



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

**DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE**

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

**Agenda for a meeting of the Planning Committee, 22nd 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](http://www.gov.im/planningcommittee). If you wish to register to speak please contact DEFA Planning & Building Control on 685950.**

**1. Introduction by the Chairman**

**2. Apologies for absence**

**3. Minutes**

To give consideration to the minutes of a meeting of the Planning Committee held on the 8<sup>th</sup> July 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 5<sup>th</sup> August 2024.

**PLANNING COMMITTEE Meeting, 22nd July 2024**  
**Schedule of planning applications**

<p><b>Item 5.1</b>  Crosby Meadows Estate Part Fields 320653, 324323, 324324, 324321 , 324318, 320649 &amp; 324320 Ballaglonney Main Road Crosby IM4 2EE</p> <p><b>PA22/00475/B</b>  <b>Recommendation : Approve subject to Legal Agreement</b></p>	<p>Construction of 18 houses and associated infrastructure</p>
<p><b>Item 5.2</b>  Part Fields 324324 &amp; 324321, And Crosby Meadows Estates Main Road Crosby Isle Of Man IM4 2EE</p> <p><b>PA21/00724/B</b>  <b>Recommendation : Permitted</b></p>	<p>Construction of a balancing pond and surface water outfall with a foul water connection to existing sewage treatment works</p>
<p><b>Item 5.3</b>  Adjacent To Existing Nursery Mobile Ballasalla School Douglas Road Ballasalla Isle Of Man IM9 2LA</p> <p><b>PA24/00553/B</b>  <b>Recommendation : Permitted</b></p>	<p>Provision of mobile classroom containing one classroom and toilet facilities</p>
<p><b>Item 5.4</b>  Community Cabins Ballasalla School Douglas Road Ballasalla Isle Of Man IM9 2LA</p> <p><b>PA24/00555/B</b>  <b>Recommendation : Permitted</b></p>	<p>Provision of a mobile classroom containing one classroom and toilet facilities to replace existing units</p>
<p><b>Item 5.5</b>  Bayqueen Hotel The Promenade Port St Mary Isle Of Man IM9 5DG</p> <p><b>PA24/00653/B</b>  <b>Recommendation : Permitted</b></p>	<p>Erection of three detached dwellings with integral garages to replace proposals for an apartment building previously approved by PA21/00083/MCH</p>

## PLANNING AUTHORITY AGENDA FOR 22nd July 2024

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### Item 5.1

**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

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

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

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

C 2. 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.

N 1. FOR YOUR INFORMATION

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

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

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

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.

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

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

- 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.

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### **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.

#### 0.0 PREAMBLE

0.1 This application was considered by the Committee on the 8 July 2024 and deferred for a site visit. The site visit is scheduled for 18 July 2024.

0.2 The following additional Planning Policy (Not Referenced in Main Report) have been considered to be relevant:

#### 0.2.1 Inspectors Report for the Area Plan for the East

##### 0.2.1.1 Paragraphs 19 to 22:

"19 The Strategic Plan lists Crosby, Glen Vine, Strang, Baldrine and Newtown as villages which rely on other centres for various services, and where development should be of an appropriate scale to meet just local needs. Paragraph 3.4.5 of the draft Area Plan sets out a vision for these villages. The Schedule of Proposed Changes (PIP5) suggests that '... In the smaller settlements ... there will be some strategic reserve sites to ensure the long-term development of communities with the right services ...'. I consider such speculation about events beyond the period covered by the present development plan to be unwarranted, and see no immediate need for the extension of these villages beyond their present physical limits."

20 I recommend that paragraph 3.4.5 of the Area Plan be modified to read as follows: 9 The majority of these new homes will be located in Douglas and Onchan (making the best use of existing urban areas and previously developed land) and in sustainable extensions to those settlements. The focus will be on high-quality and well-designed housing, supported by the right infrastructure (including educational and health care provision, open space and recreational opportunities, and adequate transport and utility services). The existing character of the smaller settlements around Douglas and Onchan will largely be retained.

#### Development Boundaries of Settlements

21 The Spatial Policies in the Strategic Plan provide that Area Plans will define the 'development boundaries' of the specified service centres and villages. Although the draft Area Plan Proposals Maps show Existing Settlement Boundaries for Douglas, Onchan, Laxey, Union Mills, Strang, Crosby, Glen Vine, Baldrine and Newtown, these boundaries exclude

areas that are proposed for development in sustainable urban extensions. In my view, the required development boundaries should include these areas (which are recognised as being suitable for immediate development). However, they should exclude Strategic Reserve Sites, until the mechanism for the release of such sites is engaged. Pending their release, the Strategic Reserve Sites are to be subject to General Policy 3 of the Strategic Plan, which would preclude their development (except in certain specified and limited circumstances).

22 I recommend that the Area Plan Proposals Maps show the development boundaries of the relevant settlements identified in Chapter 4 of the Strategic Plan, drawn to include sustainable urban extensions, but excluding Strategic Reserve Sites."

#### 0.2.1.2 Site MM001 - Land at Ballaglonney Farm, Crosby

"394 Site MM001 consists of about 22ha of agricultural land. It lies to the south-west of Peel Road (A1) adjacent to, but outside, the Existing Settlement Boundary of Crosby. The built-up area of Crosby extends to the north-east of the site, on the opposite side of the A1. To the southeast, the site is bounded by land which is currently being developed with 28 dwellings and two retail units (Site MH021); and by the Marown Memorial Playing Fields. The site's southern boundary is marked by the Heritage Trail, a long distance footpath and cycleway that runs between Douglas and Peel. Beyond this there is open countryside, which includes an area of wetlands adjacent to the River Dhoo. Open countryside also extends to the north-west of Site MM001. The draft Area Plan proposes Site MM001 as a Strategic Reserve Site.  
Objections

395 Ellis Brown promoted the eventual use of Site MM001 for mixed development, to include facilities for sports and outdoor recreation, as well as residential development. They argued that parts of this site should be allocated for immediate development, as Phase 1 of a comprehensive scheme for the whole area. Phase 1 would include the erection of 20 houses immediately to the south of the existing construction site (Site MH021); and a new football pitch on land between those houses and the Heritage Trail. It would also include the provision of new sheltered housing and a care home, facing Peel Road, to the north-west of Site MH021. The remainder of Site MM001 would be retained as a strategic reserve, eventually to be developed with a further 80 dwellings, together with a sports pitch and amenity areas.

396 The Marown Parish Commissioners were opposed to the development of Site MM001, including its retention as a strategic reserve. They referred to the prospect of increased traffic congestion; inadequacies in the local sewage treatment system; problems of access to Marown Primary School; visual intrusion; and impact on the ecology of the adjoining wetlands. Marown Memorial Playing Fields Ltd also objected to the development of this land.  
Inspector's Conclusions

397 I do not consider there to be a strong case for the extension of the built-up area of Crosby in the foreseeable future. This village is listed in Spatial Policy 4 of the Strategic Plan as being on the lowest level of the hierarchy of settlements in the East. That policy states that development here '... should maintain the existing settlement character, and should be of an appropriate scale to meet local needs for housing ...'. It seems to me that, taken together with proposals for other strategic reserve sites at the edge of Crosby, the development of Site MM001 would result in a dramatic change in the character of this small settlement, effectively doubling the size of its built-up area. The development would be at the expense of an area of existing countryside and would be likely to have a substantial impact on the local scene.

398 I have seen no quantitative assessment of the need for additional housing in Crosby. I note that, during the plan period, approval has been granted for the erection of 28 additional dwellings at Ballaglonney Farm, which are now under construction. That development will



increase Crosby's housing stock by around 10%. I consider that any greater provision of housing would be likely to be disproportionate in relation to local need.

399 I recognise that there is likely to be a need to make additional provision of specialised accommodation for elderly people in the East, in the form of sheltered housing, care homes and nursing homes. However, it seems to me that such provision could be made in general housing areas, and that sufficient land to meet the general need for housing land could be made available elsewhere, particularly in or near to Douglas. Paragraph 5.9 of the Strategic Plan states that the focus for development in the East will continue to be in and around Douglas.

400 I understand that it would not be possible to connect Site MM001 to the public sewerage system before 2022. That must also tell against the immediate development of this land.

401 The DESC has drawn my attention to the access and traffic congestion problems at the Marown Primary School in Glen Vine. Children living in the proposed housing on Site MM001 could cycle or walk to that school, using the Heritage Trail. However, in view of the distance to be covered, and the age of the children in question, I doubt that many of them would do so. It seems to me that the provision of additional family housing in Crosby would add to the existing access problems at the school.

402 I acknowledge that there is a deficiency in the provision of recreational open land (including sports pitches) in Marown. However, the proposed sports pitches on Site MM001 would not be provided without a substantial amount of enabling residential development, which in my view, would be inappropriate.

403 I have seen no technical evidence to indicate that the development of site MM001 would adversely affect any designated site of importance for nature conservation. However, on balance, I do not consider this site to be suitable for allocation, either for immediate development or as a strategic reserve.

404 I recommend against the allocation of Site MM001 in the Area Plan, either for immediate development or as a strategic reserve."

