, 324321, 324318, 320649 & 324320, which exists as part of the part Crosby Meadows Estate, Ballaglonney, Main Road, Crosby, which lies on the south western corner of the crossroads in the heart of Crosby village and rises from the stream which abuts the children's play area, Marown Parish Commissioners' offices and Hall Caine Pavilion, bowling green, BMX track and sports pitches.

1.2 To the south west of the site is the Heritage Trail which follows the route of a former railway line and cuts through the southern sections of the site. To the west of the entire site area are agricultural fields which sit outside the settlement boundary and forms part of the surrounding countryside. The site northern boundary of the site extends to the south of the A1 (Peel Road). A watercourse which feeds into the River Dhoo runs along large sections of the southern boundary of the site, which the existing dwellings at the Crosby Meadow Estate forming the boundary with the remaining eastern sections of the site to the north.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Construction of 18 houses and associated infrastructure. The scheme would comprise of a mix of dwelling types which includes a terrace of dwellings, private detached housing that are a mixture of 3 bedroom and 4 bed houses, and 3 bed dormer bungalows.

2.2 The proposal includes a total of five dwelling layouts:

- a. Types 5 A & B - three bedroom dormer bungalow (Plots 40, 47 - 50);
- b. Type IC - Two storey four bedroom detached dwelling with integral garage (Plots 41-43, and 46);
- c. Type 4B - Two storey four bedroom detached dwelling with integral garage (Plot 45);
- d. Type 4C - Two storey four bedroom detached dwelling with integral garage (Plot 44);
- e. 2 and 3 Bed Terrace houses (Plots 33 - 39).

2.3 Plots 34 to 38 (five 2 bed roomed mid-terrace dwellings) which exist as part of the terrace of dwellings would serve as housing for first-time buyers, with the other dwelling units indicated as plots 33, 39 and 40 to 50 offering 13 additional dwellings on site.

2.4 All the new dwellings will have at least two off road parking spaces, and additional storage for bikes will be provided by sheds to the garden spaces of plots 33 to 40 and 47 to 50. The bin store to plots 33 to 39 is located in the car park area for these houses and 15 car spaces 2.6m x 5m have also been provided (which is an excess of 1 parking space). Access to and from the site will be via a new access which would be connected to the existing access road which links to the A1 (Peel Road).

2.5 Foul drainage and surface water from the dwellings on site would be discharged via a temporary Bio Disc sewage treatment plant sited on Plot 50 pending completion of the DOI Sewage Treatment Works at Crosby, then connected to the Crosby Works when it is completed and commissioned.

2.6 Amenity space of 552sqm has been indicated around plots 33 to 39 and also connects to the footpath at Peel Road giving an alternative route through the development. There is also an area of amenity space to the south of the development of 3055sqm, which also encompasses the balancing pond and has been shown with a mixture of trees which will form part of a landscaped area. This calculation does not include the area of land occupied by the dry pond.

2.7 The applicants note in their Cover Letter that the calculated amenity space requirement is 1152sqm, but the amenity space allocation has been deliberately oversized to allow for further development on the site and that this would utilise this area as part of any future development. They also note that amenity space to the south is well connected to the Heritage trail and integrates with the existing footpath link to Peel Road, as well as the retail area within the estate, and the Cricket Pitch/Football pitch to the Memorial Playing Fields. They further state that the rear of Numbers 40 to 46 is a minimum of 20m distance away at the nearest point to any of the houses on Cherry Tree Drive and many are at least 27m away, and as such the proposals comply with space separation guidelines.

2.8 The Plans show a balancing pond which is the subject of another application under PA 21/00724/B and as such is not assessed as part of the current application.

3.0 PLANNING POLICY

3.1 Site Specific:

3.1.1 The site of the proposed housing development is zoned as 'Predominantly Residential Use' on the Area Plan for the East Map 10 (Crosby and Glen Vine), and the site is not within a Conservation Area. There are no registered trees on site, and the site is largely not within a Registered tree area, although a small tip of the southern section of the site sits within a Registered Tree Area. The site is largely not prone to flood risks, with only the southern tip where no development is proposed siting within a high flood risk zone.

3.2 Area: Area Plan for the East

3.2.1 Section 12.2: Strategic Plan Implementation

"12.2.1 The overall focus of the Isle of Man Strategic Plan is to encourage the development of sustainable communities. This approach strives to create places where people want to live and work and where new development has been integrated well with more established communities. These places should have the right infrastructure and facilities and fit well in the landscape. They should be served by public transport and other local services and offer a range and mix of housing types and tenures. Where new development does take place, it should be designed and laid out to reduce and mitigate the impacts of introducing additional built development within or on the edge of established Island communities.

12.2.2 The Island Spatial Strategy (ISS) promotes a 'Sustainable Vision' for the Island, part of which forms a framework describing where new development should be located. In terms of

the East, this means that development should be concentrated, at an appropriate scale, in Douglas (Main Centre), Onchan (Service Centre), Union Mills and Laxey (Service Villages) and the five Villages of Crosby, Glen Vine, Baldrine, Strang and Newtown."

3.2.2 Paragraph 12.9.2 On Grey Infrastructure:

"iv. The planned investment in sewerage in relation to Laxey, Baldrine, Crosby and Glen Vine could be sized to accommodate additional housing growth. There is some headroom capacity available at the Meary Veg Waste Water Treatment Facility. Expansion of Meary Veg is possible (including the network connecting areas to it), and so funding and timescale issues could be explored to enable growth in areas in and around Douglas and Onchan."

3.3 National: STRATEGIC PLAN

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

- a. General Policy 2 - General Development Considerations
- b. General Policy 4 - Section 13 Legal Agreements
- c. Strategic Policy 1 - Efficient use of land and resources
- d. Strategic Policy 2 - Development focussed in existing towns and villages
- e. Strategic Policy 3 - Development to safeguard character of existing towns and villages and to avoid coalescence.
- f. Strategic Policy 5 - Design and visual impact
- g. Strategic Policy 10 - Sustainable transport
- h. Strategic Policy 11 - Housing needs.
- i. Spatial Policy 4 - Need to new development to maintain the existing settlement character, be of appropriate scale (local needs for housing and limited employment opportunities).
- j. Environment Policy 4 - Protection of species and habitats.
- k. Environment Policy 5 - Mitigation against damage to or loss of habitats.
- l. Environment Policy 10 and 13 - Development and flood risk
- m. Environment Policy 42 - Designed to respect the character and identity of the locality.
- n. Housing Policy 1 - Housing needs
- o. Housing Policy 2 - Adequate supply of housing through Area Plans
- p. Housing Policy 3 - Provision of 2,440 homes in East area during 2011-2026 plan period.
- q. Housing Policy 4 - New Housing to defined existing towns.
- r. Housing Policy 5 - 25% Affordable homes requirement.
- s. Housing Policy 6 - Residential development to be undertaken in accordance with development brief or Paragraph 6.2 of Plan.
- t. Recreational Policy 3 - Requirement for landscaped amenity areas.
- u. Recreational Policy 4 - Requirement for public open space.
- v. Transport Policy 1 - Proximity to existing public transportation services.
- w. Transport Policy 2 - Layouts to link to existing systems
- x. Transport Policy 3 - Seek to protect the historic rail routes around the Island.
- y. Transport Policy 4 - Highway Safety
- z. Transport Policy 6 - Equal weight for vehicles and pedestrians
- aa. Transport Policy 7 - Parking Provisions
- bb. Infrastructure Policy 1 - Development to take place in areas which will be connected to the IRIS drainage system
- cc. Infrastructure Policy 5 - Water conservation and management
- dd. Energy Policy 2 - Guides development on land within 9m either side of an overhead High Tension power cable.
- ee. Energy Policy 5 - Requirement for Energy Impact Assessment
- ff. Community Policy 7 - Designing out criminal and anti-social behaviour

- gg. Community Policy 10 - Proper access for firefighting appliances
- hh. Community Policy 11 - Prevention for the outbreak and spread of fire.

4.0 OTHER MATTERIAL CONSIDERATIONS

4.1 Residential Design Guidance 2021

4.1.1 This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction. Section 2.0 on Sustainable Construction, Section 5 on Architectural Details, and 7.0 on Impact on Neighbouring Properties, are considered relevant to the current application.

4.2 IOM Biodiversity Strategy 2015 to 2025 seeks to manage biodiversity changes to minimise loss of species and habitats, whilst seeking to maintain, restore and enhance native biodiversity, where necessary. Section 21 deals with Habitat loss actions through promoting a policy of 'no net loss' for semi-natural Manx habitats and species and to ensure that unavoidable loss is replaced or effectively compensated for.

4.3 Section 68 of the Flood Risk Management Act (2013) indicates that any published Flood Risk Management Plan and the extent to which the proposed development creates an additional flood risk are material considerations.

5.0 PLANNING HISTORY

5.1 The broader site has been the subject of the following previous planning applications which are considered relevant in the assessment and determination of the current application:

5.2 PA 17/00852/B for Erection of 28 residential units and retail unit with associated parking and landscaping - Approved. The application was the subject of an appeal where it was approved.

5.3 PA 18/00329/REM for Reserved Matters application for the construction of retail unit with associated parking (relating to PA 15/00775/A). This was initially refused by the Planning Committee, but approved at Appeal. This proposal relates mainly to the 28 dwellings and retail area which are now completed.

5.4 PA 18/00339/REM for Reserved Matters application for the construction of retail unit with associated parking (relating to PA 15/00775/A). This was initially refused by the Planning Committee, but approved at Appeal.

5.5 PA 20/01511/B for Erection of four detached dwellings. This was initially refused by the Planning Committee, but approved at Appeal.

5.5.1 The Appeal Inspector in recommending approval for the application made the following comments:

"Affordable housing

31 Housing Policy 5 of the Strategic Plan states that in granting planning permission on land zoned for residential development, the Department will normally require that 25% of the provision should be made up of affordable housing. However, this policy applies only to developments of eight dwellings or more dwellings.

32 The appellants' present proposal makes no provision for affordable housing. However, since it is for only four new dwellings, it would not breach the terms of Housing Policy 5. Consequently, I do not consider that the lack of provision for affordable housing constitutes grounds for the refusal of planning approval in the present case.

33 Nevertheless, the remaining undeveloped part of Field 320653, which is now zoned for residential development, clearly has the potential to provide many more than eight dwellings.

In my view, it would be wrong to permit the development of this land to proceed in a series of small schemes, so as to evade the requirement to provide affordable housing that would otherwise apply. In the circumstances, I consider that, if the present appeal is allowed, it would be appropriate to impose a condition to the effect that any dwellings now approved would count together with the number provided on the remaining undeveloped part of Field 320653, in assessing the requirement for affordable housing. Thus, if 16 further dwellings were to be approved in Field 320653, the aggregate (including four on the present appeal site) would be 20 dwellings, giving a requirement for 5 affordable units (25% of the total). I note that the remainder of Field 320653 is now under the control of the applicant, and that Section 10(2)(a) of the Town and Country Planning Act 1999 makes specific provision for planning conditions to regulate the development of any land under the control of the applicant.

Open space

34 Similar considerations arise in relation to the provision of open space. Recreation Policy 3 of the Strategic Plan states that new residential development of ten or more dwellings must make provision for recreational and amenity space in accordance with the standards specified in Appendix 6 of that Plan. However, since the present scheme is for fewer than ten dwellings, that requirement does not apply. Accordingly, I do not consider that the lack of public open space provision constitutes grounds for refusing planning approval in the present case.

35 Nevertheless, the undeveloped part of Field 320653, which is now zoned for residential development, clearly has the potential to provide many more than ten dwellings. In my view, it would be wrong to permit the development of this land to proceed in a series of small schemes, so as to evade the requirement to provide recreational and amenity open space, which would otherwise apply. In the circumstances, I consider that, if the present appeal is allowed, it would be appropriate to impose a condition to the effect that any dwellings now approved would count together with the number provided on the remaining undeveloped part of Field 320653, in assessing the requirement for recreational and 8 amenity space. I do not consider that open space previously provided to serve the Crosby Meadows estate should reduce the additional need that would be generated by the development of the newly allocated land in the remainder of Field 320653, which would be entirely separate from Crosby Meadows."

5.5.2 The following conditions which were imposed are considered relevant in the determination of the current application:

Condition 4:

"No development shall take place on the remainder of Field 320653 until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Department. The four dwellings hereby approved shall be counted in the calculation of the affordable housing requirement arising from the development of the remainder of Field 320653, in accordance with Housing Policy 5 of the Isle of Man Strategic Plan 2016. The development of the remainder of Field 320653 shall be undertaken in accordance with the approved scheme.

Reason: To ensure that additional residential development within the remainder of Field 320653 includes affordable housing In accordance with Strategic Plan policy."

Condition 5:

"No development shall take place on the remainder of Field 320653 until a scheme for the provision of public open space has been submitted to and approved in writing by the Department. The four dwellings hereby approved shall be counted in the calculation of the public open space requirement arising from the development of the remainder of Field 320653, in accordance with Recreation Policy 3 of the Isle of Man Strategic Plan 2016. The

development of the remainder of Field 320653 shall be undertaken in accordance with the approved scheme.

Reason: To ensure that additional residential development within the remainder of Field 320653 includes public open space in accordance with Strategic Plan policy."

6.0 REPRESENTATIONS

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

6.1 DOI Housing have stated that the 5 affordable units (5 x 2B) numbered plots 34-38 are acceptable and therefore there will be no Commuted Sum in this instance. They note that the Applicant's letter of 12th August 2022 confirms this provision and the specific plot numbers (3 June 2024).

6.1.1 DOI Housing has made the following additional comments on the application (1 July 2024):

- o We submitted a Memorandum on behalf of the Department on 6th May 2022 noting that as the application was for eighteen homes then the Department would request that 4.5 units (25% of the total in the application) be affordable, as we have need for affordable housing. The 4.5 units would be four dwellings and one half of a Commuted Sum in lieu of an affordable dwelling. Our understanding is that for any application with residential units in excess of seven then 25% are requested to be affordable as long as there is demonstrable need for such. This is the approach we take with all applications.

- o Subsequent to that memorandum, we submitted a note on 3rd June 2024 after you had informed us that the number of affordable homes being offered by the applicant was in fact five units, number 34-38 on the application site plan and schematic layout. We confirmed that if this was being offered by the applicant then we would of course accept five units if that is what the applicant wished to include.

- o We understand that the applicant has now confirmed that the number of affordable units is actually 4.5 and that the original application drawing is incorrect. As previously stated 4.5 is acceptable as this number equates to 25% of the total contained in the application.

- o You have noted that in a previous appeal decision in respect of Application 20/01511/B the Inspector requested that any future application in respect of this site should take account of the four dwellings approved in that Appeal decision, and this would increase the number of affordable units to 5.5 so that the AHU allowance for this application would be in respect of 22 dwellings. However, this action has not been taken through this application, and accordingly we have based our suggested number solely upon the number of dwellings in this application 22/00475/B, which would ordinarily be correct.

- o The original application for the first phase of Ballaglonney six years ago was for 28 units, of which seven were specified as affordable units and sold to first time buyers in the normal way. No doubt the decision on the way forward in this case will be taken by the Committee, but this subject application for eighteen units has been assessed by the Department as being a site yielding 25% affordable dwellings, viz. 4.5 units.

6.2 DOI Highways Division have indicated that they do not oppose (DNOC) the application subject to conditions that address eight (8) Highway matters (28 June 2024).

6.3 DOI Highways Drainage have requested for additional information to demonstrate how surface water runoff from the proposed estate roads will be prevented from draining onto the existing bonded estate roads of Phase 1 of the development. They also state that the Phase 1 estate roads are unlikely to be adopted (19 December 2023).

6.4 The Roads Policing Unit of the Isle of Man Constabulary have raised concerns which border on the following (20 May 2022):

- a. Narrow road, which encourages people to park on pavements;
- b. Lack of parking in the area;
- c. No current road markings;
- d. Lack of safe pedestrian access to Heritage Trail.

6.5 Manx Utilities Drainage have made the following comments on the application (10 May 2024):

- o They state that the construction of 18 houses on this development will require a separate method of wastewater treatment due to Manx Utilities existing Crosby Wastewater treatment works being under construction.
- o They note that the applicant has provided details of a standalone treatment works proposed to be utilised until such time as foul flows can be accepted into the public sewerage network, whilst stating that the expected completion/commissioning date of Manx Utilities Sewage Treatment Works will be April 2025.
- o They state that MU will not consider adoption of the proposed standalone treatment work serving this development with the applicant operating and maintaining the works, and note that the applicant will be required to apply for a discharge licence from the Environmental Protection Unit at DEFA.
- o They have advised the applicant to discuss the frequency and procedure to de-sludge the standalone treatment works with Manx Utilities in order that future odours are minimised, whilst noting that suitable access would need to be provided for MU tankers to undertake such desludging operations.
- o They state that the proposed section of foul sewer/connection from the FMH08 on the development site through the public foul sewer on Old Church Road will not be permitted to become live until such times as Manx Utilities have fully commissioned the new Crosby Sewage Treatment Works.
- o They state that once foul flows have been accepted into the public sewerage network, the standalone treatment works can be decommissioned.
- o They state that if the applicant wishes for the foul and surface water sewers to be publically adopted a section 8 adoption agreement must be entered into prior to any development commencing on site.
- o They state that if the applicant wishes for the proposed surface water attenuation basin to be publically adopted, full construction details along with land conveyance details must be provided to Manx Utilities with any subsequent adoption request.
- o They provide an advisory regarding drainage connection fees.

6.6 DOI Flood Risk Management have made the following comments on the application:

6.6.1 They state that they do not oppose the application (20 June 2022).

6.6.2 They refer to issues bordering on redirected watercourse around the site and ask that the application be deferred in order to allow you the time to address these matters (25 July 2022).

6.6.3 They state that they have requested information with regard to the drainage ditch from the main road to the attenuation pond whilst noting that they will be unable to comment further until this information has been received and reviewed (23 January 2023)

6.6.4 They state that they have reviewed the information provided by the applicant and are satisfied that the applicant has addressed the concerns of the flood risk (9 February 2023).

6.6.5 Following review of additional information provided by the applicants they asked for additional information regarding culverting of the watercourse that runs along the eastern boundary of the site, and issues bordering on management of the watercourse once development is complete. They also asked for additional information regarding the attenuation pond for the site, but which is not the subject of the current application (24 February 2023).

6.6.6 Since the DOI FRM's latest comments were received, the applicants have provided information from DOI FRM dated 15 April 2024 which indicates that the issues on the water course have been addressed (28 June 2024).

6.7 DEFA EPU has made the following comments regarding the application:

6.7.1 Comments made on 15 February 2024:

a. They note that the Manx Utilities Crosby sewage treatment works upgrade has commenced, and that it is expected for the foul water from this proposal and the existing properties at Crosby Meadows to be connected to the Manx Utilities infrastructure once completed and the existing sewage treatment works decommissioned.

b. They note that information on a temporary sewage treatment works has been included in this application, whilst stating that if the discharge is expected to enter the River Dhoo, the applicants will need to apply for a discharge license under the Water Pollution Act 1993.

6.7.2 Comments made on 25 April 2024:

a. They state that the applicant needs to provide the following information with regard to the stand alone sewage treatment works.

i. Method of disposal for the treated sewage effluent;

ii. Apply for a discharge license under Section 5 of the Water Pollution Act 1993 through the Environmental Protection Unit.

b. They note that a discharge licence application is subject to the Departments Discharge Licence Policy and that if a connection to the mains is possible, this has to be done over progressing a discharge licence application.

c. They state that all applications are subject to modelling to determine if the river can accept the effluent without lowering the classification of the watercourse.

d. They state that the applicants would need to connect the unit to a full soak away which is greater than 10m from a watercourse, and that percolation tests will need to be carried out, and the test results reviewed by DEFA Building Control.

6.8 DEFA Inland Fisheries have no objections to this development from a fisheries perspective, provided that there is no adverse effect on the adjacent watercourse. They note that 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 (29 April 2024).

6.9 DEFA Ecosystem Policy Team have made the following comments on the application (6 December 2023):

o They note that they are still not happy with the Site Plans in relation to an area of trees situated southwest of Plots 40 to 46, as the updated site plan dated 07 March 2023 states that the trees in this area are to be retained. However, there is currently a hedgebank in this location and so this should be retained also, not just the trees. They request that a condition should be secured for the hedgebank and trees indicated above to be retained and protected from damage or destruction during and after construction.

o In regards to the other landscaping concept details on the updated site plan, they note that they are content with the proposed locations of the new trees around the basin area, but still need to see details about the species composition. They, therefore, request that

a condition be secured for no works to commence unless a detailed landscaping plan has been provided to Planning and approved in writing.

- o They note that due to the location of this planting, the species should be native, or other well established species.
- o They refer to responses submitted to the Environmental Protection Unit regarding foul water treatment, sewage treatment works and surface water attenuation and are satisfied with the responses, and request that the construction of any new pipes into the River Dhoo should be undertaken in line with protection measures contained in a CEMP.

6.10 Manx National Heritage note that the application does not make it clear how many trees, if any, would be removed, and advise that in order to assess this application, they would like to see further tree related information. They state that it is also unclear how the pond will be constructed and maintained, if the water is to be diverted from the nearby river we would like to see this clarified (11 May 2022).

6.11 Marown Parish Commissioners have made the following comments on the application (22/ December 2023/22 February 2024):

- o They state that they oppose the application on the following grounds:
- o The houses in Ballaglonney essentially filled the need for housing in the settlement.
- o They refer to issues they perceive existed with the Area Plan for the East and zoning of land prior to TAPE becoming a policy document.
- o They refer to extent of red line boundary which extends beyond the current field boundary.
- o They refer to potential concerns at the access junction with the A1, due to increased vehicular usage.
- o They refer to potential overlooking concerns with existing dwellings on the northern and western boundaries of the site.
- o They refer to capacity concerns with the Marown Primary school.
- o They refer to potential flood risk concerns.
- o They state that nothing in the revised plans serves to alter the Commissioners view that the application should be refused.
- o They state that should the application be approved, there should be requirement that works to the Crosby Sewage Treatment Works should have been completed and that the existing houses should be connected to the mains sewer.

6.12 The Tynwald Commissioner for Administration has made the following comments on the application (26 June 2022):

- o No comment is made on the merits of the application.
- o The Commissioner is investigating a complaint from a resident of Crosby Meadows, who have not been able to register their opposition with the Planning Committee because, as part of the terms of their respective purchases, each is bound by a covenant preventing them opposing any application for planning consent made by the developer.
- o The Commissioner refers to comments made regarding the Area Plan for the East and note that unless and until any error referred to is rectified statutorily, the Plan approved by Tynwald must be taken correctly to identify that land in the East which is classified as developmental land.

6.13 The owners/occupiers of the following properties have made comments on the application:

- a. 51 King Orry Road, Glen Vine (2 May 2022);
- b. Ballaglonney Cottage, Main Road, Crosby (13.05.22/17.05.22/16.05.22/19.01.23);
- c. Hall Caine Pavilion, Old Church Road, Crosby for Marown Memorial Playing Fields Limited (31 May 2022/13 March 2023/13 February 2024);
- d. 1 Eyremont Terrace, Crosby; and

6.13.1 They object to the application on the following grounds:

- o Concerns with sewage management due to potential pressure on sewage system on site.
- o Potential safety concerns for school due to increased traffic going through the village.
- o They refer to error on Area Plan.
- o They refer to the scheme using a Greenfield site.
- o Potential impact of the new dwellings on rates within the community.
- o They refer to placement of yellow notices within the Crosby Meadow Estate and not outside the estate.
- o They state that the existing dwellings within the Crosby Meadow estate are poorly managed.
- o They refer to the Proposed Location Plan which shows an 'Emergency access track to Heritage Trail in tarmac'.
- o They refer to frogs residing in the stream that divides the playing field from the Ballagloney development.
- o They refer to the applicant not providing an updated traffic management survey to account for the increased numbers of houses on the site.
- o They state that the proposal seeks to remove a number of trees as part of the development.

6.14 The owners of Rhynefield, West Baldwin support the application for the following reasons (11 May 2022):

- o The scheme includes provision for first time buyers.
- o The bungalows are suitable for older residents, with the proximity to bus service and other facilities a plus.

6.15 The owners/occupiers of 15 Cherry Tree Drive have asked that they be updated on progress with the application as the proposal concerns land adjoining their property (23 April 2024). As such, they would be informed on the progress of the application.

7.0 ASSESSMENT

7.1 The fundamental Issues to consider in the assessment of the application includes:

- a. The principle of development (STP1, STP2, SPP4, HP4, & HP6);
- b. Impacts on the character and appearance of the site and area (STP3, STP5, GP2, EP42, RDG'21);
- c. Amenity for new occupants (STP 1B, GP2 H, & RP 3);
- d. Impact on Neighbouring Amenity (GP2(g), EP 22 & RDG'21);
- e. Highway Safety (STP10, GP2 h&i, TP4&7);
- f. Potential Flood Concerns/Drainage Issues (GP2, EP 10 & 13, STP 1c, & IP 1);
- g. Open Space Provisions (RP 3 & 4, STP 1b, & APPENDIX 6);
- h. Affordable Housing (HP 5);
- i. Energy Conservation (GP2n & ENP5);
- j. Biodiversity Impacts (EP 4, EP 5 & GP2); and
- k. Other Matters.

7.2 THE PRINCIPLE

7.2.1 With regard to the principle of the proposed development, it is considered that the site is zoned for residential use which implies that the use of the site for residential purposes would be compatible with adjoining uses and conform to the general use of the area. The site is also within the settlement boundary and adjacent to and surrounded by existing residential dwellings; conditions which would ensure that residential development here aligns with Strategic Policy 1 and Housing Policy 4.

7.2.2 Likewise, the Isle of Man Strategic Plan 2016 seeks to locate new housing and employment close to existing public transport facilities and routes, or where public transport facilities are, or can be improved, thereby reducing the need to use private cars and encouraging alternative means of transport, and it is considered that the site would meet this goal given that it sits along a main public transport corridor. While this does not signify a presumption in favour for all forms of housing development, it points to the fact the proposal would generally accord with the Strategic Plan goals for new housing on the Island. Therefore, in terms of the acceptability of the use of the site for residential development it is concluded that the proposal basically accords with the goals of Strategic Policy 1 and Housing Policy 4 of the Isle of Man Strategic Plan 2016.

7.2.3 Further to the above, the site sits adjacent an existing residential development to which it would form an extension to, with the scheme benefiting from the existing facilities and services that serve the existing estate and surrounding area.

7.2.4 Therefore, as the application aligns with the zoning of the area within the Area Plan for the East Map 10, and the development of the site for residential purposes would be acceptable in principle. It is, however, worth noting that the factors highlighted above do not in any way denote automatic approval for the scheme as proposed, given that the development of the site would have to be appropriate for the existing site character, character of locality and not result in adverse impacts on other attributes of the site, such as biodiversity, access and highway issues, drainage, flood potential and/or neighbouring amenity. Therefore, it still remains necessary to assess the proposed development against other relevant planning policies and the physical constraints of the application site.

7.3 CHARACTER AND APPEARANCE

7.3.1 In terms of the visual impacts of the new dwellings, the main public views would be towards the dwellings on the western section of the proposal when viewed from Peel Road, and it is not considered that any views achieved from vantage point from Peel Road would be at variance with the general character of this part of Peel Road. It is perhaps worth noting that the proposed dwellings are designed to be similar to the existing dwellings at Crosby Meadow Estate to which they would form an extension to in terms of form, roof design and finish, construction materials, including painted render, stone wall cladding, such that they would easily blend into the existing context of the immediate vicinity.

7.3.2 With regard to the potential impacts on the character of the surrounding countryside, it is considered that the proposed boundary finishes, which includes retaining the existing boundary features and integrating new plantings on the boundary, would serve to soften the visual impact of the scheme. Besides, there is already a hard boundary with the existing dwellings at Crosby Meadows, and it is not considered that the current scheme would considerably alter this relationship.

7.3.3 In terms of potential impacts on the immediate street scene along Peel Road, it is judged that the area is characterised by a mixture of dwellings types, sizes, styles and designs of properties lining the major highways, with the existing dwellings at Crosby Meadows offering a contemporary feel to this part of Peel Road, hotel and apartment buildings which offer dominant views when viewed from distant perspectives, dominating the street scene, such that the new dwellings (which would largely be set behind the existing dwellings within the estate) considered to be acceptable forms of development, given the extant context of the area.

7.3.4 Overall, in terms of the visual impacts of the proposal, it is considered that the design, proposed landscaping, layout, finishes and scale of the development would be appropriate, and be in keeping with the general character of the site, street scene, and area. Accordingly,

whilst there will be an impact to the visual amenities of the area over the current situation (as this part of the estate is currently undeveloped), the impact to public views would not be significant and it is considered the proposals would be acceptable, as it would create a pleasant housing development, without having a significant adverse visual impact, and comply with the requirements of General Policy 2, Strategic Policy 3 (b), Strategic Policy 4, and Environment Policy 42 of the IOMSP, as well as the principles advocated by the Residential Design Guide 2021.

7.4 LEVELS OF AMENITY

7.4.1 With regard to the amenity provisions for the new dwellings, it is clear that the buildings as proposed would mostly have available principal views towards their front gardens, the new landscaped amenity area to be created at the southern end of the site, with views also achieved towards the surrounding fields which sit in the countryside, and these are considered to be acceptable. Additionally, each dwelling would have some private outdoor amenity area to support their personal needs.

7.4.2 The scheme also proposes some outdoor communal areas, and there is ease of level access to the available public open spaces within the immediate vicinity that would provide a degree of respite from the activity in the area, offered by the Heritage Trail and other leisure areas around the site such as the children's play area, bowling green, BMX track and sports pitches, as well as the footpaths that flank the site. Additionally, the bin storage provision has been integrated within the development, with the terrace of dwellings also provided with bin storage and cycle storage provisions that would be accessible for use by all of the terraced dwellings.

7.4.3 It is, therefore, considered that the proposal would comply with Strategic Policy 1(b), General Policy 2 (h), and Recreation Policy 3 in terms of the adequacy of amenity space provisions.

7.4.4 The adequacy of car parking will be assessed in section 7.6 of this report.

7.5 IMPACTS UPON NEIGHBOURING RESIDENTIAL AMENITIES

7.5.1 In terms of impacts on neighbouring amenity it is not considered that the proposed scheme would not result in significant adverse impacts on the neighbouring amenity of the nearby dwellings. This is hinged on the fact that new dwellings would be positioned at least 20m from the rear elevation of the existing neighbouring dwellings such that there would be no impacts in terms of overlooking, overbearing impacts and loss of light (overshadowing). Granting, the new terrace of dwellings would be set on a slightly higher elevation than the existing terrace of dwellings at Plots 1 to 7, which are situated north of the existing dwellings at the estate, it is considered that the separating distance here, which is about 20m at the closest would serve to diminish any overlooking concerns.

7.5.2 Further to the above, the current scheme seeks to integrate some tree planting along the boundaries with the existing neighbours which would serve to diminish potential concerns with the existing neighbours. It is also worth noting that the existing or proposed dwellings do not integrate full height glazed windows on upper floors which should increase the potential overlooking concerns. Whilst the proposal would introduce new windows set at first floor level which would offer elevated views towards the rear garden of the existing properties, it is not uncommon to have some levels of overlooking of rear gardens for the properties here, due to the predominance of two storey dwellings.

7.5.3 The comments made by one of the objectors regarding the potential impact of the proposed temporary Bio Disc which is to be positioned south of Plot 16 is noted. It is, however, important to note that the proposed Bio Disc would need to meet the guidance set

by the statutory authorities to avoid causing odour issues, and have been considered by MUA as acceptable as an interim solution pending the completion of the Crosby Sewage Treatment Works. As such, it is considered that this element of the proposal meets the requirements of Environment Policy 22.

7.5.4 The comments related to potential impacts of the developments on the local primary school in terms of increased demand is also noted. Albeit, the scale of the proposed development is not such that would significantly increase demand beyond acceptable thresholds. Moreover, the application site is not a reserve site, but an area zoned for development which would mean that potential uptake and development would be factored into school projections for the area. As such, it is not considered that any demand for school going children triggered by the development would be sufficient to warrant refusal of the scheme.

7.6 HIGHWAY ISSUES

7.6.1 In assessing the highway impacts of the current scheme, it is considered that the site entrance has been positioned such that it would easily feed into the current arrangement within the estate, which would ensure that vehicular access and exit from the new dwellings is not impeded.

7.6.2 In terms of off road parking, each dwelling would have 2 spaces provided within the site, which would be sufficient when compared with the requirements of Transport Policy 7 and stipulated within Appendix 7 of the IOMSP, although it is noted that additional parking will be provided within the integral garages provided as part of the two storey dwellings.

7.6.3 Further to the above, the scheme provides footpaths to roads within site which are about 2m wide, and these would ensure proper segregation between pedestrians and vehicle users within the site in line with Transport Policy 6. As well, the site is within a public transport corridor which increases the public transport options available to future occupants, without the need for use of private vehicles; conditions that align with the requirements of Transport Policies 1, 2, 4 and 6.

7.6.4 In addition, Highway Services have reviewed the proposal and raise no objection to the application, subject to conditions for the proposal to meet certain conditions which would be included to ensure that no adverse highway impacts result from the proposal. Therefore, it is considered that the proposal would align with STP10, TP4, 6 & 7, and GP 2 (h&I) of the Strategic Plan, which relate to highway safety and parking requirements.

7.7 DRAINAGE/FLOODING

7.7.1 In respect of drainage, it is noted that the scheme is supported by detailed drainage information, which includes a surface water and foul water management for the entire site, which will later feed into the existing systems that would be managed at the Crosby Sewage Treatment Works. These have been assessed by the relevant drainage authority (Manx Utilities Drainage) who have confirmed that the submitted information is acceptable, whilst also indicating that once foul flows have been accepted into the public sewerage network, the standalone treatment works can be decommissioned. As such, a condition would be imposed to ensure that the use of the Bio Disc must be discontinued once the Crosby facility has been completed and commissioned, with the dwellings connected to the mains network.

7.7.2 In terms of flood risks for the site, it is considered that the site is largely not within High Flood Risk zone but there were initial comments from the Flood Management Division (DOI) in relation to possible flood concerns, which necessitated the requirement for additional information to be provided for the site. This document was reviewed by the Flood Risk

Management team who noted that they are satisfied that the applicant has addressed the concerns of the flood risk.

7.7.3 Further to the above, The DOI Flood Risk Management noted further concerns regarding culverting and management of the nearby water course, for which additional information was sought, with the applicant providing correspondence which details the FRM acceptance of the information provided to address these concerns (See Correspondence between applicant and DOI FRM uploaded 28 June 2024). Based on the foregoing, it is considered that the scheme raises no flood risk to the new dwellings proposed on site or existing properties in the area. The proposal is, therefore, considered to comply with Environment Policies 10 and 13, and General Policy 2 (I).

7.8 OPEN SPACE PROVISION

7.8.1 In terms of open space provisions for the new dwellings, Recreation Policy 3 indicates that where appropriate, new development which exceeds 10 dwellings should include the provision of landscaped amenity areas as an integral part of the design, whilst Recreation Policy 4 stipulates that open space must be provided on site or conveniently close to the development which it is intended to serve. As such, the new residential development which proposes 18 new dwellings must make provision for recreational and amenity space in accordance with the standards specified in Appendix 6 to the Plan.

7.8.2 In the case of this application, the development proposes open space and outdoor amenity within the site area totalling about 3607sqm (552sqm situated around plots 33 to 39 which connects to the footpath at Peel Road, and amenity space to the south of the development measuring 3055sqm, which encompasses the balancing pond), and it is considered that this exceeds the requirement in terms of quantities required by the Strategic Plan.

7.8.3 In accordance with the IoM Strategic Plan Appendix 6, the calculation for open space provisions for the 18 units, which includes five (5) two bedroom units, seven (7) three bedroom units, and six (6) four bedroom units, would require open space provisions measuring about 1568sqm in total (5 x 2 bed units at 64sqm equals 320sqm; 7 x 3 bed at 76sqm equals 672sqm); and 6 x 4 bed units at 96sqm equals 576sqm. A breakdown would comprise 882sqm of Formal open space, 294sqm of Children's play area, and 392sqm of Amenity Space provision, which would mean that there is an excess of about 2039sqm of open space provision.

7.8.4 When the previous scheme under PA 20/01511/B which required that open space provision for the four dwellings under that scheme be factored into further development of the site as required by condition 5 of that approval at Appeal (given that Field 320653 which was also the subject of the application under PA 20/01511/B is included as part of the current application site), it is considered that the following additional open space requirements would be needed:

4 x 4 bed units at 96sqm equals 384sqm. A breakdown would comprise 216sqm of Formal open space, 72sqm of Children's play area, and 96sqm of Amenity Space provision.

The summation of all open space requirements would be 1568sqm for the 18 dwellings within the current scheme, and 384sqm for the Open space requirements for 4 dwellings under PA 20/01511/B as required by Condition 5 of that approval, totalling 1952sqm of open space provisions.

7.8.5 Based on the foregoing, it is considered that a total of 1952sqm of open space provisions is required, with the scheme providing 3607sqm, resulting in an excess of

1655sqm, which would mean that the scheme would comply with the requirements of Recreation Policy 3 and 4 of the Strategic plan.

7.9 AFFORDABLE HOUSING

7.9.1 As indicated by Housing Policy 5, the Department will normally require that 25% of provision should be made up of affordable housing when developments are of 8 dwellings or more. On this basis a total of 5.5 affordable units would generally be required given that 18 dwellings are currently proposed, and for the four (4) dwellings approved at Appeal under PA 20/01511/B. It must be noted that condition 4 of PA 20/01511/B required that further development on the remainder of Field 320653 which the current scheme includes would need to provide affordable housing that accounts for the four dwellings approved under that scheme, such that the calculations for affordable housing is to be for 22 dwellings.

7.9.3 In this case, the applicants have provided 5 units of affordable housing which would fail to meet the required 25 percent affordable housing requirement, as it would amount to a shortfall of 0.5 housing units, given that 5.5 units would be required for this application (25 percent of 22 dwellings). As such, it is considered that the scheme as proposed would fail to provide the required affordable housing provision and this weighs against the proposal.

7.9.4 A Section 13 Legal Agreement will need to be agreed with regard to affordable housing provision, should the scheme be approved as proposed by the applicants.

7.10 ENERGY USE/CONSERVATION

7.10.1 Energy Policy 5 requires that schemes of this scale demonstrate the measures that have been taken in the design to reduce energy consumption and increase energy efficiency. This is further reinforced by GP2 (n) which stipulates that new developments be designed having due regard to best practices in reducing energy consumption.

7.10.2 In assessing the energy conservation approaches within the scheme, it is considered that the scheme is supported by an Energy Statement which details measures that would be taken to reduce energy demand, approaches for improved building envelope to diminish heat loss, incorporate high efficiency Air Source Heat Pumps combined with electric boilers for heating and generation of domestic hot water, as well as how the scheme caters for renewable energy provision and use.

7.10.3 If the proposed measures are implemented as detailed in the supporting information, the energy conservation for the buildings would meet the requirements of ENP5 and GP2 (n). As such, conditions should be attached to ensure that the details submitted are undertaken.

7.10.3 It is, therefore, considered that the proposed energy use and conservation within the scheme meets the requirements of Environment Policy 5 and General Policy 2 (n) of the Strategic Plan.

7.11 POTENTIAL IMPACT ON BIODIVERSITY

7.11.1 In terms of the ecological impacts of the proposed development, it is considered that the application is supported by ecological information which have been assessed by the DEFA Ecosystem Policy Team, with the key concern bordering on matters that relate to the proposed landscaping schemes for the site, whilst also suggesting conditions which could be imposed to ensure that the resulting ecological impacts are mitigated. As the ecological concerns could be addressed via conditions, it is felt that the concerns in terms of biodiversity impacts are not sufficient to warrant refusal of the proposal, should approval be granted for the proposal.

7.11.2 Based on the foregoing, it is felt that the application has satisfied the principles of Environment Policies 4 and 5, and General Policy 2 (d) of the Strategic Plan. Conditions would, however, be imposed to ensure that the required mitigation measures are implemented on site.

7.9 OTHER MATTERS

7.9.1 Designing out Crime (CP 7 & GP2m)

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

7.9.2 Fire Safety (CP10 & 11)

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

7.9.3 Matters Regarding errors on the Area Plan for the East

7.9.3.1 The matters which border on perceived errors within the Area Plan for the East fall outside the remit of this planning application as it relates to a statutory policy document which has been through a statutory process, which includes evidence base and the public consultation process, and is adopted by Tynwald.

7.9.4 Highway Legislation Matters:

7.9.4.1 The comments made by the Road Policing Unit regarding narrow road widths which encourages people to park on pavements and lack of road markings, are noted. However, these are issues that would be better addressed via the Highways legislation. As such, they are not assessed as part of the proposal.

7.9.4.2 With regard to the comments bordering on the lack of safe pedestrian access to Heritage Trail, it would be vital to note that the revised site plan dated 7 March 2023 shows pedestrian tracks which would be connected to the existing tracks that link to the Retail building and the Heritage trail. As such, there is no concern with this element of the proposal.

7.9.4.3 The matters related to parking provision has been addressed within Section 7.6 of this report. As such, no further comments would be made in this regard.

7.9.5 No other concerns have been noted.

8.0 CONCLUSION

8.1 Overall, it is considered that although the shortfall in affordable housing provision weighs against the proposal (as it would fail to fully comply with the requirements of Housing Policy 5), it is concluded that the proposals align with the requirements of General Policy 2; Strategic Policies 1, 2, 3, 4, 5, and 10; Environment Policies 3, 4, 5 and 42; Housing Policies 1, 4, and 6; and Transport Policies 1, 4, 6 and 7; the Area Plan for the East 2020, and the Residential Design Guide 2021, as the principle of the development is in accordance with the land use designation and the wider policy framework, and the proposed buildings are of a good design and layout. Furthermore, the proposals would not have significant adverse

impacts upon public or private amenities, or parking and highway safety, and therefore would comply with the relevant planning policies listed. Accordingly, the application is, recommended for approval.

9.0 INTERESTED PERSON STATUS

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

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

9.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.4

Proposal : Construction and replacement of existing walls for the purpose of providing flood protection to Glen Road, Laxey.
Site Address : Glen Road
Laxey
Isle Of Man
Applicant : Mr Neil Caine
Application No. : 23/01057/B- [click to view](#)
Planning Officer : Hamish Laird
RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the commencement of any works of construction for the development hereby approved, details and samples of the surface finish for all works, including facing stones and coping stones for the flood defence walls, above river level shall be submitted to and approved in writing by DEFA Planning. Thereafter, the works shall be implemented using the approved materials.

Reason: In the interests of visual amenity of the site and surroundings, and to protect the character and appearance of the Laxey Conservation Area in which the site is located.

C 3. Any works to the watercourse bank and channel are restricted to the period July to September (inclusive).

Reason: To avoid disturbance or injury to spawning fish, or to the spawn and fry of fish, during the season in which they are most at risk.

C 4. Prior to the commencement of any works of construction for the development hereby approved, a written method statement outlining measures to minimise disturbance to fish shall be submitted to and approved in writing by DEFA Planning. The works shall then be carried out in accordance with the approved details.

Reason: To ensure a suitable approach to construction, in order to reduce the possibility of injury or disturbance of fish within the river.

C 5. No works of development on site shall commence prior to the submission of a habitat mitigation plan, written by a suitably qualified ecological consultancy, has been provided to DEFA Planning and approved in writing. The plan should contain details of propionate habitat replacement works, alongside a timetable for implementation. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the provisions of the habitat mitigation plan are adequately managed and monitored.

Note: The applicant is advised to contact Fisheries (tel. 685857, or email fisheries@gov.im) to discuss method statements and arrange an initial advisory site visit, should the proposal be granted planning approval. As detailed on the attached information sheet, DEFA does not charge for an initial site visit or review of method statement but there is a charge for relocating fish prior to river works. This is likely to be deemed necessary due to the nature of the proposed works on a section of stream, which Fisheries surveys have confirmed contains fish, including salmon, trout and eels.

Reason for approval:

The proposal for flood protection measures on the Laxey River within and close to the centre of Old Laxey is considered to be acceptable and accords with the provisions of Policies SP3, SP4, GP, ENV5 and, ENV35 of the Isle of Man Strategic Plan 2016. It is recommended that planning approval be granted

Interested Person Status – Additional Persons

It is recommended that the owners/occupier of the following property should not be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

2 Glen View, Laxey, Isle of Man

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

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site comprises a length of the north side of the river bank of the Laxey River where it runs to the west of Laxey Bridge and incorporates the informal flood defences on the north bank of the river adjacent to the Brookside public highway and parts of the curtilages of residential dwellings that have north side riverbank frontages travelling in line from east to west for a distance of approx. 350m. This includes the dwellings at:

- o Lewins Cottage
- o Digby House
- o Cumberland Lodge
- o Cumberland House
- o Thie-Ny-Claggan - Rivers Court Nos. 5, 6, 7, and 8;
- o Palladian House; and,
- o Braeside.

1.2 The site lies at the centre of Old Laxey, within the Laxey Conservation Area. The Laxey River passes under the new Laxey Bridge and continues into Laxey Harbour and the Irish Sea. On the south side of the River opposite the site is The Shore Hotel, which has its attendant car park and a grassed bank between it and the River. The grassed and treed riverbank continues west in the form a publically accessible walk on this side of the river opposite the

dwellings on the site opposite it. The surroundings are a mix of residential and commercial/tourism properties associated with Laxey Harbour and Laxey Beach.

2.0 THE PROPOSAL

2.1 Full planning approval is sought for the "Construction and replacement of existing walls for the purpose of providing flood protection to Glen Road, Laxey." The submitted Statement of case advises that:

"The works will comprise of 3 elements of a proposed continuous flood wall on the left bank, replacing and reconstructing existing informal flood defences and constructing new walls; improvements to channel conveyance and long term integrity of bank side structures. This project forms part of the full Laxey Flood Alleviation Scheme, in particular the proposed works form part of the flood prevention of Glen Road,.....covering a length of Laxey River floodwall stretching from the property Braeside to the New Laxey Bridge, which is approximately 350 metres in length. To satisfy the 1 in 100 year plus climate change design standard with 300mm of freeboard, the retaining walls to the rear of all the properties between Rivers Court and Lewins Cottage will require to be raised and repaired as necessary to the heights and detail shown on the individual plans accompanying this planning Statement of Case. Properties without an existing boundary on the river embankment will require new walls.

Structural assessments have identified that much of this section requires works to construct or replace unsatisfactory sections of retaining wall. The proposed design heights follow the recommendations of the flood studies, which JBA Consulting were commissioned to carry out. For all of the properties, the finished aesthetics of the raised retaining wall endeavour to emulate the original finish. The drainage outlet on the Commissioners' land will also require improvement."

2.2 The Statement of Case also includes details of:

- o 3 Political Policy - The applicant is a Government Department;
- o 4 Planning and Other Policy Framework;
- o 5 proposed Option and Flood Risk Assessment;
- o 6 Design Statement and methodology;

- o 7 Scoping Assessment for Environmental Statement - this outlines the current legislative and planning policy requirements and covers the following topics:
 - Biodiversity and nature conservation
 - Water environment;
 - Landscape and visual impact;
 - Land and soil;
 - Noise;
 - Climate;
 - Material assets; and,
 - Population and local community.

- o 8 Heritage and Conservation Areas; and,
- o 9. Conclusion

2.3 In conclusion the Statement of Case advises:

"In summary, the applicant believes this Statement of Case satisfies IOM Strategic Plan Environmental Policy 24 in addressing the salient points required by an EIA. Furthermore, this report concludes that the existing structures situated to the rear of the properties are not suitable and should be improved and strengthened as set out in this document so as to mitigate the risks posed by future flood events.

This is an important scheme for the residents of Laxey, protecting properties for the future against flooding, repairing dilapidation and securing the residential viability of the area through a period of climate change. It does this while protecting the visual amenity of the conservation area using sympathetic design."

2.4 The application is also accompanied by a full set of drawings indicating the sections of work proposed along the stretch of riverbank in relation to the corresponding properties; a site Plan; and, as mentioned above, the Statement of Case.

2.5 In terms of the application drawings and the proposals relating to the various properties along the riverbank, which change depending on existing flood defences and ground conditions, and the required flood prevention level (AOD), the proposals involve the following:

- o Drawing No. 703 - Section 6 - Braeside and Palladian House - proposed pre-cast concrete retaining wall units (2.0m high). "L" Units to be interlocked d. 1.6m high to riverside; and, 1.2m high to garden side, to provide required floor prevention level of 9.90m AOD.

- o Drawing No. 704 - Section 6 - 5, 6, 7 and 8 Rivers Court - Reinforced concrete hollow blocks wall with pre-cast coping stone on top of stone cladding to coincide with existing terrace level which varies between 9.40m to 8.90m AOD, to provide required floor prevention level of 9.70m AOD.

- o Drawing No. 705 - Section 6 - Cumberland House - Reinforced concrete hollow blocks wall with pre-cast coping stone on top of stone cladding 1.2m high to both garden and riverside to provide required floor prevention level of 9.35m AOD.

- o Drawing No. 707 - Section 6 - Vacant plot comprising Commissioners Area - Reinforced concrete hollow blocks wall with pre-cast coping stone on top of stone cladding 1.2m high to both landward and riverside to provide required floor prevention level of 8.70m AOD.

- o Drawing No. 708 - Section 6 - Digby House - Reinforced concrete hollow blocks wall with pre-cast coping stone on top of stone cladding 1.2m high to both Digby House and riverside to provide required floor prevention level of 8.40m AOD. This further involves the building up of the wall from the bed of the Laxey River by the installation of 2.550m high (below bank) to bank level via a series of pre-cast river concrete blocks located on top of reinforced concrete foundation with blocks to be interlocked.