0.3 At the 8 July 2024 meeting, the owners/occupiers of 1 Eyremont Terrace raised issues regarding the development extending beyond the village boundaries as agreed by Tynwald. This has been reviewed through the creation of an overlay map which clearly shows that large sections of the site area includes land over and beyond that which was considered to sit within the approved settlement boundary and area zoned for residential development on the Area Plan for the East (map 10). The overlay map shows large parts of the terrace of dwellings, as well as one of the dwellings approved under PA 20/01511/B to be situated outside the settlement boundary and area zoned for development. There was also evidence that part of the southwest boundary which extends beyond the position of the dwellings proposed would sit is also outside the approved boundaries. Hence, these are considered to weigh against the development.

0.4 It is also apparent on the Area Plan for the East (Map 10 Crosby and Glen Vine) that the land south of the approved residential area and for which open space provisions are proposed is not zoned for development and sits outside the settlement boundary. However, the nature of works proposed here which is mainly for the management of drainage and landscaping to provide amenity areas is not judged to be such that would warrant refusal of the scheme, particularly as previous appeal decisions for the broader site area had considered such works to be acceptable in the area (See Paragraphs 47 & 48 of the Inspectors Report for PA 17/00852/B). For context 3055sqm of the proposed 3607sqm of Open space provision sits

in the open countryside, and on land not zoned for development (84.6% of the total provision).

0.5 Other comments raised by the occupants/owners of 1 Eyremont Terrace, Crosby refer to the Area Plan for the East Inspectors Report, with particular emphasis placed on the inspectors comments that additional housing was not required at Crosby. However, it would be vital to state that the TAPE Inspectors Report noted that the residential development at the current Crosby Meadow Estate was already under construction with the potential to increase housing in Crosby. Moreover, the final document which includes the Crosby settlement Map include the land housing the 28 dwellings that were under construction as well as most of the land under which the current scheme seeks to erect the 18 dwellings. Hence, it is not considered that the development of the application site is at variance with the Final Area Plan documents.

0.6 Reference was also made to 'wind fall' development at the site. However, it should be noted that the current site is not a windfall site nor reserve site where it is expected that future development should be reliant upon increased housing demand, but a site actually zoned for residential development on the Area Plan. As such, these references bear no relevance to the current application site. In fact, the reference to windfall was only made in the Inspectors Report when making reference to the land at Site MH023 - Ballagarey Nurseries, Glen Vine, which does not include the application site. It is also worth noting that sites MM001 and MH001 which the Inspectors report refers mainly to when referencing future development in Crosby do not include the areas for proposed for the new housing under the current scheme.

0.7 With reference to the comments made by the applicants that the houses were much the same as those already approved, and that the affordable housing units being a mirror to those existing, it would be vital to further reiterate that the scheme as proposed would amount to a shortfall of 0.5 housing units which should be provided as a commuted sum in lieu of the affordable units. This is hinged on the fact that the 18 housing units proposed under the current scheme (PA 22/00475/B), and the four housing units approved under PA 20/01511/B, where condition 4 applied at appeal required that "No development shall take place on the remainder of Field 320653 (which forms part of the application site) until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Department", should provide 5.5 units of affordable housing which is 25% of the total of 22 units. Hence, the shortfall of 0.5 housing units weighs against the application.

0.8 It was noted that DOI Flood Risk Management were omitted in the assessment of Interested Person Status. However, they should be included to have IPS on the basis that they have made written submissions relating to planning considerations.

0.9 Overall, it is considered that the inclusion of areas of surrounding countryside not zoned for development in the proposed development area, the fact that about 84% of the open space provision sit within the open countryside, and the fact that there would be a shortfall of 0.5 units of affordable housing together weigh against the application.

0.10 The remainder of this report is unchanged. Any further representations received or any other information will be confirmed via verbal update to the committee.

## 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 bedroomed 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 licence 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 contents 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 Ballaglonney 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 and 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 term 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 pf 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 5units 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 5.5units 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 Status.

## PLANNING AUTHORITY AGENDA FOR 22nd July 2024

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### Item 5.2

**Proposal :** Construction of a balancing pond and surface water outfall with a foul water connection to existing sewage treatment works

**Site Address :** Part Fields 324324 & 324321, And Crosby Meadows Estates  
Main Road  
Crosby  
Isle Of Man  
IM4 2EE

**Applicant :** JM Project Management Ltd

**Application No. :** 21/00724/B- [click to view](#)

**Planning Officer :** Paul Visigah

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

#### C : Conditions for approval

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

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

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

C 2. Notwithstanding the details that have been submitted, a revised Technical Note on Ecological Options shall be submitted to and approved in writing by the Department. The Technical Note shall provide recommendations for ecological options on the re-profiled basin as a dry basin. The development shall not be carried out unless in accordance with the approved details.

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

C 3. Prior to the carrying out of works to re-profile the pond to create a dry basin, Details of Reasonable Avoidance Measures (RAMs) for Common Frog shall be submitted to and approved in writing by the Department. The RAMs for Common Frog must be strictly followed throughout the works on the balancing pond.

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

C 4. Within two months of the date of this decision, details of any proposed planting/seeding and methodologies for the creation of any habitat features around the retention pond shall be submitted to the Department for written approval. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interest of biodiversity within the site, the character and appearance of the development and the visual amenity of the area.

C 5. No external lighting shall be installed except in accordance with a detailed external low level lighting scheme which is in accordance with the recommendations outlined in the BCT

and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018), has been submitted to and approved in writing by the Planning Department. The development shall not be carried out unless in accordance with the approved details, and shall be retained as such thereafter.

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

C 6. The approval hereby granted is for the Construction of a balancing pond (dry basin) and surface water outfall with a foul water connection to existing sewage treatment works, and does not in any way serve as approval for the extension of residential development into the field or redefinition of the area zoned for residential development under the Area Plan.

Reason: To reflect the nature of the planning approval and to control the impact of the development on the surrounding area.

Reason for approval:

Granting the site sits in the open countryside which is not zoned for development, the openness and rural character of the countryside is not expected to be undermined as a result of the proposed balancing pond (dry basin) and drainage works. As such, the proposal complies with Environment Policy 1 & 22 and Strategic Policy 5 of the Strategic Plan.

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

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

- o Manx Utilities Drainage
- o DOI Flood Risk Management

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):

Marown Memorial Playing Fields Limited, as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

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

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

#### 1.0 THE SITE

1.1 The application comprises Part Fields 324324 & 324321, situated south of the Crosby Meadows Estates, 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 site area are agricultural fields which sit outside the settlement boundary and forms part of the surrounding countryside.

1.3 A watercourse which feeds into the River Dhoo runs along the upper western boundary of the site and cuts through the midsection of the site. The entire southern boundary adjoins the River Dhoo which separates the site from the Ellerslie Depot on Old Church Road.

## 2.0 THE PROPOSAL

2.1 Planning approval is sought for the Construction of a balancing pond and surface water outfall with a foul water connection to existing sewage treatment works.

2.2 The new attenuation pond which is proposed south of the new dwellings proposed under PA 22/000475/B and the existing dwellings at the Crosby Meadow Estate shall operate as a dry basin.

2.3 The basin would have a 260m<sup>3</sup> attenuation Storage Volume for development proposed under PA 22/00475/B, and additional 130m<sup>3</sup> provided for future development.

### 2.3.1 Other Specifications:

- o Base of Pond at 40.30m with minimum Level at the top of the pond to be 41.20m (which is a difference of 900mm).
- o All Slopes in to Pond to be less than 1:3.

2.3.2 The basin would have the longest section measuring approximately 48m, while the shortest section distance would be about 17m.

2.3.3 The Existing ground level around the pond is to be re-graded to ensure a minimum cover of 1.2m to the proposed sewer. Inlet Headwall IL 41.943 Bank erosion protection is to be installed down to permanent water level.

2.4 The applicants have indicated in their correspondence dated 25 June 2021 that the works to create the pond and surface water drainage commenced approximately July 2020 and are not as yet complete. Thus the scheme could be judged to be part retrospective.

2.5 The application is supported by a Preliminary Ecological Appraisal Report prepared by Manx Wildlife Trust and dated May 2022. A Technical Note Ecological Options prepared by Manx Wildlife Trust and dated Dec 2022 is also provided in support of the application.

2.6 The application drawing shows details of foul sewage connection to the temporary stand alone Bio Disc on site and connection to the mains which is to be managed at the Crosby STW (once the STW is completed), but this is not part of the current application. As such, this would not be assessed within this application.

2.7 The drainage ditch to the periphery of the site which was proposed as a minor change and refused as part of PA 21/00175/MCH is also not included in the proposed scheme.

## 3.0 PLANNING POLICY

### 3.1 Site Specific:

3.1.1 The northern section of the application site sits within an area zoned as 'Predominantly Residential Use' on the Area Plan for the East Map 10 (Crosby and Glen Vine),

although the proposed pond sits in the open countryside, not zoned for development. The site is not within a Conservation Area or a Registered tree area, and there are no registered trees on site. The site is generally 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 The relevant sections of the Area Plan for the East Written Statement are considered relevant to the current application:

#### 3.2.2 "5.18 Watercourses and Wetlands

5.18.1 The collection of hills in the East has produced a network of mountain streams which gradually join and widen to become the rivers flowing out into Douglas Bay, Port Groudle and Laxey Bay. Several of these rivers form the natural boundaries between the Eastern Parishes.

5.18.2 A non-exhaustive list of streams and rivers in the East includes: Crammag River, Injebreck River, Creg-y-Cowin River, West Baldwin River, Awin Ny Darragh, Baldwin River, River Glass, Greeba River, River Dhoo, Santon Burn, Crogga River, Middle River, Laxey River, Glenroy River, Groudle River, Ballacottier River, River Douglas.

5.18.3 It is likely that these streams and rivers, similar to most of the Island's watercourses, support populations of European Eels - classified by the International Union for the Conservation of Nature (IUCN) as Critically Endangered - and Brown Trout. Most rivers with good fish passage from the sea, including the Dhoo, Glass, Laxey and Santon Burn, contain populations of salmon and sea trout. The Dhoo and Glass are known also to support populations of brook (and possibly river) lamprey. Many of the tributary streams to the major rivers, although small, provide valuable additional spawning and nursery areas for salmonids and lampreys.

5.18.6 The ecological services provided by the Island's watercourses and wetlands are considerable, including carbon storage and natural flood mitigation. An undeveloped corridor of land between the river bank (measured from the edge of the river channel) and any riverside development is required to allow for natural changes in the position of the river channel, as well as in water levels. The natural vegetation and physical structure of a river bank also provides a wildlife corridor for non-aquatic species."

#### 3.2.3 Natural Environment Recommendation 2:

"It is recommended that ahead of making any applications for development close to the reservoirs, watercourses and wetlands in the East, applicants must discuss such proposals with DEFA to establish the need for specific design elements to be taken into account. This may include: the impact of artificial light from the development on migratory fish species, buffer distances from the river bank and visual amenity."

### 3.3 National: STRATEGIC PLAN

3.3.1 Due to the nature of the scheme and the location of the development in the open countryside, the following parts of the Strategic Plan are considered relevant:

- a. General Policy 2 - General Development Considerations.
- b. General Policy 3 - Exceptions to development in the countryside.
- c. Environment Policy 1 - Protection of the countryside and inherent ecology.
- d. Environment Policy 22 - pollution.
- e. Environment Policy 7: Development which would cause demonstrable harm to a watercourse, wetland, pond or dub, and which could not be overcome by mitigation measures will not be permitted.

- f. Strategic Policy 1 - Efficient use of land and resources.
- g. Strategic Policy 2 - Development focussed in existing towns and villages.
- h. Strategic Policy 4 - Proposals for 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; and not cause or lead to unacceptable environmental pollution or disturbance.
- i. Strategic Policy 5 - Design and visual impact.
- 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

#### 4.0 OTHER MATTERIAL CONSIDERATIONS

4.1 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.

4.2 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 site area overlaps the site areas for 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. The land area for which approval was granted for drainage works includes the application site.

5.2.1 The following parts of the Appeal Inspectors Report are considered relevant:

"Other Matters

47. Finally, the identity of the individuals behind the present proposals, of concern to some objectors, is not relevant to planning approval which runs with the land. If permission is granted, the development need not be implemented by the applicant, although that is likely in this case. Whilst it is completely understandable that there are concerns about land ownership, if the works require approval from others for implementation and that approval is not forthcoming, the scheme cannot proceed. The fact that there is a planning approval in place does not oblige anyone to allow development of their land if they do not wish to.

48. It is understood that there are concerns that the extension of the site boundary to land outside that which was designated by 1982 Plan for residential development could be seen as a means of extending the approved area for development and circumventing the planning system. However, the extension of the site is required purely to accommodate 11 drainage works, covers too small an area to facilitate residential development and does not imply any permission to build anything else upon it. If the pipework is no longer required, including the sewage treatment facility, this is required by condition to be removed and the land made good".

"Extension to the Site and Proposed Drainage Works

74. The third main issue is the effects that the extension to the development site and the modified drainage works now proposed would have on the Heritage Trail or the environment or visual amenity of the locality.



75. The extension of the site boundary and foul water drainage works is the only substantial difference to the development previously approved. It would involve the use of relatively wide areas of rural land for the installation of drains below ground. Much of the site area and the Heritage Trail would be affected by temporary construction works but, after completion and reinstatement, there would be no visible effect on the appearance or character of the land or the Trail.

76. At the Hearing, local concern was stressed that the meadow south of the Heritage Trail beside the River Dhoo has been considered for inclusion in a protected wetland and that the works could disrupt its wildlife and ecology. However, from inspection and on the evidence I heard, the meadow is farmed and a hay crop was recently taken from it.

77. Conditions Cond 2, 4 and 5 would secure a construction method statement to control the works, the protection of the watercourse and the reinstatement of the land, including the temporary Biodisc system. An additional Condition 19 should be imposed to require site boundary fencing in the interests of public safety during the works.

78. Importantly, the foul water drainage works now proposed are favoured by Manx Utilities and would, in due course, enable the connection of the sewage from the development to the public drainage system and facilitate their adoption for maintenance at public expense. This is a clear community benefit that should be taken into account.

79. Overall, I consider that the proposed extension to the site and the drainage serving the development would be compliant with the provisions of GP2 of the IMSP to protect watercourses and local amenity as well as settlement character."

5.2 PA 21/00175/MCH for Minor changes application to PA 17/00852/B involving alterations to retail unit, car parking, cladding, and retaining walls - Split Decision. The proposal included the creation of a balancing pond in lieu of an underground attenuation system which was part of the elements refused under this application.

5.2.1 Other elements of the application which were also refused as they were not considered to be minor include:

- a. The works to alter the external elevation of the retail building, extension of canopy and the addition of balustrade;
- b. The installation of the ATM on the front elevation of the retail building;
- c. The changes to the parking layout to add 5 more parking spaces and remove turning area;
- d. The erection of wall to form the side boundary to plots 22 and 17;
- e. The erection of detached garage on plot 15;
- f. Altering the drainage scheme that was originally shown discharging directly into the River Dhoo; and
- g. Construction of drainage ditch to the periphery of the site.

## 6.0 REPRESENTATIONS

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

6.1 DOI Highways Division have indicated that they do not oppose (DNO) the application (19 July 2021).

6.2 Manx Utilities Drainage have made the following comments on the application (10 May 2024):

Most of the comments relate to PA 22/00475/B, with the relevant section stated as follows:

- 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.

6.3 DOI Flood Risk Management have made the following comments on the application (30 July 2021):

The requested additional information to address the following:

1. Confirmation the asset is a detention basin as referred to in application and will only store water for a limited time or is retention and will permanently hold water.
2. Confirmation and evidence the asset has been built using the latest relevant CIRIA guidance manuals. Please could the application fill out the CIRIA Design Assessment Checklist form: Infiltration / Detention Basin.
3. Issue of a scheme maintenance plan. Details of the long term stewardship and maintenance of the detention basin and associated surface water systems.
4. Issue of a scheme Health & Safety Risk Assessment.

6.3.1 Since the DOI FRM's comments were received, the applicants have provided additional information on the drainage basin information which was consulted on but no further comments have been received from DOI FRM.

6.3.2 The applicants have also provided additional correspondence received 28 June 2024 which details FRM acceptance of the information provided to address these concerns.

6.4 DEFA EPU has made comments which refer solely to the stand alone sewage treatment works under PA 22/00475/B which is not the subject of the current application (25 April 2024).

6.5 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 this is due to the nature of both the watercourse and the proposed works (28 June 2022).

6.6 DEFA Ecosystem Policy Team have made the following comments on the application:

6.6.1 Comments received 18 January 2023:

- o They note that the Manx Wildlife Trust's (MWT) Preliminary Ecological Appraisal (PEA) Report dated May 2022 and their Technical Note: Ballaglonney Retention Pond (Crosby): Ecological Options dated 23rd June 2022 is all in order.
- o They note that The MWT have also confirmed via email that no orchids are present in field 324321.
- o They accept that a suitable level of ecological assessment has now been undertaken.
- o They request that a condition be secured on approval for no works to commence until a Construction Environmental Management Plan (CEMP) has been provided to Planning and approved in writing.
- o They request that a condition is secured for a reedbed creation and management plan, written by a suitable qualified ecologist be provided to Planning for written approval.

6.6.2 Comments received 5 December 2023:

- o They state that it is a shame that the already built, maturing and functioning pond is to be removed and turned into a dry basin because the MU won't adopt it.
- o They state that the conversion of the pond into a dry pond would result in a net loss for biodiversity on site, whilst also noting that there is the potential for breeding common

frogs to have colonised since its construction which increases the likelihood for them to be harmed by the re-profiling works.

- o They request that Reasonable Avoidance Measures (RAMs) for Common Frog be included in the CEMP which should be secured on approval, and request that the RAMs for Common Frog must be strictly followed throughout the works on the balancing pond.
- o They request that the Manx Wildlife Trust (Ecology Vannin) are re-consulted to provide their recommendations for ecological options on the re-profiled basin, now that their original advice from 2022 is invalid.