- o Drawing No. 709 - Section 6 - Brookside - Reinforced concrete hollow blocks wall with pre-cast coping stone on top of stone cladding 1.2m high to both landward and riverside to provide required floor prevention level of 8.20m AOD. This further involves the building up of the wall from the bed of the Laxey River by the installation of 2.550m high (below bank) to bank level via a series of pre-cast river concrete blocks located on top of reinforced concrete foundation with blocks to be interlocked.

- o Drawing No. 710 - Section 6 - Lewins Cottage - Reinforced concrete hollow blocks wall with pre-cast coping stone on top of stone cladding 1.2m high to both landward and riverside to provide required floor prevention level of 8.00m AOD. This further involves the building up of the wall from the bed of the Laxey River by the installation of 2.150m high (below bank) to bank level via a series of pre-cast river concrete blocks located on top of reinforced concrete foundation with blocks to be interlocked.

2.6 The scheme follows on from a public consultation event which was held in September 2020 which provided valuable community input. This information has been collated and considered in the progression of the scheme.

3.0 PLANNING HISTORY

3.1 None of relevance.

4.0 DEVELOPMENT PLAN POLICIES

4.1 In terms of local plan policy, the application site is in an area zoned as Predominantly Residential under the Laxey Proposals Map 7. The application site is within the Laxey Conservation Area. The site is within an acknowledged Flood Risk Area. There are no Roistered Trees or Registered Buildings on or close to the site.

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

Strategic Policy 3:

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

- (a) avoiding coalescence and maintaining adequate physical separation between settlements; and
- (b) having regard in the design of new development to the use of local materials and character."

Strategic Policy 4: "Proposals for development must:

- (a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2), buildings and structures within National Heritage Areas and sites of archaeological interest;
- (b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and
- (c) not cause or lead to unacceptable environmental pollution or disturbance."

Strategic Policy 5: "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."

General Policy 2 states:

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

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

(l) is not on contaminated land or subject to unreasonable risk of erosion or flooding; (m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
(n) is designed having due regard to best practice in reducing energy consumption."

Environment Policy 4 states:

"Development will not be permitted which would adversely affect:

(a) species and habitats of international importance:

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

(ii) proposed or designated Ramsar and Emerald Sites or other internationally important sites.

(b) species and habitats of national importance:

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

(1) Wildlife Sites are defined in Appendix 1

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

(iii) Marine Nature Reserves; or

(iv) National Trust Land.

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

Some areas to which this policy applies are identified as Areas of Ecological Importance or Interest on extant Local or Area Plans, but others, whose importance was not evident at the time of the adoption of the relevant Local or Area Plan, are not, particularly where that plan has been in place for many years. In these circumstances, the Department will seek site specific advice from the Department of Agriculture, Fisheries and Forestry if development proposals are brought forward."

Environment Policy 5 states:

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

(a) minimise disturbance;

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

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

Environment Policy 7 states:

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

(a) all watercourses in the vicinity of the site must be identified on plans accompanying a planning application and include an adequate risk assessment to demonstrate that works will not cause long term deterioration in water quality;

(b) details of pollution and alleviation measures must be submitted;

(c) all engineering works proposed must be phased in an appropriate manner in order to avoid a reduction in water quality in any adjacent watercourse; and

(d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species.

Environment Policy 10 states:

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

Environment Policy states 23:

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

Environment Policy 24 states:

"Development which is likely to have a significant effect on the environment will be required:
i) to be accompanied by an Environmental Impact Assessment in certain cases; and
ii) to be accompanied by suitable supporting environmental information in all other cases."

Environment Policy 35 states:

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

5.0 REPRESENTATIONS

5.1 Garff Commissioners (11/10/23) comments:

"The construction of the new flood wall defences along this section was welcomed. It was noted that the Department had liaised and agreed how the wall would be constructed with each of the affected residents and had gained their support.

Members expressed concern that the 'river' face of the wall would just have a concrete finish. This matter was discussed in detail, particularly the fact that the concrete wall would appear out of character when viewed from the public pathway on the opposite bank of the river.

The Commissioners request that this section has a stone finish on the riverside of the wall."

5.2 Manx Natural Heritage (22/9/23) comments:

"I write on behalf of Manx National Heritage ('MNH'), whose statutory responsibilities pertaining to the protection of the cultural and natural heritage of the Isle of Man are defined under the terms of the Manx Museum and National Trust Act.

Having looked through this application we feel that the ecology of the river would be affected by the development which would not comply with The IOM Strategic Plan, Environmental Policy 7: Development which would cause demonstrable harm to a watercourse, wetland, pond or dub, and which could not be overcome by mitigation measures will not be permitted. Where development is proposed which would affect a watercourse, planning applications must comply with the following criteria:

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

(d) development will not normally be allowed within 8 metres of any watercourse in order to protect the aquatic and bankside habitats and species.

River banks are ecologically rich places as they afford an interface between land and water. They provide habitat (in the form of shade from overhanging vegetation) and food for terrestrial and aquatic species such as migrating salmon, trout and the Critically Endangered European eel. They filter out pollutants to keep water clean.

Rivers are also natural connectors of the landscape. A river with intact vegetation along its banks creates a wildlife corridor or bio-link that allows animals to disperse and migrate and provides a seedbank for plants.

As riparian vegetation is cleared remaining patches are increasingly isolated and fragmented. Climate change adds a new urgency, as conditions change animals and plants need to be able to migrate to adapt, river corridors provide the pathway for them to do this.

Whilst we realise that safety and protection from floods is a major consideration of this application, which we fully support, we wondered if it may be possible to construct a wall from the landward side of the existing wall; this would avoid the loss of riparian biodiversity as well as providing flood protection."

5.3 DEFA Fisheries (4/1/24) comments:

"DEFA Fisheries has no objection to this proposal providing the following conditions are met; Any works to the watercourse bank and channel are restricted to the period July to September (inclusive).

Reason: To avoid disturbance or injury to spawning fish, or to the spawn and fry of fish, during the season in which they are most at risk.

Works are conducted according to written method statements agreed in advance with the Inland Fisheries Section of the DEFA Fisheries Directorate.

Reason: to allow DEFA fisheries to provide advice on a suitable approach to construction, in order to reduce the possibility of injury or disturbance of fish within the river.

The applicant is advised to contact Fisheries (tel. 685857, or email fisheries@gov.im) to discuss method statements and arrange an initial advisory site visit, should the proposal be granted planning approval. As detailed on the attached information sheet, DEFA does not charge for an initial site visit or review of method statement but there is a charge for relocating fish prior to river works. This is likely to be deemed necessary due to the nature of the proposed works on a section of stream, which Fisheries surveys have confirmed contains fish, including salmon, trout and eels."

5.4 The Ecosystems Policy Team (5/10/23) comments:

The Ecosystem Policy Team do not object to these works in-principle. However, we do not believe that adequate environmental consideration has yet gone into the proposals and we are not content with the Ecological Impact Assessment (ECiA) undertaken by Katy Watson Consulting dated 30.07.23, because there seems to be a number of erroneous statements within the report:

1. Despite Laxey Bay Marine Nature Reserve (MNR) being located only approx. 150m downriver of the site, section 4.2 of the ECiA states that "There are no designated sites within 2km of the search area. Therefore no further survey or mitigation is required." This is entirely incorrect, especially as the proposed works are within a watercourse and could very easily lead to damage or pollution of Laxey Bay MNR should appropriate working methods and control measures not be put in place.

2. There has been no attempt to quantify the potential impacts to native fish, in fact we don't think fish are mentioned at all, again despite the work taking place within a watercourse with known salmon and trout populations. Similar to this, there seems to be no acknowledgement of the river being a habitat worthy of protection in its own right.

3. No bird records were obtained for the desk based assessment. We are aware that a healthy breeding population of grey wagtail are present along this stretch of river. Grey wagtails are amber listed on the 2021 Birds of Conservation Concern in the Isle of Man. Our concerns in regards to grey wagtails relate to the destruction of large amounts of bankside feeding habitat.

4. There are contradicting statements regarding invasive species - Section 4.4.18 states "No evidence of invasive non-native species was found during the Phase 1 Habitat Survey. No negative impacts on the Site's ecology are predicted as a result of the activities proposed. However, section 4.4.19 then states "Invasive species including the hybrid bluebell (*Hyacinthoides non-scripta* x *hispanica*) and cotoneaster (*Cotoneaster* sp.) were recorded on the Site during the Phase 1 Habitat Survey." It is our assumption that section 4.4.18 was included erroneously. Also we believe photos supplied in the Planning Statement show invasive montbretia along the river, this will need to be eradicated during the works.

5. The report says that there will be no permanent loss of grassland or scrub on site but aerial photographs clearly show that bankside vegetation is present in areas where the works are to take place, this is supported by all of the photos within the DoI's Statement of Case and various of the Drawings. For example, the Brookside drawing clearly shows an area of vegetation to be removed and the drawings for Braeside show an area of vegetation (looks like a hedge) to be removed. This removal presents a net loss for biodiversity, which is contrary to Strategic Objective 3.3 and Strategic Policy 4 of the Isle of Man Strategic Plan 2016 and Habitat Loss Action 21 of the Isle of Man's Biodiversity Strategy 2015. How do the DoI propose to mitigate against this loss?

6. Because of this unacknowledged vegetation removal, contrary to what is stated in the report, we believe that there could be a risk to nesting birds.

7. Section 4.3.5 says "No scrub habitat is planned for removal as part of the proposal (incorrect as stated previously), but temporary impacts on their overall ecological value will need to be addressed through appropriate mitigation". We don't quite understand what this means and there is no mitigation measures included in the mitigation section of the report (section 5.1) to deal with this statement.

Some of our concerns - impacts on Laxey Bay MNR, impacts on fish and invasive species - can be dealt with via the implementation of a Construction Environmental Management Plan, as referred to within S7.1 of the DoI's Planning Application Statement of Case. A condition on approval can be requested for this. However, as of yet no mitigation has been proposed for the loss of substantial amounts of bankside habitat, and because of the extent of this we believe that details of proportionate mitigation need to be provided prior to determination of the application.

Should Planning wish to determine the application at this stage, despite our concerns regarding the removal of habitat, we requested that conditions are secured for the following:

No works to commence unless a Construction Environmental Management Plan (CEMP), consulted on with a suitably qualified ecological consultancy, has been submitted to Planning and approved in writing. The CEMP will need to include the following:

- o Details of a suitably qualified Ecological Clerk of Works (ECoW), who will be appointed for the duration of the works;

- o Measures to be put in place for the protection of the river ecosystem and the downstream Laxey Bay Marine Nature Reserve - prevention of pollution and sedimentation etc.

- o Measures, such as timescales for vegetation removal and pre-removal checks, for the protection of nesting birds.

- o Measures for the prevention of light pollution of the river.

- o Measures to be put in place for the responsible control and eradication of invasive non-native plant species.

- o Measures, such as responsible working methods and use of construction exclusion areas, for the protection of bankside habitat.

- o Measures to be taken should frogs be found in the working area.

No works to commence unless a habitat mitigation plan, written by a suitably qualified ecological consultancy, has been provided to Planning and approved in writing.

The plan should contain details of proportionate habitat replacement works, alongside a timetable for implementation."

5.5 One letter of representation has been received by the Report drafting stage (6/6/24) from the occupant of 2 Glen View, Laxey, who comments as follows:

"I would comment as follows

No details of what reinforcement would be undertaken, if required, between Lewin's Cottage and the Laxey Bridge. This stretch of wall was entirely rebuilt, without consent either planning or Registered Building consent being in the Laxey Conservation Area, and no action taken following an enforcement request to require the appropriate applications. The stone used to rebuild the wall is in fact that from the Old Laxey Bridge, all as authorised by a former Minister for Infrastructure, Phil Gawne. It would be an absolute travesty if this stretch of wall had any in any way to be touched as part of the current proposal since it was presumably rebuilt to appropriate standards barely 5 years ago and presumably at considerable expense. Moreover without any details there should be absolutely no consent for any works on this wall which had no consent to be built in the first place.

For the area owned by the Commissioners and traditionally known as the beach there are no details of what is to happen to the access to the river. Traditional stone facing on both sides of the wall which serve a public recreational area should be essential for this area which is laid out as a public recreational area. Concrete coping is totally inappropriate. It is unsatisfactory that the plans and statement of case and images do not make clear exactly what exists at this location. An existing layout showing design and materials and photos should at a minimum be supplied in order for proper assessment to take place.

For the other walls I note that existing Manx Stone walls are to be replaced and in some cases by concrete blocks / wall units above river level which are not to be covered by Manx stone. If this development which is very publicly visible from the riverside footpath which I and others regularly use on the opposing bank is to be approved, it should be a condition that

all the wall whether concrete block or slab should be covered in Manx stone, traditionally laid ie the existing stone which is to be taken down should be used to face the new wall on the river side of the proposal.

I also note that the proposal involves demolition of Manx walls in a Conservation Area there should be a corresponding Registered Building application. There appears to be none so the applicant should be informed that such is required.

I also note that the river side stone walling which was a condition of the approval of the reconstruction of the already reinforced riverside wall in front of Laxey Glen Woollen Mills has not been completed despite requests from the Commissioners and myself (PA 21//00481/CON and PA 20/01385/B). The appearance of the bare white interlocking concrete walls is disastrous in the Conservation Area. Perhaps DEFA should think twice about automatically giving consent to applications which appear to promise something without having some sort of bond to ensure full completion of the works in accordance with approved plans."

6.0 ASSESSMENT

6.1 The application seeks approval for the construction and replacement of existing walls for the purpose of providing flood protection along part of the northern bank of the Laxey River from the New River Bridge up to Glen Road, Laxey for a distance of approx. 350m. The principle of development is acceptable given the presence of existing flood defences on this side of the river which seek to protect the residential properties as listed in paragraph 1.1 above, and the wider surroundings that are prone to flooding.

6.2 Other than the potential for flood risk to adjoining residential properties, which this proposal is designed to ease The main issues to consider in the assessment of this application are the impact upon the character and appearance of the site and surroundings; the impact on the setting of it within the Conservation Area; and, Biodiversity and ecology impacts in respect of the impact on flora and fauna in the Laxey River and the Laxey Bay Marine Nature Reserve (MNR).

Visual impact, and impact of the character and appearance of the Conservation Area

6.3 The flood prevention works ostensibly involve works to and replacement of parts of the existing floor prevention measures along the north side of the Laxey River between Laxey Bridge adjacent Glen Road and properties located thereon for a distance of approx. 350m westward up to Braeside. The works would vary in height above the river bank by between 1.2m above bank level to 1.6m high above bank level. This compares with the existing works which vary in height between no additional height and approx. 400mm above bank level. It is noted that there are existing flood defences in the form of concrete and stone walls below bank level; wooden palisade fencing at Digby House; Stone Walls at Nos. 5, 6, 7 and 8 Rivers Court; Concrete lower walls with stone walls above at Cumberland House and Cumberland Lodge; and, with overhanging, fenced decking at Lewins cottage. The increased height of the new walls would be noticeable as would the conformity of their construction when compared with the piecemeal, more individual approach to flood defence works as currently shown on this side of the Laxey River.

6.4 Garff Commissioners and the neighbour at Glen Road, have requested that stone rather than concrete blockwork be used for the publically visible finish of the flood defence wall above the riverbank. Details of the proposed materials to be used for above water surface development can be conditioned. This should assist in assimilating the development into its surroundings. This accords with the provisions of Policies SP3, SP4, GP2; and, ENV35 of the Isle of Man Strategic Plan 2016.

Biodiversity and Ecology

6.5 The proposed development would involve works to the existing flood defences above water level, and below water level to part of the river bed. As such, there may be impacts on the river ecology and marine habitat in the Laxey River and consequently the Laxey Bay Marine Nature Reserve (MNR) into which the river flows out through Laxey Harbour.

6.6 The Ecosystems Policy Team; Manx National Heritage (MNH); and the neighbour in Glen Laxey, have separately raised concerns regarding the proposed works and their potential impacts. These concerns relate to the impacts on river life advising that River banks are ecologically rich places as they afford an interface between land and water, providing habitat and food for terrestrial and aquatic species such as migrating salmon, trout and the Critically Endangered European eel; and, filtering out pollutants to keep water clean. Concerns raised are that as riparian vegetation is cleared remaining patches are increasingly isolated and fragmented, and given the advances of climate change, as conditions change animals and plants need to be able to migrate to adapt, and that river corridors provide the pathway for them to do this.

6.7 The question here is how to mitigate against the loss of biodiversity and habitat, versus the protection of homes, infrastructure, and livelihoods. To put matters into perspective, the site extends to 350m and relates to the riverbank and adjoining dwellings plus the Commissioners area between Cumberland Lodge and Digby House. This represents a small section of the total length of the Laxey River. The proposals would also assist in alleviating the impacts of future flooding events and are in direct response to those of 1/10/2019 which was the third such flood event within the previous 35 years.

6.8 It is considered that in terms of the impacts on biodiversity that the scheme would have would be alleviated via the imposition of conditions as advised in the comments received from the Ecosystems Policy Team. It should also be noted that as the works are in the watercourse there is an obligation under the Fisheries Act 2012 for a formal method statement to be submitted to Fisheries where significant disturbance is anticipated. There is nothing that can be done in the circumstances of any future flood event to prevent the volume and intensity of water flowing down the river as witnessed in previous flood events and the impact that this has in stripping away vegetation and habitat from the river and sending it out into the MNR in terms of deposition. The imposition of conditions as advised, would however, assist in alleviating the acknowledged impacts on the biodiversity of the river and post development allow the affected area to re-establish itself as soon as it can. As such, it is considered that the proposals are acceptable in terms of their impacts on the biodiversity and ecology of the Laxey River. This accords with the provisions of Policies SP3, SP4, GP2; and, ENV5 of the Isle of Man Strategic Plan 2016.

Other matters

6.9 It is noted that the proposals do not represent EIA development as advised by Policy ENV24 and Appendix 5 (i) Infrastructure Projects in the Isle of Man Strategic Plan 2016. Therefore, a formal Environmental Impact assessment is not required.

7.0 RECOMMENDATION

7.1 On the basis of the above the proposal is considered to be acceptable and it is recommended that planning approval be granted.

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.

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.5

Proposal : Proposed demolition of the old school house and construction of two new semi-detached dwellings

Site Address : Old Primary School
Kionslieu Hill
Foxdale
Isle Of Man
IM4 3HB

Applicant : Mr & Mrs Alan & Pam Lemaire

Application No. : 23/01164/B- [click to view](#)

Planning Officer : Hamish Laird

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The development, hereby approved, shall be carried out using all external facing and materials as shown on the submitted plans, only. No new types of materials shall be added to the external elevations of the development, unless agreed beforehand in writing by DEFA Planning.

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

C 3. The vehicle parking spaces and secure cycle storage area shown provided for the development, hereby permitted, both within and outside the garage on Drawing No. 23 1754 03 Ground Floor Plan Proposed, shall be provided prior to the first occupation of the dwellings and shall thereafter be retained and made available for vehicle parking and secure cycle storage at all times.

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

C 4. Prior to the first occupation of the development, hereby permitted, the flood risk mitigation measures outlined in the Flood Risk Statement by Penketh Millar at the Old School House, Kionslieu Hill, Foxdale - stamped received on 6/6/24, shall be fully implemented, and shall thereafter be maintained for the lifetime of the development.

Reason: To mitigate against the risk of flooding given the sites location adjoining a recognised area at high risk of flooding from Surface Water.

C 5. Prior to the first occupation of the development, hereby permitted, the details outlined in the Bat Survey and Evaluation Report was submitted by the applicants dated 18/2/24, shall be carried out in full in relation to the provision any external lighting which shall be bat

friendly; and, in respect of the provision of Bat boxes. Once implemented, these measures shall thereafter be maintained for the lifetime of the development.

Reason: To mitigate against any impact on Bats which area protected species; and, to enhance the biodiversity offering of the development.

C 6. Prior to the first occupation of the development, hereby approved, a Landscaping Scheme shall be submitted to and approved in writing by DEFA Planning. The Landscaping Scheme shall include details of all planting and sowing, including size, species and numbers of trees and plants, ground preparation, management and maintenance, as well as methods to eradicate any invasive species that may be present (Japanese Knotweed). All planting, seeding, and earth works comprised in the approved details of landscaping shall be carried out in the first planting and season (November - March) following the substantial completion of the development whichever is the sooner, and 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.

Reason: To ensure that the development provides an attractive environment and provides an enhanced habitat for the promotion of biodiversity and the eradication of any Japanese Knotweed or other invasive plant species that may be found, in accordance with policies GEN2 b) and f) and Policy ENV4 in the Isle of Man Strategic Plan 2016.

Note FOR YOUR INFORMATION

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

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

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

Reason for approval:

The proposed scheme would be an acceptable form of development that has been designed to ensure that it would not harm the use and enjoyment of neighbouring properties and would comply with General Policy 2; ENV4, ENV10, ENV22, ENV26, T4 and T7 of the Isle of Man Strategic Plan 2016; and, the principles of the Residential Design Guide 2021.

Interested Person Status – Additional Persons

It is recommended that the owners/occupier of the following property should not be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

2 Glen View, south Cape, Laxey, Isle of Man, IM4 7HY

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

Planning Officer's Report

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

1.0 THE SITE

1.1 The Old School is a prominent 2-storey building located next to the highway at the junction of Kionslieu Hill and Mineral Terrace with dwellings facing the site located in Archallagan Terrace to the north-east. It is also sited close to the road junction of Kionslieu Hill with the A24 Mines Road to the south-west with Bettridge's Car sales garage located to the south. The site also lies adjacent to the playing fields of the new school and thus the building is quite visible on approach from Mines Road to the west.

1.2 The former school building is now a dwelling with a 3-car garage housed under a flat roof extension on the south west elevation which was added in 2010. The south west elevation is two storey although the rest of the building appears to be single storey because of the difference between road levels and that of the curtilage of the dwelling. A flight of steps runs up the north-west side elevation leading to Mineral Terrace which emphasises the change in level.

1.3 The site lies within the Settlement Boundary for Foxdale in a mixed use, predominantly residential area.

2.0 THE PROPOSAL

2.1 The proposal is a full planning application which seeks the demolition of the old school house and construction of two new semi-detached dwellings. Each unit would be set over three floors and would provide the following accommodation:

Ground floor: Double Garage/Store/Cycle Parking Area; Porch; Hallway with Stairs up/down; Shower Room; and, Utility Room;

First Floor: Entrance Porch; Hallway; Sitting Area with Outdoor Balcony Deck and stairs down to ground floor; Lounge; Kitchen/Dining/Sitting Area; WC/Shower;

Second Floor: Four bedrooms comprising Master Bedroom with en-suite bathroom; 2nd Bedroom with en-suite Shower Room; two further Double Bedrooms and a Family Bathroom;

2.2 The dwellings would occupy a smaller footprint than the existing dwelling (former school/house) being set in from the roadside to the Mineral Terrace road frontage, the side view onto Kionslieu Hill would appear flush with the outer extent of the existing dwellings footprint, whilst at the rear, the flat roofed garage appearance (with outdoor balcony above) would be maintained. The flight of steps running up the north-west side of the new dwellings would also be maintained.

2.3 In terms of external appearance, a double-pile roof with flat roofed elements containing rooflights set between the ridges would be employed, and the side elevations at second floor level would be served by obscure glazed windows to the bathrooms; and, at first floor level by hi-level glazing serving the hallways. Proposed materials are a mixture of natural stone. The new roof would be covered with natural grey slate. New windows and doors to be in grey/black Upvc or aluminium framed double glazed units; and, new guttering and downpipes to be in black/grey Upvc or aluminium laid to falls on black/ grey upvc fascias. Outdoors the driveways and hardstanding areas would be in a grey coloured finish.

2.4 A Bat Report was provided on 11 March, 2024, which found "No evidence of bat use of the building was found and in particular no use of the roof space."

2.5 following receipt of initial comments from FRMD, a Flood Risk Assessment (FRA) was submitted by the applicants on 6/6/24.

3.0 PLANNING POLICY

3.1. The site lies within an area designated on the Draft Area Plan for the North and West as Predominantly Residential. The Foxdale Local Plan 1999 still refers to the site being a school and playground but approval was granted under PA 95/00068/B.

3.2 The Foxdale Local Plan 1999 advises at paragraph 1.3 (in part) that in general that Foxdales history is strongly characterised by mining and its general environment pays tribute to that legacy still today. Particular concerns relate to land contamination from mining activities. The Local Plan at Foxdale Primary School para 2.6 advises:

"Foxdale Primary School was built by the Department for Education in 1989 (PA 89/1302) (actually built in 1991) and an amenity area was created immediately behind it (PA91/1214) by the Department of Local Government and the Environment. As these sites have been reclaimed and built upon, the sites themselves are no longer considered to present a hazard to the village in terms of contamination".

3.3 The site is not within a Conservation Area or flood risk area. The site is also not within a Registered Tree Area, and there are no protected trees on site. As such, the following parts of the Strategic Plan are considered relevant:

3.4 The site lies within an area designated for residential use on the Area Plan for the South (2013). As such, there is a presumption in favour of residential development here, subject to the general standards of development as set out in General Policy 2 as follows:

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

(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;

(c) does not affect adversely the character of the surrounding landscape or townscape;

(g) does not affect adversely the amenity of local residents or the character of the locality;

(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;

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

(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;

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

3.5 Paragraph 7.34: Existing Settlements

7.34.1 Every settlement in the Island has its own individual character and identity which needs to be conserved and enhanced. If such characteristics and qualities are not to be lost, any new development must be appropriate to the locale in terms of scale, siting, design, relationship with other buildings and land uses. Area Plans should identify important spaces within settlements, whether in the form of village greens, squares or areas which simply add to the attractiveness and interest of particular areas which have positive amenity value. It is important to the attractiveness and individuality of centres that over intensive development is avoided as well as the gradual merging of towns and villages in order to preserve a sense of identity and sense of place. In terms of existing settlements, in both rural and urban areas, new development will be expected to follow the following design principles. Development will need to:

- i. be of a high standard of design, taking into account form, scale, materials and siting of new buildings and structures;
- ii. be accompanied by a high standard of landscaping in terms of design and layout, where appropriate;
- iii. protect the character and amenity of the locality and provide adequate amenity standards itself;
- iv. respect local styles; and
- v. provide a safe and secure environment.

3.6 Other policies within the Strategic Plan which are considered relevant in the assessment of the proposal are; Infrastructure Policy 5, Community Policies 7, 10 and 11; and, Transport Policies T4 and T7.

4.0 PLANNING HISTORY

4.1 PA93/00101/A - Approval in principle for change to residential usage, Foxdale Old Schoolhouse, Foxdale, Patrick. Permitted - 1/1/94.

4.2 PA95/00068/B Conversion into residential dwelling, The Old School House, Foxdale, Patrick. Permitted - 2/5/95

4.3 PA04/00241/B - Erection of a triple garage and store room extension with terrace and balustrade over, to south west elevation of former - Permitted - 20.04.2004

5.0 REPRESENTATIONS

5.1 Patrick Parish Commissioners (12/12/23) comments that:
"The Commissioners have concerns over the external finish"

5.2 DoI Highways Services (13/10/23) comments:

"23/01164/B - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as it is a modest increase in use of the existing access, subject to access, parking and layout on approved plans being implemented before first occupation of the dwellings."

5.3 DoI Flood Risk Management Team - 7/11/23 - comments:

"This property is in a flood risk area and we would like to receive and review a Flood Risk Assessment before making a comment. Recommendation - Defer."

5.4 DoI Flood Risk Management Team - 10/6/24 - comments:

"We propose that the mitigation measures (4.0) in the Flood Risk Assessment be conditioned. Please note that the IOM currently does not have a public flood warning and any demountable flood barriers should be stored within easy access of the door to be protected. Recommendation: DNOC - Do not oppose subject to conditions."

5.5 Manx Utilities Authority (MUA) - 17/11/23 - comments:

"Further to the above planning application please be advised we have no separate surface water drainage in the area (see plan below) we will not allow the SW into the combined system. Please can you confirm how SW will be discharged? The public sewer also crosses the site, please refer to the plan below."

5.6 Ecosystems Policy Team - 31/10/23 - comments:

"The Old Primary School is an old building located immediately adjacent to a vegetated river corridor in an area with multiple bat records. The Ecosystem Policy Team therefore recommend that a preliminary assessment for roosting bats is undertaken on the building by a suitably qualified ecological consultancy. A report detailing the findings of the preliminary assessment and any additional surveys, alongside appropriate avoidance and mitigation

measures, to ensure that bats are protected during and after development, should be submitted to Planning prior to determination of the application.

Preliminary assessments for bats can be undertaken at any time throughout the year. However, if emergence/re-entry surveys to confirm roost presence are required then there are seasonal requirements (they need to be undertaken between May - August).

Bat surveys are required to identify the species of bat utilising the property, their abundance and whether they are breeding and this will determine the mitigation required.

Bat surveys should be undertaken in accordance with the Bat Conservation Trusts Bat Surveys for Professional Ecologists - Good Practice Guidelines (3rd Edition 2016).

Survey reports should be submitted prior to determination of this application, in line with best practise, which is referred to in Section 9.2.4 of the British Standard Biodiversity - Code of Best Practise for Planning and Development (BS 42020:2013). Which states:

The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances, such as where original survey work will need to be repeated because the survey data might be out of date before commencement of development, etc. Bats are listed on Schedule 5 of the Wildlife Act 1990; they are protected by law and it is an offence to:

- intentionally or recklessly kill, injure or take a bat;
- intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which bats use for shelter or protection;
- intentionally or recklessly disturbs any bat while it is occupying a structure or place which it uses for that purpose.

The maximum penalty that can be imposed is a fine up to 10,000 pounds.

The Ecosystem Policy Team have multiple records of Wildlife Act 1990 Schedule 8 invasive non-native Japanese knotweed in the river at the bottom of the Old School House's garden. Due to its invasive nature there is potential for Japanese knotweed to be present in the garden and therefore potential for this plant to be spread further into the wild during the works, which would be an offence. The Ecosystem Policy Team therefore request that a condition is secured for no works to commence unless a Japanese knotweed avoidance and eradication plan has been provided to Planning and approved in writing. The plan should contain details of checks that will be undertaken prior to any works and the measures that will be taken should knotweed be found.

It is an offence to plant or otherwise cause to grow in the wild any plants listed in Part II of Schedule 8 of the Wildlife Act 1990.

Lastly, the Proposed Ground Floor Plans state that the existing hedge is to be removed or trimmed back to retain a 70m visibility splay. We have no objections to this as it is a *Griselinia littoralis* hedge, which is another Schedule 8 invasive non-native species. However, if the hedge is to be removed, then it should be replanted with a native hedge, the hedge removal should be undertaken outside of the nesting bird season (March - August inclusive) and responsible working methods utilised which ensure that if present Japanese knotweed is not spread."

Third Party Representations

5.6 One letter of representation (20/6/24) has been received from the occupant of 2 Geln View, Laxey, advising as follows:

"PA23/01164/B Foxdale Old School / Schoolmaster's house

I have only recently had this application drawn to my attention and would submit as follows

Foxdale Local Plan

Para 8.4 "Several existing buildings and groups of buildings within the village, whilst perhaps not worthy of Registration in their own right remain largely unaltered and contribute greatly to the appearance and character of the village. ----"

Para 8.5 "Many buildings reflect the village's varied mining history.----- The Schoolmaster's residence [this may or may not be the residence attached to the old school the subject of the application] ---"

Para 8.9 F/R/RB/1 RECOMMENDATION "The Department of Local Government and the Environment should prepare a report identifying and investigating those buildings which have played an important part of the Foxdale's mining history. ---"

Para 8.10 F/P/RB/2 -POLICY "All of the buildings referred to in Paragraphs 8.2 - 8.8 inclusive must, as far as possible, retain their original features and appearance."

The old school / schoolhouse achieves all of the above criteria as a substantial building built specifically in relation to the mining community, as the applicant states, 180 years ago.

The accompanying (attached) article further identifies the importance of the building to the village and its history.

Successive planning applications have however been permitted contrary to the above recommendation and policy thus destroying the appearance of the village and much of its connection to the mining industry. If approved and undertaken, this application will further erode the character of the village. Photos (attached) previously submitted by the applicant in connection with his application to build garages attached to the old school at a Redacted lower ground level demonstrate the handsomeness of the building. None of the problems currently identified in very general terms by the applicant indicate that structurally the building is not capable of, as against just expensive to, repair. That is a fact of old buildings but is not, in itself, a reason to demolish them. The prominence of this site which is emphasised by its proximity to Marguerite Terrace, The Clock Tower, (together with the adjacent remnants of the former Working Men's Institute) and the Mines Office opposite should be utilised to justify a renovation scheme, not redevelopment which no longer respects the corner location of the site or its mining history or the policy of the statutory Foxdale Local Plan.

I would request that the applicant is therefore requested to reconsider this application and instead submitting one that is in alignment with planning policy for Foxdale, at least retains the former school building which is so prominent on this corner and reflective of the village's mining history."

Representations on behalf of the applicant

5.6 The applicant has, in response to the comments received from MUA with regards to there being no surface water drains, provided photographs of the existing surface water drains that were in place when the site was in use as a School. They advise that these existing drains have taken the surface water from the site for the 30 odd years they have lived there and that they propose not to amend these drains and continue to use them.

6.0 ASSESSMENT

6.1 The principle of development for the use of the site for residential purposes has previously been established with the lawful occupation of the Old School House as a residential property. The issues in this case are whether the proposed replacement dwellings in terms of their size, scale, massing, plot coverage and overall architecture are suitable for this site in terms of the impact they would have on the character of the streetscene and the site's surroundings. In addition, consideration should be given to whether they would have an acceptable impact on the living conditions of those in neighbouring and nearby dwellings; and, finally whether the proposed changes to vehicular access would be satisfactory in terms of highway safety.

Impact on the character of the Streetscene

6.2 The proposed replacement dwellings would span the width of the plot apart from approx. 1.0m - 1.2m wide walkway to the north-west side of the new dwellings closest to the side elevation of No. 1 Mineral Terrace with their principle elevation facing north-east towards dwellings set at a higher level in Archallagan Terrace. The submitted plans show that the pair of dwellings would measure:

- o 18.0m wide across the principle elevations facing Archallagan Terrace;
- o 20.0m along the side facing the Kionslieu Hill/Mines Road junction ;
- o 10.0m high to the ridge at the rear elevation across 3-stories;
- o 7.0m high to the ridge for the principle elevations facing Archallagan Terrace;
- o Eaves heights vary at 8.5m to the rear elevation; and, 5.5m high to the principle elevation;

6.3 To the rear of the dwellings would be the improved/altered existing vehicular access onto Mines Road, paved parking and turning areas for each dwelling with access to their respective garages; and grassed rear garden areas which would bound the adjoining public playground next to the new school. The garden areas would also have planting/landscaping appropriate for a site close to the school which would, over time, soften the appearance of the dwellings and assist in assimilating them into their surroundings.

6.4 The massing and overall architecture of the proposed development is considered to be suitable for this site. As can be seen, the applicant has provided full details of proposed elevation drawings and a principle elevation relationship with the adjoining dwelling at 1 Mineral Terrace. "Proposed Sections and Contextual Elevations" which indicate that the dwelling would in comparison to those adjoining. The slightly higher appearance of the new pair of dwellings is considered to be acceptable in relation to the Mineral terrace dwelling, and would not appear as overbearing in relation to them. Drawing No. 23 1754 08 shows the ground floor of the new dwellings and the footprint of them in relation to the existing Old Primary School. in terms of 'existing over proposed',. This indicates that there would be a set-in from Mineral Terrace street view of 1.5m; that the Mines Road side elevation would be roughly on the same line as existing; and, that at the rear, the built form of the new dwellings would be set in by approx. 4.0m in the area to the rear where the existing triple garage is.

6.5 In terms of distance's to adjoining dwellings, the new pair would be located approx. 25.0m from No. 1 Archallagan Terrace to the north-east; and, approx. 8.0m from the blank (except for a single first floor obscure glazed window) side elevation of the dwelling on the corner of the junction opposite at No. 2 Mines Road. The most obvious views of the new dwellings would be from the south-west side from Bettridge's Car Dealership; and, to the south-east across the neighbouring playground and school car park. Any views in this particular direction are screened by an existing mature hedge containing hedgerow trees.

6.6 The concerns expressed by the Patrick Commissioners over the proposed finish of the new dwellings, are noted. The submitted drawings show proposed materials to be a mix of

Natural stone, smooth painted (grey) render and vertical natural timber cladding, with the latter material being applied to the upper elevations at second floor level. New windows and doors to be in grey/black upvc or aluminium framed double glazed units. The new central flat roof section would be in a grey fibreglass Polyroof or similar roof covering; and the new roof would be covered in natural grey slate set with head laps suitable for very severe exposure. It is considered that these materials and details, whilst representing a significant change to the present painted stone/render walls, and grey painted stone quoins of the existing Old Primary School., would reflect the natural stone of No. 2 Mines Road, and would represent a visual improvement over the appearance of the existing Old Primary School.

6.7 Overall, in terms of height, depth, width, massing, scale and use of materials, the proposed development is considered to be acceptable and would represent an improvement over the visual qualities of the existing former schoolhouse, which given its visually prominent location, is considered to be acceptable. This accords with the provisions of policies SP1, SP2, SP3, GP2 b) and c); ENV22 iii); and, ENV42 of the Isle of Man Strategic Plan (2016).

Impact on the living conditions of those in neighbouring and nearby dwellings

6.8 The new pair of semi-detached dwellings will occupy the same space as the existing Old Primary School. It is noted that no representations have been received from any occupants of neighbouring or nearby properties. There would be additional windows at both ground and first floor levels to the front and rear elevations. Plus the addition of an above garage (first floor) rear balcony/terrace are serving each dwelling that would face out towards the rear garden and adjoining playground. Hi level - ground floor side elevation serving hallways and staircases - and obscure glazed slit windows would be added to each of the side elevations. The slit windows first floor level would serve stairwells. The rear balcony decks would in part be screened from any views from the side of each dwelling by an enclosed sitting area accessed from within each dwelling and facing out onto their respective balcony areas. Any views out would be largely over the rear garden areas of each dwelling, over the playground and of Bettridges' Car showroom and outdoor display area.

6.9 It is noted that the dwellings at 1 and 2 Archallagan Terrace are located approx. approx. 25.0m away to the north-east, which is considered to be an acceptable distance viz any potential impacts arising in respect of overlooking/loss of privacy. In respect of the neighbouring dwelling at No. 2 Mines Road opposite the site, this dwelling which faces sideways onto the Kionslieu Hill/Mines Road, road junction has an obscure glazed first floor level service window in its side elevation facing the site. In this regard, it is considered that although it would be located approx. 8.0m from the SE side elevation of the nearest new dwelling, any opportunities for overlooking/loss of privacy are unlikely to arise owing to the proposed glazing arrangements and enclosure of the majority of the balcony area of the nearest new dwelling to it.

6.10 Overall, it is considered that the impact on the living conditions of those in neighbouring and nearby dwellings would be acceptable and accords with the provisions of policies GP2 g) and ENV22 of the Isle of Man Strategic Plan (2016).

Flood risk and drainage

6.11 The applicants has provided a Flood Risk Assessment at the request of FRMD. The site of the built form of the existing Old Primary School lies just outside the recognised Flood Risk area in Foxdale where there is potentially a high risk of flooding from Surface water. The rear garden area falls within this flood risk area. FRMD has commented that the flood mitigation measures proposed in the FRA be conditioned and that any demountable flood barriers should be stored within easy access of the door to be protected. A range of flood protection/alleviation measures are proposed in the FRA and these should be conditioned to be implemented prior to the first occupation of the new dwellings, and subsequently

maintained for the lifetime of the development. It is considered that such proposed measures are acceptable and would accord with the provisions of policies GP2 I) and ENV10 of the Isle of Man Strategic Plan (2016).

Ecological impacts

6.12 Approval of the proposed development would first result in the demolition of the Old Primary School building. The Ecosystems Policy Officer commented that a Bat Survey should be undertaken as there was potential that the existing building could be used as a bat roost. A Bat Survey and Evaluation Report was submitted by the applicants on 11 March, 2024. This advised:

"Evaluation

No evidence of bat use of the building was found and in particular no use of the roof space. The building has potential access points and roost spaces but although occupied and therefore heated the large roof spaces are relatively cool and unfavourable for most bat species.

Impact Assessment

There will be no impact on bats arising from the proposed works and mitigation is not necessary. However, provision of bat boxes is always welcome to increase bat roosting opportunities."

6.13 The Bat Report concluded that Bat friendly external lighting should be employed where required, and this can be conditioned. In addition, the Survey advised that Bat boxes be provided to provide roosting opportunities both for summer use on the sunny side of the proposed buildings and winter use on the shady side. One of each would seem to be a proportionate provision, positioned as high as possible. The provision of Bat Boxes can also be conditioned.

6.14 Separately, it is noted that the Ecosystems Policy Team has advised of the potential presence of Japanese Knotweed in the river at the bottom of the Old School House's garden. This is a restricted, invasive, non-native species of plant that can have serious implications for the stability of built structures. It is listed in Part II of Schedule 8 of the Wildlife Act 1990. The Ecosystem Policy Teams recommendation that a condition is secured for no works to commence unless a Japanese knotweed avoidance and eradication plan has been provided to DEFA Planning and approved in writing, is considered reasonable and a condition should be applied in this regard in respect of any planning permission that may be granted.

6.15 Overall, it is considered that such proposed measures in respect of Bats and Japanese Knotweed are acceptable and would accord with the provisions of policies GP2 I), ENV4 and ENV26 of the Isle of Man Strategic Plan (2016).

Impact on highway safety

6.16 The proposed revised vehicular access will open up the access to a width of approximately 5.0m, which with the addition of pedestrian/vehicle and vehicle/vehicle visibility splays would, be approx. 8.0m wide where it joined the back edge of the footway. The access is in the same location as the existing access serving the property. It is considered to be more than sufficient to provide shared vehicular and pedestrian access to the site. The front boundary wall would be maintained to a height no greater than 1.05m above ground level in the vicinity of the access and would lead into a ramped paved area which would also provide access to the new garaging, with space to accommodate 2 vehicles plus secure cycle storage within each garage and a further 2 vehicle standing spaces in front of each garage. This width of opening and the extent of the paved area is considered to be acceptable and

would not result in an unduly adverse visual impact within the street-scene given the presence of the existing properties garages in this location.

6.17 it is considered that such proposed measures in respect of access, turning, parking and secure cycle storage are acceptable and would accord with the provisions of policies GP2 h); and i), and T4 and T7 in the Isle of Man Strategic Plan (2016).

7.0 Summary

7.1 As the site lies within an area designated for residential use, there is no objection to the principle of the demolition of the existing former School dwelling and bearing in mind the varied streetscene, there is no objection to a slightly different and/or taller or larger building provided that this still sits comfortably in the streetscene, as it is the proposed replacement dwellings would only be marginally higher than other dwellings in the street namely, the terrace of cottages adjacent at 1-3 Mineral Terrace; and, the cottages at 2-6 Mines Road.

7.2 The proposed replacement dwellings would not be significantly larger than the existing dwelling in terms of its scale, massing and overall architecture - which is traditional in style. At the rear, the new structure would be set in by approx. 4.0m from the line of the existing built form of the existing triple garage. The development is considered to be acceptable in the streetscene in this prominent corner location in Foxdale. The proposal would represent in an acceptable development of the plot which whilst different to other dwellings, would not be unacceptably out of keeping with the surroundings. As a result, its design and visual impact on its own, as well as the impact on the character and appearance of the streetscene, are considered to be acceptable.

7.3 In terms of its impact on the amenities enjoyed by occupants of adjoining residential properties, it is considered that the new dwellings would preserve the residential amenities of occupants of neighbouring and nearby dwellings and that no undue harm in this regard would arise from the proposed development. The presence of the first floor balcony/sitting out areas to the rear of the dwellings would not result in an overbearing outlook when viewed from either side of the new properties from No. 1 mineral terrace or the neighbouring public realm.

7.4 The third party representations received have been noted, however, the age and architectural merits of the Old School House, which is not located in any Conservation Area; and is not a Registered Building, are insufficient to warrant its retention. The proposed works to the existing vehicular access onto Mines Road to serve the new pair of dwellings are acceptable in highway safety terms.

8.00 CONCLUSION

8.1 The application is recommended for approval.

INTERESTED PERSON STATUS

9.1 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.

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.6

Proposal : Conversion of building from retail (class 1.1) to a community facility (class 4.3)
Site Address : Removal House
39 Finch Road
Douglas
IM1 2PW
Applicant : Living Hope Community Church Limited
Application No. : 23/01200/B- [click to view](#)
Planning Officer : Peiran Shen
RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The approved use is community facilities within Class 4.3 of the Use Class Order 2019 (and any legislation that may precede or replace this order).

Reason: a) to the avoidance of doubt and b) the assessment of the application is for an assembly for religious worship, which has the most impact within the use class so all other uses within the class is also considered acceptable.

C 3. Prior to the occupation or operation of the community facility hereby approved, the off-site highway works on the west side of Finch Road that are also south of St Barnabas Hill, including the drop-off/pick up bay fronting the site, one dropped curb and all other highway works within red line of application, as detailed in the approved plan (drawing no. P-03, which was received on 10th May 2024) must be completed and retained thereafter.

Reason: to safeguard the safety and accessibility for all users of the highway from the reasonable impact of the application.

C 4. Prior to the occupation or operation of the community facility hereby approved, the cycle storage facilities, bin storage area and their accesses shown in the approved plan (drawing no. P-01 Rev E, which has been received on 10th May) must be completed and retained thereafter.

Reason: to reduce car trip generated, promote sustainable travel method and safeguard traffic efficiency from refuse collection process.

C 5. The materials and finishes used in the renovation must match those specified in the approved plans.

Reason: To preserve the character and appearance of the Windsor Road Conservation Area.

C 6. Prior to the removal of the fountain on the east boundary, as shown in drawing no. P-02 Rev D, which was received on 10th May 2024, details of the existing fountain shall be documented submitted to the Department.

Reason: Fountain is a positive feature unique to the existing site and should be retained to maintain the visual appeal of the site and contribute positively to the streetscene and the character of the Conservation Area.

C 7. No development shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Department and these works shall be carried out as approved. The hard landscaping should include details of the surface finishes of the front paving and footpaths as well as any new walls to all boundaries of the site, including details of the repositioned fountain/font. The hard landscaping works, including the repositioned fountain/font shall be completed in full accordance with the approved details prior to the first use of the occupation or operation of the community facility hereby approved.

Reason: To safeguard existing positive features of the site.

C 8. Prior to the occupation or operation of the community facility hereby approved, disability access ramps, as shown in drawing no. P-02 Rev D, which was received on 10th May 2024, shall be installed and retained thereafter.

Reason: ensure the building is accessible to all users, promoting inclusivity and compliance with the Equality Act 2017.

N 1. The proposed signage for the church on the east elevation requires advertisement consent.

Reason for approval:

The proposal is considered to:

- o renovate an underused building to provide a community facility required by residents.
- o improve the design of the existing building and the streetscene.
- o enhance the appearance of the Conservation Area and preserve its character.
- o although it lacks off-road parking provision, even after relaxed parking standard due to its town centre location, it is still supplemented by sufficient spaces in the Chester Street public car park.
- o have no negative impact on the amenities of the adjacent area.

Therefore, the application is considered to comply with:

- o Mixed Use Proposal 4 of the Area Plan for the East,
- o Strategic Policy 1(a), 4(a), General Policy 2, Environment Policy 35, 42, 43, Community Policy 2 and Transport Policy 7 of the Strategic Plan
- o Planning Policy Statement 1/01

and is recommended for an approval, subject to the conditions discussed within this section.

Interested Person Status – Additional Persons

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

Hawarden Avenue, Douglas
Flat 6 Tynwald House Apartment, Tynwald Street, Douglas

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

Planning Officer's Report

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

1.0 THE SITE

The Site and Its Existing Building

1.1 The application site is part of a land envelope created by Finch Road, Christian Road, Kingswood Grove, and St Barnabas Hill. This land envelope splits into higher-level west and lower-level east pieces. The application site is the lower-level piece of land. The site is demarcated by short boundary walls on the east (Finch Road) and concrete walls on the south and north. There is a fountain on the boundary wall.

1.2 Within the site is a red brick building fronting Finch Road. The building takes up most of the site except for some setbacks from Finch Road (which provides off-road parking) and a pocket at the northwest corner.

1.3 The building consists of three blocks:

- o a single-storey multi-gable block at the north,
- o a two-storey flat-roof office block at the southeast corner, and
- o a single-storey flat-roof block between the other two blocks and surrounds the back of the office building.

1.4 The multi-gable block has a white sheeting roof and shopfront window on the east and south elevations. The two-story flat-roof block has uPVC windows with glazing bars (30/70 split), a double timber door on the ground floor, and a double door on the first floor (access from Christian Road). The single-storey flat-roof block has a shopfront window on the east elevation and protrudes beyond the frontage of the other two blocks.

1.5 The office block is in use, and the other parts of the building are vacant. There is approx. 170 square metres of office space and 650 square metres of retail space.

Surroundings and the Wider Area

1.6 A modern multi-storey car park stretching north-south is east of the site, just across Finch Road. A three-storey red-brick office building is north of the site. Around the site, there are Victorian-style houses. The ones to the site's north, east, and southeast are primarily residential terraces (mostly dwellinghouses but also some flats), and the ones to the south are semi-detached and terraced offices (many are registered buildings).