6.7 Marown Parish Commissioners have made the following comments on the application (22 July 2021/19 January 2023/21 December 2023/):

- o They refer to the retrospective nature of the proposal.
- o They state that no reason has been provided for the works, whilst referring to flood risks concerns.
- o They refer to responsibility for continuous management of the pond if approved.
- o They refer to the capacity of the Crosby STW which has no bearing with this application.
- o They refer to technical details that relate to the operations of the dry pond.
- o They request that the pond be fenced and that the fencing should be maintained in good order.
- o They state that the Commissioners would not adopt the pond.
- 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.

6.13 The owners/occupiers of Marown Memorial Playing Fields Ltd object to the application on the following grounds (12 August 2021):

- o They refer to refusal of the pond under PA 21/00175/B.
- o They state that this application shows that some aspects of the works would be undertaken on the "Heritage Trail" which is not owned by the applicant (land ownership).
- o They refer to potential re-profiling works across the Heritage Trail.
- o They refer to potential flood risk concerns with the proposal.
- o They state that any planning approval and conditions must define responsibility for the pond and maintenance to ensure there is no significant impact to the surround area.

## 7.0 ASSESSMENT

7.1 The fundamental Issues to consider in the assessment of the application includes:

- a. The principle of development (GP3, EP1, STP1, & STP2);
- b. Visual/Landscape Impacts (STP5, GP2 );
- c. Potential Flood Concerns/Drainage Issues (GP2, EP 10 & 13, & STP 1c);
- d. Biodiversity Impacts (EP 4, EP 5, EP 7 & GP2); and
- e. Other Matters.

## 7.2 THE PRINCIPLE

7.2.1 In assessing the principle of the proposed development, it is first vital to consider the zoning of the land. The field in question sits within an area that encompasses an area zoned for residential use and land that is not designated for development, with the proposed pond lying entirely in the countryside where development is restricted. It is also noted that General Policy 3 allows for some exceptions within the countryside, and it is not considered that the scheme would fall under any of the exceptions identified under GP3.

7.2.2 Notwithstanding the above, the site of the proposed development forms an extension of an area of amenity space provision in relation to the residential development at the Crosby Meadow estate, which would mean that the pond and its associated landscaping works would

bring some amenity benefits to the area. The scheme which also has direct links to the surrounding countryside and Heritage Trail which is a significant tourist appeal in this part of the Island will also serve to attract members of the public to the area, given that it would create a pleasant setting which offers good connections to the Heritage Trail which would be suitable for hikers and dog walkers. Thus, it could be argued that the scheme would create a pleasant corridor which would encourage more people to visit and better understand the countryside.

7.2.3 Further to the above, approval was granted under 17/00852/B for the development of a significant number of the dwelling at the Crosby Meadow Estate, with the site area including the application site which the Appeal Inspector noted would be mainly required purely to accommodate drainage works, which was required by condition to be removed should they no longer be required, with the land made good. As the current scheme does not propose any buildings within the site area which would be substantially different from the use considered acceptable under PA 17/00852/B, it is considered that the non-designation of the site for development should preclude the current scheme. A condition would, however, be included to ensure that housing development is not extended to this site area.

7.2.4 Additionally, the proposal would be undertaken to improve drainage of the site, the proposed development under PA 22/00475/B and the existing residential development at the Crosby Meadow Estate.

7.2.5 On balance, it is considered that although the location of the proposed development is largely not within an area zoned for development, with the scheme not meeting the key exceptions provided under GP3, the history of approval for the site allows for the use of the site area for drainage works which the current scheme entails. Thus, it is considered that the proposal would be broadly acceptable for the reasons articulated above.

### 7.3 VISUAL/LANDSCAPE IMPACT

7.3.1 With regard to the potential visual impacts of the proposal, it is considered that Strategic Policy 5 requires all development should be designed so as to make a positive contribution to the environment of the Island. A positive contribution means making places which are attractive and safe areas to live, work and invest in; conditions which would be achieved where design proposals are based around an understanding of constraints and opportunities of the site and that the proposal responds positively to local context.

7.3.2 In the case of the current proposal, it is considered that the scheme is designed around the context of the immediate area which has undulating topography, such that the new pond would easily be integrated into the existing land profile. It is also worth noting that pond would not be readily visible from public vantage points along the heritage trail due to the existing topography and lie of the land. Whilst it is noted that the new pond would be a dry point which would have limited potential for attracting and maintaining wildlife, the scheme would include some range of planting over the use of the site as a field, and this would be in the interest of the visual appearance of the area. Likewise, the pond would be low level in nature and would have little visual impact to the area with minimal visual change in the appearance of the area.

7.3.3 On the basis of the above, it is considered that the proposed pond and associated landscaping works including plantings would be acceptable when viewed against the context of the area, and the scale of works proposed, in addition to the fact that several elements of the works would be subterranean.

### 7.4 DRAINAGE/FLOODING

7.4.1 In respect of drainage, it is noted that the scheme is supported by detailed drainage information, which includes a surface water management for the site and adjoining estate, which will feed into the existing systems.

7.4.2 Equally, the application is supported by a drainage strategy which includes the installation of SUDs features to aid in the management of surface water which has been assessed by the relevant drainage authority (Manx Utilities Drainage) who raise no objection, save for the request for design details relating to the pond becoming a dry pond in order to facilitate its adoption. As such, it is considered that the drainage elements of the proposal are acceptable.

7.4.3 With regard to the potential flood risks associated with the proposal, it is considered that the proposed pond and main landscaping areas are not within High Flood Risk zone, with the only real concern being the potential flood concerns should the pond overflow, which has been raised by interested parties. However, comments from the DOI Flood Risk Management Team raise no concern with this issues, thus it is not considered that the potential for overflowing resulting in flooding is a concern with the development.

7.4.4 DOI Flood Risk Management noted concerns regarding culverting and management of the nearby water course and pond, 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).

7.4.5 Based on the foregoing, it is considered that the scheme raises no significant flood risks to the site or existing properties in the area. The proposal is, therefore, considered to comply with Environment Policies 10 and 13, and General Policy 2 (l).

## 7.5 POTENTIAL IMPACT ON BIODIVERSITY

7.5.1 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 scheme being changed from a wet pond to a dry pond to facilitate its adoption by Manx Utilities. Whilst this is considered to be a minus as a good number of the already existing ecology that have populated the bond due to its retrospective nature would be lost, the need to create a dry pond which would be in the interest of its long term management is considered a significant benefit for the scheme, and this weighs significantly in favour of the proposal.

7.5.2 Further to the above, the scheme includes considerable landscaping which would result in ecological benefits over the extant use of the site as a field for hay crop farming. As the key ecological concerns in terms of impacts on Common Frogs 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. It is also pertinent that the Manx Wildlife Trust (Ecology Vannin) are re-consulted to provide revised recommendations for ecological options on the re-profiled basin, since their original advice from 2022 is no longer valid due to the change of the pond from a wet pond to a dry pond, and this will also be secured with a condition.

7.5.3 On balance, it is considered that although a wet pond would have been the preferable option in terms of ecological benefits, the proposal will introduce new wildlife habitats within the area, which has to be seen as bringing some benefit into the area. The scheme would also not cause harm to the ecology of the nearby water course as has been noted in the Fisheries Officers comments who do not object to the application due to the nature of both the watercourse and the proposed works. It is, therefore, considered that the proposal would

meet the requirements of Environment Policy 4 and 5, and General Policy 2 (d), and that suitable conditions could be attached.

## 7.6 OTHER MATTERS

### 7.6.1 Land Ownership

7.6.1.1 The matters that border on land ownership are civil legal issues that lie outside the scope of the planning application as land ownership is a civil matter and would hold no weight in the assessment of a planning application. Any determination under the Town and Country Planning Act 1999 can neither create nor detract from land ownerships, any right of way, or other civil legal rights and obligations as may exist between the parties. Considering these bear no weight in a planning decision, the application has been assessed with respect to the aforementioned Strategic Plan policies which set the benchmark for assessing proposed developments without respect to land ownership matters which have been referenced.

## 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 Status.

## PLANNING AUTHORITY AGENDA FOR 22nd July 2024

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### Item 5.3

**Proposal :** Provision of mobile classroom containing one classroom and toilet facilities

**Site Address :** Adjacent To Existing Nursery Mobile  
Ballasalla School  
Douglas Road  
Ballasalla  
Isle Of Man  
IM9 2LA

**Applicant :** Dept Of Education, Sport & Culture

**Application No. :** 24/00553/B- [click to view](#)

**Planning Officer :** Hamish Laird

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. All pedestrian hardstanding areas on the approved plans shall be implemented before first occupation of the classroom unit.

Reason: To ensure that the classroom is readily accessible for all intended users.

Reason for approval:

While the addition of mobile classrooms is not considered to have most beneficial impact on the streetscene or the provision of school services, as it is required to meet needs of the next school intake year (Sept 2024) on balance it is considered that the proposal is acceptable to meet those needs and would be in accordance with the provisions of policies GEN2; Community Policy 2; Environment Policies 22 iii) and 23; and, Transport policies T4 and T7, all as outlined in the Isle of Man Strategic Plan (2016).

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

None

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

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

1.00 THE SITE

1.1 The application site comprises part of the curtilage of Ballasalla Primary School, Douglas Road, Ballasalla. The site is located on the northern side of Douglas Road and southeast of Ballasalla Primary School, which is a large detached single storey building. Otherwise, the surroundings are predominantly residential.

## 2.00 THE PROPOSAL

2.1 This application seeks approval for the erection of a single mobile classroom and associated site works. The single storey, flat roofed structure would have a stepped/ramped access on its southern side and would contain a lobby/cloakroom area with toilet facilities and a classroom area with attached secure store - all contained within the structure. The classroom would measure approx. 9.0m wide x 7.5m deep x 3.22m high to its flat roofs eaves. The roof would not be completely flat, but would have a very slight - 5cm rise - to a central ridge to allow rainwater run-off and prevent ponding.

2.2 A supporting statement provided with the application advises:

"The application site proposed to accommodate the new mobile classroom has been chosen to remain within the secure grounds of the school, within proximity to existing structures to reduce the visual impact to members of the public and will not intrude into the playing fields or outdoor facilities enjoyed by the school and private nursery. The application site is currently used as open space and this will be reduced as part of this application however there is ample provision for open space elsewhere within the school grounds. We believe there will be no adverse impact because of the installation of this mobile structure.

The mobile classroom is needed for September '24 to provide additional accommodation at the school. The school roll has risen steadily over recent years with the re-construction of the Clagh Vane estate, and the large Reayrt Mie residential development, from 95 in 19/20, to 137 in 22/23, to a current roll of 143. The school anticipate a September '24 roll of circa 164. The Department's stated permanent capacity of the school is 131 (including adjustment down from 150 in 2023, for additional educational needs (AEN) provision. The school propose to use the mobile classroom as a breakout support area for AEN students, with the 7 year groups being accommodated in the 6 permanent school classrooms."

## 3.0 PLANNING STATUS

3.1 The application site is within an area recognised as being an area of "Primary School" as shown on Area Plan for the South (2013) Map 4 'Ballasalla'. The site is not within a Conservation Area, nor within an area zoned as High Landscape or Coastal Value and Scenic Significance. The Isle of Man Landscape Character Assessment (2008) advises that the site lies within an area characterised as being "Urban".

3.2 Relevant planning policies are contained in:

- o The Isle of Man Strategic Plan (2016)
- o the Isle of Man Area Plan for the South (2013)

3.3 Due to the site location, zoning and the type of proposal, the following policy is relevant for consideration:-

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

- (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."

"Community

Policy 2: New community facilities should be located to serve the local population and be accessible to non-car users, and should where possible re-use existing vacant or underused buildings."

#### 4.0 PLANNING HISTORY

4.1 There have been previous planning applications submitted on the site and these are as follows:

4.2 11/00934/B - Erection of two portable buildings and associated site works to be used as a community building - Permitted - 19.09.2011. Condition 3 of this permission advised:

"This planning approval shall be valid for a period of five years from the date of erection of the temporary community building. After this time, unless permitted by any subsequent planning approval, the class room block must be removed from the application site and the site restored back to its original state."

4.3 Installation of play den - 08/00281/B - APPROVED

4.4 Additional mobile classroom to rear of school - 07/01078/B - APPROVED

4.5 Erection of two storage sheds - 03/01989/B - APPROVED

4.6 Creation of additional hard surface play area - 02/01867/B - APPROVED

4.7 Siting of single mobile classroom - 89/00159/B - APPROVED

4.8 In terms of applications for temporary classrooms at schools across the Island, the following is a list of proposals and their locations covering the last 12 years. These involve:

- o 24/00555/B - Provision of a mobile classroom containing one classroom and toilet facilities to replace existing units at Community Cabins, Ballasalla School, Douglas Road, Ballasalla- Pending consideration.

- o 24/00547/B - Provision of new mobile classroom containing two classrooms and toilet facilities at QEII High School, Douglas Road, Peel - Pending consideration.
- o 23/00815/B - Provision of new mobile classroom containing one classroom and toilet facilities at QEII High School, Douglas Road, Peel - Permitted - 17.10.2023.
- o 23/00556/B - Erection of a mobile classroom, containing two classrooms and toilet facilities at Castle Rushen High School, Arbory Road, Castletown - Permitted - 19.06.2023.
- o 23/00554/B - Replacement of existing mobile classroom with new mobile classroom containing two classrooms and toilet facilities at Willaston Primary School, School Road, Douglas - Permitted - 11.08.2023.
- o 22/00671/B - Variation of condition one of PA 18/00609/B, Erection of detached classroom unit within school grounds (retrospective), to extend period of permission by four years at Buchan School, Arbory Road, Castletown - Permitted - 03.08.2022.
- o 21/00656/B - Erection of 2No mobile classrooms at Ballakermeen High School, St Catherines Drive, Douglas - Permitted - 23.07.2021.
- o 20/00343/B - Erection of an outdoor classroom at Scoill Yn Jubilee, Laureston Avenue, Douglas - Permitted - 14.07.2020.
- o 19/00855/B - Creation of outdoor classroom/education area comprising seating area and mast/sun shade, within existing garden area on existing concrete pad. Peel Clothworkers School, Derby Road, Peel - Permitted - 12.09.2019.
- o 19/00629/B - Erection of mobile classroom at Ballakermeen High School, St Catherines Drive, Douglas - Permitted - 12.07.2019
- o 19/00576/B - Siting of a mobile classroom with associated steps and ramps in lower playground area at Scoill Yn Jubilee, Laureston Avenue, Douglas - Permitted - 08.07.2019.
- o 19/00284/B - Single storey extension to provide additional classroom and associated accommodation at Air Cadet Training Facility, Millbrook House, Tromode Road, Douglas - Permitted - 03.05.2019. (Not directly related to school education).
- o 18/01056/B - Erection of single storey classroom extensions with associated accommodation to each gable end of existing drill hall at Air Cadet Training Facility, Millbrook House, Tromode Road, Douglas - Permitted - 20.11.2018. (Not directly related to school education).
- o 18/00609/B - Erection of detached classroom unit within school grounds (retrospective) at Hopes And Dreams, The Buchan Nursery, Buchan School, Arbory Road, Castletown - Permitted - 30.08.2018
- o 17/00149/B - Installation of three containers to provide kitchen and classroom / office (retrospective) and toilets - The Coffee Cottage (Laser-Mayhem), Watertrough Cottage, Shoulder Road, Foxdale - department application approved on appeal - 26.05.2017.
- o 16/00641/B - Erection of a mobile classroom - Ramsey Grammar School (West), Lezayre Road, Ramsey - Permitted 18.08.2016.

- o 15/01293/B - Alterations and extension to K Block to provide additional boys toilets, staff room facilities and a languages classroom - Ballakermeen High School, St Catherines Drive, Douglas - Permitted - 07.01.2014
- o 14/00582/B - Relocation of nursery classroom unit - Rushen Primary School, Church Road, Port St Mary - permitted - 20.06.2014
- o 12/01468/B - Erection of a double mobile classroom - Manor Park School, Pulrose Road, Douglas - permitted - 04.01.2013

## 5.0 REPRESENTATIONS

5.1 Malew Parish Commissioners (30/5/24):-"No objection, unanimous decision."

5.2 DoI Highways Services (2/7/24):

Highways Comments:

Proposal:

The proposals include provision of a new mobile unit and replacement of an existing unit on the school site.

The applicant has not undertaken any pre-application discussions with Highway Services nor provided any submitted information to address and analyse the traffic and transport impacts of the development.

The Applicant has submitted additional information to address the comments made by HDC on 24 May 2024 - comments to this are provided in red below.

Road Adoption:

No new roads are expected to be adopted for the proposals.

Accessibility and Connectivity:

Due to increase in pupils, the applicant should be completing an Accessibility Audit as per the Manual for Manx Road guidance. This will help improve and encourage non-motorised trips and reduce the reliance on private car trips and parking within the local area at peak times. - the Accessibility Audit has been provided.

Additionally, the site layouts are unclear in terms of hardstanding accesses from the entrances to the mobile units and to existing hardstanding areas within the school. All routes from unit door entrances should be hardstanding for pedestrian and mobility impaired accessibility. - the plans have been updated and show suitable routes to/from the units.

If not already provided or existing facilities are already 100% utilised, the applicant should be considering secure/lockable cycle and scooter facilities to encourage non-motorised travel to the site. - this has been provided on the site. The Applicant could provide more in future if demand rises.

Vehicular Access:

The existing accesses to the school would be unaffected by the proposals in terms of changes in design.

#### Internals:

See Accessibility section regarding hardstanding routes from the mobile units entrance doors.  
- resolved.