1.7 Widening the scope, the site is on the transition slop from the flat low-level coast plain to higher-level inland areas. The site is around several areas with different characters:

- o Split-level low-occupancy area on the east of the site
- o Seaside commercial-intensive majorly-terrace Promenade to the east of the site
- o On-slope Mixed-used terraced houses Area on the north of the site
- o On-hill relatively-flat-level residential terraced houses to the northwest of the site

- o On-hill relatively-flat-level mix-of-offices-and-residential terraces on the south of the site
- o Mixed-size mostly-office-and-civic-use buildings to the southwest of the site

2.0 THE PROPOSAL

2.1 The proposed is conversion of the site from shops (Use Class 1.1) and an office (Use Class 2.1) to a church (Class 4.3), which includes land use changes, elevation renovations and access improvements.

Land Use Change

2.2 The size of the converted building is mostly unchanged. The church has a sunken assembly hall, multifunction rooms, offices, and meeting rooms. There are also some service areas, such as lobbies, toilets, a kitchenette, and storage.

2.3 The assembly hall is approx. 300 square meters, and other function rooms are approx. 210 square meters. The assembly hall proposed to have 300 seats. In theory (building regulation), the other function rooms can be occupied by approx. 210 people at the same time (1 person per square meter).

2.4 Based on 2.3, the maximum number of users of the whole building is approx. 400-500 people. No strict opening hours are proposed, meaning the site can open 24/7, including weekends and public holidays, although this is unlikely given the typical operation of a church.

2.5 The church is for Living Hope, a local Christian church with around 250 regular attendees. According to the planning statement, the main service occurs on Sunday around noon (usually 10:00-13:00). Youth meetings on weekdays usually finish at 20:00. The building is also used around Christian holidays, which fall on Bank Holidays. The statement expects a maximum of around 300 attendees at any given event.

Elevation Renovations

2.6 The mass of the building stays the same. The main changes are to the east (front) elevation and adjoining parts of the south and north elevation. The front elevation of the church has smooth render and vertical timber cladding, 50/50 split slim windows and glass double-door entrances.

2.7 The main entrance is at the side of the building. The main entrance is four glass double doors. One pair is in the middle of the east elevation of the single-storey flat-roof block with glass panels on top. The other pair is on the south elevation of the multi-gable block.

2.8 The multi-gable block finishes in a coloured render on the south and east elevations and the first gable of the north elevation. It also has two vertical windows on the east elevation with vertical timber cladding between the windows and a new door on the north elevation.

2.7 The single-storey flat-roof block is finished in vertical timber cladding. It has two vertical glazed panels to the south of the entrance door. They have the same height as the entrance doors.

2.8 The two-storey flat-roof block finishes in coloured render on its east, south and north elevations, with a section of vertical timber cladding around its glass double door on the east elevation. The cladding extends beyond the height of the existing roof to form a higher parapet than the existing ones on the roof.

2.9 The timber cladding divides the east elevation of the two-storey block into the south section and the north section. On the north section, three vertical 50/50 windows are on both the ground and first floor. On the south section, on top of the entrance door, are two of the same windows as the ones on the north section. The double door on the first floor is replaced with a glass double door (still accessed from Christian Road).

Access Improvement

2.10 The proposal includes alterations to boundary walls and the existing setback area from Finch Road to improve access. The gap between the two pillars on Finch Road is widened to help create a pick-up/drop-off area. A new opening on the north boundary wall provides access to the new door on the north elevation of the multi-gable building. A stone-paved terrace replaces the existing off-road parking spaces. New ramps are created next to the southeast boundary to provide disability access to the assembly hall and the two-storey element.

2.11 The proposal also includes the installation of a bike storage facility and some plant space at the site's northwest corner. There is also bin storage space next to the north elevation entrance.

2.12 The proposal also includes off-site highway work, including the creation of new tactile drop curbs and altering the pavement to create a pick-up/drop-off parking space.

Advertisement

2.13 The proposal includes the installation of a signage for the church, which is subject to an advertisement consent and is not assessed as part of this application.

3.0 PLANNING HISTORY

3.1 Demolition of all existing buildings and boundary walls and construction of an office building with basement parking was APPROVED under PA 14/00799/B. It is a five-storey, modern office building that looks like the office north of the site, with about 2000 square metres of office space.

4.0 PLANNING POLICY

Site Specific

4.1 The site is within an area designated as Mixed Use (St George's) in the Area Plan for the East. The written statement of the Area Plan states: "Within the area, but outside of Athol Street, offices, financial and professional services, food and drink and some residential uses will also be acceptable. Uses which conflict with these will generally not be supported."

4.2 The site is within the Windsor Road Conservation Area (WRCA), which means there is a legal test for the proposal's impact on conservation areas (CA) (details in 5.1 and 7.1). WRCA also has a character appraisal (details in 4.16).

Strategic Policy

4.3 The Isle of Man Strategic Plan 2016 (IOMSP) holds the following policies that are considered materially relevant to the assessment of this current planning application:

- o Strategic Policy 1 (a)
- o Strategic Policy 3 (b), 4 (a), 5
- o Strategic Policy 10
- o General Policy 2 (b) (c) (g) (h) (i) (k) (m)
- o Environment Policy 35, 42, 43
- o Paragraph 10.5.2
- o Community Policy 2

- o Transport Policy 7
- o Appendix 7.6

4.4 The Isle of Man Strategic Plan has no assumption in favour of new development. In decision-making, this means that where a planning application conflicts with the Plan, approval should usually not be granted.

The following is a highlight of policies listed in 4.3. The subtitles will also be the general order of the assessment in section 7.

IOMSP - Community Facility

4.5 Paragraph 10.5.2 states:

"It is not for the Strategic Plan to address or determine the needs for community facilities, but to address the land use issues arising from such proposals ... Proposals for such uses will therefore be assessed against general criteria based policies."

In decision making, Paragraph 10.5.2 means an application for a community facility does not need to justify its location choice based on need because an application itself is evidence of a need for new community facilities.

IOMSP - Urban Regeneration

4.6 Strategic Policy 1(a) and Environment Policy 43 consider optimising redundant and under-used buildings as "making the best use of resources".

4.7 Community Policy 2 encourages new community facilities to reuse vacant or underused buildings "where possible".

IOMSP - Design and Conservation

4.8 Strategic Policy 3(b), 4 (a), 5 and Subsections (b), (c), (g) of General Policy 2, as well as Environment Policy 42, set out design requirements for development to respect the character of the site itself and its immediate and broader surroundings.

4.9 Strategic Policy 4(a) and Environment Policy 35 state that design for development in a Conservation Area must either preserve or enhance the character and appearance of the area. EP35 emphasises this by stating that the positive features of such areas must be protected against inappropriate development.

In decision making, EP35 means development that does not preserve or enhance such area or negatively affects the area's character would be refused.

IOMSP - Transport and Parking

4.10 Strategic Policy 10, Subsections (h), (i) of General Policy 2 set out that proposals should satisfy the safety, efficiency, and accessibility requirements (including parking provision) of all highway users (particularly pedestrians) whether possible.

4.11 Community Policy 2 states that new community facilities should "be accessible to non-car users".

4.12 Transport Policy 7 sets out parking standards for development, details of which are in Appendix 7.6. It requires:

- o Offices - one space per 50 square metres of net floor space
- o Town Centre shops - space for service vehicle use
- o Assembly and Leisure - one space per 15 square metres of gross floor space

There is no specific requirement for a place of worship. In the meantime, a place of worship is a place of assembly within the Use Class Order 2019.

4.13 Appendix 7.6 also sets out situations where parking standards can be relaxed. These include: "(c) is otherwise of benefit to the character of a Conservation Area. (d) is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on street parking in the locality."

IOMSP - Amenities

4.14 Subsections (g) and (h) of General Policy 2 set out that amenities enjoyed by the site and the site around it should be protected or preserved.

Planning Policy Statement and National Policy Directive

4.15 Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man is the only adopted PPS. It provides supplementary policy on developments within any conservation area.

4.16 Policy CA/2 states: "When considering proposals for the possible development of any land or buildings which fall within the conservation area, the impact of such proposals upon the special character of the area, will be a material consideration when assessing the application."

4.17 Windsor Road Conservation Area Character Appraisal justifies the conservation designation of the area, highlights quality designs and notes detractive features within the Area. The Appraisal summarises the general character of the area as follows:

"Offers a comprehensive collection of town houses from the early Victorian period, giving good quality examples of the development of architectural and approaches to planning and layout. Many buildings still retain a high level of original features which are fortunately in many cases being conserved and enhanced."

4.18 Planning Circular 1/98 - The Alteration and Replacement of Windows Set highlights the importance of window design on the character of an area and sets specific requirements for changes to windows in the Conservation Area.

4.19 Section 6 of PC 1/98 states that windows readily visible from a public thoroughfare "must have the same" method of opening, pattern and section of glazing bars and frame section as the original windows regardless of its material.

5.0 OTHER MATERIAL CONSIDERATIONS

Legislation

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

Section 18(4) of the TCPA sets out the approach in determining planning applications, which includes giving great weight to the asset's conservation when considering the impact of a proposed development on the asset.

The above requirements apply to this application because the site is within a Conservation Area. Section 7 of this report will give it appropriate consideration.

5.2 Section 143 of the Equality Act 2017 places a duty on public bodies to promote equality, eliminate discrimination, advance equality of opportunity and foster good relations.

The above requirements apply to this application because the existing building has limited disability access. Section 7 of this report will give it appropriate consideration.

5.3 Schedule 1 Part 1 Article 9 Section 2 of the Human Rights Act 2001 states: "Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

5.4 Schedule 1 Part 1 Article 14 of the Human Rights Act 2001 states: "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

Because public comments have raised concerns about the proposal's lack of inclusivity (details in Section 6) and given that the proposal involves a place of worship, section 7 of this report will briefly inspect the proposal against these two Articles in the Human Rights Act 2001.

Strategy and Guidance

5.5 Manual for Manx Roads provides best practices and technical details for ensuring highways are accessible, safe, inclusive, and serviceable. These details include minimum spatial requirements for manoeuvre and parking and bicycle parking standards.

5.6 Active Travel Strategy 2018-2021 states that an action plan will be set out to encourage people to choose walking and cycling to make their everyday journeys. This strategy was in response to the Programme of the Government, a document which sets out the operating principles of the government agreed upon by Tynwald.

Appeal Decision

These appeal decisions are from the UK. These selections are not precedents within the Isle of Man planning system. However, they offer additional guidance when assessing applications because there are close similarities between the Island's and the UK's planning system.

5.7 Greenwich 20/9/2012 - In upholding an enforcement notice requiring an industrial building to stop being used as a place of worship, the Inspector states that the freedom of thought, conscience and religion is a qualified right rather than an absolute right in the European Convention of Human Rights (ECHR). A qualified right means interference with this right is justified and necessary when striking a balance between the rights of an individual and the wider public interest. The Inspector considers there are sufficient material planning considerations against the proposal.

5.8 Mendip 06/11/2000 - In approving one of two schemes involving the provision of low impact dwellings in the countryside to be used as part of a religious collective, the Secretary of State states that the desire of a community to live in a particular manner does not fall within the protection of Article 9. Still, the case was sufficiently unusual as not to create a precedent.

5.9 Blackburn and Darwen 31/08/2005 - In upholding a refusal on the removal of a condition to allow the use of a loudspeaker system to amplify the call to prayer of a mosque, the Inspector states that the ability to practice religion, albeit being a fundamental human right, still has to be balanced against the need to protect the rights and freedoms of others.

The Inspector states that such a proposal would set an undesirable precedent. With the increasing number of similar proposals, there is a potential to create a declamatory and

proselytising environment in the vicinity of mosques to the exclusion and discomfort of those who might wish to follow a different religion or pursue a non-religious way of life. Such a situation would serve to erode the fundamental freedoms of others.

6.0 REPRESENTATIONS

This section is a summary. The original texts of the consultations and comments received are available on the Planning Application Search on the government website.

6.1 Douglas Borough Council has no objection to this application. (21.12.2023).

6.2 DoI Highway Services does not oppose this application after negotiating to include some off-site highway work. The comment recommends three conditions to ensure highway safety and improved accessibility for the increased users of the road:

- o off-site highway works to be implemented before first occupation of the proposals,
- o cycle and bin storage as per approved plans to be implemented before first occupation of the proposals,
- o details within the Travel Plan Strategy to be implemented before first occupation and retained thereafter.

6.3 One neighbouring property was notified. Two responses have been received from the public (31.10.2023 - 09.11.2023). Both comments object to the application. The comments are from the Owners and Occupiers of:

- o X Hawarden Avenue (number removed due to content of the comment)
- o Flat 6 Tynwald House Apartment, Tynwald Street

6.4 The material planning considerations raised by the comments are:

- o Land use designation and compatibility with the surrounding area
- o Parking Availability
- o Design and visual impact
- o Social Inclusivity from land use and building design

6.5 The non-material planning considerations raised by the comments and during the advertising period are:

- o principles of Christianity and religions in general
- o sociological impacts of Christianity and religions in general
- o popularity of Christianity and religions in general

Planning can only assess the impact of development resulting from reasonable activities commonly associated with its land use, not particular thoughts and actions of individuals.

7.0 ASSESSMENT

Conservation Areas Statutory Test

7.1 Before assessing elements of the proposal, as it is within a Conservation Area, a test should be applied to this proposal, as mentioned in 5.1, to determine whether the proposal would preserve or enhance the character of the Conservation Area. Failing the test would impose a significant weight against the proposal unless there is overwhelming public interest.

7.2 The character of an area or a site can be broken down into four parts: urban form, routes and space type, building type and details and materials of the buildings. In this test, "area" refers to the Windsor Road Conservation Area (WRCA).

Character Analysis of the Windsor Road Conservation Area

7.3 As mentioned in paragraphs 1.5 and 4.16, the general character of WRCA can be summarised as follows:

Area Character - Urban Form

- o Setting and topography - mostly flat area

- o Morphological features - square pattern or linear road
- o Plot size and ratio - small plots with a narrow width but a deep projection, buildings occupy 50%-90% of plots

Area Character - Route and Space Types

- o Bound by access road, except on the southeast, which is bound by a local road
- o The local road connects two district roads and a primary road
- o Traffic volume: primary>district>local>access
- o Green spaces are mostly private gardens. There is, however, a large public square

Area Character - Building Types

- o Scale and mass - typically three-to-five-storey tall terraced houses
- o Use of buildings - majorly dwellinghouse and some offices at the south
- o Age of buildings - majorly Victorian Age, but most are renovated internally

Area Character - Details and materials

- o Dominant materials - smooth pale-colour render and tiled roof
- o Building detailing- pitched roof and 50/50 split sliding sash windows with glazing bars
- o External landscape details - short front boundary wall with cast iron fence, front gardens but rarely off-road parking space. There is a water fountain on the front boundary wall.

7.3 Several buildings within the area do not conform to these typical characters in 7.2. These buildings were built much later than the terraces and have different uses than dwellinghouses or offices, such as residential homes and museums. The application site has one of these buildings.

Character Analysis of the Application Site and the Existing Building

7.4 Looking at the building on the application site, its characters are:

Site Character - Urban Form

- o Setting and topography - transition from slop to flat. The site cuts into the slop.
- o Morphological features - the plot is square rather than slim
- o Plot size and ratio - three to four times as wide as a terraced house, the building occupies over 70% of the plot

Site Character - Route and Space Types

- o Sits on a local road.
- o No green or public space provision.

Site Character - Building Types

- o Scale and mass- appear a mix of single-storey and two-storey, wide but short.
- o Use of buildings - shop (vacant) and office
- o Age of buildings - post-war to 1970s

Site Character - Details and materials

- o Dominant materials - red brick, pale-white sheeting, and plastic
- o Building detailing - flat roof, 25/75 split casement windows with glazing bars, and shop front windows
- o External landscape details - stone boundary wall, off-road parking spaces at the front

Comparing Existing Characters

7.5 Comparing 7.2 and 7.4, along with observation from site visits, the current building is unique in WRCA. Due to its different form, finishes, and land use from those of the terraces within the CA, the current building is not considered to be one of the positive features of the

CA. The existing building also neither complements the main positive features of the CA nor stands as a positive feature of the CA by itself. Therefore, the existing building is arguably out of place within the conservation area.

Character Analysis of the Application Site after the Proposed Building

7.6 Looking at changing the use of the building as well as physical alteration, its characters are:

Proposed Character - Urban Form

- o Setting and topography - unchanged
- o Morphological features - unchanged
- o Plot size and ratio - unchanged

Proposed Character - Building Types

- o Scale and mass - primarily unchanged except for a new section of parapet
- o Use of buildings - community facilities (Church)
- o Age of buildings - unchanged but would appear more contemporary

Proposed Character - Details and materials

- o Dominant materials - vertical timber cladding, smooth render, glass
- o Building detailing - new parapet, 50/50 split windows and large glass door
- o Building detailing - cladding and rendering to break up the east elevation into narrow sections with widths closer to the width of a terraced house.
- o External landscape details - stone boundary wall, raised terraced with accessibility ramp in front of the building

Appearance of the Conservation Area

7.7 Comparing the proposed (paragraph 7.6) to the existing building design (paragraph 7.4), the mass and form of the building do not change, but the material, detailing, and landscape are changed. The age of the building shifts from post-war to more contemporary.

7.8 Comparing the proposed building design (paragraph 7.6) to the existing character of the CA (paragraph 7.2), it is still unique within the CA. On the one hand, the proposed building introduces timber cladding, a new material and texture in the CA that contrasts with the area's traditional smooth renders. On the other hand, there is an attempt to assimilate the character of the CA, especially in terms of the scale and proportion of the front elevation. The proposal would also bring a vacant building into use, which would help maintain the area's appearance compared to its current undermaintained appearance.

7.9 Therefore, the newness, combined with a more terraced appearance, is considered to enhance the appearance of the Windsor Road Conservation Area.

Land Use Character Analysis

7.10 The Windsor Road Conservation area currently has mostly dwellinghouses and offices. These two uses share many characters:

- o consistent number of occupiers (large for offices and small for dwellinghouses)
- o small number of visitors
- o extended stay for occupiers (day for office and night for dwellinghouses)
- o attracting little public traffic besides from occupiers
- o activities are usually indoor and have no external noise impact (from typical activities)
- o low tolerance to noise and other nuisance

7.11 The existing use of the application site includes a shop. Its land use characters are:

- o small consistent number of regular occupiers
- o irregular number of visitors

- o short stay for visitors (shoppers)
- o attracting various amounts of public traffic
- o activities are usually indoor but may have an external noise impact (depending on the nature of the shop and the number of visitors)
- o more tolerable to external noise and other nuisance

7.12 The proposed church has the following land use characters:

- o infrequent but high volume of visitors in some periods
- o longer stays for typical visitors
- o usually only attracting specific groups within the local community
- o activities are usually indoor and have no external noise impact
- o low tolerance to noise and other nuisance

7.13 Comparing 7.11 to 7.9 and 7.10, dwellinghouses, offices, and churches all have a low tolerance to nuisance, especially noise. In the meantime, the proposed church use differs from residential and office use in terms of the frequency and volume of visitors and their staying time.

7.14 Given that residential use is a crucial part of the area's character, which has been mentioned in the Character Appraisal of the CA, the question is, would the introduction of a church, given the difference mentioned in 7.13, detract from the peaceful residential character of the area?

7.15 Reviewing the character analysis in 7.2-7.9, it is essential to note that the site is isolated in the CA regarding its location, appearance, and land use and only occupies a tiny area within the CA. Located at the edge of the CA, the traffic generated by the church mostly travels at the edge of the CA rather than through the CA. Therefore, it is considered that the newly introduced assembly use would not harm the residential and office land use character of the Windsor Road Conservation Area.

Conclusion to the Statutory Test

7.16 In conclusion, the proposed church enhances the Conservation Area's appearance and preserves the primary residential land use characters of the WRCA. Therefore, the proposal is considered to pass the principal test.

Elements of Assessment

7.17 The main elements in this assessment are:

- o Land Use Principle
- o Impact on the Design of the Building
- o Impact on the Character and Streetscene of the Area
- o Impact on the Character and Appearance of the Conservation Area
- o Impact on Traffic and Parking
- o Impact on Neighbouring Amenities
- o Equality and Inclusivity

From this point of the report, unless specified, "area" is context-based and no longer refers only to the Windsor Road Conservation Area.

Land Use Principle

7.18 The site is within an area designated for Mixed Use within the Area Plan. Still, the Written Statement of the Area Plan does not specify whether a community facility is of acceptable use within the area. In the meantime, there are comments questioning the location choice of the church. Therefore, a brief inspection of the acceptability of a new church within the area is required here.

Land Use Principle - Area Plan

7.19 Paragraph 7.10-7.15 has established that the new church would not conflict with the immediate residential and office use. In addition, there are residential and office uses close to the site, as well as retail, tourism, and civic services in the wider area. There are also several churches within walking distance of the site. The peaceful existence of these churches is evidence for and not against a new church within the area.

7.20 The Area Plan states that any use within the area should not conflict with "offices, financial and professional services, food and drink and some residential uses". As mentioned in 7.10-7.14, the church shares some land use character with the immediate area. It is different in generated traffic, which is not a fundamental clash that would cause the church to obstruct or hinder the use of the other use unless the volume is too large (details in 7.30).

Land Use Principle - Alternatives and Loss of Existing Uses

7.21 Continuing with policy interpretation within paragraph 4.5, the comments have pointed out that there is no shortage of community facilities within Douglas City Centre. Therefore, this assessment only needs to consider the material impact of the proposed church at the application site. Other site choices, or the lack of community facilities in other areas, are not material planning considerations for this application.

7.22 The proposal leads to a loss of retail and office space. Given that the shops have been vacant for at least five years (officer's observation), it is considered that there is no demand for retail space this size within the area, so the loss of retail space does not hurt the vitality of Douglas City Centre. The office space is in use, but sufficient office space will still be available within the area (officer's observation) after the proposal. Therefore, it is considered that the loss of this office would not hurt the vitality of the business district.

7.23 In conclusion, the church does not conflict with the uses mentioned in Mixed Use Proposal 4 of the Area Plan for the East, and its land use principle is acceptable.

Design of the Building Itself

7.24 The existing building has some positive design features, such as:

- o reflecting the topography around the site with its height arrangement
- o respecting the level difference with nearby buildings by keeping the overall height low.
- o texture and material of the front boundary wall
- o fountain on the front boundary wall

The site also has some negative features, such as the white plastic band around the flat roof, the deteriorating surface of the parking area and the disuse of the fountain on the front boundary wall.

7.25 The design requirement for reusing a building is usually not to worsen the building's existing design. The proposed design renovates the site, replaces paving with stone-paved decking and restores the fountain on the front boundary wall. In the meantime, the proposal reuses the building with no extensions, so it preserves the mass and size of the existing building as well as the good features mentioned in 7.21. The new front elevation replaces the existing protruding plastic flat roof with parapets, improving the front elevation's consistency.

7.26 In summary, the proposal goes beyond the design requirement for reusing a building and improves the design of the building.

Character and Streetscene of the Area

7.27 As mentioned in the principal test, the proposal is considered to enhance, or at least preserve, the character of the Conservation Area, which covers the north, west and southwest of the site. The design also does not harm the character of the southwest of the

site, given that it contains many registered buildings that share a similar character with the Conservation Area.

7.28 The building's proportion is still modern compared to its Victorian terrace surroundings. However, the new front elevation breaks up the long front elevation into shorter vertical sections to fit better with the surrounding terraces. The introduction of timber cladding helps distinguish the age of renovation from the age of the existing building and that of the surrounding buildings.

7.29 The proposal would not harm the character east of the site given its utilitarianism multi-storey car park design. In summary, the proposal is considered to improve the character and streetscene of the area.

Traffic and Parking

7.30 The site is in Douglas City Centre. The travel plan strategy provided by the applicant has demonstrated that the site is well-connected and near bus stops. Therefore, it is considered that the car traffic generated due to the proposal would be minor and would not significantly impact the traffic flow within the area.

7.31 Based on the existing floor space in 1.5, the proposed floor space in 2.3 and the parking requirement in 4.12:

- o Existing use should provide four off-road parking spaces for the offices.
 - o Proposed use should provide approx. 34-55 off-road parking spaces for the church.
- This calculation for the proposed use considers the entire building for assembly and leisure use. 34 is calculated from net floor space, and 55 is calculated from the gross floor space.

7.32 Given that the site has no off-road parking provision, there is an increase in demand for 30-55 off-road parking spaces within the immediate area. However, given that the assessment in 7.30 meets the requirement in 4.13, the parking standards can be relaxed.

7.33 Douglas city centre has significant parking demand. The comments have also suggested there is a parking shortage within the area. In the meantime, the site is across the road from one of the biggest car parks in the city. Based on the parking survey provided by the applicant, there is a minimum provision of around 300 spaces during a regular week (no bank holidays), which is much more than the 55 spaces required. Although there is a parking charge, the church usually holds its service at a time when the parking charge is a minimum or free (at night or on Sundays). Therefore, the impact on the nearby parking provision is considered minor.

Cycling Provision and Condition

7.34 The proposal includes a cycle storage to promote cycling. It is considered necessary to condition the installation of the cycle storage before use to minimise potential car usage and parking demand.

Neighbouring Amenities

7.35 There is no change to the mass of the building, so there is no additional overbearing or overshadowing impact.

7.36 There is a new door on the north boundary. It faces a road and the front gardens of Mona Terrace. Therefore, there is no additional overlooking impact.

7.37 As discussed in 7.10-7.13, the main noise impact of the proposal is from the traffic it generated. Since Finch Road is a local road, the coming and going of around 55 cars before and after services, to and from the Chester Road Car Park, is not considered to create much

more noise than that caused by exiting traffic. Therefore, the proposal will unlikely negatively impact the surrounding area's amenities.

Equality and Inclusivity

7.38 The proposal improves disability access to the site and the building, which is considered to improve equality of accessing community facilities.

7.39 Some comments argue that churches exclude people outside their congregations from using their buildings, reducing equality and inclusivity within the community. This argument is wrong. Most community facilities aim to help people with certain characters (such as believing in a religion), interests or needs (such as prayer). Just because a building may not satisfy the needs of every resident within a community does not mean it excludes or discriminates against people who are not interested in or need their services.

7.40 Continuing with 4.5, it is up to the community to propose facilities appropriate to their needs. In this application, even the church serves only one group within the community, it is still a reflection of a need within the community. The provision of such service improves inclusivity, not decreasing it.

7.41 There are also comments arguing that the presence of a new church would infringe on the beliefs of others because there are community members who disagree with certain beliefs within Christianity.

7.42 Firstly, belief and how people act on their beliefs (religious or otherwise) is beyond a proposal's land use and design impact and is usually not a material planning consideration.

7.43 Secondly, a religious building alone only represents the fact that people practice such religion within an area. Although certain religious practices can mount to development, these would be subject to planning regulations, including their impacts on equality and inclusivity of the community, such as the UK planning appeal case in 5.9. However, in this application, no element within the development (including design) would mount such concern.

7.44 Next, establishing places of worship is essential to religious freedom. Even though the need for such places is not part of religious freedom (such as the UK planning appeal case in 5.8), the UK planning appeal in 5.7 has pointed out that the reason for refusing such an application would need to be based on strong material considerations or the decision could still risk violating freedom of religion. As 7.1-7.38 has discussed in this assessment, there is no material reason to recommend such refusal, so the application should be recommended for approval.

7.45 Lastly, inclusivity is a material consideration, the same as the duty to protect freedom of religion and prevent discrimination, as protected by the Human Rights Act. Given both qualified rights and not absolute rights, a balance must be struck between them based on the broader public interest. This proposal shows the presence of religion and, by itself, does not impose the ideology on other people or create a sense of "declamatory and proselytising environment in the vicinity to the exclusion and discomfort of those who might wish to follow a different religion or to pursue a non-religious way of life." Therefore, the proposal expresses freedom of religion and does not promote discrimination by the building itself.

8.0 CONCLUSION

8.1 The proposal is considered to:

- o renovate an underused building to provide a community facility required by residents.
- o improve the design of the existing building and the streetscene.
- o enhance the appearance of the Conservation Area and preserve its character.

- o Although lacking off-road parking, even after relaxing the parking standards due to its town centre location, it is still supplemented by sufficient spaces in the Chester Road public car park.
- o have no negative impact on the amenities of the adjacent area.

Therefore, the application is considered to comply with:

- o Mixed Use Proposal 4 of the Area Plan for the East,
- o Strategic Policy 1(a), 4(a), General Policy 2, Environment Policy 35, 42, 43, Community Policy 2 and Transport Policy 7 of the Strategic Plan
- o Planning Policy Statement 1/01

and is recommended for an approval, subject to the conditions.

9.0 INTEREST PERSON STATUS

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

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

9.2 The decision-maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.7

Proposal : Two storey extension to provide additional living accommodation and creation of new detached double garage.

Site Address : Ballakewin Old Farmhouse
Foxdale Road
Ballasalla
Isle Of Man
IM9 3ET

Applicant : Mr & Mrs Damian & Sharlotte Bird

Application No. : 23/01397/B- [click to view](#)

Planning Officer : Hamish Laird

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Prior to the commencement of the development on site including any works of demolition, hereby approved, a schedule of materials including finishes for the external walls and roofs, external door and window frames; external doors and windows; and, guttering and rainwater goods; shall be submitted to and approved in writing by DEFA Planning. Thereafter, the development shall be carried out in accordance with the approved details, with the approved finishes and materials being retained and maintained for the lifetime of the development.

Reason: To ensure that high quality materials are used for the replacement dwelling to preserve the character of the site and impart a high quality finish in the interests of visual amenity.

C 3. The new garage, hereby permitted, shall be used for the housing of vehicles and/or for ancillary domestic storage purposes only in relation to the residential occupation of Ballakewin Old Farmhouse. It shall not be used to provide any ancillary living or sleeping accommodation.

Reason: The garage is to be sited in an area with a high potential for Flood Risk in terms of a risk from Surface Water flooding where the provision of any living or sleeping accommodation would be unacceptable in Flood Risk safety terms.

Note FOR YOUR INFORMATION

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

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

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

Reason for approval:

Overall it is concluded that the planning application accords with the provisions set out in General Policy 2, Housing Policy 15, Environment Policy 1 and Environment Policy 22 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None.

Planning Officer's Report

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

1.0 THE SITE

1.1 The application site is located in the countryside and comprises the residential curtilage of the detached dwelling at Ballakewin Old Farmhouse, Foxdale Road, Ballsalla. It is located on the west side of the A3 Foxdale Road to the south of Silver Burn and is accessed via a private drive to the south running from the road linking the A3 with Grenaby Road to the west. Mature woodland bounds the site to the north, whilst woodland lies on the opposite side of the A3 to the east. A pond and fenced tennis court are contained within the grounds along with outbuildings and outdoor storage areas which are sited between the dwelling and the A3. The site is also accessed directly from the A3 by a secure gated entrance.

1.2 The existing dwelling covers two floors with the following accommodation:

Ground floor: a large family room/kitchen; plant room; WC; utility room; play room; dining room and lounge with entrance hall and stairs up;

First floor: 5 bedrooms (3 doubles with en-suite bathrooms) and 2 singles plus a family bathroom, and two sets of stairs.

Outside: as mentioned above there is the pond and fenced tennis court, also a single storey, detached office building with attendant kitchen and WC.

2.0 The Proposals

2.1 The proposed development involves the addition of an extension on the south/west side of the dwelling to provide the following:

Ground floor: An entrance porch and ground floor family room which would link in with the existing dining room and kitchen.

First floor: at this level this would result in the creation of a new master bedroom with en-suite bathroom and dressing area, making a total of 6 bedrooms in all.

Outside: The erection of a new detached double garage located in a dip on site to the north of the fenced tennis court area measuring 7.6m wide x 6.6m deep x 5.6m high to the ridge (2.7m high to the eaves)

2.2 The architectural language of the main house is the source of the designed elements of architectural treatment of the new extension. Ballakewin Farmhouse is a traditionally built stone building dating from 1864 comprising the Farmhouse, 2 No. 2-storey barn buildings and a single storey outbuilding set in 6 acres. The most relevant recent extension is approved by PA10/01393/B which resulted in a more regularised form for the main farmhouse alongside the traditional farmhouse construction and retained barn element.

2.3 The covering letter accompanying the application advises of the design ethos and purpose of the extensions as follows:

"This application proposes therefore to extend this same element in order to provide a more distinct entrance porch, an extended ground floor living area off the existing with a new master bedroom over which would allow an improved, more open outlook than the existing master bedroom which resides within the older part of the property and as such offers little outlook.

The addition proposed is as before, a simple form extending the current wall and roof lines offering a distinct extension from the traditional part when viewed from the entrance drive and parking area. The south facing elevation now becomes the primary elevation when approaching Ballakewin with the remainder of the more recent extension, (the west elevation), to be visually tied to the proposal with darker finishes to read as one extension.

The overall aim is to leave the North road facing elevation in the traditional with the rear, more private elevations designed to suit modern, open and light living requirements, allowing the attractive gardens to be viewed from within."

3.0 PLANNING STATUS AND POLICY

3.1 The land as designated, is not zoned for development and sits within a rural part of the open countryside approximately 3.0 kilometres north of Balasalla (see Map 4) as shown in the Area Plan for the South (2013). The site is not within a Conservation Area.

3.2 Within the Isle of Man Landscape Character Assessment written statement (July 2008) under section 3.0 Landscape Character Area (LCA), page 85, para. D14 is broadly referred to:

Ballamodha and St Marks (D14) notes that the:

"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."

3.3 It is noted that apart from the central part of the site where the new double garage is proposed to be erected, which is located within an area shown as being susceptible to a 'High Likelihood of Surface Water Flood Risk', on the governments interactive flood map, the site in this location including the site of the proposed house extension, is not identified as being at flood risk.

3.4 The site is not within a Registered Tree Area.

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

Strategic Policy

- 2 Priority for new development to identified towns and villages
- 4(b) Protection of built heritage and landscape conservation
- 5 Design and visual impact
- 10 Sustainable transport

Spatial Policy

- 5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations
- 3 Exceptions to development in the countryside

Environment Policy

- 1 Protection of the countryside
- 3 Protection of trees and woodland
- 4 Wildlife and Nature Conservation
- 7 Protection of existing watercourses
- 10 Flood Risk
- 22 Impact on neighbours amenities
- 34 Alterations and extensions to pre-1920 buildings

Housing Policy

- 15 Extension or alteration to traditional styled properties in the countryside
- 16 Extensions to non-traditional dwellings in the countryside

Transport Policy

- 4 Highway safety
- 7 Parking provisions

3.6 Planning Circular 3/91 - Guide to the residential development in the countryside.

3.7 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.

4.0 RELEVANT PLANNING HISTORY

- 4.1 20/01244/B - Installation of a replacement roof and rear wall to storage barn - Permitted - 8/1/2021
- 4.2 17/01261/B - Erection of detached double garage and WC extension to home office - Permitted - 22/2/2018
- 4.3 10/01383/B - Alterations and extension to dwelling - Permitted - 2/11/2010.
- 4.4 06/02048/B - Creation of a private tennis court, within grounds of - Permitted - 9/1/2007.
- 4.5 04/00454/B - Installation of an additional uPVC casement window on south gable elevation - Permitted - 15/4/2004.
- 4.6 94/01286/B - Construction of dormer window and conservatory, Ballakewin Olde Farm, Silverdale, Malew - Permitted - 2/2/95.

5.0 REPRESENTATIONS

5.1 Highway Services HDC (8.12.23) comments that it has no interest (NHI) in 23/01397/B

5.2 Malew Commissioners (21/12/2023): "no objections".

6.00 SUMMARY OF ISSUES

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

- (i) Principle (STP2, 10, SP4 and HP15)
- (ii) Visual Impact (GP2 b, c; EP1, EP15 and HP15)
- (iii) Neighbouring amenities (GP2 g)
- (iv) Highway Impact (GP2 i)
- (v) Other

6.2 PRINCIPLE OF DEVELOPMENT

6.2.1 In this regard, the existing dwelling has been lawfully erected and the principle of development is accepted subject to the proposed extensions meeting the requirements of the relevant Strategic Plan policies, which here are, GP2 and GP3 relating to the visual impact of the development on the character and appearance of the site and surroundings; and, Policy HP15 which relates to extensions to dwellings in the countryside.

THE VISUAL IMPACT OF THE PROPOSAL

6.2.2 Policy HP15 requires:

"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)."

6.2.3 It is considered that the proposed extension respects the proportion form and appearance of the existing dwelling by replicating it, albeit it would be wider and taller than the original farmhouse, although to an extent this is emphasised by the extension being sited on higher ground than the original structure. In so doing, it is considered that the appearance of the dwelling would also be improved by the forward movement of the new wing on the west side elevation of the original dwelling. Thankfully, owing to a height difference in the land level of the adjoining land it would largely be hidden from views of the site when approaching it along the A3 from both the north and south directions views which are also screened by the presence of mature boundary hedging on the roadside boundary, and by woodland to the north of the site. The road also sits in a dip in the land at this point. The proposed development would improve the living accommodation offered by the dwelling by introducing modern levels of thermal quality to the construction. This should assist in improving the energy efficiency of the new elements of the property.

6.2.4 The main part of the proposals would be the addition of the 2-storey extension to the west side of the dwelling which would reflect the design, scale and proportions of the existing dwelling, and previously approved extension on this side of the dwelling. It would be discernible from the original dwelling through the use of a natural slate roof finish, and vertical timber cladding applied to the ground and first floor south and west elevations. This addition is assisted in its separation between the existing farmhouse and the 2-storey addition by a 2-storey, crown-roofed connecting element that varies in width between approx. 2.4 m and 4.0m. The latter measurement being at its highest point. This would retain the integrity of the existing traditional dwelling, and be reflective - in scale, proportion, style and character of the original dwelling - and is considered to be an acceptable addition in terms of its visual impact both as an addition to the existing dwelling; and, in terms of its impact on the character of the site and its rural surroundings.

6.2.5 In terms of floor-space, the following measurements have been observed:

- o Original dwelling floor-space pre 10/01383/B planning approval = 276.6 m².
- o Add 10/01383/B extension floor-space of 171.6 m² to 276.6 m² amounts to a current floor space over the two floor levels of 448.2m² including the external walls.
- o The current 23/01383/B application proposes an additional ground and first floor floor-space area of 56.25m². This would equate to a total floor area of 506.45 m², which represent an 83% increase in floor-space compared to that of the original dwelling.

6.2.6 Whilst the percentage increase in floor-space would be almost double that of the existing dwelling, and would exceed the floor-space requirement of no more than a 50% increase as outlined in Policy HP15, it is considered that the design of the extensions to be added to this dwelling in this countryside location would result in an acceptable addition in visual terms and that the proposed extensions to this traditionally styled property in the countryside would sufficiently respect the scale, proportions, form and appearance of the existing property, and constitute an exception to the 50% floor limit. In this case, it is considered that the proposal would represent an exception to the provisions of Housing Policy 15 and is acceptable in terms of the relevant provisions of General Policies 2 and 3 of the Isle of Man Strategic Development Plan (2016); and, overall, also accords with the advice contained Planning Circular 3/91 (Guide to the Design of Residential Development in the Countryside).

6.2.7 In terms of the proposed new garage, this would add a further approx. 50m² of floorspace, albeit for garaging purposes. It is sited on the plot some distance to the south of the dwelling and its attendant outbuildings, and is further screened from view by being set down in relation to adjoining land levels, particularly that of the dwelling and the adjoining tennis court which has a commensurately large, level surfaced, fenced area. It is considered that the visual impact of the garage would be minimal. It would be unseen from public views from the A3 and would be set away from the dwelling. Its presence on site would be acceptable in terms of its design, scale and visual impact.

6.3 IMPACTS ON NEIGHBOURING AMENITY

6.3.1 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 other than the cottage referred to by the applicants which would appear to be within their ownership/control. It is considered that no neighbours' amenities would be affected as a result of the proposed development. This accords with the provisions of the first part of General Policy 2 g) in the Isle of Man Strategic Development Plan (2016).

6.4 HIGHWAY IMPACT

6.4.1 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 the provisions of General Policy 2 i) in the Isle of Man Strategic Development Plan (2016).

6.5 OTHER ISSUES

6.5.1 In term of potential for Flood Risk, it is noted that the new garage would be sited within a High Flood Risk area - Surface water flooding - however, it contains no sleeping accommodation, which is considered acceptable in Flood Risk safety terms. A condition

restricting its use to garaging/storage purposes only can be attached to any planning permission that may be granted.

7.0 CONCLUSION

7.1 Overall, it is considered the proposal would be acceptable as an exception to the provisions of Strategic Plan Policy HP15, and would otherwise comply with the other relevant policies of the Isle of Man Strategic Plan as outlined in this Report. Therefore, it is recommended that the application be approved.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the

following persons are automatically interested persons:

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.8

Proposal : Change of use from Class 2.4 (Storage or Distribution) to Class 2.3 (General Industrial) including car repairs and preparation of cars for scrappage (retrospective)

Site Address : 298A Jurby Industrial Estate
Jurby
Isle Of Man
IM7 3BD

Applicant : Mr Ben Hardy

Application No. : 24/00011/C- click to view

Planning Officer : Paul Visigah

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification), the unit shall only be used for General industrial (Class 2.3), car repairs and preparation of cars for scrappage, and for no other purpose at any time.

The approved use does not include the storage of scrap vehicles on site.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses within the same Use Class will require further consideration.

Reason for approval:

This application has been recommended for approval as it is deemed to result in no harm to the use and enjoyment of neighbouring properties or the highway network, and would not result in adverse visual impact or impact to the character of the area. The proposal is, therefore considered to align with the principles promoted by General Policy 2, Strategic Policy 1 and 10, Business Policy 1, and Transport Policy 7 of Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR APPROVAL.

1.0 THE SITE

1.1 The site is the curtilage of Unit 298A Jurby Industrial Estate, situated on the south western side of the A14 and to the south east of the A10 coastal highway. Jurby Concrete Plant sits directly opposite the site to the North West, while the applicant's former premises,

now condemned, sits to the northeast, with hard surfaced roadways abutting the site to the north, west and south with an area of grass to the southeast.

1.2 The immediate area accommodates a number of industrial units based upon a former RAF Second World War air base. The buildings within the estate are a mixture of older timber structures and more modern prefabricated units although the layout is still more or less as it was when the airbase was operational with each building on its own concrete pad with narrow estate roads winding around and to them.

1.3 Jurby Industrial Estate comprises a range of industrial uses as well as a cafe and two motor museums. These uses include preparation of precast concrete products, the Jurby Concrete Plant, self-storage, storage of agricultural products, Island Aggregates Materials Testing, Office Equipment Centre, Meat products etc.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Change of use from Class 2.4 (Storage or Distribution) to Class 2.3 (General Industrial) including car repairs and preparation of cars for scrappage (retrospective).

2.2 The applicants have indicated on the Planning Statement that the proposed use would include the repair of motor vehicles, including the preparation of end of life vehicles for scrappage which does not involve the actual scrapping of the vehicles but rather the removal of certain re-usable body parts - tyres, audio systems, exhaust systems etc - not dissimilar to a process where these parts would be replaced as part of a repair.

2.3 The Planning Statement also notes that the applicant formerly occupied the unit immediately to the north of the site for around 23 years, but was informed in 2022 that the building in which he was carrying out the business, was condemned and he was moved to the application site. The document further notes that the applicant was not advised that current unit had permission under its original planning approval, for storage and that a change of use was required. He has also had to re-apply for his waste disposal licence which relates to the area of his operations which involve breaking cars in preparation for scrappage, which is undertaken elsewhere, by others.

3.0 PLANNING POLICY

3.1 Site Specific:

3.1.1 The application site is within an area designated as "Airfield" identified on the Isle of Man Development Plan Order 1982. The site is not within a Conservation Area or flood prone area. The site is largely not prone to flood risks, although the parking area to the south of the building and main entrance sits within an area prone to high surface water flood risks.

3.2 Isle of Man Strategic Plan 2016:

3.2.1 Given the nature of the application and the history of approval for industrial development in this area, it is appropriate to consider the following planning policies:

- a. General Policy 2 - 'Development Control' considerations.
- b. Strategic Policy 1 - Efficient use of land and resources.
- c. Strategic Policy 3 - Development to safeguard character of existing towns and villages.
- d. Strategic Policy 5 - Design and visual impact.
- e. Strategic Policy 10 - New development should be located and designed such as to promote a more integrated transport network with the aim to: minimise journeys, especially by private car; make best use of public transport; not adversely affect highway safety for all users, and encourage pedestrian movement.
- f. Environment Policy 23 - Consideration of the potential adverse impact of alterations and improvements to existing facilities on neighbours.

- g. Environment Policy 42 - character and need to adhere to local distinctiveness.
- h. Business Policy 1 - The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan.
- i. Business Policy 5 - On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution.
- j. Transport Policy 4 - Highway Safety.
- k. Transport Policy 7 and Appendix A.7.6 - Parking Provisions:
* General industrial - 1 space per 50 square metres gross floor space.*
- l. Community Policy 10 - Proper access for firefighting appliances
- m. Community Policy 11 - Prevention for the outbreak and spread of fire.
- n. Paragraph 9.2.3 defines industrial buildings as follows;
"industrial building" means a building (other than a building in or adjacent to or belonging to a quarry or mine and other than a shop) used for the carrying on of any process, for or incidental to any of the following purposes, namely:
 - a) the making of any article or of part of any article; or
 - b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition of any article; or
 - c) without prejudice to the foregoing paragraphs, the getting, dressing or treatment of minerals; being a process carried on in the course of trade or business other than agriculture, and for the purposes of this definition the expression "article" means an article of any description, including a ship or vessel.

Such buildings are sub-divided into light industrial, general industrial and special industrial buildings, each defined as follows:

The strategic plan defines "general industrial building" as an industrial building other than a light industrial building or a special industrial building.

4.0 OTHER MATTERIAL CONSIDERATIONS

4.1 Section 68 of the Flood Risk Management Act (2013) indicates that any published Flood Risk Management Plan and the extent to which the proposed development creates an additional flood risk are material considerations.

5.0 PLANNING HISTORY

5.1 The building which is the subject of the application was approved under PA 91/04146/B as a storage building.

5.2 PA 08/00587/B for Creation of a new access road through estate with new and upgraded accesses to the A14 and A10 roads (comprising an amendment to the development approved under 07/01457/B) - Approved. The Inspector, whilst recommending the application for approval noted within Paragraphs 4 and 5 of his report that the site is identified as an airfield under the 1982 Development plan Order, whilst also noting that no significant harm would result that development.

5.3 PA 11/01280/D for Erection of four non-illuminated signs - Approved. The Inspector's report for the application clearly states that "the site has established and authorised use as an industrial estate although it is still identified as an 'Airfield' on the 1982 Plan".

5.4 Whilst not directly related to the site, PA 08/00119/B for Erection of steel pallisade security fencing, at a site within the industrial estate is considered relevant. The Inspector, in recommending approval for the application states the following within Paragraphs 7 and 8 of the Inspectors Report:

"7. There is no planning policy which directly allocates the airfield at Jurby as an industrial site. However, as a matter of fact, it is accepted to be so; the Strategic Plan encourages the

growth of employment opportunities in Business Policy 1, and the facilities necessary to enable Hut 248 to be used productively would accord with that policy. Whilst the development does not accord with the zoning of the site as an airfield, it nevertheless appears to me that the General Policy 2 of the SP is relevant.

8. The relevant considerations in that policy are that the development should respect the site and surroundings in terms of its siting, layout, scale, form and design: should not adversely affect the character of the surrounding landscape, and should not prejudice the use or development of adjoining land. In my view this proposal accords with these policies, and should be permitted."

6.0 REPRESENTATIONS

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

6.1 DOI Highways find the proposal to have no significant negative impact upon highway safety, network functionality and/or parking (12 January 2024).

6.2 Jurby Parish Commissioners have not commented at the time of writing.

6.3 No comments have been received from neighbouring properties.

7.0 ASSESSMENT

7.1 The fundamental issues to consider in the assessment of the current application are:

- i. The Principle (GP2, BP1, STP 1 & Paragraph 9.3.8);
- ii. The Visual Impact (Gp2b,c, SP 5, EP42);
- iii. Impact on the neighbouring amenity (GP2 & EP23);
- iv. Parking and Highway Safety (TP4 & 7).

7.2 THE PRINCIPLE

7.2.1 In assessing the principle of the proposed use, it is noted that the site is designated as an Airfield use, rather than industrial use, on the Development Plan, as such, there isn't an automatic presumption in favour of industrial development, as currently proposed. This is hinged on the fact that the development is not in accordance with the designated use on the adopted Development Plan. However, it is noted that the industrial estate has been in place for a significant time, with there being history of approvals granted for the erection of industrial buildings, and use of a significant number of the sites here for industrial purposes.

7.2.2 Likewise, it has been established (as noted in the site history details), that the site and surrounding sites are acceptable as industrial sites, with the related Planning Inspectors clearly detailing why industrial development should be accepted at the estate. Moreover, Jurby is designated as a "major employment area" in the Strategic Plan (See Paragraph 4.4.1 of the Strategic Plan), which would mean that it would be suitable for the proposed general industrial use. It must be noted that the proposal would benefit from easy access to labour, with the location also benefiting from an integrated transport network that would further ensure the use aligns with the goals of Strategic Policy 6, whilst the proposal would also retain employment opportunities to this area.

7.2.3 Granting the building which is the subject of this application was approved for storage use, with the current scheme seeking to utilize the building for general industrial use, car repairs and preparation of cars for scrappage, the area is used for a variety of industrial related purposes, such that the proposal would be in keeping with the range of industrial uses common with the area. Thus, the proposal would be appropriate for an industrial location, such as the proposed site, and this weighs in favour of the proposal.

7.2.4 Based on the foregoing, it is considered that the principle of the proposed development on this site would be acceptable.

7.3 POTENTIAL VISUAL IMPACT

7.3.1 In terms of potential visual impacts, it is considered that the proposal would not result in materials changes to the external appearance of the building on site. It is also not considered that the situation of vehicles outside the building, as is evident on site would be at variance with the general character of the area which is largely industrial in character.

7.3.2 Whilst it is noted that the parking of vehicles around the site could have adverse visual impacts given that they would be clearly visible when using the estate road, the views created by the parked vehicles would be no different from that associated with vehicle repair and scrappage in industrial or associated sites. Besides, parked vehicles would be seen within a landscape of industrial buildings, external storage and externally parked vehicles of various sizes and types, which would be read within the context of the site and environs. Overall, it is considered the scheme as proposed would not unduly affect the visual amenities of the immediate street scene or character of this part of the industrial estate.

7.4 IMPACT ON NEIGHBOURING AMENITY

7.4.1 With regard to impact on nearby properties, it is considered that the key concern here borders on the potential noise impacts on the neighbours. In this case, the nearest industrial site is the mixed concrete plant which is already accustomed to certain noise levels which would not be less than that generated by the proposed general industrial use which could involve the adapting for sale, breaking up or demolition of car parts. Thus, any noise impacts associated with the proposed use would not be so significant as to warrant refusal of the scheme.

6.4.2 Overall, it is therefore concluded that the proposed development would not result in harm to neighbouring amenity of the adjacent industrial units.

7.5 PARKING PROVISION/HIGHWAY SAFETY

7.5.1 This application provides 16 parking spaces of its own, which would serve a floor area measuring about 450sqm, which would mean that the site has an excess of 7 parking spaces when the Strategic Plan requirement of 1 parking for 50sqm of floor area is factored in. Since the unit measures about 450sqm of floor area, the proposal which is for general industrial use would require 9 parking spaces, as such the additional 7 parking spaces should be more than adequate to accommodate the needs of the business, and therefore complies with the Strategic Plan parking standards.

7.5.2 Further to the above, the site is situated within a public transport corridor which would serve to diminish the requirement for car parking, particularly for staff working at the site. This would comply with the requirements of Strategic Policy 10.

8.0 CONCLUSION

8.1 For the above reasons, it is concluded that the planning application would not harm the use and enjoyment of neighbouring properties or the highway network, and would not result in adverse visual impacts or impacts on the character of the area, and would comply with aforementioned planning policies of the Isle of Man Strategic Plan 2016. The proposal is, therefore, recommended for approval.

9.0 INTERESTED PERSON STATUS

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

(a) the applicant (including an agent acting on their behalf);

- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material in this case Douglas Borough Council have not made material comments and should not be afforded Interest Person Status.

9.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.9

Proposal : Proposed Scaffold Storage Depot
Site Address : Unit 14A
The Old Airfield
Braust
Andreas
Isle Of Man
IM7 4JB
Applicant : GCA Ltd
Application No. : 24/00185/B- [click to view](#)
Planning Officer : Paul Visigah
RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The Scaffold Storage Depot (including fences/scaffold racks/containers etc) hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used within a 12 month period.

Reason: The depot has been approved to meet a specific business need and its subsequent retention would result in an unwarranted intrusion in the countryside/site.

Reason for approval:

On balance, it is considered that the proposal would not have any significant adverse impact on public or private amenity, highway safety or result in significant adverse visual impact upon the immediate vicinity and surrounding countryside, with the proposed development conforming to the dominant uses within the area. The application is, therefore, considered to broadly comply with General Policy 3 and Environment Policy 1, as well as the principles articulated in Strategic Policy 1 and Business Policy 1 of the IOMSP.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS BROUGHT BEFORE THE COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The application site Unit 14A, Braust, The Old Airfield, Braust, Andreas, which is a small section of land situated within the former Andreas Airfield, to the east of Andreas Village. The site currently houses two shipping containers which are used as storage on site, and situated either side of the 2.4m high timber clad gates which opens into the site area. These shipping containers are flanked by scaffold storage racks which site just by the gated access.

1.2 To the north of the site is an area of hardstanding fenced in metal fencing, whilst the land to the south house a steel clad small scale industrial styled building. The site measures about 14.6m long on the west and east sides, while the northern and southern site boundaries measure about 19.4m. A post and wire fence defines the boundary with the field to the rear (west) of the site.

1.3 The area comprises mainly low height metal clad building, spread around areas of hardstanding, with a number of the adjoining sites also houses scrapped vehicles of various sizes and forms. All the sites here adjoin a field to the west which serves as a break between the main airfield buildings and disused runways, one of which serves the row of sites which the application site belongs.

2.0 THE PROPOSAL

2.1 Planning approval is sought for a Scaffold Storage Depot at the site. The new depot site would house the two 2.4m x 6m shipping containers which are to remain unaltered, two scaffold racks which measure 1.5m x 6m, whilst providing parking for vehicles used in the operation of the business.

2.2 The works would also include the erection of a personnel entrance gate and fence to the south of the site and adjoin the building to the south. The entire site frontage would be clad with 2.4m timber cladding which would screen the shipping containers, with the entire site frontage having a timber finish.

2.3 The applicants have provided additional information on the application form which indicates that two scaffolding Lorries (both Class C) would be parked at the site. They also note that the operating hours of the business will be from 06:00am through to 06:00pm every day of the week for collection and restoring of scaffolding.

2.4 The submitted plan also shows that a non-illuminated signage which shows 'SLADE SCAFFOLDING LIMITED' would be installed at the left side of the timber clad fencing adjacent the gate. However, this would be the subject of the Control of Advertisement Regulations 2013. As such, it is not assessed as part of the current application.

3.0 PLANNING POLICY

3.1 Site Specific:

3.1.1 The site lies within an area of 'white land' albeit noted as "Airfield (disused)" - land not zoned for development, on the Town and Country Planning (Development Plan) Order 1982, and the site is not within a Conservation Area. The site is not within a registered tree area and there are no registered trees on site. The site is also not prone to flood risks.

3.2 National: STRATEGIC PLAN (2016)

3.2.1 The Strategic Plan stipulates a general presumption against development in areas which are not designated for development and where the protection of the countryside is of paramount importance (EP 1 and GP3). However, given the nature of the application and the history of approval for industrial related development in this area, it is appropriate to consider the following planning policies:

a. General Policy 2 - 'Development Control' considerations.

- b. General Policy 3 - Exceptions to development in the countryside.
- c. Strategic Policy 1 - Efficient use of land and resources.
- d. Strategic Policy 5 - Design and visual impact.
- e. Strategic Policy 10 - New development should be located and designed such as to promote a more integrated transport network with the aim to: minimise journeys, especially by private car; make best use of public transport; not adversely affect highway safety for all users, and encourage pedestrian movement.
- f. Business Policy 1 - The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan.
- g. Transport Policy 4 - Highway Safety.
- h. Transport Policy 7 and Appendix A.7.6 - Parking Provisions:

* Storage and distribution - 1 space per 100 square metres gross floor space.*

- i. Community Policy 10 - Proper access for firefighting appliances
- j. Community Policy 11 - Prevention for the outbreak and spread of fire.
- k. Previously-developed land:

"Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure."

The definition includes defence buildings, but excludes:

- o Land that is or has been occupied by agricultural or forestry buildings.
- o Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- o Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- o Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)."

4.0 OTHER MATTERIAL CONSIDERATIONS

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

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

5.0 PLANNING HISTORY

5.1 The site has been the subject of the following previous planning applications which are considered relevant in the assessment and determination of this application.

5.2 An application for Approval in principle for the erection of a Manufacturing Research and Development Plant at the site was submitted on 15.09.2005, but later withdrawn.

5.3 Planning approval was granted for Creation of vehicle/storage compound area for a site area which included part of the site under PA 19/01198/B which was approved by the Planning Committee on 16 December 2019. This application was approved subject to three conditions, two of which include:

"C2: The vehicle/storage compound area (including fences/buildings/containers etc) hereby approved shall be removed and the ground restored to its former condition in the event that it is no longer used within a 12 month period or required for vehicle/storage purposes associated with the Northern Refuse Authority.

Reason: Its subsequent retention would result in an unwarranted intrusion in the countryside/site.

C3: For the avoidance of doubt no waste materials shall be stored or brought onto the site.

Reason: The application proposes the vehicle/storage depot and does not propose the site to be used for the storage of waste and/or processing of waste (an EIA would have been required) and therefore the application has been considered on this basis only. "

6.0 REPRESENTATIONS

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

6.1 DOI Highways find the proposal to have no significant negative impact upon highway safety, network functionality and/or parking. (23 February 2024).

6.2 Andreas Commissioners have made the following comments on the application (6 March 2024):

They request that the access road leading to this site is properly surfaced to service the many (large) vehicles currently using the Old Airfield site.

They refer to debris constantly deposited at the junction of the access road to the site, whilst requesting that signage is placed at the junction of this private access road and the B6 to define it either as a Give way or Stop sign before joining the public highway.

They have no objection to further businesses operating from the Old Airfield but request that due consideration is given to the number of large vehicles using this site and the possible addition of more HGV's travelling through the village and past the primary school main entrance.

6.3 No comments have been received from neighbouring properties.

7.0 ASSESSMENT

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

- a. The principle of the development;
- b. Potential visual impacts on the character of the site and surrounding countryside; and
- c. Highway matters.

7.2 PRINCIPLE OF THE DEVELOPMENT (GP2, GP3, BP1, STP 1)

7.2.1 In assessing the principle of the proposed development, it is noted that the site in question is a parcel of land, which was originally used one of the three runways serving the Andreas Air force base which was created during the second world war, and is now disused. This would imply that there is a presumption against the scheme currently proposed for the site, given that the site sits in an area not zoned for development and which forms parts of the islands countryside, and the scheme currently proposed does not meet any of the exemptions allowed under General Policy 3.

7.2.2 Notwithstanding the factors identified above which weigh against the proposal, this disused airbase supports various uses/business (waste disposals uses/industrial/storage etc.) and has an array of different buildings supporting these businesses, and some the former airfield buildings are still present on site, although many of them are in a poor state of repair. Therefore, it would be difficult to class this site as "countryside" in its current state; given the predominant industrial appearance and feel to the area, although it must be noted that the Development Plan does not designate the site for development.

7.2.3 It is also worth noting that the uses within this area have evolved over a number of decades, with planning approval granted for a number of the extant uses which would not pass for the exemptions allowable under GP3, but which has served to define the industrial

nature and uses, which now define the immediate vicinity. It is also noted that some of these uses are unlikely to have gained planning approval, although they would now be exempt from any enforcement action, and open to other Planning avenue to become formal elements of the landscape via certificates of lawful use and development, being in operation on these site for very long periods. Moreover, the site which is the subject of the application, like other sites in the immediate locality is on land which is previously developed, either on part of the former run ways/hard surfacing or on sites which have had an established use, where support is given for reuse within Strategic Policy 1 of the strategic plan.

7.2.4 Further to the above, the proposed use of the site as a Scaffold Storage Depot to support the operations of ('Slade Scaffolding Limited') would fit with the existing industrial/storage uses in the area. Likewise, then use of the site for the proposed development would serve to retain and provide new employment opportunities to this area which is already accustomed to employment generation, in line with Business Policy 1 of the Strategic Plan.

7.3 POTENTIAL VISUAL IMPACT (EP1, GP2 & SP 5)

7.3.1 In terms of potential visual impacts, it is considered that the proposal would not result in significant materials changes to the external appearance of the site, with the main changes being the fencing of the site frontage and cladding in timber which is a significant improvement in the appearance of the site and immediate street scene defined mainly by poorly placed building, disused vehicles and other structures.

7.3.2 Likewise, the development of the site would be in structures that can easily be removed, with the site being restored to its previous appearance and this weighs in favour of the development as it does not introduce permanent structures. Besides, the scheme as sited close to existing sites housing similar sized structures, buildings, and uses, not counting the fact that the proposed location is relatively sheltered from public vantage points which should significantly diminish any adverse visual impacts that could result.

7.3.3 The proposal is, therefore, considered to have acceptable visual impacts, and it is not considered that there would be significant impacts on the character of the surrounding landscape, sufficient to warrant refusal of the application.

7.4 HIGHWAY MATTERS (TP4 & 7, & GP 2)

7.4.1 In assessing impacts on highway safety, it is considered that the scheme does not propose any alterations to the means of access to the site or parking in the area, and the scheme does propose parking within the site which should serve to diminish parking concerns, although it was noted during the site visit that parking was not a concern for the area, with the main concern with vehicles being the abonnement of disused vehicles which is not a matter for the current application.

7.4.2 Highway Services have assessed the proposal and have no concerns with the scheme, stating that indicates that the scheme raises no significant negative impact upon highway safety, network functionality and/or parking. Therefore, it is considered that the scheme satisfies the requirements of Transport Policies 4 and 7 of the Strategic Plan, and General Policy 2 (h & i).

7.5 Other Matters

7.5.1 The comments made by the Local Authority regarding the state of the junction and private access, as well as the need for signs at the junction with the main highway are noted. However, these appear to be centred on the operation of the entire area, and not matters that relate specifically to the application site. As these matters raised go beyond this planning application and certainly border more on matters of landownership, and general management

and operations of the estate, they fall outside the remit of this planning application, and as such bear no weight with the decisions made with the current application.

8.0 CONCLUSION

8.1 On balance, given the proposal would not have any significant adverse impacts on public or private amenities, highway safety or result in adverse visual impact upon the immediate vicinity and surrounding countryside, with the proposed development conforming to the dominant uses within the area, it is considered the proposal would comply with General Policy 3, Environment Policy 1, Strategic Policy 1, and Business Policy 1 of the IOMSP. The application is, therefore, recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.10

Proposal : Demolition of former nursing home and outbuildings, and the creation of five new four bedroom dwellings with associated parking, amended access, amended drainage and landscaping.

Site Address : Former Eastfield Mansion House
Eastfield
Douglas
IM1 4AU

Applicant : Care Developments Limited

Application No. : 24/00298/B- [click to view](#)

Principal Planner : Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. No development shall 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 3. For the avoidance of doubt the solar panels hereby approved are required to be integrated solar panels (in-roof solar panels) installed so they run flush with the external roof plane rather than being installed on top of the roof tiles/slates.

Reason: In the interests of visual amenities of the area and the individual property and the character and appearance of the Conservation Area.

C 4. 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 new planting showing, type, size and position of each. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding seasons following the completion of the development or the occupation of the kennel extension, whichever is the sooner. Any trees or plants which die or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.

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

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

C 5. Prior to the occupation of any dwelling hereby approved the parking and turning areas shall be completed and ready for use in accordance with the approved drawing P-101 REV B. 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. Further, two off road parking spaces shall be allocated to each dwelling and all retained thereafter.

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

C 6. Prior to the occupation of any dwelling hereby approved the visibility plays of 2.4m x 43m in both directions and as shown on approved drawing P-101 REV B shall be provided and shall be kept permanently clear of any obstruction exceeding 1050mm in height above adjoining carriageway level.

Reason: In the interests of highway safety.

C 7. Prior to the occupation of either dwelling on Plot 1 or Plot 5 the bat and bird bricks as shown on drawing P-102 REV A shall be completed and retained thereafter.

Reason: In the interests of biodiversity.

C 8. Prior to the installation of each of the following features, there must be submitted to and approved by the Department samples or large-scale (1:20 or better) detailed drawings of the relevant feature or features to front elevations, including:

- a) String course;
- b) hood mouldings;
- c) Front door, to include window details above;
- d) Render details;
- e) Details below eaves; and
- f) Details of features to top section of bay windows.

The development shall not be occupied until the above features have all been installed in accordance with the approved details and they shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area.

C 9. Prior to the occupation of any dwelling hereby approved the front garden wall with decorative railings above and gate as shown on drawing P-103 REV A shall be completed and be retained thereafter.

Reason: In the interests of the visual amenities of the area and the character and appearance of the Conservation Area.

C 10. Prior to the occupation of any dwelling hereby approved all bike and bins storage as shown on drawing P-101 REV B shall be completed and ready for use and retained thereafter for that purposes.

Reason: To ensure adequate bin and cycle provision.

C 11. All existing trees shall be retained, unless those shown on the approved drawings BTC2924-TIP REV A as being removed.

All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site as shown on drawing BTC2924-TPP and approved documents Arboricultural Impact Assessment dated March 2024 and Tree Root Protection system GEOWEB to the satisfaction of the Department in accordance with British Standard BS5837:2012 (Trees in relation to Design, Demolition and Construction -Recommendations) for the duration of the works on site and the development is completed as shown on drawings BTC2924-TPP.

In the event that trees become damaged or otherwise defective during such period, the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that a tree dies or is wilfully removed without prior consent it shall be replaced as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Department.

Reason: to ensure the continuity of amenity afforded by existing trees and the character and appearance of the Conservation Area.

Reason for approval:

In overall balance, and taking all matters into consideration, including the fact that in its current form the building could be considered a visual detractor in the area, it is considered that the benefits just outweigh the harms that have been identified. This decision is very finely balanced as the proposal has a number of positive elements, namely the creation of five new residential dwellings on a brownfield site within Douglas, which is the most sustainable location on the IOM, which also makes good use of this land and being well designed which would sit well within street scenes and the Conservation Area. The negative element with the application is the demolition of Eastfield and the potential harm to the significance of the Douglas (Woodbourne Road) Conservation Area. However, on balance and for the reasons outlined within this report it is considered the proposal is acceptable and therefore it is recommend for an approval, albeit the loss of Eastfield is unfortunate.

Interested Person Status – Additional Persons

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

Emsdale, Hawarden Avenue, Douglas as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (2019).

Planning Officer's Report

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

1.0 THE SITE

1.1 The site is the curtilage of an existing property Eastfield Mansion House, Eastfield, Douglas, which is a detached traditional property, main two storeys in height albeit accommodation within the roof (dormers and gable end window in places) located on the

north-western side of Eastfield and situated to the north west of Westbourne Drive. The site is located to the northwest of the Allotments which are opposite Brighton Terrace to the south. The site has vehicular access via its main entrance (eastern boundary) via Westmount or Eastfield or via a rear access from the rear lane which runs along the rear boundaries of Eastfield.

1.2 This site until the last few years was used as a residential care home and was formally a large detached dwelling. The submitted application indicates that the neighbouring end terrace Nr 14 Eastfield is within the same ownership as the applicants, but does not form part of this application. This property was also used as part of the care home and was in fact attached to the main Eastfield Mansion House via a linked extension. The latter has recently been demolished and therefore Eastfield Mansion House now a detached property as originally built. The property is shown on the published 1869 ordnance survey map with a footprint similar to what exists today. It is noted that a photograph taken in 1860 (imuseum – Manx National Heritage) appear to show the property with only the western front projecting two storey gable end and the now central part of the dwelling. It would seem by 1869 the eastern two storey front projecting gable of the property was then added afterwards. The differing roof slopes (hipped to western gable and gable ended to eastern end) would seem to suggest that the eastern part of the dwelling was a later addition a few years later.

1.3 The dwelling is sizeable in size and potentially one of the larger detached properties in the surround area. The property is made up of a two storey central section which is flanked by two front gable ends. The property is mainly made up of painted render (except eastern gable elevation which is expose Manx stone) and a slate roof finish. The front elevation (south) and western gable elevation includes its original decorative hooded mounding's above all windows. A render band between ground and first floor levels exists to the front elevation. A single storey uPVC conservatory fronts the central section of the property. To the rear a number of lean-to roof extensions both single and two storey in size. The original three substantial chimney stacks are still in place within the roof.

1.4 The front boundary of the site is made up of a number of hedgerows and landscaping, which also includes semi-mature and mature trees to its boundaries fronting onto Eastfield/Westmount (front boundary), its southern boundary shared with Nr 6 Westmount and south western corner of the site, which fronts onto a unmade access lane which runs along the entire western boundary of the site and along the rear boundaries of properties along Westbourne Drive to the west of the site.

2.0 THE PROPOSAL

2.1 The application seeks approval for demolition of former nursing home and outbuildings, and the creation of five new four bedroom dwellings with associated parking, amended access, amended drainage and landscaping.

2.2 The works will involve the demolition of the Eastfield Mansion House and its replacement with a terrace of five three storey dwellings, which includes accommodation within roof space.

2.3 The proposed new dwellings would have a dining room, kitchen, lounge, entrance porch and WC on the ground floor, two bedrooms with ensuite at first floor and two bedrooms and a large bathroom on the third floor. Each dwelling would have a rear terraces/garden which also includes a 2.5m x 1.5m concrete bases for a cycle store/shed and also bin storage for each dwelling with an additionally communal bin storage area for "bin collection days" which is collected from the access lane to the west of the site. Each property would have a small front garden area which would be enclosed by a front garden wall and railings above. Each dwelling would have solar panels and a air source heat pump.

2.4 Four (Plots 1, 2, 3 & 4) of the five dwellings are identical, which also include a rear single storey outlet; the fifth dwelling (Plot 5) which is set adjacent to No. 14 Eastfield to the east, would have its rear elevation recessed from the rear building line of the other dwellings and does not have a rear single storey outlet as the other four dwellings. The properties roof ridge would be set below the

2.5 Further proposed works would involve the following:

- a. Widening of existing access onto Eastfield/Westmount;
- b. Creation of 10 parking spaces (5 row of tandem parking) to existing front lawned area;
- c. Provision of turning head;
- d. Removal of a number of trees on site to facilitate the development, parking;
- e. Blocking of existing rear vehicular access with only pedestrian access only for Nr 5;
- f. New landscaping and tree planting throughout site; and
- g. Demolition of rear garage.

2.6 In support of the application the submission, the conclusion of the Planning Statement states;

"6.1 Whilst there is a presumption against the loss of buildings of interest and importance within Conservation Areas, in this case, it is submitted that the existing building is in poor repair and retention and re-use of the existing building is neither economically nor structurally sensible. Further information has been provided regarding the financial viability and the current state of the market for sites like this.

6.2 In any case, the practicality of retaining the existing building would result in significant parts of it being rebuilt and the majority of the existing building would not actually be retained and the "renovated" property would actually be mostly new build.

6.3 Internally the building would be difficult to reuse other than for a nursing home but even then where the layout would not likely meet modern standards or expectations for such a facility.

6.4 Notwithstanding this, the building is not in its original condition, has been physically attached to the terrace to the north east by a modern, unattractive link building and has also had unattractive additions attached to the rear and front. The condition of the building is in no way the fault of the applicant who only recently acquired the property and as such is not responsible for the historical lack of maintenance of the building.

6.5 The detailed replacement scheme has been revised, following discussion with the Department and now more closely resembles the existing built form around it. It is submitted that the overall impact of the proposed development will be an enhancement of the Conservation Area, thus according with CA/2 of Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man and Environment Policy 35 and not in conflict with CA/6 or Environment Policy 39 for the reasons given above.

6.6 The proposed development aims to provide modern standards of living including car parking and energy efficiency whilst at the same time, presenting a traditionally styled building which continues important architectural elements such as height, finish materials, orientation and proportion. The development will provide much needed, sustainable accommodation in the Island's principal settlement in a form which visually complements the area."

3.0 KEY DOCUMENTS

3.0.1 Material Considerations

Town and County Planning Act 1999

3.0.2 Section 10(4) of the Town and Country Planning Act states:

- "In dealing with an application for planning approval... the Department shall have regard to -
- (a) The provisions of the development plan, so far as material to the application,
 - (b) Any relevant statement of planning policy under section 3;
 - (c) Such other considerations as may be specified for the purpose of this subsection in a development order or a development procedure order, so far as material to the application; and
 - (d) All other material considerations."

3.0.3 Statutory Duty

Statutory Duty S19 Control of demolition in conservation areas

"(3) A building to which this section applies may not be demolished without the consent of the Department; and accordingly sections 15 and 16 apply to such a building as they apply to a registered building, subject to such modifications as may be prescribed by regulations.

3.0.4 S16 Registered buildings: supplementary provisions

(3) In considering —

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

3.0.5 S18 Designation of conservation areas

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

3.1 The Area Plan for the East (adopted 2020)

3.1.1 The site lies within an area designated on the Area Plan for the East (Map 5 - Douglas Central) as 'Predominantly Residential', and the site is within the Woodbourne Road Conservation Area. The site is not prone to flood risks or within a Registered tree area, and there are no registered trees on site. The existing property is not a Registered Building.

3.2 The Area Plan for the East Written Statement states;

3.2.1 Paragraph 6.8 of The Area Plan for the East Written Statement states;

"The historic built environment

Local character and key features within the built environment, such as Registered Buildings and other heritage assets play a significant role in promoting economic and social prosperity by providing attractive living and working conditions. In addition, they provide economic opportunities through tourism, leisure and recreational uses. It is therefore essential that local character is safeguarded, particularly those features which fundamentally define the historic built environment in the East. Particularly:

- o the buildings and structures associated with the roles of Douglas and Laxey as historic seaside resorts;*
- o the harbours of Douglas and Laxey;*
- o the historic infrastructure of the Steam Railway, Electric Tramway and Horse Trams; and*
- o the historic grain of Douglas and Laxey old towns, including their street layouts, town yards, plot sizes and landscape settings.*

The significance of Manx heritage assets in the built environment is increased by their relative scarcity. Registered Buildings and Conservation Areas which might not

necessarily achieve such status in the United Kingdom have gained a higher status in the Isle of Man where their contribution to national identity and the Island's story is highly valued.

Existing and new development can exist side by side, even with some visual differences presented by old and new building styles. New development should not seek to mimic existing development but be of its own time. Such innovation is crucial and with good precedent: some of the Island's best architectural examples emerged from the building design competitions of the Edwardian era."

3.2.2 Urban Environment Proposal 3 states; "Development proposals must make a positive contribution to local character and distinctiveness. Traditional or contemporary approaches may be appropriate, depending upon the nature of the proposal and the context of the surrounding area."

3.2.3 Paragraph 6.9 of The Area Plan for the East Written Statement states;
"Creative Re-use

As stated in the Strategic Plan, Paragraph 7.25: 'Conservation of the built environment and archaeological features should be viewed as an asset to be promoted and not as a constraint to be overcome'.

It is recognised that retaining the best examples of built heritage for future generations benefits the resident population by celebrating its unique national identity and increasing the sense of wellbeing and improved quality of life brought about by beautiful surroundings. The value of mid and late-20th Century architecture should not be ignored as the best examples of these periods contribute to a rich and vibrant built heritage. Supporting the continued use and retention of these buildings requires a pragmatic and dynamic understanding of different potential uses. A proposed use which retains a building of heritage value, but requires modification to that building, is superior to a proposal which leads only to demolition or decay of that building."

3.2.4 Urban Environment Proposal 4 states; "Proposals which help to secure a future for built heritage assets, especially those identified as being at the greatest risk of loss or decay, will be supported."

3.2.5 Paragraph 6.3 of The Area Plan for the East Written Statement states;
"Area Plan Objectives;

iv. To identify and celebrate the historic urban environment so that it retains an active and productive role in contemporary life."

3.2.6 Paragraph 6.4 of The Area Plan for the East Written Statement states;
"Area Plan Desired Outcomes

v. There will be greater recognition of the contribution the East's historic value to the local and visitor economy and to the quality of life on the Island.

vi. The long term future of valuable heritage assets will be assured by creative reuse."

3.2.7 Transport Proposal 1 states; "Development proposals must take into account the Active Travel Strategy and any specific actions set out in the Active Travel Action Plan."

3.3 Isle of Man Strategic Plan (adopted 2016)

3.3.1 In terms of Strategic Plan policy, the Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this current planning application:

3.3.2 Strategic Policy 1 states: "Development should make the best use of resources by: (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and reusing scarce indigenous building materials; (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and (c) being located so as to utilise existing and planned infrastructure, facilities and services."

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

3.3.4 Strategic Policy 4 states: "Proposals for development must:
(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2) , buildings and structures within National Heritage Areas and sites of archaeological interest;
(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and
(c) not cause or lead to unacceptable environmental pollution or disturbance."

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

3.3.6 Spatial Policy 1 states: "The Douglas urban area will remain the main employment and services centre for the Island."

3.3.7 General Policy 2 states: "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:
(a) is in accordance with the design brief in the Area Plan where there is such a brief;
(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
(c) does not affect adversely the character of the surrounding landscape or townscape;
(d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;
(e) does not affect adversely public views of the sea;
(f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;
(g) does not affect adversely the amenity of local residents or the character of the locality;
(h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;
(i) does not have an unacceptable effect on road safety or traffic flows on the local highways;
(j) can be provided with all necessary services;
(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
(l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
(m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
(n) is designed having due regard to best practice in reducing energy consumption."

3.3.8 Paragraph 7.32.2 states; "The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area. When considering proposals which will result in demolition of a building in a Conservation Area, attention will be paid to the part played in the architectural or historic interest of the area by the relevant building and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. In addition, consideration will be given to:

- o the condition of the building;
- o the cost of repairing and maintaining it in relation to its importance and the issue derived from its continued use (based on consistent long-term assumptions);
- o the adequacy of efforts made to retain the building in use;
- o the merits of alternative proposals for the site."

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

3.3.10 Environment Policy 39 states: "The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area."

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

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

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

3.3.13 Housing Policy 6 states: "Development of land which is zoned for residential development must be undertaken in accordance with the brief in the relevant area plan, or, in the absence of a brief, in accordance with the criteria in paragraph 6.2 of this Plan. Briefs will encourage good and innovative design, and will not be needlessly prescriptive."

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

3.3.15 Transport Policy 7 states: "The Department will require that in all new development, parking provision must be in accordance with the Department's current standards." Appendix A.7.6 sets out Parking Standard. Typical Residential 2 - spaces per unit, at least one of which is retained within the curtilage and behind the front of the dwelling.

3.3.16 Energy Policy 5 states: "The Department will prepare a Planning Policy Statement on Energy Efficiency. Pending the preparation and adoption of that PPS the Department will

require proposals for more than 5 dwellings or 100 square metres of other development to be accompanied by an Energy Impact Assessment."

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

3.4.1 This includes policies in relation to the following;

"POLICY CA/2 SPECIAL PLANNING CONSIDERATIONS

When considering proposals for the possible development of any land or buildings which fall within the conservation area, the impact of such proposals upon the special character of the area, will be a material consideration when assessing the application. Where a development is proposed for land which, although not within the boundaries of the conservation area, would affect its context or setting, or views into or out of the area; such issues should be given special consideration where the character or appearance of a conservation area may be affected.

POLICY CA/4 PROPOSALS FOR PRESERVATION AND ENHANCEMENT

It is important that designation is not seen as an end in itself, but that there be an opportunity for the designation to be considered in a wider context, such as that of an area plan. It is this overview which will basically determine the long term validity and prosperity of the conservation area. For example, proposals and policies contained within an area plan may take the opportunity to improve matters such as traffic congestion in and around a conservation area by traffic management and improvement, the provision of off-street parking and the introduction of some pedestrian or bicycle priority ways. The plan will also prescribe the use of land and buildings within the conservation area and beyond and may indicate opportunities for enhancement by restoration and re-use, or if appropriate, for replacement of elements within the conservation area which detract from the special character of the area.

POLICY CA/6 DEMOLITION

Any building which is located within a conservation area and which is not an exception as provided above, may not be demolished without the consent of the Department. In practice, a planning application for consent to demolish must be lodged with the Department. When considering an application for demolition of a building in a conservation area, the general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area. Similar criteria will be applied as those outlined in RB/6 above, when assessing the application to demolish the building, but in less clear cut cases, for example, where a building could be said to detract from the special character of the area, it will be essential for the Department to be able to consider the merits of any proposed new development when determining whether consent should be given for the demolition of an unregistered building in a conservation area. Account will be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

POLICY RB/6 DEMOLITION

There will be a general presumption against demolition and consent for the demolition of a registered building should not be expected simply because redevelopment is economically more attractive than repair and re-use of an historic building; or because the building was acquired at a price that reflected the potential for redevelopment, rather than the condition and constraints of the existing historic building. Where proposed works would result in the total or substantial demolition of a registered building, an applicant, in addition to the general criteria set out in RB/3 above, should be able to demonstrate that the following considerations have been addressed:-

In judging the effect of any proposed alteration or extension to a Registered Building, it is essential to have assessed the elements that make up the special interest of the building in question. They may comprise not only obvious features such as a decorative facade, or an internal staircase or plaster ceiling, but may include the spaces and layout of the building and the archaeological or technological interest of the surviving structure and surfaces. These elements can be just as important in the simple vernacular and functional buildings, as in grander status buildings. Cumulative changes reflecting the history of use and ownership can themselves present an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, are not discounted.

The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or failure to make imaginative efforts to find new uses or incorporate them into new developments.

- The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings and returns may, in fact, be more favourable given the publicly acknowledged status of the building. Furthermore, historic buildings may offer proven performance, physical attractiveness and functional spaces, that in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should take into account possible tax allowances and exemptions. In rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;
- The adequacy of efforts made to retain the building in use. An applicant must show that real efforts have been made, without success, to continue the present use, or to find new uses for the building. This may include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition.
- The merits of alternative proposals for the site. Subjective claims for the architectural merits of a replacement building should not justify the demolition of a registered building. There may be very exceptional cases where the proposed works would bring substantial benefits for the community; these would have to be weighed against preservation. Even here, it will often be feasible to incorporate registered buildings within new development, and this option should be carefully considered. The challenge presented by retaining registered buildings can be a stimulus to imaginative new designs to accommodate them."

3.5 Net Zero Emissions by 2050

3.5.1 In July 2020, the Isle of Man Government published their Action Plan for Achieving Net Zero Emissions by 2050 - Phase 1 Progress Report & Delivery Strategy Post COVID-19 Pandemic (Version 2). The document provides an update on the progress of the Isle of Man Government Phase 1 Climate Action Plan, which was supported unanimously in January 2020, taking into account the positive impact that the lockdown as a result of the COVID-19 pandemic has had on sustainable travel habits, predominantly related to an increase in the number of people working from home. The document sets out a number of transport related actions for delivery to progress towards Net Zero by 2050, including the provision of cycle racks in public buildings, electric public service vehicles, hybrid buses, mobile working, promoting the use of public transport and active travel and developing an all-Island electric vehicle charging network. The implementation of this TP will assist the Island with progressing towards the Isle of Man Government's Net Zero emissions targets.

3.6 IoM Government's Active Travel Strategy (2018 - 2021)

3.6.1 The Isle of Man Government's Active Travel Strategy was published in May 2018 and sets out the strategy to increase the number of people using more active modes of travel on a regular basis, i.e. walking and cycling. The aim of the strategy is to put in place a series of mechanisms which will help facilitate more active travel, achieving a modal shift away from motorised transport.

3.7 Climate Change Bill 2020

3.7.1 Climate Change Bill has received Royal assent, albeit it is not yet in force and therefore has little planning weight; although it does give a clear direction of travel. If this had been in force the application would need to undertake the following;

"(a) demonstrate that the application has been made having regard to the following climate change policies —

- (i) the maximisation of carbon sequestration;
- (ii) the minimising of greenhouse gas emissions;
- (iii) the maintenance and restoration of ecosystems;
- (iv) biodiversity net gain;
- (v) the need for sustainable drainage systems; and
- (vi) the provision of active travel infrastructure; or

(b) explain why consideration of one or more of those policies is not practicable in relation to the proposed development."

3.8 Our Island Plan 2024/25 Update

"In the 2022 Island Plan, this administration set out a bold vision for the next 10-15 years. 5,000 new jobs, a £10bn economy, and a target population of 100,000."

"Crucially, we set out defined targets for this term of office as well. Namely, by 2026 we will have filled 1,800 new jobs; welcomed 2,500 new residents; 1,000 additional homes occupied..."

"Further, there is an absolute need to make progress on our renewable energy commitments and indeed the security of our supply for the future, as well as to provide more homes..."

3.9 Manual for Manx Roads

3.9.1 "The Manual for Manx Roads (MfMR) is published by the Isle of Man Government's Department of Infrastructure. Our aims are:

- to ensure the highway network enhances accessibility to goods and services and encourage a diversity of transport modes
- to ensure the highway network provides for safe interactions between transport modes
- to maintain a safe, inclusive and serviceable highway network"

3.10 Woodbourne Road Conservation Area Character Appraisal 2003

3.10.1 *"It is clear that in the planning of the Gardens and Squares in the Conservation Area, there was an overriding intention that the gardens are in harmony with the architecture that evolved around them. House frontages with their decorative features such as railings, gates, cornices, etched glass and ridge tiles were intended to be seen and appreciated for their individuality and splendour. The open Properties benefit from retention of plaster mouldings, sliding sash windows, the variety of bays, stuccoed quoins, string courses and hooded mouldings, all adding to the richness of architectural forms. The abundance of high quality fabric is a major contributory factor to the distinct character of the area. These qualities have survived many generations and enrich the quality of our built environment. Despite the increasing intrusions of modern day living. It is very difficult to draw a definite edge to the Conservation Area, as the buildings continue in typical design and quality detail into adjacent*

roads and avenues. The repetition of form along arterial and secondary routes, combined with a variety of detail, serves to draw these adjoining thoroughfares into a cohesive whole which is worthy of recognition and protection. The 'green elements of this environment and their immediate surrounds provide an obvious centre on which to base an appraisal of this fine array of predominantly nineteenth century architecture.'

3.10.2 The area of Eastfield, Mount Bradda, Brighton Terrace and Westmount corresponds to that shown on a plan dated 1851 prepared by George Raby, Architect and Surveyor and titled 'Plan of Building Ground situated at Rosemount'. The area was part of the Joyner estate and the plan shows layout of 53 dwellings. Fourteen were built and from what is now known as Eastfield, but the remainder were not built in their original form. The 1869 Ordnance Survey Map shows the present street pattern with central gardens and with Eastfield House and Rose Lodge occupying corner positions at the east and west side of the square. The terrace known as Eastfield was an early approach to Town Planning in that covenants were incorporated into deeds of sale in an endeavour to control the design of properties and the retention of open space. The evolution of the remaining properties fronting onto the gardens happened predominantly in the 1880's and resulted in an interesting and lively mix of architecture. The retention of private allotment gardens is a survivor of the original plan.'

3.11 DEFA's Residential Design Guide 2021

3.11.1 Whilst not adopted planning policy, DEFA's Residential Design Guidance is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions". Sections 2.0 on sustainable construction, 3.1 Local Distinctiveness, and 7.0 which deal with impact on neighbouring properties are considered relevant to the current scheme.

3.11.2 Paragraphs 3.1.3 to 3.1.8 are particularly relevant to the current application:

"3.1.3 New residential development should be informed by the best qualities of our existing residential areas. However, this does not mean that all new residential developments should seek to replicate the appearance of older ones, and good quality contemporary design is encouraged.

3.1.4 Nevertheless, it is important that the design of new residential developments, including their scale (including height), form, layout/orientation, and detailed design (including the materials used) is informed by and respects both the nature of the development site and the character of the neighbouring buildings and surrounding area.

3.1.5 The character and context of any residential development is created by the locally distinctive patterns and form of development, landscape, culture, and biodiversity. These elements have often built up over a considerable time and tell a story of the site's history and evolution - the creation of a 'sense of place'.

3.1.6 The character and context of a site should influence design positively so that development does not simply replace what was there but reflects and responds to it, for example by allowing the long-term retention of existing mature landscaping features such as trees or water features.

3.1.7 The initial site context should also identify established building heights, lines, and orientation of buildings that are adjacent to the site and should have a positive relationship with established housing and other development, including ease of pedestrian and vehicular movement.

3.1.8 If the context to a development has been compromised by earlier development, this should not be seen as a reason to perpetuate what has been done before. Opportunities should be sought to deliver high quality sustainable development that reflects up-to-date technologies and aesthetics and creates a strong "sense of place".

4.0 PLANNING HISTORY

4.1 This application runs contemporaneously with PA 24/00299/CON for the demolition elements relating the current application.

4.2 Other applications relevant to the current application are:

4.3 Demolition of former nursing home and outbuildings, and the creation of five new 4 bedroom dwellings with associated garages, parking, amended access, amended drainage, and landscaping - 23/00526/B – REFUSED on the following grounds;

"R 1. The demolition of the Eastfield Mansion house which is judged to contribute to the character and appearance of the Woodbourne Road Conservation Area is considered to be unacceptable as the application has not demonstrated that all reasonable efforts have been made to preserve the building nor provided sufficient justification for its total loss. Therefore, it is considered that the proposals would fail to preserve or enhance the character or appearance of the conservation area and are contrary to Section 16 (3) and Section 18 (4) of the Town and Country Planning Act (1999), Environment Policies 35 and 39, Strategic Policy 4 (a), and Paragraph 7.32 of the Isle of Man Strategic Plan 2016; policies RB/6, CA/2 and CA/6 of PPS1/01, and Urban Environment Proposal 3 and 4 of the Area Plan for the East. Accordingly, it is recommended that the proposals be refused on these grounds.

R 2. The proposed first and second floor windows on the rear (north) elevation of the proposed terrace dwellings, by virtue of their proximity to the neighbouring dwelling and boundary, and height above the ground level, would result in unacceptable levels of actual and perceived overlooking from the proposal site into Emsdale, Hawarden Avenue, Douglas, to the detriment of their residential amenity. In this respect, the proposed development is considered to be unacceptable when assessed against General Policy 2 (g) and the principles promoted by the Residential Design Guide 2021.

R 3. Whilst it is noted that the proposed terrace has been designed to bear some traditional features, it is not considered that the design, form and appearance of the proposed dwellings would serve to preserve and enhance the character and appearance of the site and Conservation area as an appropriate replacement, given that it is not truly traditional, and fails to integrate a number of the key features on the existing terraces around the allotments that serve to define the character of this part of the Woodbourne Road Conservation Area. The scheme is, therefore, considered to fail the requirements of Environment Policy 35 and Policy CA/2 of Planning Circular 1/01."

4.4 Registered Building consent for demolition elements to PA 23/00526/B –

23/00527/CON – REFUSED on the following grounds;

"R 1. The application fails the tests of Section 16 of the Town and Country Planning Act 1999 as the proposals would fail to preserve the building and the features of special architectural and historic interest which it possesses.

R 2. The application fails the tests of Section 18 of the Town and Country Planning Act 1999 by removing a building which makes a positive contribution to the character

of the Douglas (Woodbourne Road) Conservation Area, thereby failing to preserve or enhance the conservation area's character.

R 3. The application fails the tests of Strategic Policy 4 of the IOM Strategic Plan 2016 as the proposals would fail to protect or enhance the fabric of the conservation area.

R 4. The proposals include removing a building which makes a positive contribution to the character of the area, and therefore the application fails the tests of Environment Policy 35 of the IOM Strategic Plan 2016 as it would fail to preserve or enhance the character of the conservation area.

R 5. The application fails the tests of Environment Policy 39 of the IOM Strategic Plan 2016 as the proposals would not retain a building which makes a positive contribution to the character of the Conservation Area."

4.5 Demolition of all existing buildings on site - 22/01326/CON – REFUSED on the following grounds;

"R 1. The application fails the tests of Section 16 of the Town and Country Planning Act 1999 as the proposals would fail to preserve the building and the features of special architectural and historic interest which it possesses.

R 2. The application fails the tests of Section 18 of the Town and Country Planning Act 1999 by removing a building which makes a positive contribution to the character of the Douglas (Woodbourne Road) Conservation Area, thereby failing to preserve or enhance the conservation area's character.

R 3. The application fails the tests of Strategic Policy 4 of the IOM Strategic Plan 2016 as the proposals would fail to protect or enhance the fabric of the conservation area.

R 4. The proposals include removing a building which makes a positive contribution to the character of the area, and therefore the application fails the tests of Environment Policy 35 of the IOM Strategic Plan 2016 as it would fail to preserve or enhance the character of the conservation area.

R 5. The application fails the tests of Environment Policy 39 of the IOM Strategic Plan 2016 as the proposals would not retain a building which makes a positive contribution to the character of the Conservation Area."

4.6 Registered Building consent for the demolition elements relating the application 20/00280/B - 20/00281/CON – APPROVED with attached condition;

"C 2. This consent relates to the demolition of the side and rear extensions, in addition to the three storey infill on the eastern elevation as shown in the approved drawings and to no other works.

Reason: The building is not Registered and as such, all that is within the control of this application is the demolition of the extensions and three storey infill as provided by Section 19 (3) of the Town and Country Planning Act 1999."

4.7 Conversion of former care home to residential dwelling - 20/00280/B - APPROVED

4.8 Re-roofing of building with slate to replicate existing - 06/00605/B – APPROVED

4.9 Erection of replacement porch and installation of uPVC windows to replace existing to front & side elevations - 97/00567/B – APPROVED

4.10 Approval in principle to construct 4 apartment building - 99/01614/A - REFUSED at appeal on 6 October 2000.

4.11 Alterations, first floor extension and construction of nursing wing - 92/01197/B – APPROVED at appeal on 1st January 1994.

4.12 Alterations and extensions & construction of 35-bed nursing wing - 92/00095/B –

REFUSED

4.13 Conversion to residential home for the elderly, extension to kitchen, and link corridor,

14 Eastfield and Eastfield House - 86/00782/B – APPROVED

4.14 Approval in principle to conversion of premises into residential home for the elderly and incorporation into Eastfield House, 14 Eastfield - 86/00609/A - APPROVED

5.0 REPRESENTATIONS

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

5.1 Department of Infrastructure (DOI) Highways Division comments;

22.03.2024

"After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as this is a similar proposal to previous application 23/00526/B which Highway Services did not oppose, subject to conditions on permission for access, layout, vehicle turning areas and parking, bins and cycle storage completed before first occupation."

12.04.2024

"Highways HDC has reviewed the updated information for application 24/00298/B dated 9 Apr 2024 online and have no further comments to make."

5.2 Douglas City Council support the application (13.05.2024).

5.3 Ecosystem Policy Officer (DEFA) Comments (17.04.2024);

04.04.2024

"...We are also content with the locations of the proposed swift nest bricks on the north east elevation. However the previous application for this site also included bat bricks on the garage block, which no longer for part of the plans, and so bat bricks should be repositioned elsewhere on site and our recommendation would be somewhere on the south or south west elevation. These bricks should then be secured via condition."

17.04.2024

"The Ecosystem Policy Team can confirm that we are content with the information contained in the updated Proposed Site Plan (Drg No. P-101 Rev B), which shows a hawthorn hedge instead of a laurel hedge, and the updated Proposed Floor Plans, Elevations & Typical Sections (Drg No. P-102 A) which now includes the installation of integrated bat and swift boxes.

Should this application be approved we recommend that conditions are secured for the landscaping to be undertaken as per the site plan and for any tree or shrub which die or become damaged within 5 years from the date of planting to be replaced, and for the bat and bird bricks to be installed as per the elevation drawings."

5.4 Assistant Registered Buildings Officer comments;
"Summary Comment Object – In my view the demolition of Eastfield House would fail to preserve or enhance the special character of the Douglas (Woodbourne Road) Conservation Area, and the application would therefore fail the statutory tests within section 18 of the Act, and be contrary to strategic policy 4, environment policy 35 and environment policy 39 of the Strategic Plan.

Scope of comments

These comments relate to the impact of the proposals on the character or appearance of a conservation area."

5.4.1 And

"...Report detail

A Built Heritage Statement (HS) has been submitted in support of this application. My comments are focused on the assessments and conclusions made within that document, and on the impact that the demolition of Eastfield House would have on the special character of the Douglas (Woodbourne Road) Conservation Area.

Section 5.25 of the Heritage Statement reads "Eastfield House may have formerly held landmark qualities by virtue of its size, and position compared to that of the surrounding built form, and the use of rendered pillars framing the entrance drive. The street plans and old maps have shown that it was one of the first buildings to be built, situated to the top of the hill at the corner of Eastfield and Westmount." 5.26 then states "However, in its extant form, Eastfield House no longer retains these landmark qualities. The surrounding mature vegetation means it is no longer visible from surrounding vistas and the modern link extension to the neighbouring terrace removes its prominence resulting from its isolation as a detached dwelling."

It is clear from various sections of the HS that the assessment has been made at a time when the attached link extension was still in place. As of April 2024, the link extension is no longer in place, and much of the vegetation on the site has also been removed. It is clear therefore that the assessment of the building's significance is not based on the building's setting as it currently exists.

5.30 on page 27 of the HS concludes that "Eastfield House has only modest significance and this is principally embodied in its architectural and historic interest as a Victorian formerly detached dwelling and its associated decoration and early origins within the immediate area. Its architectural interest has been reduced through the insensitive later extensions and alterations."

As with sections 5.25 and 5.26, this assessment has clearly been made when the modern link extension was still in place. Given that the link extension is generally accepted to have had a negative impact on the building's significance, I would consider that the fact that the link has now been removed has the potential to have increased the building's significance.

Section 6.4 states that the proposals include "The demolition of Eastfield House and its modern link extension." Importantly, the proposal now put forward does not include the demolition of the link extension. The link extension has been demolished, with consent, and Eastfield House now sits on the site as a detached property.

I agree with the first sentence of section 6.5 that "The demolition of Eastfield House would result in the loss of a building which makes a limited positive contribution to the Conservation Area." However, as the property is now detached, the positive impact noted is no longer part of the application.

I agree entirely with the assessment in section 6.6 that the "negative impact would be through the loss of one of the earliest buildings in the area, and thus the complete

removal of its historic interest. Moreover, some of the remaining features of the building make a positive contribution to understanding the architecture of the surrounding Conservation Area." As the reinstatement of no.14 as a self-contained dwelling and the removal of the modern link extension do not now form part of this application and cannot therefore be weighed against the harm resulting from the loss of Eastfield House, I consider the proposals within this application to fail to preserve or enhance the special character of the conservation area.