#### Parking:

The plans appear to suggest that there is no new parking proposed to accommodate the increase in school students. The applicant should be providing within the submission, at a minimum:

- o What are the school on-site and on-street parking demands at peak times?
- o What is the expected increase in parking demands due to the proposals?
- o Where will these parents and staff park for the proposals?
- o Is there any mitigation for the proposals to reduce likelihood of parking demand spilling into the local area?
- o Will there be a cumulative parking impact due to the two applications applied for (applications 553 and 555) or will the replacement unit (application 555) not increase trip generation and parking demand projections?

The applicant has addressed the parking pressures of the site adequately. There is parking on-site for the existing and proposed staff, and there will be a one-way system and parking off-site for existing and proposed parents pick-up. As such, the development intensification would be modest and there are systems in place to accommodate short term parent parking while encouraging sustainable modes of travel to the school.

#### Transport Assessment:

A Transport Statement should be provided with the submission outlining, at a minimum, the following:

- o An Accessibility Audit to Manual for Manx Roads guidance.
- o A parking assessment
- o Projected increase in trips by all modes to the site due to the proposals
- o Travel measures to encourage non private car trips to the site by students, parents and staff. The Applicant has provided further information to address the above transport information requests.

#### Traffic Impact:

The applicant should provide the projected increase in trips by all travel mode options to the site due to the proposals so that the traffic and transport impacts can be reviewed. - the Applicant has provided this information to review.

#### Travel Plan:

Although a travel plan is usually required for the proposals taking into account the size of the development as a whole, at a minimum, the practical travel measures and mitigation elements of a travel plan should be considered for the proposals. What existing and proposed measures can be employed to encourage sixth form students, parents and staff to come to the site by non-single occupancy private car trips or encourage car sharing? - the Applicant has provided an Accessibility Audit with the application and there are good links and facilities local to the site to encourage sustainable modes of transport. As such, the increase in pupils will have negligible impact on parking pressures on the local highway network.

#### Off-Site Works and Mitigation:

It is not expected that off-site works are required to offset traffic impacts of the proposals, providing soft measures and parking impacts can be managed so that the proposals do not have a significant negative impact on highway safety, network availability and parking. - not required.

#### Road Safety:

Through the assessment of an accessibility audit requested and parking analysis as discussed above, the applicant should be considering the proposal's impact on road safety, whether there is existing road safety issues at the school and whether these proposals will increase the existing road safety risks experienced after travel measures are considered/proposed. If there has been any road and pedestrian accidents in the last 5 years linked to the school, the applicant should comment on these and whether the proposals will increase the risk of these type of accidents.

It is considered that through the proposals and updated information/plans that these address previous HDC comments and therefore road safety for the school would not be detrimentally impacted by the proposals.

#### Planning Conditions:

To be proposed after appropriate further information and revisions proposed.

#### Suggested condition:

1. All pedestrian hardstanding areas on the approved plans shall be implemented before first occupation of the classroom unit.

#### Conclusions: Further information, considerations and plans of the following is required:

1. A Transport Statement should be submitted outlining the traffic, transport and parking impacts of the proposals.
2. The site layout should include defined hardstanding routes from the mobile units door entrances to the existing hardstanding areas.
3. An accessibility audit should be completed to consider the existing non-motorised routes to the school and how measures can encourage these trips to reduce parking demand at the site.
4. Travel measures should be considered to off-set parking demand at the site due to the proposals.

It appears that all of the above requests have be adequately addressed and so HDC now do not oppose (DNOC) the applications subject to conditions.

Recommendation: DNOC - Do not oppose subject to conditions.

5.3 No third party representations had been received by the Report Drafting stage (9/7/24).

#### 6.0 ASSESSMENT

6.1 The proposed classroom would be an addition to the existing permanent school accommodation on the school site.

#### Siting, design and visual impact

6.2 The school site is a secure environment having been specifically fenced off and is accessed by separate pedestrian entrances through the schools perimeter fence from Douglas

Road adjoining the Community Rooms; from Cobbold Place to the east of the site; and, Barrule Drive from the north. The proposal would allow the new classroom to be used concurrently with the school.

6.3 The proposal would result in the loss of a small part of the existing playground which is current used by the school. However, this loss is not significant, given there is still a large area of hardstanding and a large grassed playing field available for recreational purposes.

6.4 In terms of the visual appearance of the buildings from public view, the proposal would be read against the backdrop of the existing school building and would not be visually intrusive. The proposed materials would blend in with those of the existing school. In addition, there are a number of existing mature trees would run along the boundaries of the site, which again would help limit the visual appearance, particularly when viewed from Douglas Road.

6.5 Overall, whilst the proposal would not have a beneficial appearance upon the street scene, it is considered given the existing and proposed boundary treatments and given that the proposal would be providing an important service to the community, it is considered these factors overcome the visual amenity concerns and therefore acceptable in this case.

#### Traffic generation and highway safety

6.6 It is noted from the submitted documentation that the majority of users are local and will be living within walking distance of the facility. At the school there is car parking which could be used in the evenings by users of the adjoining community facility when required. Furthermore, recent Environmental Works have created organised estate parking in Clagh Vane, which is located a short distance away to the east of the site. This parking is not fully utilised during the working day and it is considered that it should provide sufficient space for the small number of vehicles that the new facility might generate.

6.7 The Highway Division had initial concerns. However, following the submission of additional information by the applicants, DoI Highways no longer have an objection to the proposal, and have advised that a condition should be attached to any planning permission granted requiring that 'All pedestrian hardstanding areas on the approved plans shall be implemented before first occupation of the classroom unit.'

6.8 Clearly, there has been significant residential development in recent years in Ballasalla with the completion of the Clagh Vane residential area, and the onset of the much newer Rheart Mie development over three phases, which is approximately half developed. The proposal would address a need for additional school classroom accommodation in Ballasalla in a central location, on the existing school site close to residential areas and directly adjacent to bus stops.

6.9 Accordingly, the proposal is considered to comply with Community Policy 2 which seeks new community facilities being located to serve the local population and for them to be accessible to non-car users.

#### Residential amenity

6.10 Consideration has also been given to the potential impacts upon the residential amenities of the neighbouring properties. However, after visiting the site, it was evident that no significant impacts would occur, and the residential amenities enjoyed by occupants of existing neighbouring properties are largely unaffected as a result of the development.

## 7.0 RECOMMENDATION

7.1 In conclusion, it is recommended that the planning application be approved on the grounds that the development would be acceptable and would be in accordance with the provisions of policies GEN2; Community Policy 2; Environment Policies 22 iii) and 23; and, Transport policies T4 and T7, all as outlined in the Isle of Man Strategic Plan (2016).

#### 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 22nd July 2024

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### Item 5.4

**Proposal :** Provision of a mobile classroom containing one classroom and toilet facilities to replace existing units

**Site Address :** Community Cabins  
Ballasalla School  
Douglas Road  
Ballasalla  
Isle Of Man  
IM9 2LA

**Applicant :** Mr Richard Collister

**Application No. :** 24/00555/B- [click to view](#)

**Planning Officer :** Hamish Laird

**RECOMMENDATION:** To APPROVE the application

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### Recommended Conditions and Notes for Approval

**C : Conditions for approval**

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

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

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

C 2. All pedestrian hardstandings shown on the approved plans shall be implemented before first occupation of the classroom unit.

Reason: To ensure that the classroom is readily accessible for all intended users.

Reason for approval:

While the addition of mobile classrooms is not considered to have most beneficial impact on the streetscene or the provision of school services, as it is required to meet needs of the next school intake year (Sept 2024) and replace existing units on balance it is considered that the proposal is acceptable to meet those needs and would be in accordance with the provisions of policies GEN2; Community Policy 2; Environment Policies 22 iii) and 23; and, Transport policies T4 and T7, all as outlined in the Isle of Man Strategic Plan (2016).

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

None

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

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

1.00 THE SITE



1.1 The application site comprises part of the curtilage of Ballasalla Primary School, Douglas Road, Ballasalla - particularly the element of the site known as the Community Cabins which fronts directly onto Douglas Road, and is located to the south-east of the main Primary School Building. The primary School is a large, single storey, detached building. Otherwise, the surroundings are predominantly residential.

## 2.00 THE PROPOSAL

2.1 This application seeks approval for the erection of a single mobile classroom and associated site works. The single storey, flat roofed structure would have a stepped/ramped access on its northern side furthest from Douglas Road and would contain a lobby/cloakroom area with toilet facilities and a classroom area with attached secure store - all contained within the structure. The classroom would measure approx. 9.0m wide x 7.5m deep x 3.22m high to its flat roofs eaves. The roof would not be completely flat, but would have a very slight - 5cm rise - to a central ridge to allow rainwater run-off and prevent ponding.

2.2 A supporting statement provided with the application advises:

"This application seeks full planning approval for the removal of the existing community cabins and replacement with a mobile classroom building, containing a classroom with toilet facilities to the south of the main school buildings.

The proposed mobile classroom building will be relocated from another school on the island and will be provided with a disabled access ramp and steps suitable for ambulant disabled in accordance with current regulations.

The application site proposed to accommodate the new mobile classroom has been chosen to make use of an existing site containing mobile units within the school grounds - the Ballasalla community cabins are located on land that is owned by the Department. As the pupil numbers have increased significantly since permission was granted for the locating of the community cabins and the numbers are likely to increase further, then this space has become valuable/essential for educational purposes.

The proposed mobile classroom will be shorter in length than the existing mobile units and therefore will reduce the visual impact to members of the public when viewed from Douglas Road. The proposed classroom building will remain within the secure grounds of the school and will not intrude into the existing playing fields or outdoor facilities enjoyed by the school and private nursery. We believe there will be no adverse impact because of the installation of this mobile structure.

The mobile classroom is needed for September '24 to provide additional accommodation at the school. The school roll has risen steadily over recent years with the re-construction of the Clagh Vane estate, and the large Reayrt Mie residential development, from 95 in 19/20, to 137 in 22/23, to a current roll of 143. The school anticipate a September '24 roll of circa 164. The Department's stated permanent capacity of the school is 131 (including adjustment down from 150 in 2023, for additional educational needs (AEN) provision. The school propose to use the mobile classroom as a breakout support area for AEN students, with the 7 year groups being accommodated in the 6 permanent school classrooms."

## 3.0 PLANNING STATUS

3.1 The application site is within an area recognised as being an area of "Primary School" as shown on Area Plan for the South (2013) Map 4 'Ballasalla'. The site is not within a Conservation Area, nor within an area zoned as High Landscape or Coastal Value and Scenic Significance. The Isle of Man Landscape Character Assessment (2008) advises that the site lies within an area characterised as being "Urban".

3.2 Relevant planning policies are contained in:

- o The Isle of Man Strategic Plan (2016)
- o The Isle of Man Area Plan for the South (2013)

3.3 Due to the site location, zoning and the type of proposal, the following policy is relevant for consideration:-

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

- (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."

"Community

Policy 2: New community facilities should be located to serve the local population and be accessible to non-car users, and should where possible re-use existing vacant or underused buildings."

#### 4.0 PLANNING HISTORY

4.1 There have been previous planning applications submitted on the site and these are as follows:

Directly in relation to the Community Cabins site:

4.2 11/00934/B - Erection of two portable buildings and associated site works to be used as a community building - Permitted - 19.09.2011. Condition 3 of this permission advised:

"This planning approval shall be valid for a period of five years from the date of erection of the temporary community building. After this time, unless permitted by any subsequent planning approval, the class room block must be removed from the application site and the site restored back to its original state."

In relation to other parts of the school site:

4.3 Installation of play den - 08/00281/B - APPROVED

4.4 Additional mobile classroom to rear of school - 07/01078/B - APPROVED

4.5 Erection of two storage sheds - 03/01989/B - APPROVED

4.6 Creation of additional hard surface play area - 02/01867/B - APPROVED

4.7 Siting of single mobile classroom - 89/00159/B - APPROVED

4.8 In terms of applications for temporary classrooms at schools across the Island, the following is a list of proposals and their locations covering the last 12 years. These involve:

- o 24/00553/B - Provision of mobile classroom containing one classroom and toilet facilities - Pending consideration. Site adjacent To Existing Nursery Mobile, Ballasalla School, Douglas Road, Ballasalla - Pending consideration.

- o 24/00547/B - Provision of new mobile classroom containing two classrooms and toilet facilities at QEII High School, Douglas Road, Peel - Pending consideration.

- o 23/00815/B - Provision of new mobile classroom containing one classroom and toilet facilities at QEII High School, Douglas Road, Peel - Permitted - 17.10.2023.

- o 23/00556/B - Erection of a mobile classroom, containing two classrooms and toilet facilities at Castle Rushen High School, Arbory Road, Castletown - Permitted - 19.06.2023.

- o 23/00554/B - Replacement of existing mobile classroom with new mobile classroom containing two classrooms and toilet facilities at Willaston Primary School, School Road, Douglas - Permitted - 11.08.2023.

- o 22/00671/B - Variation of condition one of PA 18/00609/B, Erection of detached classroom unit within school grounds (retrospective), to extend period of permission by four years at Buchan School, Arbory Road, Castletown - Permitted - 03.08.2022.

- o 21/00656/B - Erection of 2No mobile classrooms at Ballakermeen High School, St Catherines Drive, Douglas - Permitted - 23.07.2021.

- o 20/00343/B - Erection of an outdoor classroom at Scoill Yn Jubilee, Laureston Avenue, Douglas - Permitted - 14.07.2020.

- o 19/00855/B - Creation of outdoor classroom/education area comprising seating area and mast/sun shade, within existing garden area on existing concrete pad. Peel Clothworkers School, Derby Road, Peel - Permitted - 12.09.2019.

- o 19/00629/B - Erection of mobile classroom at Ballakermeen High School, St Catherines Drive, Douglas - Permitted - 12.07.2019

- o 19/00576/B - Siting of a mobile classroom with associated steps and ramps in lower playground area at Scoill Yn Jubilee, Laureston Avenue, Douglas - Permitted - 08.07.2019.

- o 19/00284/B - Single storey extension to provide additional classroom and associated accommodation at Air Cadet Training Facility, Millbrook House, Tromode Road, Douglas - Permitted - 03.05.2019. (Not directly related to school education).

- o 18/01056/B - Erection of single storey classroom extensions with associated accommodation to each gable end of existing drill hall at Air Cadet Training Facility, Millbrook

House, Tromode Road, Douglas - Permitted - 20.11.2018. (Not directly related to school education).

o 18/00609/B - Erection of detached classroom unit within school grounds (retrospective) at Hopes And Dreams, The Buchan Nursery, Buchan School, Arbory Road, Castletown - Permitted - 30.08.2018

o 17/00149/B - Installation of three containers to provide kitchen and classroom / office (retrospective) and toilets - The Coffee Cottage (Laser-Mayhem), Watertrough Cottage, Shoulder Road, Foxdale - department application approved on appeal - 26.05.2017.

o 16/00641/B - Erection of a mobile classroom - Ramsey Grammar School (West), Lezayre Road, Ramsey - Permitted 18.08.2016.

o 15/01293/B - Alterations and extension to K Block to provide additional boys toilets, staff room facilities and a languages classroom - Ballakermeen High School, St Catherines Drive, Douglas - Permitted - 07.01.2014

o 14/00582/B - Relocation of nursery classroom unit - Rushen Primary School, Church Road, Port St Mary - permitted - 20.06.2014

o 12/01468/B - Erection of a double mobile classroom - Manor Park School, Pulrose Road, Douglas - permitted - 04.01.2013

## 5.0 REPRESENTATIONS

5.1 Malew Parish Commissioners (30/5/24):-"No objection, unanimous decision."

5.2 DoI Highways Services (24/5/24)

"Highways Comments:

Proposal:

The proposals include provision of a new mobile unit and replacement of an existing unit on the school site.

The applicant has not undertaken any pre-application discussions with Highway Services nor provided any submitted information to address and analyse the traffic and transport impacts of the development.

Road Adoption:

No new roads are expected to be adopted for the proposals.

Accessibility and Connectivity:

Due to increase in pupils, the applicant should be completing an Accessibility Audit as per the Manual for Manx Road guidance. This will help improve and encourage non-motorised trips and reduce the reliance on private car trips and parking within the local area at peak times.

Additionally, the site layouts are unclear in terms of hardstanding accesses from the entrances to the mobile units and to existing hardstanding areas within the school. All routes from unit door entrances should be hardstanding for pedestrian and mobility impaired accessibility.

If not already provided or existing facilities are already 100% utilised, the applicant should be considering secure/lockable cycle and scooter facilities to encourage non-motorised travel to the site.

**Access:**

The existing accesses to the school would be unaffected by the proposals in terms of changes in design.

**Internals:**

See Accessibility section regarding hardstanding routes from the mobile units entrance doors.

**Parking:**

The plans appear to suggest that there is no new parking proposed to accommodate the increase in school students. The applicant should be providing within the submission, at a minimum:

- o What are the school on-site and on-street parking demands at peak times?
- o What is the expected increase in parking demands due to the proposals?
- o Where will these parents and staff park for the proposals?
- o Is there any mitigation for the proposals to reduce likelihood of parking demand spilling into the local area?
- o Will there be a communicative parking impact due to the two applications applied for (applications 553 and 555) or will the replacement unit (application 555) not increase trip generation and parking demand projections?

**Transport Assessment:**

A Transport Statement should be provided with the submission outlining, at a minimum, the following:

- o An Accessibility Audit to Manual for Manx Roads guidance.
- o A parking assessment
- o Projected increase in trips by all modes to the site due to the proposals
- o Travel measures to encourage non private car trips to the site by students, parents and staff.

**Traffic Impact:**

The applicant should provide the projected increase in trips by all travel mode options to the site due to the proposals so that the traffic and transport impacts can be reviewed.

**Travel Plan:**

Although a travel plan is usually required for the proposals taking into account the size of the development as a whole, at a minimum, the practical travel measures and mitigation elements of a travel plan should be considered for the proposals. What existing and proposed measures can be employed to encourage sixth form students, parents and staff to come to the site by non-single occupancy private car trips or encourage car sharing?