An up to date assessment of significance should be undertaken which takes account of the building and site as it currently exists. It is established conservation practice that an assessment of significance should be the starting point for understanding the impact of proposed change on a heritage asset (ICOMOS Guidance on Heritage Impact Assessments). I have concerns given the recent planning history on the site, that the submitted Built Heritage Statement has been commissioned to justify proposals for demolition and redevelopment of the site rather than being used to inform appropriate proposals that take full account of the site's significance. In addition to the above, I note that a Structural Report has been submitted in support of the application. I have concerns that the report is not of sufficient detail to justify the complete demolition of a heritage asset that is afforded statutory protection given its position within a conservation area. I have attached a guidance note prepared by the Institution of Structural Engineers and the Institution of Civil Engineers. Although I appreciate that this guidance note is only recently published, and that the engineer that has submitted the report for this building may not be aware of its contents, I would expect any structural report being submitted that recommends complete or partial demolition of a heritage asset to follow these guidelines, as this would allow its contents to be independently scrutinised by an appropriately qualified professional. The Department has a statutory duty in respect of preserving or enhancing the character or appearance of conservation areas, and therefore it is important that appropriately detailed information is available for applications to be fully assessed in performance of this statutory duty."

24.06.2024

5.4.2 "*Summary Comment*

Object – It is considered that the total loss of Eastfield House would cause harm to the special character of the Douglas (Woodbourne Road) Conservation Area.

Scope of comments

These comments relate to the impact of the proposals on the character or appearance of a conservation area. No assessment is being made of other matters that the case officer judges to be material in the overall planning balance of this application."

5.4.3 And

"...Report detail

A Built Heritage Statement (HS) has been submitted in support of this application. My previous comments in respect of this application noted various sections of the HS that would benefit from an update given recent works on the site. An updated version of the HS has now been submitted.

Whilst it is acknowledged that the significance of Eastfield House has been reduced given the modern extensions and loss of historic fabric that has occurred, as stated in the submitted Built Heritage Statement, I consider that the proposals would result in a degree of harm to the significance of the Douglas (Woodbourne Road) Conservation Area. As one of the earliest dwellings in this part of the Conservation Area, the total loss of this building would clearly remove all of the architectural and historic interest that the building retains. Eastfield House and its history contribute to the special

*character of the Conservation Area, and if demolished then this element of the Conservation Area's special character cannot be restored.
The harm resulting from the proposed demolition of Eastfield House should be factored in to any assessment as to whether the application as a whole is judged to preserve or enhance the character of the Conservation Area, as stated in Section 18 of the Act and the policies within the Strategic Plan."*

5.5 The Arboricultural Officer (DEFA) comments (28.06.2024);
"The Directorate has no objections to this proposal. I recommend that conditions are implemented to ensure that the re-planting is completed and that the tree protection measures are adhered to in full for the duration of the development. Root damage is likely to be incurred to lime tree 183 as a result of this proposal, however, the tree has been designated a category C and I do not disagree with this designation."

5.6 The owner/occupier of Emsdale, Hawarden Avenue, Douglas objects for the following summarised reasons:

19.03.2024

*"To refurbish one of the buildings on the same site, this was an absolute nightmare for us, they brought down telephone lines between our house and next door they had no consideration for anyone and we could not use are outside space for the dust and upheaval of it all and we had to keep blinds closed as we were over looked.
We live right behind it at Emsdale 45 Hawarden Avenue. If this is granted are total privacy will be gone as this site over looks our back garden sitting room, kitchen."*

30.03.2024

"We have looked at the new amendments on the plans, and there are no changes from the previous application that was refused by planning. The only difference what we can see they plan to add a hedge along the boundary which will in no way be beneficial to our privacy."

6.0 ASSESSMENT

- 6.0.1 The fundamental issues to consider with the current application are:
- o Statutory test (Town and County Planning Act 1999);
 - o Impact upon the Character and Appearance of the Conservation Area (StP4 & 5, GP2, EP35, EP39, EP42 of the IOMSP, Planning Policy Statement 1/01, UEP3 & UEP4 Area Plan for East, and Woodbourne Road Conservation Area Character Appraisal 2003);
 - o Principle of Development (Local Plan land use allocation UEP3 from the Area Plan for East Written Statement and StP 1, 2, SP1, GP2, HP4 of the IOMSP);
 - o Impact on Neighbouring Residential Properties (GP2(g));
 - o Traffic Impacts / parking provision (GP2, TP 1 & 7; Active Travel; Climate Change; Net Zero 2050);
 - o Potential impacts upon trees (GP2);
 - o Energy/Climate Change (EP5);

6.1 Statutory test

6.1.1 Firstly, given the proposals involves the demolition of a building of interest within a Conservation Area, the first consideration is the statutory tests, which have significant material planning consideration which are outlined within the Town and County Planning Act 1999.

6.1.2 In assessing Section 16 (3) of the Town and Country Planning Act 1999, this requires the Department to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section

18(4) of the Town and Country Planning Act (1999) also stipulates that where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance with respect to any buildings or other land in a Conservation Area. The need to preserve the building is further reiterated by Section 19 (3) of the Act which states that sections 15 and 16 of the Act apply to a building proposed to be demolished in a Conservation Area as they apply to a registered building. As mentioned earlier the existing Eastfield is not Registered Building, but the test remains the same being a building and one of potential interest in a Conservation Area where there is a presumption against its demolition.

6.1.3 As part of the submission the applicants have submitted a Heritage Statement and further updated version. This statement identifies that;

"One of the earliest depictions of Eastfield House is in the 1869 Ordnance Survey Map. Eastfield House takes up a prominent position, being one of the larger buildings and one of few detached dwellings in the immediate area. The only other built form which is visible from this time are portions of the terrace along Eastfield, another detached dwelling named Rose Lodge, and terraces to the east..."

6.1.4 Further, the statement identifies the basic layout of Eastfield shown on the 1869 Ordnance Survey Map is how it stands today. The statement indicates that a earlier 1852 plan of the area at an early development state, which the layouts of the area was similar as it is today, although this plan was not carried out with more terraced properties built, instead of mainly semi-detached properties. The statement does indicated that;

"...It is noticeable that Eastfield House or at least a version of it, was designed to sit more centrally within its grounds, acting as more of a landmark with projecting bay windows and orientation directly towards the street."

6.1.5 In more recent times the statement identifies more modern extensions to the building occurred in the latter half of the 20th century, including the extensions to the east and rear of Eastfield House; plus, the connecting of terraced houses along Eastfield and residential development along Westmount and the surrounding area. The connection link between Eastfield and Nr 14 has recently been demolished.

6.1.6 In Summary the Heritage Statement states;

"Overall, Eastfield House has only modest significance and this is principally embodied in its architectural and historic interest as a Victorian formerly detached dwelling and its associated decoration and early origins within the immediate area. Its architectural interest has been reduced through the insensitive later extensions and alterations."

6.1.7 The conclusions of the updated Heritage Statement indicates;

"7.2 The site comprises the former care home, Eastfield House, which is situated at the westernmost end of a row of terraced houses along Eastfield. The building is not registered; however, it does lie within The Douglas (Woodbourne Road) Conservation Area.

7.3. Eastfield House's contribution to the significance of the Conservation Area is mainly through the architectural interest of its surviving historic fabric and its historic interest as one of the early developments in the area. Nonetheless, it should be reiterated that the Conservation Area covers a large area of Victorian townscape, and the site only comprises one small part. Furthermore, there are no notable designed or intended views to or from the site.

7.4. The current proposals include the demolition of Eastfield House and its modern link extension, the retention of No. 14 Eastfield and the redevelopment of the site with 5no. self-contained dwellings with associated parking and private gardens. The

proposals have been driven by the internal layout, poor condition and financial viability of the site as it presently stands, even with an approval for its conversion to a single family dwelling, and the financial viability of the site to be converted into flats. Overall, the proposals will result in some negative impact to the significance of the Conservation Area through the demolition of an early dwelling. However, as per POLICY CA/6 in Planning Policy Statement 1/01, this negative impact should be weighed against the merits or public benefits of the proposals, including any heritage benefits. These include:

- Reinstatement No. 14 as a self-contained, single family dwelling;*
- Removal of an empty, dilapidated dwelling from the streetscene;*
- Removal of the three-storey link and other modern inappropriate extensions, which are considered to detract from the Conservation Area; and*
- The provision of 5no. dwellings to the local housing stock in an appropriate layout and scale to the townscape in which it is sited."*

6.1.8 The Assistant Registered Buildings Officer full comments are within Section 5.4 of this report. However, they conclude that;

"Whilst it is acknowledged that the significance of Eastfield House has been reduced given the modern extensions and loss of historic fabric that has occurred, as stated in the submitted Built Heritage Statement, I consider that the proposals would result in a degree of harm to the significance of the Douglas (Woodbourne Road) Conservation Area. As one of the earliest dwellings in this part of the Conservation Area, the total loss of this building would clearly remove all of the architectural and historic interest that the building retains. Eastfield House and its history contribute to the special character of the Conservation Area, and if demolished then this element of the Conservation Area's special character cannot be restored."

6.1.9 The applicants also highlight that in the previous applications the Isle of Man Victorian Society wrote in providing details of the history of the site but concluding that; "The house has been much altered over the years and is certainly not the best example of George Raby's house design extant. We have no objection to its proposed demolition.". Further, during the previous application the Isle of Man Natural History and Antiquarian Society commented similarly, stating; "Whilst this building may not be a particularly excellent example of Victorian architecture and so its demolition not to be objected to, none the less, the Society would like to request that the new-build should be in keeping with the character and scale of other houses in the neighbourhood.". Neither organisation has commented on this current application.

6.1.10 It is accepted that since 2017 when the carehome ceased to operate from the site, the building has not be appropriately maintained (not the current applicants fault) and has resulted in a poorer state of repair. The issue of condition of the building, cost of repair an maintaining it, adequacy of efforts made to retain the building in use and merits of alternative proposals for the site as outlined in the IOMSP and Planning Policy Statement 1/01 will be consider later in this report. Purely in relation to the statutory test, the comments of the Assistant Registered Buildings Officer has concluded that a degree of harm to the significance of the Douglas (Woodbourne Road) Conservation Area and as there is an acceptance within the Heritage Statement in paragraph 6.8 (updated HS) that a;

"...negative impact would be through the loss of one of the earliest buildings in the area, and thus the complete removal of its historic interest. Moreover, some of the remaining features of the building make a positive contribution to understanding the architecture of the surrounding Conservation Area, so there would be a loss of architectural interest to the Conservation Area as well."

6.1.11 Accordingly, given the proposal would result in a total loss of the building this could be considered to harm the character and appearance and history of conservation area and would neither preserve or enhance it. Therefore it could be considered the proposal would fail Section 18 (4) of the Town and Country Planning Act (1999) and would weigh against the proposal. The Heritage Statement offers a counter argument and indicates;

"5.24 Eastfield House may have formerly held landmark qualities by virtue of its size, and position compared to that of the surrounding built form, and the use of rendered pillars framing the entrance drive. The street plans and old maps have shown that it was one of the first buildings to be built, situated to the top of the hill at the corner of Eastfield and Westmount. Even the area plan from 1852, title 'Eastfield, Plan of Building Ground Situate at Rosemount', has shown that Eastfield House was always intended to be separate and unique to the surrounding properties around the square.

5.25. However, in its extant form, Eastfield House no longer retains these landmark qualities. The surrounding mature vegetation means it is no longer visible from surrounding vistas. Furthermore, the fact the building was built setback from the road and away from direct vistas up Eastfield or Westmount puts into question whether Eastfield House was intended to be a landmark in the immediate street scene. Indeed, comparison with original plans for its siting not executed suggest its prominence in the street scene was deliberately reduced."

6.1.12 As outlined previously (6.1.6) the statement suggests that the property only has a "modest significance" which has been reduced due to extensions and the state of disrepair. Visiting the site during the application process and the area on a number of occasions, namely along Eastfield, Westmount and Brighton Terrace (main public viewpoints), it is evident that the area is made up of mainly terraced properties, all of which do differ in style and appearance, given their construction taking place over a number of decades and periods. Two features that do differ from this terraced housing are the two detached larger dwellings of Rose Lodge (southeast of site on opposite corner of allotments to site), which is a single dwelling and the application site Eastfield. It is accepted that the property Eastfield is not a prominent building in the streets scenes, namely given other build development, landscaping within allotments / fronting the site and the properties orientation and siting in relation to adjacent streets, namely Eastfield and Westmount. During summer months the dwelling is well screened from public views due to the mature landscaping/trees to the frontage of the site. However, landscaping can die/be removed and therefore this does not have significant weight. The site during autumn to spring periods is more apparent, with the two projection gables being the prominent feature of Eastfield. However, again such views are more angled views of the property. It is considered the point raised previously that; "in its extant form, Eastfield House no longer retains these landmark qualities" is true. Arguably from the photograph (1860) evidence, the original dwelling was a third smaller than it is today and maybe was never planned to be a "landmark" building in the first place, but still perhaps a grander building compared to other dwellings in the area.

6.1.13 It is considered with the continuation of the development to the area and especially to the south of the site, this has reduced arguably the grander status the dwelling had originally, albeit from the heritage Statement which indicates a 1852 plan of the site and area depicts the layout of a prospective development of the area, of which is generally similar to how the area looks today.

6.1.14 It is accepted the works undertaken in recent times have reduced its architectural qualities, albeit when broken down are not substantial, namely made up of hooded mouldings above windows and string course below first floor. There are examples of far more decorative and intricate features to similar sized dwellings within Douglas. Arguable the properties greatest feature still remains today, that being its overall form made up of two

double fronting projecting gables, which in this area and Douglas as whole is unusual for a Victorian property. The inclusion of the uPVC conservatory to the front elevation, uPVC windows of differing styles throughout and removal of architectural features in parts all detract to its quality. Potential extensions and additions to the rear are not especially of interest, albeit follow the scale and form of what you would expect of a Victorian property (lean-to roofed single and two storey outriggers). Overall, it is considered the existing property just appears "tired" in its current form. The fact still remains however, that the property is a unique building within the Conservation Area, which gives it greater importance and therefore it is difficult to disagree with the Assistant Registered Buildings Officer who considers the loss of Eastfield would result in a degree of harm to the significance of the Douglas (Woodbourne Road) Conservation Area. Section 18 (4) requires that special attention shall be paid to the desirability of preserving or enhancing its character or appearance and on this basis it is considered this element weights against the application.

6.2 Impact upon the Character and Appearance of the Conservation Area

6.2.1 There are a number of policies to consider namely Environment Policy 35 which indicates that within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development. Further Environment Policy 39 has a general presumption to retaining buildings which make a positive contribution to the character or appearance of the Conservation Area. With these policies in mind it is also important to consider Paragraph 7.32.2 of the IOMSP. It is important to note that the written text (e.g. this paragraph) has the same planning weight as any of the planning policies within the IOMSP. Paragraph 7.32.2 again highlights the presumption in retained buildings which make a positive contribution to the character or appearance of the Conservation Area, similar to EP39. It does go further, indicating that when considering proposals which will result in demolition of a building in a Conservation Area, attention will be paid to the part played in the architectural or historic interest of the area by the relevant building and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. In addition, consideration will be given to:

- o the condition of the building;
- o the cost of repairing and maintaining it in relation to its importance and the issue derived from its continued use (based on consistent long-term assumptions);
- o the adequacy of efforts made to retain the building in use;
- o the merits of alternative proposals for the site.

These four considerations are also outlined with Planning Policy Statement 1/01, which does into further detail for each.

The condition of the building

6.2.2 As part of the submission a Structural Report has been undertaken. For information this report is the same that accompanying the previous refused application 23/00526/B. The officer at that time of considering the previous application; on the issue of structural report, commented:

"Granting the Structural Report submitted by the applicants has sought to diminish the desirability of preserving or enhancing the existing Eastfield Mansion House by stating that "Retention of the building would only be possible through replacement of the majority of the components of the current build structure (i.e. masonry, floor and roof timbers, roof coverings windows etc.) and therefore the finished product whilst similar in appearance would effectively be a `new build`, there is nothing within the document that precludes dedicated steps to restore and enhance the existing building; which would be in the interest of the existing dwelling and the Conservation area given its historic and architectural contributions to the area."

6.2.3 The previous officer also highlighted that;
"...it should be noted that only in 2020, a planning application was submitted under PA 20/00280/B for Conversion of former care home to residential dwelling. This application sought to demolish the unsightly extensions, reinforce its fabric to make it thermally efficient, and add modern single storey elements at the rear to make it suitable for a modern family. In fact, it was argued within the submitted Design Statement that "the structure will exceed the minimum statutory requirements by reducing energy use, CO2 emissions, water use and production of pollution/waste during construction and use. Materials and construction methods will be chosen for minimum environmental impact and greater durability...It is intended to increase the buildings energy efficiency by influencing materials of construction and delivering passive engineering solutions wherever possible within the constraints of the buildings comfortable operation."

6.2.4 The Department is unaware why the applicants of 20/00280/B did not proceed with the works to convert Eastfield into a single dwelling.

6.2.5 There is no additionally information within the structural report to arguably come to a different conclusion. The submitted structural report again outlines a number of structural issues, and the reports concludes;

*"-The existing building is up to three storeys in height and is primarily a load bearing masonry structure with internal timber studwork construction. The roof structure comprises of structural timber members supported of external and intermediate walls.
-The condition of the load bearing elements is poor and the majority needs replacement. There is evidence of poor construction and signs of structural movement.
-The timber roof, load bearing studwork walls and majority of timber floor joists require replacement.
-Retention of the external random rubble masonry walls has been explored. This would require extensive propping and temporary works to facilitate.
-The potential for movement of the retained random rubble masonry during the construction period is hazardous.
-Remedial works required to ensure the future stability of the external walls would result in extensive reconstruction of existing features due to installation of temporary works (this includes front elevation).
-The retention of the external masonry walls is not the safest solution to facilitate the redevelopment of Eastfield House.
-Taking all of the above into account, in our opinion the, the retention of the building is not economically viable.
-Retention of the building would only be possible through replacement of the majority of the components of the current build structure (ie masonry, floor and roof timbers, roof coverings windows etc) and therefore the finished product whilst similar in appearance would effectively be a `new build`.
- Based on our findings we would recommend demolition of the existing structure to be the safest and most viable solution to allow suitable redevelopment."*

6.2.3 It is noted that the Assistant Registered Buildings Officer raises concerns of Structural Report, indicating;

"...I have concerns that the report is not of sufficient detail to justify the complete demolition of a heritage asset that is afforded statutory protection given its position within a conservation area."

6.2.4 It is noted that the "Introduction" of the structural report has been undertaken on the basis of;

"No fixture or fittings were removed to afford a detailed inspection of the structural elements. External inspection of all elevations was carried out from adjacent ground levels. Internal inspection was carried out from each floor level."

6.2.5 Accordingly, without any detailed inspection of the structural elements, the Department does have concern that relying heavily on the structural report where no significant or invasive inspections having been undertaken, especially to come to a conclusion the building is of such a condition that it should be demolished, especially one which is within a Conservation Area and of interest. The building may be in a better condition or worst condition than has been found, but at this point that is an unknown.

6.2.6 It is noted the structural report does not conclude the works cannot be achieved to retained Eastfield, only that; *"...Taking all of the above into account, in our opinion the, the retention of the building is not economically viable."* However, one of the main differences between this current application is the inclusion of a viability report will be considered later in this report.

6.2.7 Overall, while works are required to repair the property; as would be expected to a building of this age, the Department has concerns that allowing the demolition of the building purely on the evidence contained within the structural evidence would be of limited material consideration.

6.3 The cost of repairing and maintaining and Efforts to Retain the Building/Alternative Proposals for the Site

6.3.1 As outlined previously, one of the main differences with the application is the inclusion of a viability report. This has been prepared by the applicants and advice obtained by a Director of Cowely Groves Estate Agents and Bell Burton Associates (Chartered Quantity Surveyors).

6.3.2 The full details of this can be viewed online.

6.3.3 The Viability Report essentially considered three potential options; options 1 and 2 was to retain the existing building and undertake the scheme to convert and extend as approved under PA 20/00280/B, resulting in a floor area of approximately 700sqm. The assessment is based on a high level indicative cost based on floor area unit rates.

6.3.4 The first option would be a rate of £3,850 per sqm x 700sqm (size of extended property) which equates to a total cost of £2,695,000 to refurbish the dwelling (including external works and drainage etc). Therefore the initial first option came to an estimate cost of £2,695,000. Further estimate land value of £400,000 needs to be calculated into any final costings. It is understood this rate per sqm would be very high standard of finishes.

6.3.5 A second option was again retained and extended Eastfield as indicated above, but this was at a rate of £2,375 per sqm x 700sqm which equates to a total cost of £1,662,500 to refurbish the dwelling (including external works and drainage etc). Again, estimate land value of £400,000 needs to be calculated into any final costings. This option would be at a lesser standard compared to the first option.

6.3.6 The third option is the current proposal to demolish Eastfield and replace with the proposed five terraced properties. This option has an estimated build cost of £2,095,000. Again, estimate land value of £400,000 needs to be calculated into any final costings. It is estimated that a selling price of £595,000 for each dwelling and therefore this would equate to a sale value of £2,975,000. After land value is deducted from the £880,000 residual profit,

this would result in a net profit of £480,000 and a 16.1% return on investment. For information the general accepted a profit on gross development value (GDV) of around 15 to 20% for new house building and therefore the proposed scheme would be viable utilising the figures listed.

6.3.7 The Planning Statement highlights that;

"The refurbishment of the property as approved would result in a building which in our would not be either desirable or a commercially attractive option in this location. This was tested with a local estate agent who was approached and advised on 14th February, 2024 that a detached property on this site would theoretically be worth £1m but potential buyers - and they suggest there would be low demand for such a property - would expect better access, less overlooking and more privacy. He also advised that buyers are now more economically and environmentally conscious and large period homes are less desirable if not fitted with some eco tech features. He goes on to say that the development of five 4 bed houses would be supported by the current local market as there is a lack of supply of family homes in Douglas in the region of £400-600k."

6.3.8 Accordingly, based on the estimate selling price of £1,000,000 for the refurbished and extended Eastfield dwelling the first option would have a net loss of - £2,095,000 and option two a net loss of - £1,062,500 and therefore neither option would be economically viable using these figures and the selling price.

6.3.9 It should be noted that Eastfield as it stands today has an approximately floor area of 480sqm. No calculations have been done on the basis of purely converting the existing property without any extensions.

6.3.10 The Department did seek advice from the Head of Commercial at the Public Estates and Housing Division (DOI) who also had discussions with the IOM Government Valuer. He made the following comments in relation to Option 1;

"As the Viability Assessment is a very high level overview of revenue and costs I have restricted my analysis to a similar level.

Option 1

Turning first to the likely market value of the proposed single luxury dwelling on this site, I have checked over the current agents' websites to establish aspirational selling prices of large dwellings over 350m², and up to 1000m². I have also checked sales over the last two years via our access to Land Registry sales records. In our view, the mean sales price per square meter of internal floor area is approximately £3,940/m² when calculated from ten sample sales of large single homes. This would equate to a selling price of £2.7m for a 700m² luxury single dwelling. The great majority of large dwelling sales include at least 0.5 acre of associated land or gardens and as the applicant's agent states, the subject site is to some extent overlooked and there are homes of this magnitude available elsewhere but for much greater selling price per square meter floor area than the £1,400 per sq m which the agent estimates (this is based on the property having a selling price of £1,000,000/700sqm=£1,400). Both the Government Valuer and I consider that a dwelling of this size, assuming a high quality refurbishment or redevelopment for a single dwelling, would have a market value of between £2.0m and £2.3m.

The reasoning behind these opinions is that the level of refurbishment cost, estimated at £3,850 per sq.m, is extraordinarily high and indicates a finished dwelling which would be viewed by the market as very best in class with every luxury and the highest degree of latest technology embedded within the development. This level of finish would to some extent mitigate the shortcomings of location and site constraints. We

are unaware of any current residential refurbishment scheme, present or past, which has a construction budget at this level. Technical publications and Estimating data do not refer to refurbishment construction costs for residential in excess of £3,500 per sq.m.

In summary, the market value of £2.3m for a 'highest specification achievable' single dwelling on this site, with a construction budget of say £2.1m., equating to £3,000 psm, would, before land costs and cost of funding, have a gross profit of £200,000, which would be negated by the additional costs relating to land and funding, hence resulting in an unviable scheme from a purely financial perspective."

6.3.11 There is clearly a difference of view in terms of the estimated selling price with Cowley Groves Estate Agents indicating £1,000,000 whereas the Head of Commercial/Government Valuer considers a estimate of £2,000,000 to £2,300,000. However, Option 1 which has the highest level of finishes, would have a total cost of £2,695,000 and therefore from a developable standpoint would not be viable. The second option has a total cost of £1,662,500 but would be finished a lower standard and therefore would unlikely to achieve the higher selling price (2m to 2.3m) suggested by the Head of Commercial. Even if it were to sell for £2,000,000 with the build cost of £1,662,500 and the inclusion of land value of £400,000 this would result in a net loss of - £62,500 and again not viable for a developer.

6.3.12 In terms of the option of the new building of the five dwellings the Head of Commercial commented;

"We keep detailed records of dwelling sales in order to support our Commuted Sums calculations for affordable housing agreements, and again, simply taking an average selling price for town houses, (and terraced properties in this location would likely be very marketable), we would assess the sale price of a new 185m² three storey dwelling between £2750 psm and £2950 psm, thus between £509k and £546k. This would result in a total Gross Revenue of £2.55m - £2.75m. These figures are estimates only and without a full specification for the homes we have taken a conservative view on selling prices.

The costs used in Bell Burton's assessment of a likely construction budget are in our view broadly in accordance with our own records for residential development construction costs. The costs have been split between three cost categories but excluding the Demolition element the cost per square metre of £2170 is about 5% higher than what we would expect to pay for 3 storey new homes; our costs will be slightly lower as our standard specification would be lower .

There is always a degree of uncertainty regarding selling prices and costs dependent upon a number of market factors but in broad terms the assessment as presented is not unreasonable in terms of the financial components."

6.3.13 it is noted that the purchase of Eastfield also included the end terrace Nr 14 Eastfield. It is noted that this property has recently been restored to a single dwelling and is advertised for sale for £435,000 (Black Grace Cowley Estate Agents). Currently it is sold 'Subject to Contract'. The Department did seek clarification on this point as this could have an impact on the viability of any scheme. The applicants commented:

"It wouldn't be appropriate to include this end terrace property as this has previously been disposed of to a developer and as you rightly point out is being sold (think actual offer price was £ 425k though yet to complete. Note: this sale value was after 12 months of work and refurbishment of existing in line with that planning approval hence the net land value in any event would be less than half). The £ 400k land value shown as a sum in the viability report is excluding the end terrace property and is consistent across all the options shown. Even if that was queried and reduced (which wouldn't be appropriate) it wouldn't alter the outcome of the options shown."

6.3.14 The Department further queried whether all land and buildings purchased at the outset should be included in the viability. The applicants responded;

"...I don't agree the property at 14 Eastfield needs form part of the viability assessment. That end terrace property was sold off to a local builder/developer at the point of us acquiring the larger site and they went on to refurbish it hence we have no visibility with regards that development. We sold the property for £ 200,000 and that was the end of it.

A credible viability assessment should have accurate figures relating to the development we are proposing and the £ 400k land value shows that ie for the site for which we are applying for planning (c £ 400k to £ 500k). This is consistent with the c £ 100k per plot valuation (x 5 plots) we attribute to the plots as intended. Could amend the £ 400k figure to £ 500k in the viability however as am sure you would agree it wouldn't really alter anything in the outcomes of the different options.

Happy to provide you with any further figures you require however I don't believe the viability assessment as submitted should be altered for someone else's single dwelling development, even if we did once own it."

6.3.15 It is also noted within the Heritage report that the conversion of the building to a number of apartments was also considered but concluded that the internal layout does not lend itself to such a use without significant alteration and demolition and this too was considered unviable. No further details have been provided on this matter. This was raised with the applicants further who indicated;

"Having had many discussions with several estate agents in Douglas we were discouraged from going down the apartment route as what was far more needed in this town centre location was 3 and 4 bed family houses with self contained parking facilities and gardens. Think the issue remains though in that any attempt to refurbish what was there would require (as noted in the structural engineer report) replacement of the full roof (timbers and roof covering), all internal timbers would require replacement (joists where they have rotted going into walls and uneven floor boards), extensive external wall structural works to address broken lintels and more recent poor extensions, and generally have to build new internals due to the mix of finishes currently in situ following many years use as a care home. This would only leave some portions of external wall (part !) with little else original remaining, in effect then significantly more new building than original. Given then the modest apartment pricing in the town (as lots currently for sale) and the high re-build cost if we were to try retain the existing the viability would again be a negative outcome. Furthermore having given it significant though we can see no further use options for the building."

Conclusion on this Issue

6.3.16 Overall, the Department is comfortable from the figures submitted and the comments made from the Head of Commercial that a development to retain the existing building from a developable point of view does not appear to be economically viable for the reasons outlined and that the proposed development for five new dwellings is a viable option. There is an argument that an individual could purchase the property and undertake works, albeit the property was advised for a period and this did not occur.

6.4 Character and Appearance of the Conservation Area

6.4.1 On the basis that it is accepted the Eastfield building can be demolished, the next question is whether the proposed scheme for five terraced dwellings would be appropriate with the Character and Appearance of the Conservation Area. The Planning Department has a duty to determine whether such proposals are in keeping with not only the individual building, but the special character and quality of the area as a whole. With this in mind it is very relevant to consider Environment Policy 35 of the Isle of Man Strategic Plan (adopted June 2016). This policy indicates that development within Conservation Areas will only be

permitted if they would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development. Further General Policy 2 seeks any development to respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them and not to affect adversely the character of the surrounding landscape or townscape.

6.4.2 A concerns with the previously refused application was the design, form and appearance of the proposed five terraced dwellings and they would not preserve or enhance the character and appearance of the site and Conservation Area, especially given they were not truly traditional, and failed to integrate a number of the key features found on the existing terraces in the area. In response the applicants have amended the design to given a more Victorian terrace designed approach. The Heritage Statement comments;

"In response, the two-storey bay window projections have been redesigned in a similar fashion to those found along Westmount terrace. New architectural detailing has been introduced, including render bands, cornice, hood mouldings and gabled dormers. All of these reinforce a more traditional style in keeping with the Conservation Area and yet maintain a varied appearance across the streetscene. Moreover, the overall layout, scale and bulk of the terrace has been readjusted. The properties are smaller, with now only a single-storey projection at the rear, similar to a traditional closet wing. These changes thus reduce the accommodation capacity of the dwellings and overall massing when compared to the adjacent Eastfield terrace, so they will be read as subservient to the earlier, historic built form of the local area. Also, the design now incorporates more welldefined rear courtyards/gardens, which was suggested was missing previously by the Officer."

6.4.3 It is noted that the Woodbourne Road Conservation Area Character Appraisal highlights that;

"...decorative features such as railings, gates, cornices, etched glass and ridge tiles were intended to be seen and appreciated for their individuality and splendour. The open Properties benefit from retention of plaster mouldings, sliding sash windows, the variety of bays, stuccoed quoins, string courses and hooded mouldings, all adding to the richness of architectural forms. The abundance of high quality fabric is a major contributory factor to the distinct character of the area."

6.4.4 It is considered the proposal scheme in terms of its proportion, form, design and finishes is acceptable and would sit well within the area. The inclusion of front boundary walls with railgun above continue this element found to other terraces in the area, and the sliding sash windows, string courses, *hood mouldings above window and doors, and the overall design all match those highlighted as important features in the Conservation Area Character Appraisal.* The only element which is missing is chimney stacks, which generally are important features of Victorian terraces. The applicants consider these are: *"...not considered to have a detrimental impact to the special interests of the Conservation Area."* If these terraces where in a more prominent location the Department would have a significant concerns with this approach. If you are designing a traditional Victorian property, then all of feature that make that style of property should be included. However, in this case, give the sites and the new dwellings orientation with Eastfield and the nearby roads, it is not considered the admittance of chimneys is fundamental, albeit a shame.

6.4.5 There are some elements which need further information. The proposal includes roof mounted solar panels, these should not be mounted on the roof rather be incorporated into the roof. Further the front door designs appear inappropriate for the style of the property and therefore further information is need as well as further detailing around the top of bay windows. These matters can be conditioned.

6.4.6 The site is in an area where there is a statutory duty to pay special attention the desirability of preserving or enhancing its character and appearance. Overall, it is considered with the relevant policies outlined at the start of this assessment the proposed five terrace properties are of a quality and design which would preserve the character and appearance of the Conservation Area and overcome the previous reasons for refusal in terms of its design.

6.5 Principle of Development

6.5.1 The site is designated as being within a Predominantly Residential area under the Area Plan for the East, and therefore the principle of residential development on this site would comply with the land use zoning.

6.5.2 The submission is for a total of five dwellings on the site and an argument in favour of the development is the proposal could be considered to firstly comply with Strategic Policy 1 which seeks development should make the best use of resources by: (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and reusing scarce indigenous building materials; (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and (c) being located so as to utilise existing and planned infrastructure, facilities and services. The proposal would meet these aims. Five new dwellings within the centre of Douglas which is identified as by Spatial Policy 1 as being the main employment and service centre for the Island. Further the, proposal meet the aims of Housing Policy 4 which seek new housing will being located primarily within our existing towns and villages.

6.5.3 Therefore, in terms of the acceptability of the use of the site for residential development it is concluded that the proposal complies with the outlined planning polices within the IOMSP the Isle of Man Strategic Plan 2016 and also the land use designation of the Area Plan for the East 2020.

6.5.4 This is not an automatic reason to allow the proposed five dwellings on the site as other material planning considerations outlined previously need to be considered also. However, this does weight significantly in favour in terms of the balance of the determination of the development. This is also one of the applicant's main arguments in favour of the development and potentially one of reason to perhaps set aside the concerns of the loss of the existing building.

6.6 Impact on Neighbouring Residential Properties

6.6.1 In terms of impacts on neighbours, it is noted that the orientation of the buildings on site, the position and distance of the proposed windows relative to neighbouring dwellings, the situation of the existing garage between the proposed dwellings and neighbouring dwellings on Westmount and the retained vegetation on site would serve to diminish any concerns with regard to the dwellings on Eastfield and Westmount.

6.6.2 It is considered the properties most likely to be affected by the development would be the two bungalows to the north of the site Emsdale and Kione Vradra both located on Hawarden Avenue. A concerns with the previous application was the new overlooking impacts would result from the proposal, particularly for Emsdale. It is noted that Kione Vradra does have a level of screening buy mature landscaping to its rear boundary. The concern was given the location of the new dwellings and they directly overlooked from the first floor and second floor rear windows (which would serve habitable rooms on the new dwellings). It was highlighted that only first and second floor windows on the existing dwelling which have views to this neighbouring dwelling are a window to a bathroom on the first floor, and the stairway on the second floor. Therefore, the introduction of twenty (20) new windows which serve habitable rooms, and at a distance of about 17m from the windows

on the rear elevation of this neighbouring dwelling (10m from the rear garden which is the only private garden for this neighbour) is considered unneighbourly.

6.6.3 In response the applicants comment;

- The rear elevation has been amended to remove the first and second floor rear projections previously shown such that there is 20m between the upper floors windows and the nearest windows of the bungalows to the rear.
- The reduction in the number of windows in the rear elevation from 26 to five windows in the second floor (serving bedrooms) and ten in the first floor (serving bedrooms and en-suites).
- Introduction of a new 2.4m high laurel hedge on the rear boundary to prevent overlooking from the second floor windows of the rear elevation (noting that these rooms are bedrooms).
- The proposed building has a basic footprint of 31m by 12.6m with a less deep section adjacent to but not physically linking the proposal to 14, Eastfield. The building will be 16.7m from Emsford and 17m from number 43 at ground floor level and 20m from these properties at first and second floor levels. The building will be 12.5m to the nearest point of 24, Westbourne Drive and almost 17m to the main rear elevation of that property. There are no windows in the side elevation of the proposed building.
- The proposed building will be 7m to the eaves and 10.2m to the ridge. The rear elevation will accommodate three floors of windows with the ground floor having large bifold doors.

6.6.4 The proposal with a greater mass and additional windows to the rear elevation, compared to the existing dwelling (Eastfield) will have a greater impact upon neighbouring amenities to these two properties and surrounding properties. There are a total of 15 window openings (some have double windows) at first and second floor which have direct views towards Emsdale and Kione Vradra to the north. These windows serve bedrooms while 5 of these windows serve bathrooms. The bedrooms are defined as "habitable rooms" within the Residential Design Guide. They are not primary habitable rooms which give the greatest potential source of overlooking given these rooms are used more for living spaces (i.e. lounges/kitchen diners). As noted above, these windows are 20m from the rear elevation of the two neighbouring properties. This meets the Residential Design Guide as it is generally accepted a 20m gap to protect person from overlooking. Accordingly, this proposal would comply with this guide. It is noted these properties ground level is set above that of the site and the finished floor level of the new dwellings would be approximately 1.5m below. There is no concern of overlooking from the ground floor primary habitable rooms (rear single storey outrigger of new dwelling, which includes bi-folding doors) given this level difference and also the existing boundary wall to the rear and the new proposed hedgerow/fencing properties. Furthermore, given the distance the proposed dwellings would be from these neighbouring properties and the height of new dwellings, it is considered there would be no significant level of overbearing impact or loss of light to warrant a refusal.

6.4.2 There are two further properties potentially affected, these being Nrs 22 and 24 Westbourne Drive to the west of the site. The rear elevations of these properties which have views of the western gable elevation of Plot 1. This would be approximately 17.6m to 18.3m. The previous refused application, arguably had a greater impact than the current application, given the depth of the properties where greater and therefore the mass of the gable facing these properties would have been more. No refusal reason was given for this element. In this case, there are no gable end windows and given the sun's orientation (east to west) it is not considered there would be any significant loss of light and/or overlooking to warrant a refusal. The existing hit a miss fence on the site would be retained and it is also proposed to plant a hawthorn hedgerow along the western boundary of the site which fronts onto the

access lane and beyond to 22 and 24 Westbourne Drive rear boundary made up of approximately 1.8m high timber fences. Overall, while there will be a greater impact, namely a greater level of built element which is taller and closer than the existing Eastfield building, it is not considered the impacts would be so significant to warrant a refusal.

6.7 Traffic Impacts / parking provision

6.7.1 Parking is to be provided in the form of ten parking spaces within a new hard surfaced area fronting the dwellings and with a turning head with a reinforced grass matting. Cycle storage sheds are to be provided in the rear gardens of each property and have access to the side access via a shared pedestrian path to the rears of all properties. This complies with the IOMSP Parking Standards of two spaces per dwelling.

6.7.2 The access is to be altered to remove the existing pillars and a wider entrance (visibility splays of 2.4m x 43m in both directions) with the existing large trees either side of the existing entrance being retained. It is also considered that these works are appropriate. The width of the driveway is such that would easily accommodate incoming and outgoing traffic from the site, and this is acceptable. The creation of a designated pedestrian access to the site linked to Eastfield would also ensure that there is adequate segregation between pedestrians and vehicles exiting and entering the site. These aspect of the development would ensure that the proposal accords with Transport Policy 6 and GP2 (h&i).

6.7.3 Highway Services have reviewed the proposal and advice that they raise no opposition to the proposal and therefore it is considered would comply with the outlined relevant planning policies and Manual for Manx Roads.

6.8 Potential impacts upon ecology

6.8.1 No objections have been received from the Ecosystem Policy Team and they only seek a condition for the landscaping to be undertaken as per the site plan and for any tree or shrub which die or become damaged within 5 years from the date of planting to be replaced, and for the bat and bird bricks to be installed as per the elevation drawings.

6.9 Potential impacts upon trees

6.9.1 The scheme will result in the loss of trees: conifer, Manx palms and cherry. The existing large limes at the entrance are to be retained. Additional trees are to be introduced to mitigate this loss. The main mature trees and those which add to the character and appearance of the Conservation Area and the amenities of the area, would be retained.

6.10 Energy/Climate Change

6.10.1 The proposed dwellings would each be served by an Air Source Heat Pumps to their rear garden areas and solar panels to the front elevation. The applicants indicate the dwellings will comply with current Build Regulations. The proposal would comply with Energy Policy 5.

7.0 CONCLUSION

7.0.1 As has been outlined in this report, the main issue of the application centres on the demolition of Eastfield Mansion house which is judged to contribute to the character and appearance of the Woodbourne Road Conservation Area. The buildings in question is one of the oldest building in the area whose contribution to the significance of the Conservation Area is mainly through the architectural interest of its surviving historic fabric, namely its form and its historic interest. It is accepted the works undertaken in recent times have reduced its architectural qualities albeit its greatest remaining feature still remains today, that being its overall form, being a sizeable two/three storey detached building, made up of two double fronting projecting gables, which in this area of Douglas is unusual for a Victorian property. Due to this factor it is considered its loss would result in a degree of harm to the significance

of the Douglas (Woodbourne Road) Conservation Area and therefore could be considered contrary to Section 18(4) Town and Country Planning Act 1999, Environment Policy 35 and 39 of the IOMSP and Planning Policy Statement 1/01.

7.0.2 However, it has been evidenced in this report that the retention of the existing Eastfield and the required cost associated with such works are not financially viable, particularly for a developer and therefore this weighs in favour of the application for demolition.

7.0.3 If the loss of the existing Eastfield is accepted, it is considered that the proposed dwellings would represent an appropriate replacement for the existing building on site for the reasons that have been outlined within this report.

7.0.4 Furthermore, the potential impacts of the proposal on the amenities of the existing dwellings neighbouring properties surrounding the site are considered acceptable and not giving rise to significant adverse impacts.

7.0.5 There are no concerns in terms of parking/highway safety, the acceptable impacts on biodiversity and the impacts on trees and the proposal has sufficient energy efficiencies to meet current standards.

7.0.6 Overall, this decision is very finely balanced, the proposal has a number of positive elements, namely the creation of five new residential dwellings on a brownfield site within Douglas, which is the most sustainable location on the IOM, which also makes good use of this land and being well designed which would sit well within street scenes and the Conservation Area. The negative element with the application is the demolition of Eastfield and the potential harm to the significance of the Douglas (Woodbourne Road) Conservation Area. However, on balance and for the reasons outlined within this report it is considered the proposal is acceptable and therefore it is recommended for an approval, albeit the loss of Eastfield is unfortunate.

8.0 INTERESTED PERSON STATUS

8.0.1 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.

8.0.2 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

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.11

Proposal : Registered Building consent for demolition elements to 24/00298/B

Site Address : Eastfield Mansion House (care Home)
Eastfield
Douglas
Isle Of Man
IM1 4AU

Applicant : Care Developments Limited

Application No. : 24/00299/CON- click to view

Principal Planner : Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. Development shall not commence until a programme of historic building recording of Eastfield House has been undertaken and submitted to and agreed in writing by the Department. The programme of building recording must be undertaken in accordance with Level Two as set out in Understanding Historic Buildings: A guide to good recording practice

Reason: To ensure and safeguard the recording and inspection of matters of historical importance that will be lost in the course of works.

Reason for approval:

Overall, this decision is very finely balanced, the proposal has a number of positive elements, namely the creation of five new residential dwellings on a brownfield site within Douglas, which is the most sustainable location on the IOM, which also makes good use of this land and being well designed which would sit well within street scenes and the Conservation Area. The negative element with the application is the demolition of Eastfield and the potential harm to the significance of the Douglas (Woodbourne Road) Conservation Area. However, on balance and for the reasons outlined within this report it is considered the proposal is acceptable and therefore it is recommend for an approval, albeit the loss of Eastfield is unfortunate.

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):

The owner/occupier of 6 Westmount, Douglas 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.

Planning Officer's Report

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

1.0 THE SITE

1.1 The site is the curtilage of an existing property Eastfield Mansion House, Eastfield, Douglas, which is a detached traditional property, main two storeys in height albeit accommodation within the roof (dormers and gable end window in places) located on the north-western side of Eastfield and situated to the north west of Westbourne Drive. The site is located to the northwest of the Allotments which are opposite Brighton Terrace to the south. The site has vehicular access via its main entrance (eastern boundary) via Westmount or Eastfield or via a rear access from the rear lane which runs along the rear boundaries of Eastfield.

1.2 This site until the last few years was used as a residential care home and was formally a large detached dwelling. The submitted application indicates that the neighbouring end terrace Nr 14 Eastfield is within the same ownership as the applicants, but does not form part of this application. This property was also used as part of the care home and was in fact attached to the main Eastfield Mansion House via a linked extension. The latter has recently been demolished and therefore Eastfield Mansion House now a detached property as originally built. The property is shown on the published 1869 ordnance survey map with a footprint similar to what exists today. It is noted that a photograph taken in 1860 (imuseum – Manx National Heritage) appear to show the property with only the western front projecting two storey gable end and the now central part of the dwelling. It would seem by 1869 the eastern two storey front projecting gable of the property was then added afterwards. The differing roof slopes (hipped to western gable and gable ended to eastern end) would seem to suggest that the eastern part of the dwelling was a later addition a few years later.

1.3 The dwelling is sizeable in size and potentially one of the larger detached properties in the surround area. The property is made up of a two storey central section which is flanked by two front gable ends. The property is mainly made up of painted render (except eastern gable elevation which is expose Manx stone) and a slate roof finish. The front elevation (south) and western gable elevation includes its original decorative hooded mounding's above all windows. A render band between ground and first floor levels exists to the front elevation. A single storey uPVC conservatory fronts the central section of the property. To the rear a number of lean-to roof extensions both single and two storey in size. The original three substantial chimney stacks are still in place within the roof.

1.4 The front boundary of the site is made up of a number of hedgerows and landscaping, which also includes semi-mature and mature trees to its boundaries fronting onto Eastfield/Westmount (front boundary), its southern boundary shared with Nr 6 Westmount and south western corner of the site, which fronts onto a unmade access lane which runs along the entire western boundary of the site and along the rear boundaries of properties along Westbourne Drive to the west of the site.

2.0 THE PROPOSAL

2.1 The application seeks approval for Registered Building consent for demolition elements to 24/00298/B.

2.2 The works will involve the demolition of the Eastfield Mansion House and its replacement with a terrace of five three storey dwellings, which includes accommodation within roof space.

2.3 The proposed new dwellings would have a dining room, kitchen, lounge, entrance porch and WC on the ground floor, two bedrooms with ensuite at first floor and two bedrooms and a large bathroom on the third floor. Each dwelling would have a rear terraces/garden which also includes a 2.5m x 1.5m concrete bases for a cycle store/shed and also bin storage for each dwelling with an additionally communal bin storage area for "bin collection days" which is collected from the access lane to the west of the site. Each property would have a small front garden area which would be enclosed by a front garden wall and railings above. Each dwelling would have solar panels and a air source heat pump.

2.4 Four (Plots 1, 2, 3 & 4) of the five dwellings are identical, which also include a rear single storey outlet; the fifth dwelling (Plot 5) which is set adjacent to No. 14 Eastfield to the east, would have its rear elevation recessed from the rear building line of the other dwellings and does not have a rear single storey outlet as the other four dwellings. The properties roof ridge would be set below the

2.5 Further proposed works would involve the following:

- a. Widening of existing access onto Eastfield/Westmount;
- b. Creation of 10 parking spaces (5 row of tandem parking) to existing front lawned area;
- c. Provision of turning head;
- d. Removal of a number of trees on site to facilitate the development, parking;
- e. Blocking of existing rear vehicular access with only pedestrian access only for Nr 5;
- f. New landscaping and tree planting throughout site; and
- g. Demolition of rear garage.

2.6 In support of the application the submission, the conclusion of the Planning Statement states;

"6.1 Whilst there is a presumption against the loss of buildings of interest and importance within Conservation Areas, in this case, it is submitted that the existing building is in poor repair and retention and re-use of the existing building is neither economically nor structurally sensible. Further information has been provided regarding the financial viability and the current state of the market for sites like this.

6.2 In any case, the practicality of retaining the existing building would result in significant parts of it being rebuilt and the majority of the existing building would not actually be retained and the "renovated" property would actually be mostly new build.

6.3 Internally the building would be difficult to reuse other than for a nursing home but even then where the layout would not likely meet modern standards or expectations for such a facility.

6.4 Notwithstanding this, the building is not in its original condition, has been physically attached to the terrace to the north east by a modern, unattractive link building and has also had unattractive additions attached to the rear and front. The condition of the building is in no way the fault of the applicant who only recently acquired the property and as such is not responsible for the historical lack of maintenance of the building.

6.5 The detailed replacement scheme has been revised, following discussion with the Department and now more closely resembles the existing built form around it. It is submitted that the overall impact of the proposed development will be an enhancement of the Conservation Area, thus according with CA/2 of Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man and Environment Policy 35 and not in conflict with CA/6 or Environment Policy 39 for the reasons given above.

6.6 The proposed development aims to provide modern standards of living including car parking and energy efficiency whilst at the same time, presenting a traditionally styled building which continues important architectural elements such as height, finish materials, orientation and proportion. The development will provide much needed, sustainable accommodation in the Island's principal settlement in a form which visually complements the area."

3.0 KEY DOCUMENTS

3.0.1 Material Considerations

Town and County Planning Act 1999

3.0.2 Section 10(4) of the Town and Country Planning Act states:

"In dealing with an application for planning approval... the Department shall have regard to -

- (a) The provisions of the development plan, so far as material to the application,
- (b) Any relevant statement of planning policy under section 3;
- (c) Such other considerations as may be specified for the purpose of this subsection in a development order or a development procedure order, so far as material to the application; and
- (d) All other material considerations."

3.0.3 Statutory Duty

Statutory Duty S19 Control of demolition in conservation areas

"(3) A building to which this section applies may not be demolished without the consent of the Department; and accordingly sections 15 and 16 apply to such a building as they apply to a registered building, subject to such modifications as may be prescribed by regulations.

3.0.4 S16 Registered buildings: supplementary provisions

(3) In considering —

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

3.0.5 S18 Designation of conservation areas

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

3.1 The Area Plan for the East (adopted 2020)

3.1.1 The site lies within an area designated on the Area Plan for the East (Map 5 - Douglas Central) as 'Predominantly Residential', and the site is within the Woodbourne Road

Conservation Area. The site is not prone to flood risks or within a Registered tree area, and there are no registered trees on site. The existing property is not a Registered Building.

3.2 The Area Plan for the East Written Statement states;

3.2.1 Paragraph 6.8 of The Area Plan for the East Written Statement states;

"The historic built environment

Local character and key features within the built environment, such as Registered Buildings and other heritage assets play a significant role in promoting economic and social prosperity by providing attractive living and working conditions. In addition, they provide economic opportunities through tourism, leisure and recreational uses. It is therefore essential that local character is safeguarded, particularly those features which fundamentally define the historic built environment in the East. Particularly:

- o the buildings and structures associated with the roles of Douglas and Laxey as historic seaside resorts;*
- o the harbours of Douglas and Laxey;*
- o the historic infrastructure of the Steam Railway, Electric Tramway and Horse Trams; and*
- o the historic grain of Douglas and Laxey old towns, including their street layouts, town yards, plot sizes and landscape settings.*

The significance of Manx heritage assets in the built environment is increased by their relative scarcity. Registered Buildings and Conservation Areas which might not necessarily achieve such status in the United Kingdom have gained a higher status in the Isle of Man where their contribution to national identity and the Island's story is highly valued.

Existing and new development can exist side by side, even with some visual differences presented by old and new building styles. New development should not seek to mimic existing development but be of its own time. Such innovation is crucial and with good precedent: some of the Island's best architectural examples emerged from the building design competitions of the Edwardian era."

3.2.2 Urban Environment Proposal 3 states; "Development proposals must make a positive contribution to local character and distinctiveness. Traditional or contemporary approaches may be appropriate, depending upon the nature of the proposal and the context of the surrounding area."

3.2.3 Paragraph 6.9 of The Area Plan for the East Written Statement states;

"Creative Re-use

As stated in the Strategic Plan, Paragraph 7.25: 'Conservation of the built environment and archaeological features should be viewed as an asset to be promoted and not as a constraint to be overcome'.

It is recognised that retaining the best examples of built heritage for future generations benefits the resident population by celebrating its unique national identity and increasing the sense of wellbeing and improved quality of life brought about by beautiful surroundings. The value of mid and late-20th Century architecture should not be ignored as the best examples of these periods contribute to a rich and vibrant built heritage. Supporting the continued use and retention of these buildings requires a pragmatic and dynamic understanding of different potential uses. A proposed use which retains a building of heritage value, but requires modification to that building, is superior to a proposal which leads only to demolition or decay of that building."

3.2.4 Urban Environment Proposal 4 states; "Proposals which help to secure a future for built heritage assets, especially those identified as being at the greatest risk of loss or decay, will be supported."

3.2.5 Paragraph 6.3 of The Area Plan for the East Written Statement states;
"Area Plan Objectives;
iv. To identify and celebrate the historic urban environment so that it retains an active and productive role in contemporary life."

3.2.6 Paragraph 6.4 of The Area Plan for the East Written Statement states;
"Area Plan Desired Outcomes
v. There will be greater recognition of the contribution the East's historic value to the local and visitor economy and to the quality of life on the Island.
vi. The long term future of valuable heritage assets will be assured by creative reuse."

3.2.7 Transport Proposal 1 states; "Development proposals must take into account the Active Travel Strategy and any specific actions set out in the Active Travel Action Plan."

3.3 Isle of Man Strategic Plan (adopted 2016)

3.3.1 In terms of Strategic Plan policy, the Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this current planning application:

3.3.2 Strategic Policy 1 states: "Development should make the best use of resources by: (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and reusing scarce indigenous building materials; (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space(1) and amenity standards; and (c) being located so as to utilise existing and planned infrastructure, facilities and services."

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

3.3.4 Strategic Policy 4 states: "Proposals for development must:
(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings(1), Conservation Areas(2) , buildings and structures within National Heritage Areas and sites of archaeological interest;
(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and
(c) not cause or lead to unacceptable environmental pollution or disturbance."

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

3.3.6 General Policy 2 states: "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:
(a) is in accordance with the design brief in the Area Plan where there is such a brief;
(b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;
(c) does not affect adversely the character of the surrounding landscape or townscape;

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

3.3.8 Paragraph 7.32.2 states; "The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area. When considering proposals which will result in demolition of a building in a Conservation Area, attention will be paid to the part played in the architectural or historic interest of the area by the relevant building and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. In addition, consideration will be given to:

- o the condition of the building;
- o the cost of repairing and maintaining it in relation to its importance and the issue derived from its continued use (based on consistent long-term assumptions);
- o the adequacy of efforts made to retain the building in use;
- o the merits of alternative proposals for the site."

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

3.3.10 Environment Policy 39 states: "The general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Area."

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

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

3.4.1 This includes policies in relation to the following;

"POLICY CA/2 SPECIAL PLANNING CONSIDERATIONS

When considering proposals for the possible development of any land or buildings which fall within the conservation area, the impact of such proposals upon the special character of the

area, will be a material consideration when assessing the application. Where a development is proposed for land which, although not within the boundaries of the conservation area, would affect its context or setting, or views into or out of the area; such issues should be given special consideration where the character or appearance of a conservation area may be affected.

POLICY CA/4 PROPOSALS FOR PRESERVATION AND ENHANCEMENT

It is important that designation is not seen as an end in itself, but that there be an opportunity for the designation to be considered in a wider context, such as that of an area plan. It is this overview which will basically determine the long term validity and prosperity of the conservation area. For example, proposals and policies contained within an area plan may take the opportunity to improve matters such as traffic congestion in and around a conservation area by traffic management and improvement, the provision of off-street parking and the introduction of some pedestrian or bicycle priority ways. The plan will also prescribe the use of land and buildings within the conservation area and beyond and may indicate opportunities for enhancement by restoration and re-use, or if appropriate, for replacement of elements within the conservation area which detract from the special character of the area.

POLICY CA/6 DEMOLITION

Any building which is located within a conservation area and which is not an exception as provided above, may not be demolished without the consent of the Department. In practice, a planning application for consent to demolish must be lodged with the Department. When considering an application for demolition of a building in a conservation area, the general presumption will be in favour of retaining buildings which make a positive contribution to the character or appearance of the conservation area. Similar criteria will be applied as those outlined in RB/6 above, when assessing the application to demolish the building, but in less clear cut cases, for example, where a building could be said to detract from the special character of the area, it will be essential for the Department to be able to consider the merits of any proposed new development when determining whether consent should be given for the demolition of an unregistered building in a conservation area. Account will be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

POLICY RB/6 DEMOLITION

There will be a general presumption against demolition and consent for the demolition of a registered building should not be expected simply because redevelopment is economically more attractive than repair and re-use of an historic building; or because the building was acquired at a price that reflected the potential for redevelopment, rather than the condition and constraints of the existing historic building. Where proposed works would result in the total or substantial demolition of a registered building, an applicant, in addition to the general criteria set out in RB/3 above, should be able to demonstrate that the following considerations have been addressed:-

In judging the effect of any proposed alteration or extension to a Registered Building, it is essential to have assessed the elements that make up the special interest of the building in question. They may comprise not only obvious features such as a decorative facade, or an internal staircase or plaster ceiling, but may include the spaces and layout of the building and the archaeological or technological interest of the surviving structure and surfaces. These elements can be just as important in the simple vernacular and functional buildings, as in grander status buildings. Cumulative changes reflecting the history of use and ownership can themselves present an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, are not discounted.

The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or failure to make imaginative efforts to find new uses or incorporate them into new developments.

- The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings and returns may, in fact, be more favourable given the publicly acknowledged status of the building. Furthermore, historic buildings may offer proven performance, physical attractiveness and functional spaces, that in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should take into account possible tax allowances and exemptions. In rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;
- The adequacy of efforts made to retain the building in use. An applicant must show that real efforts have been made, without success, to continue the present use, or to find new uses for the building. This may include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition.
- The merits of alternative proposals for the site. Subjective claims for the architectural merits of a replacement building should not justify the demolition of a registered building. There may be very exceptional cases where the proposed works would bring substantial benefits for the community; these would have to be weighed against preservation. Even here, it will often be feasible to incorporate registered buildings within new development, and this option should be carefully considered. The challenge presented by retaining registered buildings can be a stimulus to imaginative new designs to accommodate them."

3.5 Woodbourne Road Conservation Area Character Appraisal 2003

3.5.1 *"It is clear that in the planning of the Gardens and Squares in the Conservation Area, there was an overriding intention that the gardens are in harmony with the architecture that evolved around them. House frontages with their decorative features such as railings, gates, cornices, etched glass and ridge tiles were intended to be seen and appreciated for their individuality and splendour. The open Properties benefit from retention of plaster mouldings, sliding sash windows, the variety of bays, stuccoed quoins, string courses and hooded mouldings, all adding to the richness of architectural forms. The abundance of high quality fabric is a major contributory factor to the distinct character of the area. These qualities have survived many generations and enrich the quality of our built environment. Despite the increasing intrusions of modern day living. It is very difficult to draw a definite edge to the Conservation Area, as the buildings continue in typical design and quality detail into adjacent roads and avenues. The repetition of form along arterial and secondary routes, combined with a variety of detail, serves to draw these adjoining thoroughfares into a cohesive whole which is worthy of recognition and protection. The 'green elements of this environment and their immediate surrounds provide an obvious centre on which to base an appraisal of this fine array of predominantly nineteenth century architecture."*

3.5.2 *The area of Eastfield, Mount Bradda, Brighton Terrace and Westmount corresponds to that shown on a plan dated 1851 prepared by George Raby, Architect and Surveyor and titled 'Plan of Building Ground situated at Rosemount'. The area was part of the Joyner estate and the plan shows layout of 53 dwellings. Fourteen were built and from what is now known as Eastfield, but the remainder were not built in their original form. The 1869 Ordnance Survey Map shows the present street pattern with central gardens and with Eastfield House and Rose*

Lodge occupying corner positions at the east and west side of the square. The terrace known as Eastfield was an early approach to Town Planning in that covenants were incorporated into deeds of sale in an endeavour to control the design of properties and the retention of open space. The evolution of the remaining properties fronting onto the gardens happened predominantly in the 1880's and resulted in an interesting and lively mix of architecture. The retention of private allotment gardens is a survivor of the original plan."

4.0 PLANNING HISTORY

4.1 This application runs contemporaneously with PA 24/00298/B for the demolition of former nursing home and outbuildings, and the creation of five new four bedroom dwellings with associated parking, amended access, amended drainage and landscaping.

4.2 Other applications relevant to the current application are:

4.3 Demolition of former nursing home and outbuildings, and the creation of five new 4 bedroom dwellings with associated garages, parking, amended access, amended drainage, and landscaping - 23/00526/B – REFUSED on the following grounds;

"R 1. The demolition of the Eastfield Mansion house which is judged to contribute to the character and appearance of the Woodbourne Road Conservation Area is considered to be unacceptable as the application has not demonstrated that all reasonable efforts have been made to preserve the building nor provided sufficient justification for its total loss. Therefore, it is considered that the proposals would fail to preserve or enhance the character or appearance of the conservation area and are contrary to Section 16 (3) and Section 18 (4) of the Town and Country Planning Act (1999), Environment Policies 35 and 39, Strategic Policy 4 (a), and Paragraph 7.32 of the Isle of Man Strategic Plan 2016; policies RB/6, CA/2 and CA/6 of PPS1/01, and Urban Environment Proposal 3 and 4 of the Area Plan for the East. Accordingly, it is recommended that the proposals be refused on these grounds.

R 2. The proposed first and second floor windows on the rear (north) elevation of the proposed terrace dwellings, by virtue of their proximity to the neighbouring dwelling and boundary, and height above the ground level, would result in unacceptable levels of actual and perceived overlooking from the proposal site into Emsdale, Hawarden Avenue, Douglas, to the detriment of their residential amenity. In this respect, the proposed development is considered to be unacceptable when assessed against General Policy 2 (g) and the principles promoted by the Residential Design Guide 2021.

R 3. Whilst it is noted that the proposed terrace has been designed to bear some traditional features, it is not considered that the design, form and appearance of the proposed dwellings would serve to preserve and enhance the character and appearance of the site and Conservation area as an appropriate replacement, given that it is not truly traditional, and fails to integrate a number of the key features on the existing terraces around the allotments that serve to define the character of this part of the Woodbourne Road Conservation Area. The scheme is, therefore, considered to fail the requirements of Environment Policy 35 and Policy CA/2 of Planning Circular 1/01."

4.4 Registered Building consent for demolition elements to PA 23/00526/B - 23/00527/CON – REFUSED on the following grounds;

"R 1. The application fails the tests of Section 16 of the Town and Country Planning Act 1999 as the proposals would fail to preserve the building and the features of special architectural and historic interest which it possesses.

R 2. The application fails the tests of Section 18 of the Town and Country Planning Act 1999 by removing a building which makes a positive contribution to the character of the Douglas (Woodbourne Road) Conservation Area, thereby failing to preserve or enhance the conservation area's character.

R 3. The application fails the tests of Strategic Policy 4 of the IOM Strategic Plan 2016 as the proposals would fail to protect or enhance the fabric of the conservation area.

R 4. The proposals include removing a building which makes a positive contribution to the character of the area, and therefore the application fails the tests of Environment Policy 35 of the IOM Strategic Plan 2016 as it would fail to preserve or enhance the character of the conservation area.

R 5. The application fails the tests of Environment Policy 39 of the IOM Strategic Plan 2016 as the proposals would not retain a building which makes a positive contribution to the character of the Conservation Area."

4.5 Demolition of all existing buildings on site - 22/01326/CON – REFUSED on the following grounds;

"R 1. The application fails the tests of Section 16 of the Town and Country Planning Act 1999 as the proposals would fail to preserve the building and the features of special architectural and historic interest which it possesses.

R 2. The application fails the tests of Section 18 of the Town and Country Planning Act 1999 by removing a building which makes a positive contribution to the character of the Douglas (Woodbourne Road) Conservation Area, thereby failing to preserve or enhance the conservation area's character.

R 3. The application fails the tests of Strategic Policy 4 of the IOM Strategic Plan 2016 as the proposals would fail to protect or enhance the fabric of the conservation area.

R 4. The proposals include removing a building which makes a positive contribution to the character of the area, and therefore the application fails the tests of Environment Policy 35 of the IOM Strategic Plan 2016 as it would fail to preserve or enhance the character of the conservation area.

R 5. The application fails the tests of Environment Policy 39 of the IOM Strategic Plan 2016 as the proposals would not retain a building which makes a positive contribution to the character of the Conservation Area."

4.6 Registered Building consent for the demolition elements relating the application 20/00280/B - 20/00281/CON – APPROVED with attached condition;

"C 2. This consent relates to the demolition of the side and rear extensions, in addition to the three storey infill on the eastern elevation as shown in the approved drawings and to no other works.

Reason: The building is not Registered and as such, all that is within the control of this application is the demolition of the extensions and three storey infill as provided by Section 19 (3) of the Town and Country Planning Act 1999."

4.7 Conversion of former care home to residential dwelling - 20/00280/B - APPROVED

4.8 Re-roofing of building with slate to replicate existing - 06/00605/B – APPROVED

- 4.9 Erection of replacement porch and installation of uPVC windows to replace existing to front & side elevations - 97/00567/B – APPROVED
- 4.10 Approval in principle to construct 4 apartment building - 99/01614/A - REFUSED at appeal on 6 October 2000.
- 4.11 Alterations, first floor extension and construction of nursing wing - 92/01197/B – APPROVED at appeal on 1st January 1994.
- 4.12 Alterations and extensions & construction of 35-bed nursing wing - 92/00095/B – REFUSED
- 4.13 Conversion to residential home for the elderly, extension to kitchen, and link corridor, 14 Eastfield and Eastfield House - 86/00782/B – APPROVED
- 4.14 Approval in principle to conversion of premises into residential home for the elderly and incorporation into Eastfield House, 14 Eastfield - 86/00609/A - APPROVED

5.0 REPRESENTATIONS

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

- 5.1 Douglas City Council support the application (13.05.2024).
- 5.2 Assistant Registered Buildings Officer comments;
"Summary Comment Object – In my view the demolition of Eastfield House would fail to preserve or enhance the special character of the Douglas (Woodbourne Road) Conservation Area, and the application would therefore fail the statutory tests within section 18 of the Act, and be contrary to strategic policy 4, environment policy 35 and environment policy 39 of the Strategic Plan.
Scope of comments
These comments relate to the impact of the proposals on the character or appearance of a conservation area."
- 5.2.1 And
"...Report detail
A Built Heritage Statement (HS) has been submitted in support of this application. My comments are focused on the assessments and conclusions made within that document, and on the impact that the demolition of Eastfield House would have on the special character of the Douglas (Woodbourne Road) Conservation Area.
Section 5.25 of the Heritage Statement reads "Eastfield House may have formerly held landmark qualities by virtue of its size, and position compared to that of the surrounding built form, and the use of rendered pillars framing the entrance drive. The street plans and old maps have shown that it was one of the first buildings to be built, situated to the top of the hill at the corner of Eastfield and Westmount." 5.26 then states "However, in its extant form, Eastfield House no longer retains these landmark qualities. The surrounding mature vegetation means it is no longer visible from surrounding vistas and the modern link extension to the neighbouring terrace removes its prominence resulting from its isolation as a detached dwelling."
It is clear from various sections of the HS that the assessment has been made at a time when the attached link extension was still in place. As of April 2024, the link extension is no longer in place, and much of the vegetation on the site has also been removed. It is clear therefore that the assessment of the building's significance is not based on the building's setting as it currently exists.
5.30 on page 27 of the HS concludes that "Eastfield House has only modest significance and this is principally embodied in its architectural and historic interest as

a Victorian formerly detached dwelling and its associated decoration and early origins within the immediate area. Its architectural interest has been reduced through the insensitive later extensions and alterations."

As with sections 5.25 and 5.26, this assessment has clearly been made when the modern link extension was still in place. Given that the link extension is generally accepted to have had a negative impact on the building's significance, I would consider that the fact that the link has now been removed has the potential to have increased the building's significance.

Section 6.4 states that the proposals include "The demolition of Eastfield House and its modern link extension." Importantly, the proposal now put forward does not include the demolition of the link extension. The link extension has been demolished, with consent, and Eastfield House now sits on the site as a detached property.

I agree with the first sentence of section 6.5 that "The demolition of Eastfield House would result in the loss of a building which makes a limited positive contribution to the Conservation Area." However, as the property is now detached, the positive impact noted is no longer part of the application.

I agree entirely with the assessment in section 6.6 that the "negative impact would be through the loss of one of the earliest buildings in the area, and thus the complete removal of its historic interest. Moreover, some of the remaining features of the building make a positive contribution to understanding the architecture of the surrounding Conservation Area." As the reinstatement of no.14 as a self-contained dwelling and the removal of the modern link extension do not now form part of this application and cannot therefore be weighed against the harm resulting from the loss of Eastfield House, I consider the proposals within this application to fail to preserve or enhance the special character of the conservation area.

An up to date assessment of significance should be undertaken which takes account of the building and site as it currently exists. It is established conservation practice that an assessment of significance should be the starting point for understanding the impact of proposed change on a heritage asset (ICOMOS Guidance on Heritage Impact Assessments). I have concerns given the recent planning history on the site, that the submitted Built Heritage Statement has been commissioned to justify proposals for demolition and redevelopment of the site rather than being used to inform appropriate proposals that take full account of the site's significance. In addition to the above, I note that a Structural Report has been submitted in support of the application. I have concerns that the report is not of sufficient detail to justify the complete demolition of a heritage asset that is afforded statutory protection given its position within a conservation area. I have attached a guidance note prepared by the Institution of Structural Engineers and the Institution of Civil Engineers. Although I appreciate that this guidance note is only recently published, and that the engineer that has submitted the report for this building may not be aware of its contents, I would expect any structural report being submitted that recommends complete or partial demolition of a heritage asset to follow these guidelines, as this would allow its contents to be independently scrutinised by an appropriately qualified professional. The Department has a statutory duty in respect of preserving or enhancing the character or appearance of conservation areas, and therefore it is important that appropriately detailed information is available for applications to be fully assessed in performance of this statutory duty."

24.06.2024

5.2.2 "Summary Comment

Object – It is considered that the total loss of Eastfield House would cause harm to the special character of the Douglas (Woodbourne Road) Conservation Area.

Scope of comments

These comments relate to the impact of the proposals on the character or appearance of a conservation area. No assessment is being made of other matters that the case officer judges to be material in the overall planning balance of this application."

5.2.3 And

"...Report detail

A Built Heritage Statement (HS) has been submitted in support of this application. My previous comments in respect of this application noted various sections of the HS that would benefit from an update given recent works on the site. An updated version of the HS has now been submitted.

Whilst it is acknowledged that the significance of Eastfield House has been reduced given the modern extensions and loss of historic fabric that has occurred, as stated in the submitted Built Heritage Statement, I consider that the proposals would result in a degree of harm to the significance of the Douglas (Woodbourne Road) Conservation Area. As one of the earliest dwellings in this part of the Conservation Area, the total loss of this building would clearly remove all of the architectural and historic interest that the building retains. Eastfield House and its history contribute to the special character of the Conservation Area, and if demolished then this element of the Conservation Area's special character cannot be restored.

The harm resulting from the proposed demolition of Eastfield House should be factored in to any assessment as to whether the application as a whole is judged to preserve or enhance the character of the Conservation Area, as stated in Section 18 of the Act and the policies within the Strategic Plan."

5.3 The owner/occupier of 6 Westmount, Douglas makes the following summarised comments (24.04.2024): seek all trees to be removed from the site, but hard to tell which are going to be removed, there is currently ivy growing into my back yard and the owner had indicated this would be sorted and number of months ago, but nothing has happened.

6.0 ASSESSMENT

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

- o Statutory test (Town and County Planning Act 1999);
- o Impact upon the Character and Appearance of the Conservation Area (StP4 & 5, GP2, EP35, EP39, EP42 of the IOMSP, Planning Policy Statement 1/01, UEP3 & UEP4 Area Plan for East, and Woodbourne Road Conservation Area Character Appraisal 2003);

6.1 Statutory test

6.1.1 Firstly, given the proposals involves the demolition of a building of interest within a Conservation Area, the first consideration is the statutory tests, which have significant material planning consideration which are outlined within the Town and County Planning Act 1999.

6.1.2 In assessing Section 16 (3) of the Town and Country Planning Act 1999, this requires the Department to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 18(4) of the Town and Country Planning Act (1999) also stipulates that where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance with respect to any buildings or other land in a Conservation Area. The need to preserve the building is further reiterated by Section 19 (3) of the Act which states that sections 15 and 16 of the Act apply to a building proposed to be demolished in a Conservation Area as they apply to a registered building. As mentioned earlier the existing Eastfield is not Registered Building, but the test remains the same being a

building and one of potential interest in a Conservation Area where there is a presumption against its demolition.

6.1.3 As part of the submission the applicants have submitted a Heritage Statement and further updated version. This statement identifies that;

"One of the earliest depictions of Eastfield House is in the 1869 Ordnance Survey Map. Eastfield House takes up a prominent position, being one of the larger buildings and one of few detached dwellings in the immediate area. The only other built form which is visible from this time are portions of the terrace along Eastfield, another detached dwelling named Rose Lodge, and terraces to the east..."

6.1.4 Further, the statement identifies the basic layout of Eastfield shown on the 1869 Ordnance Survey Map is how it stands today. The statement indicates that a earlier 1852 plan of the area at an early development state, which the layouts of the area was similar as it is today, although this plan was not carried out with more terraced properties built, instead of mainly semi-detached properties. The statement does indicated that;

"...It is noticeable that Eastfield House or at least a version of it, was designed to sit more centrally within its grounds, acting as more of a landmark with projecting bay windows and orientation directly towards the street."

6.1.5 In more recent times the statement identifies more modern extensions to the building occurred in the latter half of the 20th century, including the extensions to the east and rear of Eastfield House; plus, the connecting of terraced houses along Eastfield and residential development along Westmount and the surrounding area. The connection link between Eastfield and Nr 14 has recently been demolished.

6.1.6 In Summary the Heritage Statement states;

"Overall, Eastfield House has only modest significance and this is principally embodied in its architectural and historic interest as a Victorian formerly detached dwelling and its associated decoration and early origins within the immediate area. Its architectural interest has been reduced through the insensitive later extensions and alterations."

6.1.7 The conclusions of the updated Heritage Statement indicates;

"7.2 The site comprises the former care home, Eastfield House, which is situated at the westernmost end of a row of terraced houses along Eastfield. The building is not registered; however, it does lie within The Douglas (Woodbourne Road) Conservation Area.

7.3. Eastfield House's contribution to the significance of the Conservation Area is mainly through the architectural interest of its surviving historic fabric and its historic interest as one of the early developments in the area. Nonetheless, it should be reiterated that the Conservation Area covers a large area of Victorian townscape, and the site only comprises one small part. Furthermore, there are no notable designed or intended views to or from the site.

7.4. The current proposals include the demolition of Eastfield House and its modern link extension, the retention of No. 14 Eastfield and the redevelopment of the site with 5no. self-contained dwellings with associated parking and private gardens. The proposals have been driven by the internal layout, poor condition and financial viability of the site as it presently stands, even with an approval for its conversion to a single family dwelling, and the financial viability of the site to be converted into flats. Overall, the proposals will result in some negative impact to the significance of the Conservation Area through the demolition of an early dwelling. However, as per POLICY CA/6 in Planning Policy Statement 1/01, this negative impact should be

weighed against the merits or public benefits of the proposals, including any heritage benefits. These include:

- *Reinstatement No. 14 as a self-contained, single family dwelling;*
- *Removal of an empty, dilapidated dwelling from the streetscene;*
- *Removal of the three-storey link and other modern inappropriate extensions, which are considered to detract from the Conservation Area; and*
- *The provision of 5no. dwellings to the local housing stock in an appropriate layout and scale to the townscape in which it is sited."*

6.1.8 The Assistant Registered Buildings Officer full comments are within Section 5.4 of this report. However, they conclude that;

"Whilst it is acknowledged that the significance of Eastfield House has been reduced given the modern extensions and loss of historic fabric that has occurred, as stated in the submitted Built Heritage Statement, I consider that the proposals would result in a degree of harm to the significance of the Douglas (Woodbourne Road) Conservation Area. As one of the earliest dwellings in this part of the Conservation Area, the total loss of this building would clearly remove all of the architectural and historic interest that the building retains. Eastfield House and its history contribute to the special character of the Conservation Area, and if demolished then this element of the Conservation Area's special character cannot be restored."

6.1.9 The applicants also highlight that in the previous applications the Isle of Man Victorian Society wrote in providing details of the history of the site but concluding that; "The house has been much altered over the years and is certainly not the best example of George Raby's house design extant. We have no objection to its proposed demolition.". Further, during the previous application the Isle of Man Natural History and Antiquarian Society commented similarly, stating; "Whilst this building may not be a particularly excellent example of Victorian architecture and so its demolition not to be objected to, none the less, the Society would like to request that the new-build should be in keeping with the character and scale of other houses in the neighbourhood.". Neither organisation has commented on this current application.

6.1.10 It is accepted that since 2017 when the carehome ceased to operate from the site, the building has not be appropriately maintained (not the current applicants fault) and has resulted in a poorer state of repair. The issue of condition of the building, cost of repair an maintaining it, adequacy of efforts made to retain the building in use and merits of alternative proposals for the site as outlined in the IOMSP and Planning Policy Statement 1/01 will be consider later in this report. Purely in relation to the statutory test, the comments of the Assistant Registered Buildings Officer has concluded that a degree of harm to the significance of the Douglas (Woodbourne Road) Conservation Area and as there is an acceptance within the Heritage Statement in paragraph 6.8 (updated HS) that a;

"...negative impact would be through the loss of one of the earliest buildings in the area, and thus the complete removal of its historic interest. Moreover, some of the remaining features of the building make a positive contribution to understanding the architecture of the surrounding Conservation Area, so there would be a loss of architectural interest to the Conservation Area as well."

6.1.11 Accordingly, given the proposal would result in a total loss of the building this could be considered to harm the character and appearance and history of conservation area and would neither preserve or enhance it. Therefore it could be considered the proposal would fail Section 18 (4) of the Town and Country Planning Act (1999) and would weight against the proposal. The Heritage Statement offers a counter argument and indicates;

"5.24 Eastfield House may have formerly held landmark qualities by virtue of its size, and position compared to that of the surrounding built form, and the use of rendered

pillars framing the entrance drive. The street plans and old maps have shown that it was one of the first buildings to be built, situated to the top of the hill at the corner of Eastfield and Westmount. Even the area plan from 1852, title 'Eastfield, Plan of Building Ground Situate at Rosemount', has shown that Eastfield House was always intended to be separate and unique to the surrounding properties around the square. 5.25. However, in its extant form, Eastfield House no longer retains these landmark qualities. The surrounding mature vegetation means it is no longer visible from surrounding vistas. Furthermore, the fact the building was built setback from the road and away from direct vistas up Eastfield or Westmount puts into question whether Eastfield House was intended to be a landmark in the immediate street scene. Indeed, comparison with original plans for its siting not executed suggest its prominence in the street scene was deliberately reduced."

6.1.12 As outlined previously (6.1.6) the statement suggests that the property only has a "modest significance" which has been reduced due to extensions and the state of disrepair. Visiting the site during the application process and the area on a number of occasions, namely along Eastfield, Westmount and Brighton Terrace (main public viewpoints), it is evident that the area is made up of mainly terraced properties, all of which do differ in style and appearance, given their construction taking place over a number of decades and periods. Two features that do differ from this terraced housing are the two detached larger dwellings of Rose Lodge (southeast of site on opposite corner of allotments to site), which is a single dwelling and the application site Eastfield. It is accepted that the property Eastfield is not a prominent building in the streets scenes, namely given other build development, landscaping within allotments / fronting the site and the properties orientation and siting in relation to adjacent streets, namely Eastfield and Westmount. During summer months the dwelling is well screened from public views due to the mature landscaping/trees to the frontage of the site. However, landscaping can die/be removed and therefore this does not have significant weight. The site during autumn to spring periods is more apparent, with the two projection gables being the prominent feature of Eastfield. However, again such views are more angled views of the property. It is considered the point raised previously that; "in its extant form, Eastfield House no longer retains these landmark qualities" is true. Arguably from the photograph (1860) evidence, the original dwelling was a third smaller than it is today and maybe was never planned to be a "landmark" building in the first place, but still perhaps a grander building compared to other dwellings in the area.

6.1.13 It is considered with the continuation of the development to the area and especially to the south of the site, this has reduced arguably the grander status the dwelling had originally, albeit from the heritage Statement which indicates a 1852 plan of the site and area depicts the layout of a prospective development of the area, of which is generally similar to how the area looks today.

6.1.14 It is accepted the works undertaken in recent times have reduced its architectural qualities, albeit when broken down are not substantial, namely made up of hooded mouldings above windows and string course below first floor. There are examples of far more decorative and intricate features to similar sized dwellings within Douglas. Arguable the properties greatest feature still remains today, that being its overall form made up of two double fronting projecting gables, which in this area and Douglas as whole is unusual for a Victorian property. The inclusion of the uPVC conservatory to the front elevation, uPVC windows of differing styles throughout and removal of architectural features in parts all detract to its quality. Potential extensions and additions to the rear are not especially of interest, albeit follow the scale and form of what you would expect of a Victorian property (lean-to roofed single and two storey outriggers). Overall, it is considered the existing property just appears "tired" in its current form. The fact still remains however, that the property is a unique building within the Conservation Area, which gives it greater importance

and therefore it is difficult to disagree with the Assistant Registered Buildings Officer who considers the loss of Eastfield would result in a degree of harm to the significance of the Douglas (Woodbourne Road) Conservation Area. It is considered this element weights against the application.

6.2 Impact upon the Character and Appearance of the Conservation Area

6.2.1 There are a number of policies to consider namely Environment Policy 35 which indicates that within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development. Further Environment Policy 39 has a general presumption to retaining buildings which make a positive contribution to the character or appearance of the Conservation Area. With these policies in mind it is also important to consider Paragraph 7.32.2 of the IOMSP. It is important to note that the written text (e.g. this paragraph) has the same planning weight as any of the planning policies within the IOMSP. Paragraph 7.32.2 again highlights the presumption in retained buildings which make a positive contribution to the character or appearance of the Conservation Area, similar to EP39. It does go further, indicating that when considering proposals which will result in demolition of a building in a Conservation Area, attention will be paid to the part played in the architectural or historic interest of the area by the relevant building and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. In addition, consideration will be given to:

- o the condition of the building;
- o the cost of repairing and maintaining it in relation to its importance and the issue derived from its continued use (based on consistent long-term assumptions);
- o the adequacy of efforts made to retain the building in use;
- o the merits of alternative proposals for the site.

These four considerations are also outlined with Planning Policy Statement 1/01, which does into further detail for each.

The condition of the building

6.2.2 As part of the submission a Structural Report has been undertaken. For information this report is the same that accompanying the previous refused application 23/00526/B. The officer at that time of considering the previous application; on the issue of structural report, commented:

"Granting the Structural Report submitted by the applicants has sought to diminish the desirability of preserving or enhancing the existing Eastfield Mansion House by stating that "Retention of the building would only be possible through replacement of the majority of the components of the current build structure (i.e. masonry, floor and roof timbers, roof coverings windows etc.) and therefore the finished product whilst similar in appearance would effectively be a `new build`, there is nothing within the document that precludes dedicated steps to restore and enhance the existing building; which would be in the interest of the existing dwelling and the Conservation area given its historic and architectural contributions to the area."

6.2.3 The previous officer also highlighted that;

"...it should be noted that only in 2020, a planning application was submitted under PA 20/00280/B for Conversion of former care home to residential dwelling. This application sought to demolish the unsightly extensions, reinforce its fabric to make it thermally efficient, and add modern single storey elements at the rear to make it suitable for a modern family. In fact, it was argued within the submitted Design Statement that "the structure will exceed the minimum statutory requirements by reducing energy use, CO2 emissions, water use and production of pollution/waste

during construction and use. Materials and construction methods will be chosen for minimum environmental impact and greater durability...It is intended to increase the buildings energy efficiency by influencing materials of construction and delivering passive engineering solutions wherever possible within the constraints of the buildings comfortable operation."

6.2.4 The Department is unaware why the applicants of 20/00280/B did not proceed with the works to convert Eastfield into a single dwelling.

6.2.5 There is no additionally information within the structural report to arguably come to a different conclusion. The submitted structural report again outlines a number of structural issues, and the reports concludes;

*"-The existing building is up to three storeys in height and is primarily a load bearing masonry structure with internal timber studwork construction. The roof structure comprises of structural timber members supported of external and intermediate walls.
-The condition of the load bearing elements is poor and the majority needs replacement. There is evidence of poor construction and signs of structural movement.
-The timber roof, load bearing studwork walls and majority of timber floor joists require replacement.
-Retention of the external random rubble masonry walls has been explored. This would require extensive propping and temporary works to facilitate.
-The potential for movement of the retained random rubble masonry during the construction period is hazardous.
-Remedial works required to ensure the future stability of the external walls would result in extensive reconstruction of existing features due to installation of temporary works (this includes front elevation).
-The retention of the external masonry walls is not the safest solution to facilitate the redevelopment of Eastfield House.
-Taking all of the above into account, in our opinion the, the retention of the building is not economically viable.
-Retention of the building would only be possible through replacement of the majority of the components of the current build structure (ie masonry, floor and roof timbers, roof coverings windows etc) and therefore the finished product whilst similar in appearance would effectively be a `new build`.
- Based on our findings we would recommend demolition of the existing structure to be the safest and most viable solution to allow suitable redevelopment."*

6.2.3 It is noted that the Assistant Registered Buildings Officer raises concerns of Structural Report, indicating;

"...I have concerns that the report is not of sufficient detail to justify the complete demolition of a heritage asset that is afforded statutory protection given its position within a conservation area."

6.2.4 It is noted that the "Introduction" of the structural report has been undertaken on the basis of;

"No fixture or fittings were removed to afford a detailed inspection of the structural elements. External inspection of all elevations was carried out from adjacent ground levels. Internal inspection was carried out from each floor level."

6.2.5 Accordingly, without any detailed inspection of the structural elements, the Department does have concern that relying heavily on the structural report where no significant or invasive inspections having been undertaken, especially to come to a conclusion the building is of such a condition that it should be demolished, especially one which is within

a Conservation Area and of interest. The building may be in a better condition or worst condition than has been found, but at this point that is an unknown.

6.2.6 It is noted the structural report does not conclude the works cannot be achieved to retained Eastfield, only that; "...Taking all of the above into account, in our opinion the, the retention of the building is not economically viable.". However, one of the main differences between this current application is the inclusion of a viability report will be considered later in this report.

6.2.7 Overall, while works are required to repair the property; as would be expected to a building of this age, the Department has concerns that allowing the demolition of the building purely on the evidence contained within the structural evidence would be of limited material consideration.

6.3 The cost of repairing and maintaining and Efforts to Retain the Building/Alternative Proposals for the Site

6.3.1 As outlined previously, one of the main differences with the application is the inclusion of a viability report. This has been prepared by the applicants and advice obtained by a Director of Cowely Groves Estate Agents and Bell Burton Associates (Chartered Quantity Surveyors).

6.3.2 The full details of this can be viewed online.

6.3.3 The Viability Report essentially considered three potential options; options 1 and 2 was to retain the existing building and undertake the scheme to convert and extend as approved under PA 20/00280/B, resulting in a floor area of approximately 700sqm. The assessment is based on a high level indicative cost based on floor area unit rates.

6.3.4 The first option would be a rate of £3,850 per sqm x 700sqm (size of extended property) which equates to a total cost of £2,695,000 to refurbish the dwelling (including external works and drainage etc). Therefore the initial first option came to an estimate cost of £2,695,000. Further estimate land value of £400,000 needs to be calculated into any final costings. It is understood this rate per sqm would be very high standard of finishes.

6.3.5 A second option was again retained and extended Eastfield as indicated above, but this was at a rate of £2,375 per sqm x 700sqm which equates to a total cost of £1,662,500 to refurbish the dwelling (including external works and drainage etc). Again, estimate land value of £400,000 needs to be calculated into any final costings. This option would be at a lesser standard compared to the first option.

6.3.6 The third option is the current proposal to demolish Eastfield and replace with the proposed five terraced properties. This option has an estimated build cost of £2,095,000. Again, estimate land value of £400,000 needs to be calculated into any final costings. It is estimated that a selling price of £595,000 for each dwelling and therefore this would equate to a sale value of £2,975,000. After land value is deducted from the £880,000 residual profit, this would result in a net profit of £480,000 and a 16.1% return on investment. For information the general accepted a profit on gross development value (GDV) of around 15 to 20% for new house building and therefore the proposed scheme would be viable utilising the figures listed.

6.3.7 The Planning Statement highlights that;
"The refurbishment of the property as approved would result in a building which in our would not be either desirable or a commercially attractive option in this location. This

was tested with a local estate agent who was approached and advised on 14th February, 2024 that a detached property on this site would theoretically be worth £1m but potential buyers - and they suggest there would be low demand for such a property - would expect better access, less overlooking and more privacy. He also advised that buyers are now more economically and environmentally conscious and large period homes are less desirable if not fitted with some eco tech features. He goes on to say that the development of five 4 bed houses would be supported by the current local market as there is a lack of supply of family homes in Douglas in the region of £400-600k."

6.3.8 Accordingly, based on the estimate selling price of £1,000,000 for the refurbished and extended Eastfield dwelling the first option would have a net loss of - £2,095,000 and option two a net loss of - £1,062,500 and therefore neither option would be economically viable using these figures and the selling price.

6.3.9 It should be noted that Eastfield as it stands today has an approximately floor area of 480sqm. No calculations have been done on the basis of purely converting the existing property without any extensions.

6.3.10 The Department did seek advice from the Head of Commercial at the Public Estates and Housing Division (DOI) who also had discussions with the IOM Government Valuer. He made the following comments in relation to Option 1;

"As the Viability Assessment is a very high level overview of revenue and costs I have restricted my analysis to a similar level.

Option 1

Turning first to the likely market value of the proposed single luxury dwelling on this site, I have checked over the current agents' websites to establish aspirational selling prices of large dwellings over 350m², and up to 1000m². I have also checked sales over the last two years via our access to Land Registry sales records. In our view, the mean sales price per square meter of internal floor area is approximately £3,940/m² when calculated from ten sample sales of large single homes. This would equate to a selling price of £2.7m for a 700m² luxury single dwelling. The great majority of large dwelling sales include at least 0.5 acre of associated land or gardens and as the applicant's agent states, the subject site is to some extent overlooked and there are homes of this magnitude available elsewhere but for much greater selling price per square meter floor area than the £1,400 per sq m which the agent estimates (this is based on the property having a selling price of £1,000,000/700sqm=£1,400). Both the Government Valuer and I consider that a dwelling of this size, assuming a high quality refurbishment or redevelopment for a single dwelling, would have a market value of between £2.0m and £2.3m.

The reasoning behind these opinions is that the level of refurbishment cost, estimated at £3,850 per sq.m, is extraordinarily high and indicates a finished dwelling which would be viewed by the market as very best in class with every luxury and the highest degree of latest technology embedded within the development. This level of finish would to some extent mitigate the shortcomings of location and site constraints. We are unaware of any current residential refurbishment scheme, present or past, which has a construction budget at this level. Technical publications and Estimating data do not refer to refurbishment construction costs for residential in excess of £3,500 per sq.m.

In summary, the market value of £2.3m for a 'highest specification achievable' single dwelling on this site, with a construction budget of say £2.1m., equating to £3,000 psm, would, before land costs and cost of funding, have a gross profit of £200,000,

which would be negated by the additional costs relating to land and funding, hence resulting in an unviable scheme from a purely financial perspective."

6.3.11 There is clearly a difference of view in terms of the estimated selling price with Cowley Groves Estate Agents indicating £1,000,000 whereas the Head of Commercial/Government Valuer considers a estimate of £2,000,000 to £2,300,000. However, Option 1 which has the highest level of finishes, would have a total cost of £2,695,000 and therefore from a developable standpoint would not be viable. The second option has a total cost of £1,662,500 but would be finished a lower standard and therefore would unlikely to achieve the higher selling price (2m to 2.3m) suggested by the Head of Commercial. Even if it were to sell for £2,000,000 with the build cost of £1,662,500 and the inclusion of land value of £400,000 this would result in a net loss of - £62,500 and again not viable for a developer.

6.3.12 In terms of the option of the new building of the five dwellings the Head of Commercial commented;

"We keep detailed records of dwelling sales in order to support our Commuted Sums calculations for affordable housing agreements, and again, simply taking an average selling price for town houses, (and terraced properties in this location would likely be very marketable), we would assess the sale price of a new 185m² three storey dwelling between £2750 psm and £2950 psm, thus between £509k and £546k. This would result in a total Gross Revenue of £2.55m - £2.75m. These figures are estimates only and without a full specification for the homes we have taken a conservative view on selling prices.

The costs used in Bell Burton's assessment of a likely construction budget are in our view broadly in accordance with our own records for residential development construction costs. The costs have been split between three cost categories but excluding the Demolition element the cost per square metre of £2170 is about 5% higher than what we would expect to pay for 3 storey new homes; our costs will be slightly lower as our standard specification would be lower .

There is always a degree of uncertainty regarding selling prices and costs dependent upon a number of market factors but in broad terms the assessment as presented is not unreasonable in terms of the financial components."

6.3.13 it is noted that the purchase of Eastfield also included the end terrace Nr 14 Eastfield. It is noted that this property has recently been restored to a single dwelling and is advertised for sale for £435,000 (Black Grace Cowley Estate Agents). Currently it is sold 'Subject to Contract'. The Department did seek clarification on this point as this could have an impact on the viability of any scheme. The applicants commented:

"It wouldn't be appropriate to include this end terrace property as this has previously been disposed of to a developer and as you rightly point out is being sold (think actual offer price was £ 425k though yet to complete. Note: this sale value was after 12 months of work and refurbishment of existing in line with that planning approval hence the net land value in any event would be less than half). The £ 400k land value shown as a sum in the viability report is excluding the end terrace property and is consistent across all the options shown. Even if that was queried and reduced (which wouldn't be appropriate) it wouldn't alter the outcome of the options shown."

6.3.14 The Department further queried whether all land and buildings purchased at the outset should be included in the viability. The applicants responded;

"...I don't agree the property at 14 Eastfield needs form part of the viability assessment. That end terrace property was sold off to a local builder/developer at the point of us acquiring the larger site and they went on to refurbish it hence we have no visibility with regards that development. We sold the property for £ 200,000 and that was the end of it.

A credible viability assessment should have accurate figures relating to the development we are proposing and the £ 400k land value shows that ie for the site for which we are applying for planning (c £ 400k to £ 500k). This is consistent with the c £ 100k per plot valuation (x 5 plots) we attribute to the plots as intended. Could amend the £ 400k figure to £ 500k in the viability however as am sure you would agree it wouldn't really alter anything in the outcomes of the different options.

Happy to provide you with any further figures you require however I don't believe the viability assessment as submitted should be altered for someone else's single dwelling development, even if we did once own it."

6.3.15 It is also noted within the Heritage report that the conversion of the building to a number of apartments was also considered but concluded that the internal layout does not lend itself to such a use without significant alteration and demolition and this too was considered unviable. No further details have been provided on this matter. This was raised with the applicants further who indicated;

"Having had many discussions with several estate agents in Douglas we were discouraged from going down the apartment route as what was far more needed in this town centre location was 3 and 4 bed family houses with self contained parking facilities and gardens. Think the issue remains though in that any attempt to refurbish what was there would require (as noted in the structural engineer report) replacement of the full roof (timbers and roof covering), all internal timbers would require replacement (joists where they have rotted going into walls and uneven floor boards), extensive external wall structural works to address broken lintels and more recent poor extensions, and generally have to build new internals due to the mix of finishes currently in situ following many years use as a care home. This would only leave some portions of external wall (part !) with little else original remaining, in effect then significantly more new building than original. Given then the modest apartment pricing in the town (as lots currently for sale) and the high re-build cost if we were to try retain the existing the viability would again be a negative outcome. Furthermore having given it significant though we can see no further use options for the building."

Conclusion on this Issue

6.3.16 Overall, the Department is comfortable from the figures submitted and the comments made from the Head of Commercial that a development to retain the existing building from a developable point of view does not appear to be economically viable for the reasons outlined and that the proposed development for five new dwellings is a viable option. There is an argument that an individual could purchase the property and undertake works, albeit the property was advised for a period and this did not occur.

6.4 Character and Appearance of the Conservation Area

6.4.1 On the basis that it is accepted the Eastfield building can be demolished, the next question is whether the proposed scheme for five terraced dwellings would be appropriate with the Character and Appearance of the Conservation Area. The Planning Department has a duty to determine whether such proposals are in keeping with not only the individual building, but the special character and quality of the area as a whole. With this in mind it is very relevant to consider Environment Policy 35 of the Isle of Man Strategic Plan (adopted June 2016). This policy indicates that development within Conservation Areas will only be permitted if they would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development. Further General Policy 2 seeks any development to respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them and not to affect adversely the character of the surrounding landscape or townscape.

6.4.2 A concerns with the previously refused application was the design, form and appearance of the proposed five terraced dwellings and they would not preserve or enhance the character and appearance of the site and Conservation Area, especially given they were not truly traditional, and failed to integrate a number of the key features found on the existing terraces in the area. In response the applicants have amended the design to give a more Victorian terrace designed approach. The Heritage Statement comments;

"In response, the two-storey bay window projections have been redesigned in a similar fashion to those found along Westmount terrace. New architectural detailing has been introduced, including render bands, cornice, hood mouldings and gabled dormers. All of these reinforce a more traditional style in keeping with the Conservation Area and yet maintain a varied appearance across the streetscene. Moreover, the overall layout, scale and bulk of the terrace has been readjusted. The properties are smaller, with now only a single-storey projection at the rear, similar to a traditional closet wing. These changes thus reduce the accommodation capacity of the dwellings and overall massing when compared to the adjacent Eastfield terrace, so they will be read as subservient to the earlier, historic built form of the local area. Also, the design now incorporates more welldefined rear courtyards/gardens, which was suggested was missing previously by the Officer."

6.4.3 It is noted that the Woodbourne Road Conservation Area Character Appraisal highlights that;

"...decorative features such as railings, gates, cornices, etched glass and ridge tiles were intended to be seen and appreciated for their individuality and splendour. The open Properties benefit from retention of plaster mouldings, sliding sash windows, the variety of bays, stuccoed quoins, string courses and hooded mouldings, all adding to the richness of architectural forms. The abundance of high quality fabric is a major contributory factor to the distinct character of the area."

6.4.4 It is considered the proposal scheme in terms of its proportion, form, design and finishes is acceptable and would sit well within the area. The inclusion of front boundary walls with railgun above continue this element found to other terraces in the area, and the sliding sash windows, string courses, hood mouldings above window and doors, and the overall design all match those highlighted as important features in the Conservation Area Character Appraisal. The only element which is missing is chimney stacks, which generally are important features of Victorian terraces. The applicants consider these are: *"...not considered to have a detrimental impact to the special interests of the Conservation Area."* If these terraces were in a more prominent location the Department would have a significant concerns with this approach. If you are designing a traditional Victorian property, then all of feature that make that style of property should be included. However, in this case, give the sites and the new dwellings orientation with Eastfield and the nearby roads, it is not considered the admittance of chimneys is fundamental, albeit a shame.

6.4.5 There are some elements which need further information. The proposal includes roof mounted solar panels, these should not be mounted on the roof rather be incorporated into the roof. Further the front door designs appear inappropriate for the style of the property and therefore further information is need as well as further detailing around the top of bay windows. These matters can be conditioned.

6.4.6 Overall, it is considered with the relevant policies outlined at the start of this assessment the proposed five terrace properties are of a quality and design which would preserve the character and appearance of the Conservation Area and overcome the previous reasons for refusal in terms of its design.

7.0 CONCLUSION

7.0.1 As has been outlined in this report, the main issue of the application centres on the demolition of Eastfield Mansion house which is judged to contribute to the character and appearance of the Woodbourne Road Conservation Area. The buildings in question is one of the oldest building in the area whose contribution to the significance of the Conservation Area is mainly through the architectural interest of its surviving historic fabric, namely its form and its historic interest. It is accepted the works undertaken in recent times have reduced its architectural qualities albeit its greatest remaining feature still remains today, that being its overall form, being a sizeable two/three storey detached building, made up of two double fronting projecting gables, which in this area of Douglas is unusual for a Victorian property. Due to this factor it is considered its loss would result in a degree of harm to the significance of the Douglas (Woodbourne Road) Conservation Area and therefore could be considered contrary to Section 18(4) Town and Country Planning Act 1999, Environment Policy 35 and 39 of the IOMSP and Planning Policy Statement 1/01.

7.0.2 However, it has been evidenced in this report that the retention of the existing Eastfield and the required cost associated with such works are not financially viable, particularly for a developer and therefore this weighs in favour of the application for demolition.

7.0.3 If the loss of the existing Eastfield is accepted, it is considered that the proposed dwellings would represent an appropriate replacement for the existing building on site for the reasons that have been outlined within this report.

7.0.4 Furthermore, the potential impacts of the proposal on the amenities of the existing dwellings neighbouring properties surrounding the site are considered acceptable and not giving rise to significant adverse impacts.

7.0.5 There are no concerns in terms of parking/highway safety, the acceptable impacts on biodiversity and the impacts on trees and the proposal has sufficient energy efficiencies to meet current standards.

7.0.6 Overall, this decision is very finely balanced, the proposal has a number of positive elements, namely the creation of five new residential dwellings on a brownfield site within Douglas, which is the most sustainable location on the IOM, which also makes good use of this land and being well designed which would sit well within street scenes and the Conservation Area. The negative element with the application is the demolition of Eastfield and the potential harm to the significance of the Douglas (Woodbourne Road) Conservation Area. However, on balance and for the reasons outlined within this report it is considered the proposal is acceptable and therefore it is recommended for an approval, albeit the loss of Eastfield is unfortunate.

8.0 INTERESTED PERSON STATUS

8.0.1 By virtue of the Town and Country Planning (Registered Buildings) Regulations 2013, the following 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;
- (c) Manx National Heritage; and
- (d) The local authority in whose district the land the subject of the application is situated

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

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.12

Proposal : Creation of new agricultural access into field including the creation of a hard standing and part demolition of a stone wall.

Site Address : Field 514414
Harbour Road
Santon
Isle Of Man
IM4 1HF

Applicant : Mr Richard Kneen

Application No. : 24/00313/B- [click to view](#)

Planning Officer : Vanessa Porter

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The entrance shall not be used until the means of vehicular access and layout have all been constructed in full accordance with drawing number - Proposed Access Plan, dated received 31st May 2024, and shall thereafter be retained as such for access and parking purposes only.

Reason: In the interests of highway safety

Reason for approval:

The proposal complies with Section 18(4) of the Town and Country Act (1999) and Environment The proposed access is considered acceptable and to comply with General Policy 3f, Environment Policy 1 and Transport Policy 4 by providing a new access which would be a benefit to the agricultural holding without impacting the character of the countryside nor would it create any new or adverse highway safety issues.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AS THE APPLICANT IS AN OFFICER WITHIN THE DEFA PLANNING

THE APPLICATION SITE

1.1 The application site is within the curtilage of field no. 514414, Harbour Road, Santon, which is part of several fields situated to the East of Harbour Road, which ends at Port Grenaugh beach. The field is currently used for hay.

1.2 There is currently an existing entrance into the site situated to the South of the site, adjacent to Croit-Y-Keeil, Harbour Road. This entrance grades up to the North and has a tight exit adjacent to Harbour Road.

THE PROPOSAL

2.1 The current planning application seeks approval for creation of a new entrance to the existing field, which will be situated along Harbour Road. The proposed field access will include the removal of the existing walling and hedging from the boundary. The entrance proposed is to be 8m wide, with a matting area of 10m by 8m and fencing with gates situated around the entrance and matting to a size of 15m by 11m.

2.2 There is to be a concrete buffer to connect the proposal to the main Harbour Road and the proposed matting is to be TurfMesh.

PLANNING HISTORY

3.1 There are no previous Planning Applications situated upon the site.

PLANNING POLICY

4.1 The site lies within an area zoned as a "not for development" on the Area Plan for the East. The site is not within a Conservation Area, Flood Zone, nor an area zoned as High Landscape or Coastal Value and Scenic Significance.

4.2 In terms of the Isle of Man Strategic Plan 2016, General Policy 3, part (f) which states, "Building and engineering operations which are essential for the conduct of agriculture or forestry, Environment Policy 1 which seeks that the countryside and its ecology is protected for its own sake and Transport Policy 4 which seeks that any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan.

REPRESENTATIONS

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

5.2 Highway Services have considered the application and state in part, "The proposal raises no significant road safety or highway network efficiency issues. Accordingly, Highway Services Development Control raises no objection to the proposal. All vegetation above the 1.4m boundary wall should be removed in order to maintain visibility, and should be kept clear from obstruction for the lifetime of the development. The applicant is advised that a S109(A) Highway Agreement is needed after the grant of planning consent." (17.06.24)

5.3 No comments have been received from Santon Commissioners at the time of writing this report.

ASSESSMENT

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

- principle
- visual impact on the countryside
- highway safety of the access

6.2 PRINCIPLE

6.2.1 When looking at whether the principle of the proposal would be acceptable, whilst there is already an access into the Southern area of the field in question, the information supplied from the applicant shows that this ingress and egress is not suitable for the existing use of the site. The addition of an access to the main Harbour Road, will clearly aid movements into field no. 514414 and would reduce the reliance of the existing entrance adjacent to Croit-Y-Keeil, and as such the proposal would clearly have a benefit to the future agricultural use of the fields, which is in accordance with General Policy 3f and Environment Policy 1.

6.3 CHARACTER AND APPEARANCE

6.3.1 The works will inevitably have an effect on the appearance of the area, as there is currently green hedging and walling in place, which will be replaced by an open entrance, fencing and a gate. However, given the agricultural benefit from the works together with their scale in the overall streetscene, it is considered that there would be minimal impact upon the character and appearance of the countryside and the proposal is deemed acceptable from a character and appearance point of view.

6.4 HIGHWAY IMPACT

6.4.1 Turning towards whether the proposal will have an impact on highway safety, noting the comments from the Highway department are heavily relied on. Overall Highway Services state the proposal does not raise any significant road safety or highway network efficiency issues. Whilst this is the case a condition should be attached to state that the works must be done in accordance with with the drawings received.

CONCLUSION

7.1 The proposed access is considered acceptable and to comply with General Policy 3f, Environment Policy 1 and Transport Policy 4 by providing a new access which would be a benefit to the agricultural holding without impacting the character of the countryside nor would it create any new or adverse highway safety issues.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.13

Proposal : Change of use of building for the storage of vehicles (retrospective)
Site Address : Former Milk Depot
Approach Road
Ramsey
Isle Of Man
IM8 1EB
Applicant : Corkhill And Callow Funeral Directors
Application No. : 24/00566/C- click to view
Senior Planner: Graham Northern
RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The site and unit shall only be used for the storage and parking of vehicles in association with Corkhill and Callow Funeral Directors.

Reason: to ensure that the use does not adversely affect highway safety.

Reason for approval:

The proposal is considered to accord with General Policy 2 of the Strategic Plan.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AS THE PROPOSED USE IS CONTRARY TO THE DEVELOPMENT PLAN

1.0 THE SITE

1.1 The application site is an existing industrial unit located half way along Waterloo Road in Ramsey and to the rear of the former petrol station. Access to the building is via Approach Road where there is a large area of hardstanding and off road parking to the front of the unit with parking available for sole use by the unit.

1.2 The unit was historically used as the milk depot for IOM Creameries but this use has been ceased for a considerable time and in excess of 15 years. The last known use was as a gym and this was permitted under application reference 19/01047/C.

1.3 The majority of Waterloo Road comprises residential properties lining both sides of the road, however in the immediate area surrounding the site there is the former petrol station, Ramsey Youth Club (registered building) and Lough House (registered building) utilised as offices.

2.0 THE PROPOSAL

2.1 Proposed is the retrospective change of use of the existing unit for the storage of vehicles in association with a funeral directors. No external alterations are applied for.

2.2 Supporting information provided for the application states that the facility is to provide a facility for the Funeral Company's vehicles, which can't be stored at the company address.

3.0 PLANNING HISTORY

3.1 The application site has been subject to a number of planning applications dating back from 1988, including the change of use from a vehicle maintenance garage to a garage for delivery vans under PA 88/01331/A, refurbishment works and the construction of a loading bay for the Milk Depot under PA 01/01605/B, and four applications for residential development varying between apartments and town houses and only one of which was approved under PA 09/00414/A.

3.2 The last use was as a gymnasium which was permitted under application reference 19/01047/C.

4.0 PLANNING POLICY

4.1 The site is designated as 'predominantly residential' on the Ramsey Local Plan. There are no specific policies in the Strategic Plan that relate to the current storage proposal in a residential zone, however it would be reasonable to consider the general standards of development set out in General Policy 2 in the assessment of the application along with the parking standards set out in Appendix 7.

4.2 General Policy 2 states (in part):

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

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

4.2 Appendix 7 states (in part):

Town Centre Shops - Space for service vehicle use

5.0 REPRESENTATIONS

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

5.1 Department of Infrastructure Highway Services - No significant impact 24.05.2024

5.2 Ramsey Town Commissioners - no objections 21.06.2024

6.0 ASSESSMENT

6.1 There are two fundamental issues to be considered in the assessment of the current application, i) whether or not the proposal will impact the residential properties in the area and ii) whether or not the proposal would have an adverse impact on highway safety.

6.2 Context

6.3 The Strategic Plan acknowledges the objectives of the Strategic Plan and the overarching Government aims in making our Island a special place to live and work. The applicant is a small independent business of Funeral Directors offering an island wide service with the day to day activities operating from 7 Dale Street Ramsey. With everything operating from that address other than the storing and cleaning of the fleet vehicles associated. Until recently vehicles were stored at an address on Jurby Road, however that location meant staff had to drive from Dale Street, which is an area covered with disc parking zones. The Old Dairy provides a good solution, in that it is within walking distance from Dale Street for staff and is large enough to store the fleet of vehicles within as well as providing a forecourt for staff parking off the highway.

6.4 Whether or not the proposal will impact the residential properties in the area

6.5 Whilst the site is within a predominately residential allocated zone, and the majority of Waterloo Road comprises residential properties lining both sides of the road, however in the immediate area surrounding the site there is the former petrol station, Ramsey Youth Club (registered building) and Lough House (registered building) utilised as offices. As such this section of Waterloo Road / Archer Road forms a small pocket of non-residential uses.

6.6 The last use of the building was also as a gymnasium which would have seen far greater comings and goings than the proposed use and which operated from 0630 to 2100 hours 7 days a week. No external changes have been applied for and as such the use is not considered to result in any significant detrimental impact to residential properties in the area.

6.7 Highway Safety

6.8 The applicant has provided pictures which show the two funeral vehicles easily accommodated within the building and the external forecourt also has sufficient space for 4 plus vehicles to park off road.

6.9 Highways have raised no objections to the application and it is considered that the use of the site would not result in an unacceptable impact on highway safety as to warrant a concern or refusal.

7.0 CONCLUSION

7.1 Whilst the land is not designated for the use applied for it will provide facilities which are generally encouraged within the Strategic Plan, and which provide a local business with a solution to their parking and garaging problem. Given the reasonable size of the unit and the other non-residential uses in the immediate surroundings, the proposed use for vehicle storage is not considered to be unacceptable or to adversely impact general or residential amenity in the area. In addition there are not considered to be any significant adverse highway impacts resulting from the use of the subject of this application. For these reasons the application and proposal is supported.

INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.14

Proposal : Change of use to storage compound, siting of shipping container, erection of summerhouse, erection of fence and vehicle access (retrospective)

Site Address : Unit 25
The Old Airfield
Braust
Andreas
Isle Of Man
IM7 4JB

Applicant : Rhys Cormode General Gardening Limited

Application No. : 24/00606/C- [click to view](#)

Principal Planner : Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

Reason for approval:

On balance; given the proposal would not have any significant adverse impact to public or private amenity; no adverse highway matters nor have any adverse visual impact upon the countryside, and as the use is appropriate with existing uses within the overall site; it is considered the proposal would comply with General Policy 3 and Environment Policy 1 of the IOMSP.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS BROUGHT BEFORE THE COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

1.0 THE SITE

1.1 The application site Unit 25, The Old Airfield, Braust, Andreas is a small section of land which sits within the former Andreas Airfield, to the east of Andreas Village. The site is currently made up of hardstanding which is used for the parking/storage of vehicles, a container and a summerhouse shed. The site is within western edge of the former Andreas Airfield and is situated on the western runway (three former runways). To the north of the site are hardstanding's areas for various commercial business, some of which to the north of the site have industrial styled buildings and site compounds for various business. To the south of the site is the southern runway. There is no industrial development on this section of the runway and beyond.

2.0 THE PROPOSAL

2.1 The application seeks approval for the change of use of the site to a storage compound, siting of shipping container (2m x 5m), erection of summerhouse (3m x 3m), erection of fence and vehicle access (retrospective).

2.2 The applicants in support of their application comment:

"We are a growing gardening and landscaping company that operates 3-4 men looking after churchyards office blocks and private homes and also cover landscaping and larger projects...".

2.3 They indicate that the compound is used 6 days a week Monday to Saturday from 7:30am to 7:30pm and they have 3 work vans and 3 trailers and a 1.87ton digger. They also have room to expand once they have their Operators License. The shipping container is used to store more expensive equipment (ride on mowers, push mowers and gardening equipment) and the summer house is used to store dry goods (cement, plaster, postmix etc) and lower value tools.

3.0 PLANNING POLICY

3.1 The site lies within an area of 'white land' albeit noted as "Airfield (disused)" - land not zoned for development, on the Town and Country Planning (Development Plan) Order 1982. There is therefore a general presumption against development in this area. This presumption is further outlined and clarified in the Isle of Man Strategic Plan policies below.

3.2 Environment Policy 1: "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."

3.3 General Policy 3 sets out a presumption against development in the countryside but includes instances where there may be exemptions:

- (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.

3.3.1 "Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' The definition includes defence buildings, but excludes:

- o Land that is or has been occupied by agricultural or forestry buildings.

- o Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- o Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- o Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)."

4.0 PLANNING HISTORY

4.1 There are no previous planning application on this site which are considered relevant in the assessment and determination of this application.

4.2 However, there have been some applications in the wider area which are considered relevant in the determination of this application:

- o Commercial vehicle storage shed and associated parking spaces - 24/00377/B - APPROVED
- o Erection of storage facility - 21/00855/B - APPROVED
- o Creation of vehicle/storage compound area - 19/01198/B - APPROVED
- o Erection of single unit garage - 19/00827/B - APPROVED
- o Creation of a secured storage area for skips (retrospective) - 19/00555/B - APPROVED
- o Erection of a workshop/garage building - 09/01933/B - APPROVED
- o Additional use of the existing site to include the temporary storing and sorting of inert construction, demolition and green waste material prior to bulk removal to disposal facility - 02/01800/C - APPROVED

5.0 REPRESENTATIONS

5.1 Highway Services (DOI) have no objections to the application commenting (31.05.2024);

"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 is within an existing industrial area."

5.2 Highway Services Drainage (DOI) have no objections to the application commenting (30.05.2024);

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

Recommendation: The applicant should be aware off and demonstrate compliance with the clause above."

6.0 ASSESSMENT

6.1 The two main considerations in the assessment of this application are the principle of the development, its likely visual impact on the character of the countryside and highway matters.

Principle of the development

6.2 The site in question is an existing developed, parcel of land, potentially originally being one of the three runways forming the Andreas Air force base which was created during the second world war. It is located towards the centre of the former airbase, albeit the southern most point of the western runway, with no industrial type development any further to the south or east of the site. The area which this site forms part is made up of various uses/business (waste disposals uses/industrial/storage etc.) and has an array of different

buildings, some the former airfield buildings are in a very poor state of repair. Given this, it is difficult to class this site as "countryside" in the normal sense of the word; and has more of being a parcel of land within an industrial area; albeit the Development Plan does not designate the site as this. The uses on this site have evolved over a number of decades, some of which are unlikely to have gained planning approval.

6.3 The proposed use of the site, container and summerhouse for a commercial landscaping compound (applicants Rhys Cormode General Gardening Limited) would fit with the existing industrial/storage uses in the area.

6.4 As outlined there have been a number of similar buildings/uses approved in within the former airbases land which as with this site have been generally been on land which is previously development, either on part of the former run ways/hard surfacing or on sites which have had an established us.

Visual Impact

6.5 The shipping container and summerhouse, are very modest in size and similar or smaller to other buildings in the area. Further, the proposed location is relatively sheltered from public vantage points and not within an area of particular natural beauty - being on the former airfield, all limit the likelihood of an unacceptable adverse visual impact which could be of detriment to the character of the countryside. In relation to visual impact and Environmental Policy 1, the proposal is considered acceptable.

Highway Matters

6.6 It is noted that no objection has been received by highway services. It is considered this application would not have an unacceptable impact on highway safety.

7.0 CONCLUSION

7.1 On balance; given the proposal would not have any significant adverse impacts to public or private amenities; no adverse highway matters nor have no adverse visual impact upon the countryside and as the use is appropriate with uses within the overall site; it is considered the proposal would comply with General Policy 3 and Environment Policy 1 of the IOMSP. It is recommended for approval.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.15

Proposal : Variation of condition 5 of planning consent 21/00527/B to permit stays of up to 14 days in the motorhome aire in the Boneyard of Noble's Park.

Site Address : Hardstanding To Rear Of Grandstand
Nobles Park
Douglas
Isle Of Man

Applicant : Mr Christopher Pycroft

Application No. : 24/00617/B- [click to view](#)

Principal Planner : Chris Balmer

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. The use hereby approved is only for the use of the site as a motorhome "Aire" as set out in the approved documents, and the site may only be operated by Douglas City Council.

Reason: The applicants (DCC) have clearly outlined without their submission how the site will be run and operated and the application has been considered on this basis only.

C 3. For the avoidance of doubt no tents or awnings may be erected or used on the site outside of TT/Racing periods.

Reason: The application has not proposed tents or awnings (submitted statement indicates they would not be used) and the application has been considered on this basis.

C 4. There may be no more than 75 motorhomes parked at the site at any one time (outside TT/Racing periods).

Reason: there are 75 spaces available within the site and the application has been considered on this basis and in the interest of the visual amenity of the area.

C 5. A motorhome shall only be allowed to park on the site for a maximum of 14 nights (outside TT/Racing periods).

Reason: The application has been proposed and judged on the parking of motorhomes on a short terms basis for tourist/visitor use only.

Reason for approval:

Overall, it is considered the proposal to allow stays of up to 14 nights in the motorhome at the Aire in the Boneyard of Noble's is appropriate; having no significant impact upon public or private amenity, allow greater flexibility in an additional recreation facility for IOM

residents and visitors and would use a site which is used and has facilities which serve this very purpose during the TT /racing periods. Accordingly it is considered the proposal would comply with General Policy 2, Environment Policy 22, Environment Policy 24 & Recreation Policy 2 of the IOM Strategic Plan 2016 and the Area Plan for the East 2020. The application is recommended for an approval.

Interested Person Status – Additional Persons

None

Planning Officer's Report

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

1.0 THE APPLICATION SITE

1.1 The application site forms part of The "Boneyard", which is an area of land which is made up of tarmac/stone access lanes with grassed areas in-between. The site is to the south of the Grandstand/Paddock and east of the Bowling Green within Noble's Park, Douglas.

2.0 THE PROPOSAL

2.1 The application seeks approval for the Variation of Condition 5 of planning consent 21/00527/B to permit stays of up to 14 days in the motorhome aire in the Boneyard of Noble's Park.

2.2 The applicants in support of the application comment;

"The Council is seeking a variation to Condition 5 of the consent for application 21/00527/B. The Condition states, "A motorhome shall only be allowed to park on the site for a maximum of 4 nights (outside TT/Racing periods)."

In early 2023 the Council was approached by the Federation International de Camping, Caravanning et Autocaravanning regarding a potential block booking for 18 motorhomes visiting the island as part of a Hymer Club International organised rally in July 2023. Although the request was for the visitors to stay in Noble's Park for 7 nights, the Council was only able to accept a booking of 4 nights due to the restriction imposed by Condition 5. Consequently, the party had to move on after 4 nights resulting in a potential loss of economic benefit to Douglas businesses.

The Council therefore seeks a variation to Condition 5 to increase the maximum permitted stay to 14 nights. If this is not considered acceptable, the Council would be amenable to a variation that only permits a 14 night stay for motorhomes participating in an organised pre-arranged rally or similar event."

2.3 For reference the previously approved application 24/00617/B the applicants indicate the following:

"...This application is for the additional use of the paddock area, currently designated for TT use, as car parking outside TT and other motorsport periods. This is an existing use and this application aims to formalise the use so that it can be effectively managed through the making of an Off-street Parking Places Order. The Order has been drafted with the assistance of the Department of Infrastructure and the Council intends to make the Order once planning

consent has been received. The Department has also drafted Traffic Regulation Orders for the roadways within the park with the intention that these be made once planning consent is in place."

2.4 Further the applicant's stated:

"The "Boneyard" area of Noble's Park is situated with the BMX track and dog walking area to the southeast and the TT shower block to the north west. The area is zoned in the Area Plan for the East as Open Space - Park. During the periods when the park is occupied for motorsport events the "Boneyard" is used for the parking of motorhomes and camping by competitors and their teams. An infrastructure of electricity supply points has been installed over the years to support this use during motorsport events. There is also a shower and toilet block located adjacently for use by those camping during the festivals.

Outside the motorsport festival periods, the area cannot easily be used for any other purpose because of the infrastructure required during the festival periods. For many years the Council has issued permits to motorhome users permitting them to park motorhomes under certain conditions including a maximum stay of 4 consecutive nights or 14 days in any quarter. However, until the making of the Noble's Park Off-Street Parking Places Order 2021 in January 2021, the Council had no enforcement powers available. Since the making of the Order, the Council is now enforcing a prohibition of motorhome parking in Noble's Park as a measure to tackle the problem of motorhome owners storing their vehicles permanently within the park."

2.5 Additional comments are:

"It was also recognised that the provision of official motorhome overnight parking has some potential benefits. Most motorhomes are completely self-contained and consequently their users are not physically constrained by the need for the facilities provided by full campsites. As a result motorhomes are able to be used anywhere they are permitted and this is part of their attraction. The only facilities required are a flat location to park and the occasional need to empty a chemical toilet and 'grey' water and to top up the tanks with fresh water. An electricity supply, toilets and showers, although not required are considered a bonus. Many towns, particularly in mainland Europe provide facilities called Aires or Stellplatz of just this nature where motorhomes are invited to park either free of charge or for a tariff typically much lower than a fully equipped campsite. The main differences between a Stellplatz and a campsite are;

- o Users can arrive or depart at any time, even at night.
- o There is no reception where one has to register or deregister.
- o Sanitary facilities are not available, or at least only to a limited extent.
- o The erection of tents, including awnings, is not permitted.
- o The stay is limited to a few nights, seasonal or permanent camping is not permitted.
- o Lower accommodation prices, sometimes free of charge.
- o In the case of chargeable spaces, the fee is usually paid at a parking ticket machine or an honesty box.

The town authorities provide the Aires/Stellplatz in recognition that motorhome owners will spend money in the local economy and that although they are not paying for accommodation, they will buy food, supplies, fuel and visit local bars and restaurants. Furthermore, the "Boneyard" area is located adjacent to the newly refurbished BMX track and offers the potential for BMX riders and their families to visit in motorhomes and stay right next to the facility.

The Visit Isle of Man website lists fourteen campsites suitable for motorhomes. None of these are located in Douglas, the nearest being Glen Dhoo Campsite and Lower Ballacottier Campsite both in Onchan. Glen Dhoo Campsite is over three miles from the centre of Douglas

and is only open during the motorcycling festivals and Lower Ballacottier Campsite is four miles from the centre of Douglas and a twenty to thirty minute walk from the nearest bus stop. Neither of these campsites are suitable for tourists or other Manx motorhome owners wishing to stay within walking distance of the centre if visiting Douglas's pubs, bars or restaurants.

Motorhomes are generally over 5 metres in length and considerably higher than normal vehicles. As a consequence they do not fit in multistorey car parks and cannot be parked in standard 4.8 metre long parking bays. All off-street car parks in Douglas town centre have marked bays and so it is an offence for motorhomes to use them if they overhang the bay. Consequently the only place for visiting motorhomes to park is on street. The provision of the aire in Noble's Park would provide a suitable location for visiting motorhomes to be parked whilst their occupants are visiting the shops and services in Douglas town centre. The Visit Isle of Man website actively encourages people to bring their motorhomes to the island and it is reasonable to expect visiting motorhomers to want to visit the Manx Museum, shops, the Steam railway and the electric railway but currently there are no off-street parking places for them to park their vehicles in the capital. Noble's park is a 15 minute walk from the Promenade and is within very easy cycling distance which will be improved further once the proposed active travel infrastructure is delivered."

3.0 PLANNING HISTORY

3.1 Parts of Nobles Park have various approvals for temporary uses associated with TT and the Festival of Motorcycling. However the following is considered relevant in the determination of this application:

3.2 Creation of a controlled parking area for motorhomes - 21/00527/B - APPROVED with conditions attached;

"C 2. The use hereby approved is only for the use of the site as a motorhome "aire" as set out in the approved documents, and the site may only be operated by Douglas Borough Council.

Reason: The applicants (DBC) have clearly outlined without their submission how the site will be run and operated and the application has been considered on this basis's only.

C 3. For the avoidance of doubt no tents or awnings may be erected or used on the site outside of TT/Racing periods.

Reason: The application has not proposed tents or awnings (submitted statement indicates they would not be used) and the application has been considered on this basis.

C 4. There may be no more than 75 motorhomes parked at the site at any one time (outside TT/Racing periods).

Reason: there are 75 spaces available within the site and the application has been considered on this basis and in the interest of the visual amenities of the area.

C 5. A motorhome shall only be allowed to park on the site for a maximum of 4 nights (outside TT/Racing periods).

Reason: The application has been proposed and judged on the parking of motorhomes on a short terms basis for tourist/visitor use only.

C 6. No operation of the site hereby approved shall take place until full details of soft 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 new bushes/hedgerows/tree planting showing, type, size and position of each especially along the northern and eastern boundary of the site. All planting, seeding or turfing comprised in the approved details of landscaping must be carried out in the first

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

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

4.0 PLANNING POLICY

4.1 The site is designated as "Public Open Space - Park" under the Area Plan for the East 2020. The site is not within a Conservation Area.

4.2 The following policies in the Isle of Man Strategic Plan 2016 are considered relevant:

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

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

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

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

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

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

4.6 Recreation Policy 2 states: "Development which would adversely affect, or result in the loss of Open Space or a recreation facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted except in the following circumstances:

- (a) where alternative provision of equivalent community benefit and of equivalent or better accessibility is made available; and

(b) where there would be an overall community gain from the development, and the particular loss of the open space or recreation facility would have no significant unacceptable effect on local open space or recreation provision or on the character or amenity of the area."

5.0 REPRESENTATIONS

5.1 Douglas Borough Council raises no objection (10.06.2024).

5.2 DOI Highway Services comment (31.05.2021);

"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 existing site access and layout is acceptable for the proposals."

6.0 ASSESSMENT

6.1 It is considered that the main issues are: principle of development; the potential impact upon neighbouring residential amenities; potential impact upon visual amenities of the area; potential impacts of noise/air pollution; and access and parking.

Principle of development

6.2 The area is used as a paddock during race periods. Further, no physically works are proposed by this development. The applicants are only seeking the additional use of this area for the purposes of controlled parking area for motorhomes outside TT periods. It should be noted that the landscaping proposed under the last approved application has been undertaken, which includes additional hedgerow planting northern and eastern boundary of the site.

6.3 In terms of the principle of the site being used for this "Aires" use, visual impact and impact upon neighbouring amenities, these have all been considered to be acceptable previously.

6.4 The test again is whether the use of the "Aires" for a period no greater than 14 night is appropriate, instead of the previously approved 4 nights outside of TT/Racing periods. It should be noted that the reasoning for this condition was due to: "The application has been proposed and judged on the parking of motorhomes on a short terms basis for tourist/visitor use only."

6.5 The Department has no concerns of the site being occupied by persons in their motorhomes for a maximum of 14 nights (outside TT/Racing periods). The proposal would give Douglas Borough Council the flexibility of being able to hire out for more events as outlined in their supporting statement in Section 2.0 of this report. It would also enable other local residents and more likely visitors to the IOM to use the site. As considered previously, the proposal would provide a new recreation facility on this site which has an equivalent community benefit and therefore comply with Recreation Policy 2.

Access and parking

6.6 Highway Services have considered the scheme and raise no objection.

7.0 CONCLUSION

7.1 Overall, it is considered the proposal to allow stays of up to 14 nights in the motorhome at th Aire in the Boneyard of Noble's is appropriate; having no significant impacts upon public or private amenities, allow greater flexibility in an additional recreation facility for IOM residents and visitors and would use a site which is used and has facilities which serve this very purposes during the TT /racing periods. Accordingly it is considered the proposal would comply with General Policy 2, Environment Policy 22, Environment Policy 24 &

Recreation Policy 2 of the IOM Strategic Plan 2016 and the Area Plan for the East 2020. 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 where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

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

PLANNING AUTHORITY AGENDA FOR 8th July 2024

Item 5.16

Proposal : The construction of a new Sewage Treatment Works and creation of new vehicular access

Site Address : Land West Of Glenfaba Road
Fields 311835, 311836 And 311785
Glenfaba Road
Peel
Isle Of Man

Applicant : Manx Utilities Authority

Application No. : 23/01407/B- [click to view](#)

Planning Officer : Russell Williams

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

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

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

C 2. No development shall be commenced until soft landscaping scheme has been submitted to and approved in writing by the Department. Such a scheme shall include details of new trees and hedgerow and shall include a landscaping plan, planting specification and a programme of implementation.

The approved landscaping scheme shall be carried out in accordance with the approved details. The works shall be carried out during the first available planting season following the commencement of the development or in accordance with the programme agreed in writing with the Department.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: To ensure appropriate mitigation for the loss of trees is secured, in the interest of landscape character and biodiversity.

C 3. No site works or clearance shall be commenced until protective fences which conform with British Standard 5837:2012 (or any British Standard revoking and re-enacting British Standard 5837:2012 with or without modification) have been erected around any existing trees and hedgerows to be retained as part of the development. Unless and until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant equipment, material, debris and trenching, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To provide protection for retained trees within the site, in the interest of tree health.

C 4. No retained tree shall be cut down, uprooted, destroyed, or damaged in any manner during the development phase and thereafter within 5 years from the date on which the development first comes into operation, other than in accordance with the approved plans and particulars. In the event that retained trees become damaged or otherwise defective during the construction phase due to events outside of the applicant's control the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: To ensure that trees marked for retention are not removed, in the interests maintaining the amenities of the area and to ensure the visual impact of the development is mitigated.

C 5. Prior to the commencement of any works in association with this approval, a scheme for the undertaking of measures to reduce odour emissions must be submitted to and approved by the Department in writing and the development undertaken in accordance with these details. These measures should include the provision of tank covers, bottom filling the tanks, avoidance of build up of sludge, a programme for maintaining all equipment and detailing of how staff will ensure hatches and covers are properly closed and how spillages will be avoided and dealt with.

Reason: to reduce the potential for odour nuisance from the proposed development.

C 6. Before development commences, a Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Planning Directorate. The Biodiversity Enhancement Plan will include the provision of bat and bird boxes within the new development, Precautionary Working Method Statements for breeding birds and common lizards, a materials management plan, details relating to the restoration of grassland areas and how a material management plan. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development accords with Environment Policy 4 of the Strategic Plan.

C 7. A fungi survey of field 311836, which will include a grassland fungi management regime, shall be carried out between 1 September 2024 and 30 November 2024, by a suitably qualified ecological consultancy. Thereafter the associated fungi survey report shall be submitted to the Department and approved in writing. The field must then be managed in line with the recommended management regime for a minimum 5 year maintenance period following the commencement of the development.

Reason: In the interests of maintaining ecological value and protection of fungi within the site.

C 8. No external lighting shall be installed except in accordance with a detailed external low level lighting scheme which complies with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (2023), which shall have first been submitted to and approved in writing by DEFA Planning. The approved scheme shall be retained thereafter.

Reason: To ensure that the development accords with Environment Policy 4 of the Strategic Plan.

C 9. Prior to the commencement of the development the access changes and visibility splays across the site frontage shall be completed in accordance with approved drawing no. 10057112-ARC-XX-XX-DR-T-0614 Rev P2.

Reason: To ensure that there is adequate access during the construction of the development and in the interests of highway safety.

C 10. Prior to the use of the development first commencing, the access and visibility splays across the site frontage shall be finished in accordance with approved drawing no. 10057112-ARC-XX-XX-DR-T-0614 Rev P2 and thereafter shall be permanently maintained as such.

Reason: In the interests of highway safety.

C 11. No development hereby permitted shall commence until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Department. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development

C 12. If the sewage treatment works, or any element thereof become redundant for its original purpose, or the works or any part thereof cease to be operational, all of the relevant infrastructure must be removed from site and the site restored to its former condition. A scheme for how this will be undertaken including timings, must be approved by the Department within six months of the facility or any part thereof becoming redundant and the restoration works undertaken in accordance with the approved scheme.

Reason: The development is considered acceptable on the basis of the identified need and environmental benefit but if the facility is no longer required or operational, the development should be removed from site, reinstating the original environmental condition of the site

Reason for approval:

The proposed development will give rise to a low level of harm and policy conflict over land use, however, the proposed development will deliver an infrastructure and sewerage project to serve one of the main towns on the Island, where raw sewage is currently pumped untreated into the ocean. The provision of a sewage treatment works will be instrumental in meeting a significant number of environmental objectives, in particular RSTS2, UNESCO Biosphere Status, and future environmental objectives detailed within 'Our Island Plan'. The delivery of modern sewage treatment facilities for one of the largest towns on the Island and the associated water quality improvements carries significant weight, particularly given the nationally identified need to deliver these facilities. The benefits of the development significantly and demonstrably outweigh the identified harm and it is therefore recommended that planning permission be approved.

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:

Fire Safety Officer, Isle of Man Fire and Rescue

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

Design Out Crime Officer, Isle of Man Constabulary

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

Mouette, Peel, as owners of adjoining field number 311788 as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

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

Dandara Homes Ltd

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, and

Ballagawne Farm, Baldrine
Kerrowdhoon, Dhoo Ramsey
21 Castle Street, Peel
Sea Peep, Poortown
4 Raad Roagan, Peel
6 Oak Road, Peel
Rose Dene, St Johns

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

Planning Officer's Report

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

THE SITE & CONTEXT

1.1 The application site is located to the southwest periphery of Peel catchment. The site comprises of various parcels of agricultural land which have a total site area of approximately 5.16ha.

1.2 To the east of the site is the local A27 Glenfaba Road, while the most southerly field lies adjacent to a registered tree area, RA0531. The western part of the site is bounded by Footpath 362, "St Johns to Peel Railway Line" the 'Heritage Trail'), the Mill Leat and the River Neb. The northern extent of the site is bounded by industrial and agricultural land. The Castle View Nursing Home is situated to the northeast of the site on the A27 and a farmstead is located opposite the site entrance.

1.3 The application site where the sewage treatment works will be located is relatively level land laid to grass. The eastern side of the application site has a steep topography to it, rising sharply towards Glenfaba Road.

1.4 At present, the town of Peel is generally served by a combined or partially combined foul sewer system, which drains by gravity to Peel Sewage Pumping Station (SPS) where it is pumped to sea outfall. The SPS is located off the promenade at Shore Road; it pumps untreated and unscreened effluent to an outfall and discharge point in Peel Bay, east of the breakwater.

1.5 The application site has recently been identified within the draft Area Plan for the North and West as site PE003 (Part B), which has a draft allocation for Civic, Cultural or Other Use. More specifically, Criteria 1 of the draft Development Brief Points states that the allocation "allows for the buildings and other works associated with a new regional sewage/wastewater treatment works."

THE PROPOSAL

2.1 Planning permission is sought for the construction of a new Sewage Treatment Works (STW), including the construction of a new site access road, landscaping and ancillary infrastructure and works on land off an existing field entrance on Glenfaba Road (A27). The application does not include works associated with the laying of new pipework infrastructure outside the application site, as these works can be completed by the Statutory Undertaker utilising Schedule 1 Class 4 Permitted Development Rights

2.2 The application comprises the following documents and plans:

Planning Application Supporting Statement
Environmental Statement/EIA
Glenfaba Arboricultural Constraints Report
Statement of Community Involvement
Energy Statement
Accessibility Audit Checklists
Road Safety Audit Report

Planning Drawings - 20 no. including:

Location Plan
Existing site sections
Proposed site sections
Proposed Site Plan
Proposed Landscape Plan
Proposed Vehicular Access Plan

Proposed PROW Diversion Plan
Proposed Elevations
Proposed Distribution Chamber and UV Kiosk Elevations
Proposed Motor Control Building, Portable Water and Transformer Kiosk Elevations
Existing Topographical Survey

2.3 The proposed development will treat local sewage and help improve bathing water quality in Peel bay. The treated effluent will achieve compliance with the European Union (EU) 1976 Bathing Water Directive (BWD) and the revised 2006 BWD as required by the Isle of Man Government.

2.4 The proposals will result in sewage being pumped from the existing Peel Sewage Pumping Station (SPS) on Peel promenade to the proposed STW. The treated effluent will then flow by gravity return and connect into existing infrastructure and discharge through the existing sea outfall at the promenade.

2.5 The extent of proposed works comprise the following elements:
Upgrade the existing field entrance off the A27 and construction of a new site access road;
Provide inlet screening of influent water;
Erect 1 No. single storey Motor Control Centre (MCC) building with office and store room;
Construct 7 No. Integral Rotating Biological Contactors (IRBCs) with provision for future 8th and 9th units;
Construct 3 No. flow distribution chambers;
Provision of UV treatment facilities;
Construct 3 No. odour control units;
Provision of ancillary infrastructure including a works return pumping station, potable water booster unit, electricity substation and hardstanding for generators;
Completion of landscaping and planting and erection of boundary fence and access gate.

2.6 Surface water site drainage which will discharge to the River Neb. Contaminated site drainage which will return to the head of the works process to be treated.

2.7 In regard to proposed buildings, the following are included within the proposed development:

The "MCC" (motor control centre) building which has a footprint of 15m by 8.5m, finished in dark green metal profile sheeting to the walls and roof. This will be situated at the eastern side of the site and will accommodate a welfare room and general storage space.

Seven IRBC (Integral Rotating Biological Contactors) structures are proposed which are the facilities which treat the sewage where effluent is discharged to a watercourse and settled solids are drawn off at regular maintenance intervals. These structures are have a curved profile and finished in dark green coloured sheeting. These structures are to be arranged in an N-S alignment and are centrally grouped within the site. These form the main part of the built development on the site.

A portable water booster kiosk which measures 2.9m x 4.0m with a height of 2.8m. The unit contains a pumped water tank and is finished externally in dark green GRP walls.

A transformer kiosk which measures 3.49m x 4.165m with a height of 2.8m. The unit contains an electricity transformer and is finished externally in dark green GRP walls.

An odour control unit, which is a vented building, will be located to the eastern side of the site, adjacent to the inlet flow chamber and screen.

Four compressor kiosks will be located at the end of each pair of IRBC structures.

Three flow distribution chamber kiosks, one measuring 3.6m x 5.15m and two 3.45m x 3.65m; their heights range from between 3.9m and 3.3m (approx.). The units are all finished in dark green GRP walls and flat roofs.

A UV control kiosk is proposed. It comprises a dark green GRP building measuring 6.65m x 2.9m with a flat roof height of 3.15m. Equipment for treating the waste water will be enclosed within the unit.

2.8 Regarding boundary treatments, the operational STW site will be enclosed by 2.0m paladin fencing coloured green and a 9m wide, 2m high green gate will be erected at the entrance off the access drive. A limited amount of planting, in the form of 75m long Manx hedge is proposed to the western edge of the site.

2.9 With regard to landscape planting, the application is supported by a Landscaping Plan. The proposals include 35m of Manx hedgerow removal at the new access, with a total of 115m of Manx hedgerow constructed at the access and along the upper section of the proposed access and driveway. Compensatory grassland enhancement measures are proposed on field no. 311875, which is to the northern side of the STW area. New tree planting is proposed together with the reinforcement of existing mixed scrub copse.

2.10 The proposals involve the formation of a new access to the site. This will be located in the approximate position of an existing field access gate. A traditional bell-mouth access is proposed, perpendicular to Glenfaba Road. The new access track then heads south, following the natural contour of the land before completing a U-turn at the southern end of the site and heading north, along the western boundary. The new track enters the STW site to its southwest corner; within the STW site access around the various buildings is provided over the concrete surfacing. Visibility splays of 2.4m x 120m are proposed in both directions across the site frontage.

2.11 The construction phase of the development is expected to last 2 years. The majority of construction will occur in normal construction working hours defined in Isle of Man Government guidance (i.e., Monday to Friday 08:00-18:00 and Saturday 08:00-14:00). Evening and night working may be required for construction of the turning point off the A27 to prevent this road needing to be closed during the day.

PLANNING HISTORY

3.1 The following planning history is considered pertinent to this application;

20/00344/A - Approval in principle for the erection of a sewage treatment plant by Patrick Commissioners - Fields 311785, 311787 & 311835 Between Glenfaba Road and Former Douglas to Peel Railway Line Peel Isle of Man. This application was DEEMED WITHDRAWN before determining.

To the north of the site in the adjacent field:

18/01293/B - Construction, operation and decommissioning of a temporary lagoon facility for dewatering and storing sediment dredged from Peel Marina and installation, operation and removal of temporary pipelines along and alongside the River Neb between Ballaterson Farm and Peel Marina. Field 315179 Ballaterson Farm Glenfaba Road Peel Isle Of Man. Approved.

To the east of the site:

07/01465/B - Residential development of 21 dwellings with associated parking. Field 311788 Adjacent To Brickworks Entrance Glenfaba Road Peel Isle of Man. Approved.

To the south of the site:

19/00462/B - Construction of a Sewage Treatment Works (STW) by Manx Utilities with associated pipelines and site works. Glenfaba House, Glenfaba Road, Raggatt, Peel. Application withdrawn prior to the Council of Ministers' consideration of the Inspector's report which recommended refusal.

PLANNING POLICY

Adopted Local Plan

4.1 The application site (fields 311836,311835 and 311785) is identified on the Peel Local Plan 1989 as Predominately Industrial. The site is just outside of the defined main settlement boundary of Peel. This site is marked with the Notation No.7 with reference to the written statement paragraphs 6.7 and 6.8 (outlined below).

- o 6.7 notes; "The land which has been zoned for Industrial Use is considered sufficient and no further allocation is envisaged".
- o 6.8 notes; "Residential Development in the vicinity will be discouraged".

4.2 The site is not within the identified Conservation Area of Peel on Map 3 1990.

4.3 The site is identified with localised areas of Surface Water Flooding on the DoI Flood Risk Map (likely low spots on the ground)

4.4 There is registered trees or registered tree groups being identified as RA0531 adjacent to the south side of field 311836.

4.5 There is a Public Right of Way to the west of the site ref; 362 (St. Johns to Peel former Railway line)

Emerging Area Plan for the North and West

4.6 This plan is set to supersede the Peel Local Plan but until this plan is formally adopted through Tynwald it carries limited to no material weight in any assessment of an application but acts as a general guidance as to the direction planning policy is heading for the area.

4.7 In terms of the emerging plan it is helpful to note this site is identified on the draft proposals Map 6 as being within the existing settlement boundary and further defined as; "Civic, Cultural or other use" with the description code of; "PE003 (Part B)" The adjoining land or field to the north is zoned as industrial. "Note: Buildings or Land for Civic, Cultural or Other Use may include cemeteries, faith, education, community health, other social infrastructure and sports centres".

4.8 Turning to the specific site of the proposals, within the written statement accompanying the plans, the site is specifically referred to at para 10.8.5 and the following paragraphs where it notes the need for improving of the sewerage system and refers to the application site. This site is also accompanied with a suggested development brief which notes on page 86/87.

Determining Planning Policies

4. In terms of any application, the most weight could be given to the Strategic Plan 2016 and the Peel Local Plan 1989 as they have been through a statutory process, which includes evidence base and public consultation process, and are adopted by Tynwald. From the IoM Strategic Plan, some of the more pertinent policies that could be considered in the assessment of this application are:

Strategic Policy

- 1 Efficient use of land and resources
- 4a Protection of heritage assets
- 4b Protection of the landscape and biodiversity
- 4c No environmental pollution
- 5 Design and visual impact
- 7 Protection of industrial land
- 10 Sustainable transport

Spatial Policy

- 2 Identified Service Centres for development
- 5 New development to defined settlements

General Policy

- 2 General Development Considerations

Environment Policy

- 1 Protection of the countryside and its Ecology
- 3 Protection of Trees and woodland
- 4 Wildlife and Nature Conservation
- 7 Protection of existing watercourses
- 10 Potential risk of flooding
- 24 Requirement for an EIA
- 22 Environmental Harm, pollution of water, emissions, statutory nuisances
- 26 Development near contaminated land
- 36 Preservation of views for development adjacent to Conservation Areas
- 42 Designed to respect the character and identity of the locality

Business Policy

- 5 Industrial land uses only storage and distribution, limitations on retail

Transport Policy

- 4 Highway Safety
- 7 Parking Provisions

Energy Policy

- 5 Need for an Energy Impact Assessment (over 100m of other development)

Infrastructure Policy

- 5 Water conservation and management

Community Policy

- 10 Proper access for firefighting appliances
- 11 Prevention for the outbreak and spread of fire

Waste Policy

- 1 Waste management installations

Appendix 5 and paragraphs 7.18 (the accompanying text to EP 24)

Strategic level considerations;

The following may assist in providing further information / evidence regarding Government's agreed strategic direction.

o Our Island Plan (2022)

Essentially sets out the broad direction and overall ambition and vision for the Island from 2021 - 2026 with core strategic objectives to offer a 'secure', 'vibrant' and 'sustainable' Island. It includes a specific reference to the delivery of sustainable sewage treatment across the Island.

o Employment Land Review (2013) and revised in 2017

This is an evidence base to inform land use plans and individual planning applications, and to support activity to stimulate economic growth.

o Isle of Man Economic Strategy (2022)

This highlights the economic strategy for taking the IoM forward through headwinds to 2032 and notes where greater investments are being made into the economic future.

o Climate change action plan (2022-2027)

This commits the Island to making significant changes to become more sustainable and less dependent on fossil fuels to become carbon neutral. This will impact upon the buildings, transport and business and how we use energy moving forward.

o 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)

REPRESENTATIONS (this report only contain summaries - full reps can be read online)

5.1 Peel Town Commissioners - SUPPORT the application and comment as follows:

The Commissioners believe the planning application meets all the policies and requirements of both the Peel Local Plan 1989 and the Strategic Plan 2016. The Commissioners hope planning consent can be granted as soon as possible to stop the discharge of raw sewage into Peel bay.

5.2 Patrick Commissioners - SUPPORT the application and comment as follows:

The Commissioners are concerned about traffic serving the works both during construction and in operation. Traffic should not use Glenfaba Road towards and through Patrick Village for reasons of road safety: Glenfaba Bridge in particular is not suitable for any volume of heavy traffic, and neither is Patrick Corner. In short, there is a case for an environmental weight limit in the road to protect the bridge.

In the event that this route is chosen, the Commissioners believe that consideration should be given to the imposition of speed limits on Glenfaba Road and that it is essential that a footpath be constructed on the stretches of the roadway where none exists presently.

5.3 German Commissioners - No comments received.

5.4 DoI - Highways Services - No objection raised and comment as follows:

Four issues were raised by the audit, two required action to ensure visibility splays were kept clear, one concerned an opposing field access that has been stated to be abandoned and hedgerow replanted. The other issue related to passing vehicle speeds and a change of speed limit location.

Through discussions with the designers, Highways accepted that the visibility provided was sufficient for the passing vehicle speeds based on local traffic counters rather than the posted speed limit that the auditors would have used. Highways consider all issue raised by the audit to have been appropriately actioned.

The unobstructed visibility of 2.4m x 120m is acceptable for this access and the recorded passing speeds.

The access has been designed to accommodate the largest vehicle type to use the site, displayed through vehicle tracking provided. Tracking has shown that two-way vehicle movement can be supported at the access which will minimise disruption along the highway and prevent the need for large vehicles to wait on the road. Vehicles on exit in a southbound direction will have to momentarily run in the opposing lane of Glenfaba Road which may cause an oncoming vehicle to stop in the road. Highways consider that this occurrence will be infrequent based on the predicted use of the site and would not cause significant disruption to the network or its users.

Access gates have been stated to be placed a sufficient distance from the access in order to allow vehicles to pull in off the highway.

Surface water drainage has been considered in the design with a number of gullies provided to intercept. Highway Drainage Team should review the proposal in order to confirm the acceptance of this proposal.

The access road is a min. 7.3m for its entirety which is more than sufficient for two-way passing vehicles. Localised widening has been provided along the bends in order to maintain passing when long wheel based vehicles need to manoeuvre through them. pedestrian access is unlikely to be required to the site with all expected trips to occur via personal or works vehicles. Despite this, the design has been future proofed in the event there is any further development, change of use, or additional access requirement further to this specific proposal. A 2m verge has been maintained throughout the length of the access road that could be later converted to a footway meeting current standards. The 2m verge is not impacted by the vehicle tracking provided.

Tracking has shown there is adequate room internally to allow vehicles to operate and turn in order to exit in a forward gear. There is no specific parking standard for a sewage treatment works under the Strategic Plan. The proposal has provided two parking spaces for operatives outside of the internal operating road areas. Based on the applicant's operation plan, staff parking is sufficient. However, Highways consider that there is adequate room within the site to support further informal parking and not negatively impact upon other vehicle operations or the highway.

The proposal would result in temporary closures of the PROW Heritage Trail. At the point effected, the Heritage Trail breaks into two routes, allowing continued pedestrian use of the trail whilst works are carried out. Closures of the sections of the trail will require separate permissions and should be carried out one at a time in order to maintain public use.

The proposal raises no significant road safety or highway network efficiency issues. Accordingly, Highway Services Development Control raises no objection to the proposal.

5.5 DEFA - Eco Systems Policy - No objection raised and comment as follows:

Confirm that all reports are in order.

The only potential feature of interest for which the impacts have not been fully quantified and therefore mitigated for, is the potential fungi interest in field 311836. The applicants Ecological Consultant's, Ecology Vannin, recommend in their PEAR that an assessment for fungi be undertaken in field 311836 and this is reiterated in the Biodiversity Chapter of the

Environmental Statement (Chapter 4) which says that a grassland fungi assessment is to be commissioned in the autumn, when the fungi fruiting bodies will be showing.

Part of this field is to be permanently lost so that the STW access track can be created. The Ecosystem Policy Team accept this loss on the basis that the rest of the field will be retained, protected from construction activities and then managed sensitively and management will be determined once the survey is complete.

A Construction Environmental Management Plan (CEMP) and an autumn fungi survey will both need to be secured via condition.

Additional mitigation measures are proposed as follows:

Provision of a CEMP which protects the habitats and species on and offsite from damaging construction impacts;

The replacement of grassland following construction;

The replacement of hedges following construction, the bolstering of retained hedges, and the creation of new hedges to compensate for hedges that are to be permanently removed;

Tree planting;

The creation of new mixed scrub areas;

The provision of a low level lighting plan;

Ongoing positive hedge and grassland management regimes;

Artificial bird nest and bat roost provision

Conditions have been recommended to secure this mitigation.

The Ecosystem Policy Team can confirm that we are mostly content with the details in the Proposed Landscaping Plan (Drg. No. 10057112-ARC-XX-XX-DR-T-0613), and this includes the scrub planting, Manx hedge creation and grassland retention in field 311836; hedge creation, tree planting and hedge bolstering in field 311835; the hedge bolstering and grassland enhancement in field 311785, and the tree and hedge planting species contained in the Planting Schedule.

Not content with some parts of landscaping proposals (so condition required to address further submission of details)

5.6 DEFA - Environmental Protection - Support the proposals and comment as follows:

Water Pollution Act 1993 Section 5

With regard to PA 23/01407/B the Environmental Protection Unit supports the application as it will cease the discharge of raw sewage into Peel Bay. The sewage treatment works has been designed by Manx Utilities in accordance with the EU Urban Wastewater Treatment Directive although not a legal requirement in the Isle of Man it is used as best practice.

The bathing water quality will improve and allow Peel and Fenella beach to be considered for designation as a bathing water under the Water Pollution (Bathing Water Standards and Objectives) Scheme 2021. The sewage treatment works has been designed to ensure the minimum standard of Good bathing water status as detailed in the scheme above. Manx Utilities will sample the discharging effluent with the results reported to DEFA; the data will be assessed against the conditions detailed in the discharge license.

The Environmental Protection Unit will be responsible for issuing the discharge license under the Water Pollution Act 1993. The discharge of treated sewage effluent will need to meet the standards outlined in the Water Pollution (Standards and Objectives) Scheme 2020 and any other conditions deemed appropriate to protect the environment.

Public Health Act 1990 Part IV

There are no waste concerns with the proposal.

5.7 Isle of Man Constabulary - No comment to make.

5.8 Isle of Man Fire & Rescue - No objection and comment as follows:

Request that prior to the commencement of development, the applicant consult with the Fire Service in order to discuss and agree the provision of fire hydrants and access thereto.

5.9 DEFA - Forestry - No objection and comment as follows:

Based on the information provided, the Agriculture and Lands Directorate would have no objection to this proposal and will not be seeking any further information.

THIRD PARTY REPRESENTATIONS (this report only contain summaries - full reps can be read online)

5.21 There are a number of comments that have been received from residents and/or business owners of properties who OBJECT to the proposals. The objections have been summarised by property, as follows:

Mouette, Peel

The resident confirms their ownership of adjoining land, field number 311788, which they claim has an extant planning permission for the development of 21 dwellings. They state that the Site Location Plan is drawn incorrectly along the northern boundary. They do not consider the application to assess the cumulative impact of the proposals upon their land, local residents and businesses and conflicts with General Policy 2 (g) and (k). They consider there to be an absence of information on the control of pollution in Peel Bay. They question whether the applicant will submit technical information on the quality of treated effluent to be discharged and how it complies with standards. They also ask for information on how the IRBCs can treat PCB to comply with standards. They consider there to be other alternative sites available that can discharge into non-bathing areas. They also raise concern over the treatment of airborne pathogens and the stability of the embankment on the site. The resident does not consider the implemented planning permission for 21 dwellings on their land to have been fully considered by the submitted documents and that the application does not conform with General Policy 2 and Environment Policy 22, in regard to the impact upon the adjoining residential development. They also state in correspondence that the proposals fail to comply with a number of Strategic Plan policies. The resident raises concerns over the screening size and use of UV irradiation treatment of the sewage and inability of the IRBCs to treat PCBs (Polychlorinated biphenyls contamination) from the Raggatt leachate. They consider it likely that sewage will not be treated to suitable standards and that alternative sites are available and more suitable. They also believe that Peel should be linked to Union Mills in order to prevent discharge into Peel Bay. This option is, they say, will cost much less than the proposed STW based upon the cost of other pipelines on the Island. The resident raises concerns over the impact of above ground STW infrastructure upon the landscape and scenic beauty. The development will also pollute the environment from type particles, oil and other chemicals. The objector draws attention to the draft Area Plan for the North and West and states that the assessment of site PE002 is flawed. Attention is drawn to comments by Patrick Commissioners made in relation to the Glaenfaba House report, whereby they note an adverse impact upon nearby houses; the objector feels the same should apply here.

Ballagawne Farm, Baldrine

The resident states that the STW should be located as far as possible from the general population on a site large enough to cover the odour cloud and discharge point away from swimming areas. The works completed at Castletown, Port St Mary and Port Erin STW are noted as an example of how swimming areas have been cleared of raw sewage. They state

that the discharge point should be located well away from Peel Harbour. Concerns are raised about an odour cloud being created by the proposal and impact upon the area. The resident draws attention to recent applications for STWs where an EIA was cited as being required and states that the same should apply in this instance. The resident considers an EIA report to be required but absent and states that this is the result of evasive behaviour by the applicant/agent. An EIA is requested so that the application can explain to the public how raw sewage would be treated and the quality of the effluent confirmed as it is being discharged into Peel Beach Bay, which is important to show conformity to Isle of Man Water Pollution Act 1993 and the Water Pollution (Standards and Objectives) Scheme 2020. The resident states that the submitted Environmental Assessment makes no mention of how the IRBCs clean the raw sewage and turn it into legally compliant effluent to protect the sea environment. They also state there to be no information on how PCBs are dealt with or how sewage sludge is disposed of.

Kerrowdhoon, Ramsey

The resident raises concern over the absence of an EIA. That odour will contaminate the local environment and draws attention to the impact upon nearby property given the proximity of Castle Nursing Home and the adjoining field that has residential development commenced on it. The resident claims that the treated effluent will not reach the same standards as the facility at Meary Veg.

5.22 There are a number of comments that have been received from residents and or business owners of properties who SUPPORT to the proposals. Their comments have been summarised by property, as follows:

4 Raad Roagan, Peel

The supporter notes that the works must go ahead and that it is unacceptable for raw sewage to be released close to a bathing beach. The ecological implications of releasing raw sewage are also noted.

6 Oak Road, Peel

The resident notes the importance of the facility following recent spills. It is suggested that the facility treat the Raggett leachate and future access to the industrial estate would be beneficial.

Dandara Homes Limited

The developer advises of their interest in a nearby development site and supports the proposals, noting its location as being appropriate and required to meet the long term needs of Peel and the West.

5.23 There are a number of comments that have been received from residents and or business owners of properties who neither support or object to the proposals, but offer neutral comments as follows:

21 Castle Street, Peel

The residents questions whether a Geophysical Survey should be submitted as locals believe this to be a possible site of a Viking fleet. The resident states that a historic path crosses the site and that there is a well on the site also.

Sea Peep, Peel

The resident notes that an ownership certificate has not been submitted and also references the general layout of the proposed STW.

Rose Dene, St Johns

The resident notes the dire need for the treatment facility and that it is unacceptable to be pumping raw sewage into the sea. The resident raises concerns over the transport impact upon Patrick Road and the need for highway improvements (including pavements) and speed limits along Glenfaba Road and Patrick Road. They note that the road is dark and dangerous for cyclists and walkers. The development, along with planned housing, will increase traffic and people using Patrick Road. The traffic survey is noted but concern is raised that the wider transport route was not included. Consideration of transport impact upon old properties and bridges should be had.

ASSESSMENT

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

- o Principle of Development
- o Material Considerations
- o Environmental Impact

PRINCIPLE OF DEVELOPMENT

6.2 General principle of development

Planning Policy

6.2.1 The application seeks planning permission for the construction of a new sewage treatment works to serve the town of Peel and its surrounding catchment. As discussed within the report, Peel does not currently benefit from a functioning sewage treatment works, with unscreened sewage instead being drained via gravity to Peel Sewage Pumping Station (SPS) where it is pumped to sea outfall. The SPS is located off the promenade at Shore Road; it pumps untreated and unscreened effluent to an outfall and discharge point in Peel Bay, east of the breakwater. Peel is not isolated in this regard and the Government have therefore adopted the Regional Sewage Treatment Strategy Phase 1 which generally provided for the need to progress the construction and commissioning of new and replacement sewage treatment plants. The Regional Sewage Treatment Strategy Phase 2 (RSTS2) covers Baldrine, Laxey and Peel. The applicant is seeking permission to provide the first sewage treatment infrastructure to serve Peel and its catchment area; this will include treatment of leachate from the now disused Raggatt landfill site. The proposals would, when completed, result in a significant improvement to the treatment of sewage for the area and in turn provide significant enhancement to water quality in Peel Bay.

6.2.2 Waste Policy 1 states that "Waste management installations, including landfill sites, civic amenity sites and facilities for the bulking up, separation, recycling, or recovery or materials from waste will be permitted" subject to a number of criteria being met. This policy also sets out in the last sentence that applications involving the installations of facilities referred to this policy will require the submission of an Environmental Impact Assessment. These criteria are assessed throughout the report and an assessment of the material impacts of the development considered as a whole.

6.2.3 The site lies within an area designated on The Isle of Man Planning Scheme (Development Plan) Order 1982 as "Areas of Predominantly Industrial Use (proposed)". This matter is supplemented by the Peel Local Plan (1989) which continues to identify the land as being identified as "Predominantly Industrial". Paragraphs 6.7 and 6.8 of the Peel Local Plan 1989 confirms that the area is zoned for industrial use to meet the identified need (6.7) and that residential development in the vicinity of this area will be discouraged (6.8).

6.2.4 General Policy 2 of the IMSP states "Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted," provided that criteria (a) - (n) of the policy are complied with.

6.2.5 Regarding GP2, the proposed STW development is an infrastructure project and not specifically industrial, though a degree of similarity can be drawn between the two. That said, the proposed STW development does give rise to conflict with the historical identification of the site as being for "Predominantly Industrial" use. GP3 does not fall to be considered as this relates to land "outside of those areas which are zoned for development on the appropriate Area Plan", and the land subject of the application is of course zoned for industrial use. The impact of the proposed development, in regard to the criteria laid out under GP2 are considered later in this report.

6.2.6 Since its zoning in 1989, the application site has remained undeveloped, and so Strategic Policy 7 of the Isle of Man Strategic Plan (IMSP) is relevant. Strategic Policy 7 states that the zoning shall be "retained and protected for such uses, except where those uses would be inappropriate or incompatible with adjoining uses." Supporting text within paragraph 4.4.3 states that "in the preparation of an Area Plan the Department will consider the appropriateness of the continuation of any industrial, office or retail zoning on undeveloped land and whether other uses may be more appropriate."

6.2.7 Having regard to the statement at 4.4.3, it is pertinent to give consideration to the Draft Area Plan for the North and West. This plan is set to supersede the Peel Local Plan 1989 but until the plan is formally adopted through Tynwald, it carries limited to no material weight in any assessment of an application. It can, however, be used as a general guide as to the direction in which planning policy is heading for the area.

6.2.8 The Draft Plan sets out a number of strategic objectives. Plan Outcome 7a states that for utility provision, an objective and outcome for the plan is the "Identification of a preferred site for a Regional Sewage Treatment Facility to serve Peel and the West with significant new development held back until the issue is resolved."

6.2.9 For guidance, it is pertinent to note that within the emerging Plan, this application site is identified on draft proposals Map 6 as being within the existing settlement boundary and further defined as; "Civic, Cultural or other use" with the description code of; "PE003 (Part B)". The adjoining land or field to the north is zoned as industrial. Draft Transport and Utilities Proposal 5 states:

"Sewage and wastewater treatment in Peel and the leachate from the Raggatt shall be dealt with by a new Regional Sewage Treatment Works (RSTW). The preferred site for a Sewage Treatment Works is PE003 (Part B) identified on Map 6."

6.2.10 Draft Transport and Utilities Proposal 5 goes on to set out what criteria must be met in order for a new STW to be supported on the application site, including access off Glenfaba Road, and full and proper assessment of the development impacts upon the environment.

6.2.11 The proposed development would essentially give rise to a loss of land zoned for future industrial development. It will, therefore, cause the loss of future employment use and this must be weighed against the principle of development and the proposals as a whole. However, it is also reasonable to consider the fact that since the adoption of the Peel Local Plan in 1989, some 35 years ago, the land has not been brought forward for industrial use and it might therefore be reasonable to give the potential loss of employment land and conflict with the Local Plan and General Policy 2 less weight, particularly if the remainder of General Policy 2 can be complied with.

Alternative Sites

6.2.12 In order to balance the benefits of securing a development that will deliver an overriding national need against the loss of employment/industrial land, it is appropriate to consider whether there are any other reasonably available and more suitable sites that could otherwise deliver the proposed development.

6.2.13 The review of future sites for a Peel STW began prior to 2008 and initially culminated in the Dalrymple Report (2008). This assessment considered 23 sites, though the majority were rejected on the basis of a wide range of selection criteria. The subsequent Hyder Report of 2014 reviewed the site selection process and determined that 2 sites, south of Peel Power Station and at Glenfaba Road were viable options. It was subsequently determined that the Power Station site was not an option due to the need for compulsory purchase, which Tynwald regards to be the last resort where alternative sites are available.

6.2.14 The application documentation provides an up-to-date review of potentially viable and suitable sites. The options appraisal was carried out by Arcadis in June 22 and considered those previously identified sites and new sites. The 5 highest scoring sites have subsequently been assessed against a set criteria:

- Land use zoning (weighting 10%)
- Future growth capacity (weighting 5%)
- Proximity of residential areas (weighting 20%)
- Environmental impact (weighting 30%)
- Carbon (weighting 15%)
- Operational vehicle access (weighting 5%)
- Complexity and Deliverability (weighting 10%)
- Community Opportunity & Benefit (weighting 5%)

6.2.15 The application site, field no, 311835 scored the highest through the fine screening assessment. Thereafter, cost assessments were completed and a qualitative cost analysis completed. Following this process it was determined that the preferred option of the applicant was to develop the new STW for Peel at field 311835, which is the proposed application site here.

6.2.16 Of the 5 sites considered, both Glenfaba House (Option 4) and Knockaloe Farm (Option 5) have both previously been dismissed, with the former having had an application withdrawn following a an Appeal Inspectors recommendation of refusal. Options 2 and 3 are agricultural land not zoned for any particular purpose and therefore carry a general presumption against development; Option 2 is also located within an Area of High Landscape or Coastal Value and Scenic Significance, which as a designation was part of the reason for the 2019 Glenfaba House application failing. Option 2 would also require a new access off Glenfaba Road through the site at Glenfaba House, which could reasonably require the removal of mature woodland and have effects of biodiversity. Option 3 is located on higher, open land on an exposed field and is immediately adjacent to land zoned for Predominantly

Residential use, on which there is a current planning application being considered. Its landscape impact would be far greater and visible within the wider landscape to Option 1 and potential impacts upon future housing and residential amenity, potentially greater than a development of land at Option 1.

6.2.17 Having regard to the available options, it is considered that the proposed site represents the most suitable option available for the delivery of a new STW for Peel.

Environmental Impact

6.2.18 Waste Policy 1 advises that waste management installations will require the submission of an Environmental Impact Assessment and Environment Policy 24 advises that "Development which is likely to have a significant effect on the environment will be required: i) to be accompanied by an Environmental Impact Assessment in certain cases; and ii) to be accompanied by suitable supporting environmental information in all other cases."

Further in paragraphs 7.18.1 - 7.18.3 it is acknowledged that EIA is a process by which information about the likely environmental effects of certain types of development is collected, assess and taken into account by the development (as part of the project design) and by the planning authority (in determining the acceptability of the application).

6.2.19 The applicant states that "the new sewage treatment works has been subject to an environmental impact assessment (EIA) as required by the Isle of Man Strategic Plan 2016. This initial document has not been submitted but instead, the applicant has submitted an Environmental Assessment Statement (ES), which, as described in the Non-Technical Summary document, outlines the findings of the topic-based environmental impact assessments completed to understand how the sewage treatment works will impact local people and the environment. The ES is the actual report document that is produced when an EIA is needed and has been carried out.

6.2.20 Objectors have raised issue with the absence of a document described as an Environmental Impact Assessment, however, the applicant has confirmed that the Environmental Statement is the document produced following the carrying out of the EIA process and the Authority have accepted this position, having had regard to the content and analysis set out within the ES.

6.2.21 The ES provides an appropriate level of detail in assessing the significance of potential environmental effects of the proposed development. The ES assesses the effects on a scale and discusses throughout the document whether there will be slight, moderate, large or very large impacts arising from the proposed development. This report similarly considers the likely significance of the proposed development upon the environment.

Conclusion

6.2.18 The application seeks permission for the construction of a new sewage treatment works for Peel and its surrounding catchment on land zoned as Predominantly Industrial use. Given that the site would remove all of the land from such use, conflict with the zoning, Peel Local Plan, General Policy 2 and Strategic Policy 7. Notwithstanding, policy support for the proposals is given by Waste Policy 1 and the need for the STW is well established. There is no land designated for the delivery of a new STW for Peel and its catchment and there must therefore be an acceptance that the infrastructure project will need to be delivered on land designated for either an alternative purpose or land designated for no particular purpose within the countryside.

6.2.19 Although policy conflict has been identified, the land here has been identified for industrial use since 1989 and no other use has come forward in the past 35 years. Whilst the need to ensure sufficient land is allocated for industrial, business and employment use, there is an overriding need at the national level to deliver a modern STW for Peel, in order to meet nationally and internationally prescribed water quality targets.

6.2.20 In this instance, it is considered that the principle of developing the site offers the most viable and deliverable option available to the applicant and that given the level of national need to deliver improvements to sewage treatment, as required by RSTS2, the national need is to be regarded as overriding land use zoning in this instance. Subject to an assessment of material considerations, therefore, the principle of development may be supported.

6.3 MATERIAL CONSIDERATIONS

Design and landscape impact

6.3.1 The application site is not located within any designated or sensitive landscape setting; it comprises a group of 3 agricultural fields that project south away from the established industrial site which includes Peel Power Station and large industrial buildings and yard areas. There is also industrial uses to the west of the site and a parcel of land previously granted planning permission for the construction of 21 dwellings to the northeast.

6.3.2 A key consideration of the proposed development is the impact upon the character and appearance of the landscape. In this regard, Strategic Policy 4 (b) states that development must "protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations. Strategic Policy 5 states "New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island."

6.3.3 General Policy 2 states that it (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; and (f) it incorporates where possible existing topography and landscape features, particularly trees and sod banks;

6.3.4 Environment Policy 1 states that "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."

6.3.5 The main area of the development will be located within the central field, which is set on land much lower than Glenfaba Road to the east and is at the bottom of a steep escarpment. The land is primarily laid to grass with unkempt hedgerow planting and areas of gorse.

6.3.6 The land on which the infrastructure of the STW will be located is low lying and relatively inconspicuous within the landscape from the north, south and east. The surrounding landform creates a valley along which the River Neb and Steam Heritage Trail PROW run

through the valley bottom. The steeply rising land to the east and west assist in creating a secluded setting within which built-form is well established.

6.3.7 From the west the land can be seen from raised ground along Peel Hill/Corrins Hill. From the raised ground the site will be viewed in conjunction with the large scale industrial use to the north and industrial/residential use to the west, with the care home and agricultural use to the east sitting on higher ground forming a diffused backdrop.

6.3.8 The application design approach comprises a utilitarian style sewage treatment works, with built form largely contained within prefabricated buildings and structures and a significant amount of infrastructure contained below the finished ground level. New areas of hardstanding within the STW site will be laid to allow access for service vehicles to move in a circulatory fashion. The design is led largely by the needs of the infrastructure, though attempts to minimise the impact through the use and colour of materials, limited height of buildings and enclosures and siting of the development on the lowest part of the land will assist in minimising the visual impact locally.

6.3.9 It is accepted that the development will be visible within the immediate setting, including from the footpath along the Heritage Trail. At present views from the footpath are limited by boundary planting though the raising of the ground levels as proposed will increase the visibility of the plant and infrastructure from the footpath.

6.3.10 In order to minimise the visual impact from the adjacent public footpath, a short section of Manx hedgerow is proposed, together with a degree of tree planting. It is considered that the level of planting is not sufficient to suitably mitigate the visual impact of the development. Greater levels of hedgerow and tree planting along the western part of the development site are required and whilst this is not shown on the proposed plans, there is sufficient space within the site to accommodate further soft landscape planting. It is therefore considered appropriate that should permission be forthcoming, a more detailed and extensive planting scheme be agreed by condition.

6.3.11 The design has considered the need for fire safety and the provision of access for fire appliances and supplies of water for fire-fighting purposes. Community Policy 10 advises that "Proposals for the layout and development of land will be permitted only where there is provided proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes."

6.3.12 The IoM Senior Fire Safety Officer has not objected to the proposals and the agent has confirmed that the provision of fire hydrants within the site will be provided in line with Section 16 of the Building Regulations 2010, Approved Document B. The provision of hydrants no more than 90m from a building has been incorporated within the design, which is considered to be acceptable.

6.3.13 Overall the design of the proposed development has made the best use of the land available and undertaken design solutions that will minimise the impact of the development upon the area

6.3.14 The development is not considered to give rise to a significant adverse impact upon the character and appearance of the landscape and will comply with the general thrust of Strategic Policies 4 and 5, General Policy 2, Environment Policy 1 and Community Policy 10.

Visual impact of access

6.3.15 The vehicular access will be formed off Glenfaba Road, with a section of bank removed in order to create a traditional junction parallel to the highway. The internal access road will follow the contours of the land in order to minimise the amount of excavation and levelling required.

6.3.16 The new access off Glenfaba Road will cause visual harm to the rural character of the lane through the removal of hedgerow and laying of the bell mouth entrance. To mitigate the removal of the hedgerow, new Manx Hedgerow will be created around the access and a short section of the service road; the length of new hedgerow will exceed that to be removed.

6.3.17 The visual impact upon the area arising from the formation of the access will be limited to those views along a short section of the Road and so the level of harm is considered to be low and the mitigation for hedgerow removal is suitable. The proposals do not, therefore, conflict with the aims of General Policy 2 or Environment Policy 1.

Impact upon the neighbouring residential properties - odour and noise

6.3.18 The operation of a STW has the potential to give rise to an adverse impact upon residential amenity as a result of nuisance generated through noise, vibration, vehicle movements and odour. The construction phase will also impact upon the local area, although these will be short term. Operational noise is key as noise associated with the construction phase will also generate a temporary impact only, while the operational phase will last a minimum of 25 years and be a constant source of noise due to the treatment processing plant working 24 hours a day.

6.3.19 Objection has been received from individuals raising concern over the impact of the STW upon the amenity of local residents. This includes the owner of an adjoining site which has planning permission for the construction of 21 dwellings, though said dwellinghouse have not been constructed beyond basic implementation of the 2007 permission.

6.3.20 General Policy 2 states that development will normally be permitted where is (g) "does not affect adversely the amenity of local residents" and (k) "does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;" Environment Policy 22 states that "Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:

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

6.3.21 In order to assess the impact of nuisances to nearby dwellings from odour and noise, the application includes within the Environmental Assessment (EIA) calculations and modelling of anticipated impacts upon a number of identified receptor points within the area. The odour assessment identified the nearest (worst case) sensitive receptors within a 1km grid square around the new sewage treatment works and dispersion modelling was undertaken, taking account of site parameters including building dimensions and yearly meteorological data from 2017 to 2021. Receptor points included the nearby Castle View Care Home, the proximity of which is comparable to the application site as the site for 21 dwellings, as so comparable conclusions over the impact can be made for the adjoining residential planning permission.

6.3.22 Predicted odour concentrations were modelled as being below the benchmark levels at all modelled locations for all assessment years.

6.3.23 Odour effects upon nearby receptors were modelled as being negligible at most receptors and slight at receptors R1, R2 and R5. This represents a level of odour that is unlikely to be noticeable at the receptor points and as indicated by the applicant, negligible and slight effects are not material decision-making factors and no further mitigation or monitoring is required.

6.3.24 Regarding noise impacts, in accordance with the methodology in BS 4142, the operational noise assessment considers the closest identified noise-sensitive receptors to the proposed development. The key receptor points were assessed as being:

Castle View Care Home, on the east side of the A27 accessed from Ballatessan Meadow.

The twelve residential properties on Close Chiarn, to the northwest.

The cluster of residential properties off the A27 near Glenfaba Bridge, to the south.

6.3.25 It is noted that the location of the 21 dwelling residential development was not assessed as a receptor point, but it is considered that the work done in relation to Castle View Care Home, which is next to this development, provides appropriate scrutiny over noise impacts.

6.3.26 The survey established baseline noise at 3 receptor points over a 3 day period with baseline noise being higher at receptor point 1 and points 2 and 3; this is attributed to the proximity of point 1 to the River Neb and the constant source of noise generated by the watercourse.

6.3.27 Noise modelling has been undertaken and assesses operational plant noise and service vehicle noise when operational. The Noise Assessment follows BS4142 guidelines. The submitted evidence assess three scenarios and concludes that :

The operational phase BS4142 assessment (comparative assessment with background levels) found, for each of the operational scenarios considered, for both the daytime and night time periods, that there will be no significant effects relating to noise at any of the representative sensitive receptors. The operational phase BS8233 assessment (assessment based on absolute noise levels), which considered internal noise levels at representative sensitive receptors, determined that internal noise levels would, with one exception, be well within the limits recommended by BS8233 and the WHO Community Guidelines. The exception was at NML01 (Glenfaba Mill), where, due to the high baseline ambient noise level, BS8233 limits and WHO Community Guidelines are already not being met. As such, no significant effects are created by the new sewage treatment works. No further mitigation or monitoring is required.

6.3.28 Whilst the concern of objectors are noted, the submitted Noise Assessment is thorough and follows the required guidance, assessing the impact of the operational impacts upon sensitive local receptor points. There has been no objection raised by the Statutory Consultee from Environmental Protection and when regard is had to the nature of the development, low noise generation of plant, distance to and change in topography between receptor points, the impact upon amenity in the area from noise is assessed as being negligible and not so harmful as to warrant refusal.

6.3.29 Having regard to the above, a likely significant effect upon nearby residential and sensitive receptor points can be ruled out and the impact of the development upon residential amenity from odour and noise will be acceptable, such that General Policy 2 (g) and (k) will be complied with.

Transport & Construction Impacts

6.3.30 The proposed development will be served by an upgraded access off Glenfaba Road, in the approximate location of an existing field access that is formed by a metal gateway between Manx hedgerows, set at degrees to the highway.

6.3.31 Objections have been received as to the impact of the development upon highway safety, the capacity of the highway network and suitability of routes to and from the site. These have been summarised earlier within the report.

6.3.32 General Policy 2 of the Isle of Man Strategic Plan states that development will be permitted where it (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; and (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;"

6.3.33 The proposed access will form a traditional bell mouth at the junction with Glanfaba Road. Visibility splays of 2.4m x 120m in both directions are provided, which are based upon observed vehicle speeds along the highway rather than the unrestricted speed limit. This approach has been accepted by Highways Development Control.

6.3.34 The applicant has stated that the largest type of vehicle expected to use the access on a regular basis is a 4000-gallon tanker with a steering rear axle to service the weekday sludge removal activity for the site to Meary Veg treatment works. It would visit the site Monday to Friday, up to three times with vehicle trips spread out throughout a typical day using the A27 access route.

6.3.35 Swept Path Analysis has been undertaken and plans submitted, demonstrating that the highway layout within the site and the new access supports the manoeuvring of all vehicles that will be accessing the site post-completion.

6.3.36 Internally the access road will remain private, it will be 7.3m in width with a 2m footway and vehicle tracking indicates that the footway would not be impacted by vehicle movements, including around the southern turn in the road alignment.

6.3.37 The application is supported by a Road Safety Audit, which assesses the safety of the new access has been assessed by Highways who accept that the 4 issues raised by the audit have been satisfactorily addressed.

6.3.38 Parking provision within the site is limited to 2 no. spaces for the operators of the site. There is no specific guidance relating to parking provision for a STW but having regard to the operational needs and lack of a permanent presence of workers on the site daily, 2 spaces is considered to be a suitable provision. If additional space is required then this is available within the STW site.

Overall, the proposed development will give rise to very few vehicle movements on a day to day basis when operational. During construction, DOI Highways can control mud on roads; and hours of operation can be controlled through environmental protection legislation.

6.3.39 Whilst the concerns of the public are recognised, it is considered that the proposed development will be served by a safe vehicular access and once constructed, will generate a very low level of vehicle movements on a day to day basis. Construction always results in some level of disturbance but such disturbance is short lived. Thereafter, the impact upon highway safety is assessed as being acceptable, as highlighted by the Highways Development Control advice. The development is considered to be safe in highway terms and therefore complies with General Policy 2 (h) and (i).

Heritage

6.3.40 The application site is not located within the immediate setting of any Registered Buildings, though such heritage assets are present within the wider area of the application site. There are no Ancient Monuments recorded within the site or 250m study area.

6.3.41 There are also a number of undesignated heritage assets of cultural importance within the setting of the site, including Coopers Mill Leat, the former Douglas to Peel railway line and Manx Sod hedgerows.

6.3.42 The supporting Environmental Assessment, Section 3, assesses the impact of the development upon cultural heritage and archaeology.

6.3.43 Strategic Policy 4 identifies that developments must (a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings, Conservation Areas, buildings and structures within National Heritage Areas and sites of archaeological interest;

6.3.44 Environment Policy 36 goes on to state that "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."

6.3.45 Peel Conservation Area extends in a southerly direction is at its closest point is approximately 130m northeast of the application site. There are glimpsed views of the site from the Conservation Area, though it is read as part of the adjacent industrial setting. Views from the ridge of Peel Hill also encompass the application site and Conservation Area.

6.3.46 During the construction phase there will be a change in the setting of Peel Conservation Area as a result of noise from operating machinery and the associated visual impacts. Manx sod hedges would also be removed. The impact upon the Conservation Area will be temporary and have only a slight adverse impact while the hedgerow removal will be permanent and slight, with mitigation proposed.

6.3.47 During the operational phase, the development will lead to permanent, low level harm to the setting of the Conservation Area due to a change in the appearance of the site and its visual relationship with the heritage asset; the same can be said for the setting of Cooper Mill Leat, where the visual setting will change as a result of the permanent infrastructure.

6.3.48 With regard to archaeology, the site contains two non-designated heritage assets, being a pre-historic findspot of a Neolithic flint and the Manx sod hedgerow.

6.3.49 The proposals are to reinstate the Manx hedgerow once the ground levelling and fill have been completed.

6.3.50 The proposed development has the potential to impact upon unrecorded below-ground archaeological remains within the site and given the previous findspot of a Neolithic flint it is considered that further archaeological mitigation will be required. A two-stage scheme of archaeological investigations is recommended by the applicant and considered appropriate. The mitigation would comprise firstly of an archaeological evaluation of the site (geophysical survey and/or trial trenching); and, secondly, a suitable programme of archaeological mitigation (if required and informed by the results of the archaeological evaluation). Both elements would need to be agreed with Manx National Heritage.

6.3.51 The impact of the construction and operational phases of the development will both adversely impact upon non-designated archaeological features within the site, though the level of harm is assessed as being low.

6.3.52 Having regard to the above matters, it is considered that the proposed development will give rise to permanent adverse impacts upon the setting of designated and non-designated heritage assets within the area and the site itself. The level of harm is assessed as being low and with suitable additional survey work and mitigation, the impacts can be appropriately controlled. Notwithstanding, there will be a low degree of conflict with Strategic Policy 4, though compliance with Environment Policy 36 can be achieved, subject to mitigation. The level of harm is not considered to be so significant in this instance as to warrant a reason for refusal.

6.4 ENVIRONMENTAL IMPACT

Ecology and Biodiversity net gain

6.4.1 The key policy tests for assessing the impact of development upon biodiversity are General Policy 2 (d) which states that development will be permitted where it "does not adversely affect wildlife or locally important habitat on the site or adjacent land, including watercourses".

6.4.2 Environment Policy 1 confirms that "The countryside and its ecology will be protected for its own sake." Whilst Environment Policy 4 sets out a number of circumstances where development will not be permitted, and includes adverse impacts upon habitats and species of international and national importance, as well as wildlife sites, local nature reserves and the like.

6.4.3 The Environmental Statement supporting the application contains a detailed assessment of the likely impacts of the proposed development upon biodiversity within the site and its immediate setting and considers the likely effects during the construction phase and thereafter.

6.4.5 The application includes Ecology Vannin's Preliminary Ecological Appraisal Report (PEAR) dated April 2023, including their Breeding Bird Survey and Bat Activity Survey. The surveys identified the presence of bats foraging across the site, nesting birds and the Common Lizard were recorded during site surveys. Other habitat features included neutral grassland and the potential for fungi in field 311836. The survey and report have identified a range of impacts arising from the development, which can be summarised as follows:

Loss of neutral and modified grassland;

Loss of Manx hedge banks;

Potential degradation of the River Neb and downstream West Coast MNR from direct and indirect runoff during and post-construction, and pipeline installation.

Degradation of dense scrub habitat;

Loss and degradation of nesting, foraging and sheltering habitat for birds;

Degradation and disturbance of foraging and commuting routes for bats;

Loss and degradation of common lizard breeding, feeding and hibernating habitat.

6.4.6 As set out within the supporting Environmental Statement and Ecology Vannin's PEAR, much of the development impacts can be mitigated through the provision of replacement planting, hedgerow and suitable features for species and their habitats. The range of impacts and proposed mitigation measures are summarised within Table 4-9 of the Environmental Statement and comprise a significant degree of replacement habitat planting, hedgebank replacement, tree protection, soil re-use and new planting. It is recognised that bats are present within the site and in order to ensure a favourable conservation status is maintained, replacement planting of suitable foraging habitat is proposed and no permanent sources of lighting will be used on site. Instead low level lighting using PIRs will be required and a condition requiring the submission of a lighting plan is recommended.

6.4.7 The submitted information sets out the parameters for ensuring the impact of the development will be managed and biodiversity protected and habitat loss mitigated. The mitigation measures are designed at neutralising any adverse impacts and, in some cases, produce beneficial outcomes. The proposals include significant planting, landscaping and habitat creation, which will result in an overall Biodiversity Net Gain (BNG) of 5.21%.

6.4.8 A fungi survey will also be required and it is reasonable to secure this by condition for future assessment and approval.

6.4.9 In summary, it is recognised that the proposed development will impact upon biodiversity within the site during construction and operation. It is noted that the Ecosystem Policy Team are content with the submission and do not object, subject to conditions. It is not however proposed that a construction environmental management plan can be conditioned in its entirety, but aspects of such mitigation can be. The impacts of the development are not considered to give rise to permanent unacceptable adverse impacts upon habitats and species of internal and national importance and that suitable mitigation can be secured that will ensure compliance with General Policy 2(d) and Environment Policies 1 and 4.

Arboricultural Impacts

6.4.10 The application site is largely open field and overgrown areas of scrub and bracken and it is largely void of trees and hedgerows, though these are present to the periphery of the fields. To the southern end of the site is Registered Tree Area RA0531.

6.4.11 Environment Policy 3 seeks to prevent the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value.

6.4.12 The application proposes to construct an outflow from the site through the western side of the RTA to provide an outfall into the River Neb.

6.4.13 The application is supported by an Arboricultural Assessment which indicates that the route of the pipe through the RTA will avoid any Registered Trees and their associated Root Protection Areas.

6.4.14 Construction of the access road through field 311836 has been designed to be clear of the tree canopy but there is a low likelihood that it may still impact trees within the Registered Tree Area adjacent to the south through disturbance or damage to root zones.

6.4.15 DEFA Forestry Officers have assessed the submitted information and have advised Officers that they do not object to the proposals on grounds that the development will not impact upon protected trees. Notwithstanding, Tree Protection measures will be required as part of the CEMP, to be conditioned, which will ensure that trees and hedges are protected during construction and thereafter. Subject to this matter it is considered that the development will not give rise to an adverse impact upon protected trees and the development complies with Environment Policy 3.

Flood Risk and Drainage

6.4.16 The application site is located within an area identified as being in Flood Zone 1 and at a low risk of flooding (1 in 100yr), in regard to flooding from rivers and the sea. It is not at risk of flooding from fluvial or tidal sources.

6.4.17 In relation to surface water flooding, mapping indicates that there are two small areas in the northern half of the site which have a medium to high risk of flooding from this source. The source of this is unidentified and the applicant has suggested that "these isolated areas of surface water flood risk are not indicative of wider surface water issues and overall, the site is considered to be at low risk of surface water flooding under present day conditions."

6.4.18 Environment Policy 10 states "Where development is proposed on any site where in the opinion of the Department of Local Government and the Environment there is a potential risk of flooding, a flood risk assessment and details of proposed mitigation measures must accompany any application for planning permission. The requirements for a flood risk assessment are set out in Appendix 4." Environment Policy 13 states "Development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted." An infiltration trench is proposed to the eastern edge of the operational site in order to intercept surface water flows off the steep embankment.

6.4.19 The application is supported by a Flood Risk Assessment which assess the sites topography, drainage geology and hydrogeology, together with potential sources of flooding, the impact of the development and how flood risk and drainage can be addressed in order to comply with Policies EP10 and EP13.

6.4.20 Percolation testing of the site has been completed and indicates that soakaways will not be suitable due to a lack of permeability in the soil and geology.

6.4.21 The proposed drainage strategy, contained within the FRA, proposes to separate surface water from the access road and operational site in order to avoid contamination. Surface water runoff from the access road will be collected by a number of road gullies and conveyed by a below ground network of pipes and inspection chambers to a below ground attenuation pipe located at the lowest part of the road.

6.4.22 Within the sewage treatment works site, surface water runoff will be split into conventional surface water and that which could be contaminated from potential spillage when transferring sludge between the sewage treatment plant and tanker. Conventional surface water runoff from building roofs and certain areas of roadway within the site will be collected by a number of linear channel drains and gullies and conveyed by a network of pipes and inspection chambers to the below ground attenuation pipe located at the lowest part of the site access road. Attenuated water will then be discharged into the River Neb via an oil separator at a discharge rate of 23.1l/s, utilising a flow control device (hydrobrake).

6.4.23 The below ground attenuation pipe is sized to accommodate surface water runoff volumes at a 1 in 100 year runoff rate +40% to account for climate change.

6.4.24 Potentially contaminated surface water runoff from certain areas of roadway within the site will be collected by a number of linear channel drains and gullies and conveyed by a network of pipes and inspection chambers to an attenuation pipe located beneath the roadway within the site. This attenuation pipe will discharge to the works return pumping station which will return flow at a rate of approximately 6 l/s into the sewage treatment process, thereby removing potential sources of contamination. The submitted Flood Risk Assessment and associated Drainage Strategy satisfactorily demonstrates that the flood risk and drainage implications of the proposed STW can be appropriately managed such that there will be no adverse impact upon flood risk offsite that would be so harmful as to warrant refusal. The proposals therefore comply with Policies EP10 and EP13, subject to conditions.

Water Quality

6.4.25 The proposed development gives rise to two considerations in regard to water quality impacts of the development. Firstly, is the impact of the development upon water quality of the River Neb, and secondly, is the impact upon water quality of Peel Bay. It is acknowledged that members of the public have raised objection to the proposals, believing the processing of sewage and leachate will not achieve necessary water quality standards. Environment Policy 7 states that "Development which would cause demonstrable harm to a watercourse, wetland, pond or dub, and which could not be overcome by mitigation measures will not be permitted." It continues to state that where development does affect a watercourse various criteria must be satisfied to ensure that water quality and the watercourse in general are not adversely effected.

6.4.26 The River Neb is located within the western region of the Isle of Man and flows along the western edge of Peel. In 2022 the chemical quality monitoring results for the River Neb achieve an "Excellent" (Grade A) Chemical Classification. The River Neb also has Grade A/B classification for phosphates and nitrate contamination

6.4.27 It will be a requirement of the applicant to adhere to the Water Pollution Act both during construction and operational phases of the development.

6.4.28 As noted above, the application proposes to capture, treat and discharge surface water from the site into the River Neb. Surface water runoff will be discharged via an oil interceptor to remove contaminants and potentially contaminated water will be run back through the STW in order to meet appropriate water quality standards. The proposals will prevent detrimental impacts to the water body as a result of urban contaminants and it is considered that the water quality of the River Neb can be suitably maintained and protected through the final detailed design of the surface water drainage system.

6.4.29 Regarding the impact of the proposals upon the water quality of Peel Bay, the starting point is to acknowledge that the current means of disposing raw sewage from the Peel catchment area is to pump it directly into the sea beyond the sea wall in Peel Bay. It is a well-accepted principle that this existing scenario is not acceptable, is having significant adverse impacts upon the quality of water in Peel Bay and needs addressing.

6.4.30 Despite being a popular beach, Peel Bay is not considered a bathing beach by DEFA and failed to meet the 2006 EU Urban Bathing Water Directive (BWD) "good" water quality standard every year between 2015 and 2020, except for 2016.

6.4.31 The introduction of first-time sewage treatment to the Peel catchment aims to improve water quality, such that Peel Bay achieves a "good" water quality standard for bathing water under the Water Pollution (Bathing Water Standards and Objectives) Scheme 2021.

6.4.32 The primary aim of the proposed development is to introduce a first time treatment facility of sewage for Peel in order to improve the quality of the marine water environment within and around Peel Bay. As such, MUA have designed a STW that is based upon EU Urban Wastewater Treatment Directive which although not a legal requirement in the Isle of Man, is used as best practice.

6.4.33 The STW will operate by screening raw waste and treating it through a range of processes to remove contaminants, including seven covered Integrated Rotating Biological Contactors (IRBCs) and UV screening units. In addition to sewage, the STW will be used to treat leachate from the Raggatt.

6.4.34 The Environmental Protect Unit support the application and have advised that the proposed STW will improve bathing water quality. Importantly, the EPU will be responsible to issuing the required license for discharging treated effluent into Peel Bay and said effluent will need to meet the standards set out in the Water Pollution (Standards and Objectives) Scheme 2020. MUA will be responsible for monitoring and testing effluent being discharged and the license will only be issued if standards are met. The Environmental Protection Unit will be responsible for issuing the discharge license under the Water Pollution Act 1993. This separate licensing process provides appropriate protection for the environment and will ensure that the discharge of effluent into Peel Bay meets the required standards at the point of commissioning and throughout its operational lifespan.

6.4.35 The proposals address matters relating protecting water quality within the River Neb and associated water courses through the use of various surface water interceptors and treatment methods that will remove potential contaminant from water before it is discharged from the site.

6.4.36 Regarding water quality at Peel Bay, the proposals will deliver tangible improvements over and above the existing scenario and will support a transition towards achieving the 2006 EU Bathing Water Directive (BWD) "good" water quality standards for bathing water as well as the objectives detailed within the RSTS 2.

6.4.37 The proposals therefore demonstrate conformity with Strategic Plan Policies GP2, EN10 and EN13 and that subject to the submission of further detailed engineering design for the surface water drainage system, the proposals are acceptable.

Sustainability & Waste

6.4.38 Energy Policy 5 requires proposals of 100 square metres of other development to be supported by an Energy Impact Assessment. Additionally, The Isle of Man has released its Energy Strategy 2023, where it was stated that the aim is to align with the aims of the UK Government in becoming net-zero by 2050. The application therefore considers it necessary to adhere to the design requirements set in mainland UK.

6.4.39 The application submission contains an Energy Statement. This Energy report focuses on the STW and reviews the potential options that could be taken forward to reduce and minimize the operational energy and carbon footprint of the site during operation.

6.4.40 Within the site, the MCC block and kiosk, are likely required to adhere to the requirements presented in Part L of the Building Regulations (2021), as all new and existing stand-alone buildings with a total useful floor area of more than 50m² are required to adhere to this, along with a few exemptions.

6.4.41 The report sets out the aspiration to ensure that the STW is not powered by fossil fuelled heat sources and that energy efficiency saving measures are contained within all aspects of the design process, reducing energy consumption and maximising the use of renewables. To achieve this, the following efficiency hierarchy will be employed:

Be Lean - use less energy.

Be Clean - efficient energy supply.

Be Green - maximise renewable energy.

6.4.52 While the Energy Statement only seeks to provide high level guidance for the future operation of the STW, the aspirations are supported and will, if implemented by MUA, ensure that an energy efficient, low carbon STW is delivered for Peel.

6.4.53 Regarding waste, the application submission confirms that as little waste will be generated during the construction phase as possible.

6.4.54 The primary source of waste will be the use of excavated material from the development site, whereby soil stripped during works will be recycled in the raising of land levels within the STW area. The soil has been assessed as being suitable for raising of the ground and would not lead to any future issues with ground stability. Such will significantly reduce vehicle movements for soil stripping and the need to dispose of soil via landfill.

6.4.55 The application states that surplus construction materials brought to site will be reused, recycled or recovered at rate of at least 90%, which is in line with the Isle of Man Department of Infrastructure Waste Policy and Strategy.

7.0 CONCLUSION

7.1 The proposed development would deliver a modern Sewage Treatment Works to serve the immediate identified national need for improved sewage treatment for Peel in line with RSTS2.

7.2 In addition to RSTS2 and the Development Plan Policies, the Overarching Principles of the National Infrastructure Strategy 2017 (NIS) seek a forward-looking approach between infrastructure providers and Government departments considering future social and economic needs and emerging trends and technologies, with infrastructure designed to ensure international and national obligations are met and that value for money is ensured over the design life of a strategic asset.

7.3 The application has demonstrated that the proposed site is the most suitable and viable option available, having assessed a range of alternative sites, a process of which has been revisited on a number of occasions since 2008.

7.4 The proposed development has been assessed as not giving rise to any demonstrably significant adverse impacts upon the surrounding environment, when regard is had to both the construction and operational phases of the development.

7.5 The submitted Environment Assessment, which comprises the applicant's EIA, assesses the environmental impacts of the development proposals having regard to a range of receptors within the impact area. The proposed development is assessed by Officers as not giving rise to any significant adverse impact upon visual amenity or landscape quality, residential amenity or highway safety in the area, with the level of harm being low, or slight.

7.6 The development will give rise to slight impacts upon trees, hedgerows and biodiversity, although an overall BNG gain of 5.1% will be achieved. The development proposes a satisfactory surface water drainage strategy which will ensure that flood risk offsite is not exacerbated and the water quality associated with the River Neb will be suitably protected.

7.7 The above factors do give rise to a low level of harm, however, the proposed development will deliver an infrastructure and sewerage project to serve one of the main towns on the Island, where sewage is currently pumped untreated as raw sewage into the ocean. The provision of a sewage treatment works will be instrumental in meeting a significant number of environmental objectives, in particular RSTS2, UNESCO Biosphere Status, and future environmental objectives detailed within 'Our Island Plan'. The delivery of modern sewage treatment facilities for one of the largest towns on the Island and the

associated water quality improvements carries significant weight, particularly given the nationally identified need to deliver these facilities.

7.8 For the above reasons, it is concluded that the benefits associated with the proposed development significantly and demonstrably outweigh the identified policy conflict and the low level of material harm that would arise from the construction and operation of the STW. It is therefore recommended that planning permission be granted.