**Off-Site Works and Mitigation:**

It is not expected that off-site works are required to offset traffic impacts of the proposals, providing soft measures and parking impacts can be managed so that the proposals do not have a significant negative impact on highway safety, network availability and parking.

**Road Safety:**

Through the assessment of an accessibility audit requested and parking analysis as discussed above, the applicant should be considering the proposal's impact on road safety, whether

there is existing road safety issues at the school and whether these proposals will increase the existing road safety risks experienced after travel measures are considered/proposed. Department of Infrastructure Sea Terminal Building, Douglas, Isle of Man, IM1 2RF 3 If there has been any road and pedestrian accidents in the last 5 years linked to the school, the applicant should comment on these and whether the proposals will increase the risk of these type of accidents.

Planning Conditions:

To be proposed after appropriate further information and revisions proposed. Conclusions: Further information, considerations and plans of the following is required:

1. A Transport Statement should be submitted outlining the traffic, transport and parking impacts of the proposals.
2. The site layout should include defined hardstanding routes from the mobile units door entrances to the existing hardstanding areas.
3. An accessibility audit should be completed to consider the existing non-motorised routes to the school and how measures can encourage these trips to reduce parking demand at the site.
4. Travel measures should be considered to off-set parking demand at the site due to the proposals."

Recommendation: Further information, considerations and plans required.

### 5.3 DoI Highways Services (2/7/24):

"Highways Comments:

Proposal:

The proposals include provision of a new mobile unit and replacement of an existing unit on the school site.

The applicant has not undertaken any pre-application discussions with Highway Services nor provided any submitted information to address and analyse the traffic and transport impacts of the development.

The Applicant has submitted additional information to address the comments made by HDC on 24 May 2024 - comments to this are provided in red below.

Road Adoption:

No new roads are expected to be adopted for the proposals.

Accessibility and Connectivity:

Due to increase in pupils, the applicant should be completing an Accessibility Audit as per the Manual for Manx Road guidance. This will help improve and encourage non-motorised trips and reduce the reliance on private car trips and parking within the local area at peak times. - the Accessibility Audit has been provided.

Additionally, the site layouts are unclear in terms of hardstanding accesses from the entrances to the mobile units and to existing hardstanding areas within the school. All routes from unit door entrances should be hardstanding for pedestrian and mobility impaired accessibility. - the plans have been updated and show suitable routes to/from the units.

If not already provided or existing facilities are already 100% utilised, the applicant should be considering secure/lockable cycle and scooter facilities to encourage non-motorised travel to the site. - this has been provided on the site. The Applicant could provide more in future if demand rises.

#### Vehicular Access:

The existing accesses to the school would be unaffected by the proposals in terms of changes in design.

#### Internals:

See Accessibility section regarding hardstanding routes from the mobile units entrance doors. - resolved.

#### Parking:

The plans appear to suggest that there is no new parking proposed to accommodate the increase in school students. The applicant should be providing within the submission, at a minimum:

- o What are the school on-site and on-street parking demands at peak times?
- o What is the expected increase in parking demands due to the proposals?
- o Where will these parents and staff park for the proposals?
- o Is there any mitigation for the proposals to reduce likelihood of parking demand spilling into the local area?
- o Will there be a cumulative parking impact due to the two applications applied for (applications 553 and 555) or will the replacement unit (application 555) not increase trip generation and parking demand projections?

The applicant has addressed the parking pressures of the site adequately. There is parking on-site for the existing and proposed staff, and there will be a one-way system and parking off-site for existing and proposed parents pick-up. As such, the development intensification would be modest and there are systems in place to accommodate short term parent parking while encouraging sustainable modes of travel to the school.

#### Transport Assessment:

A Transport Statement should be provided with the submission outlining, at a minimum, the following:

- o An Accessibility Audit to Manual for Manx Roads guidance.
- o A parking assessment
- o Projected increase in trips by all modes to the site due to the proposals
- o Travel measures to encourage non private car trips to the site by students, parents and staff. The Applicant has provided further information to address the above transport information requests.

#### Traffic Impact:

The applicant should provide the projected increase in trips by all travel mode options to the site due to the proposals so that the traffic and transport impacts can be reviewed. - the Applicant has provided this information to review.

#### Travel Plan:

Although a travel plan is usually required for the proposals taking into account the size of the development as a whole, at a minimum, the practical travel measures and mitigation elements of a travel plan should be considered for the proposals. What existing and proposed measures can be employed to encourage sixth form students, parents and staff to come to the site by non-single occupancy private car trips or encourage car sharing? - the Applicant has provided an Accessibility Audit with the application and there are good links and facilities local to the site to encourage sustainable modes of transport. As such, the increase in pupils will have negligible impact on parking pressures on the local highway network.

#### Off-Site Works and Mitigation:

It is not expected that off-site works are required to offset traffic impacts of the proposals, providing soft measures and parking impacts can be managed so that the proposals do not have a significant negative impact on highway safety, network availability and parking. - not required.

#### Road Safety:

Through the assessment of an accessibility audit requested and parking analysis as discussed above, the applicant should be considering the proposal's impact on road safety, whether there is existing road safety issues at the school and whether these proposals will increase the existing road safety risks experienced after travel measures are considered/proposed. If there has been any road and pedestrian accidents in the last 5 years linked to the school, the applicant should comment on these and whether the proposals will increase the risk of these type of accidents.

It is considered that through the proposals and updated information/plans that these address previous HDC comments and therefore road safety for the school would not be detrimentally impacted by the proposals.

#### Planning Conditions:

To be proposed after appropriate further information and revisions proposed.

#### Suggested condition:

1. All pedestrian hardstanding areas on the approved plans shall be implemented before first occupation of the classroom unit.

#### Conclusions: Further information, considerations and plans of the following is required:

1. A Transport Statement should be submitted outlining the traffic, transport and parking impacts of the proposals.
2. The site layout should include defined hardstanding routes from the mobile units door entrances to the existing hardstanding areas.
3. An accessibility audit should be completed to consider the existing non-motorised routes to the school and how measures can encourage these trips to reduce parking demand at the site.
4. Travel measures should be considered to off-set parking demand at the site due to the proposals.

It appears that all of the above requests have be adequately addressed and so HDC now do not oppose (DNOC) the applications subject to conditions.



Recommendation: DNOC - Do not oppose subject to conditions.

5.3 No third party representations had been received by the Report Drafting stage (9/7/24).

## 6.0 ASSESSMENT

6.1 The proposed classroom would be a replacement for the existing community cabins on the site - these are a pair of rooms set out in an 'L' shape which front onto both Douglas Road and the blank side wall of the adjoining single storey dwelling at no. 1 Glashen Terrace. The new classroom would be an addition to the existing permanent school accommodation on the school site.

### Siting, design and visual impact

6.2 The school site is a secure environment having been specifically fenced off and is accessed by separate pedestrian entrances through the schools perimeter fence from Douglas Road adjoining the Community Rooms; from Cobbold Place to the east of the site; and, Barrule Drive from the north. The proposal would allow the new classroom to be used concurrently with the school.

6.3 The community cabins originally occupied a small part of the existing playground which was used by the school, although this loss was not considered to be significant. There remains a large area of hardstanding and a large grassed playing field available for recreational purposes. The existing trees on and around the school site would also be retained.

6.4 In terms of the visual appearance of the buildings from public view, the proposal would be a direct replacement for the existing community cabins and whilst smaller in overall scale and footprint, would be read against the backdrop of the existing school building and as a neighbouring structure to No. 1 Glashen Terrace. It would not be visually intrusive. The proposed materials would blend in with those of the existing school and adjoining dwelling. In addition, the existing mature trees that run along the boundaries of the site, and the weldmesh security fencing around the school, would again would help limit the visual appearance, particularly when viewed from Douglas Road.

6.5 Overall, whilst the proposal would not have beneficial appearance upon the street scene, it is considered it would represent an improvement on the present community Cabins as the frontal extent facing the road would be lessened. Given the presence of the existing cabins, existing and proposed boundary treatments; and, that the new classroom would provide an important service to the community, it is considered these factors overcome any visual amenity concerns and the proposals is, therefore, acceptable in this case.

### Traffic generation and highway safety

6.6 It is noted from the submitted documentation that the majority of users are local and will be living within walking distance of the facility. At the school there is car parking which could be used in the evenings by users of the new classroom on the site which would also be able to double as a community facility when required. Furthermore, recent Environmental Works have created organised estate parking in Clagh Vane, which is located a short distance away to the east of the site. This parking is not fully utilised during the working day and it is considered that it should provide sufficient space for the small number of vehicles that the new classroom might generate.

6.7 The Highways Division had initial concerns. However, following the submission of additional information by the applicants, DoI Highways no longer has an objection to the proposal, and have advised that a condition should be attached to any planning permission granted requiring that 'All pedestrian hardstanding areas on the approved plans shall be

implemented before first occupation of the classroom unit.' (See comments in respect of PA 24/00553/B which also relates to the School site).

6.8 Clearly, there has been significant residential development in recent years in Ballasalla with the completion of the Clagh Vane residential area, and the onset of the much newer Rheart Mie development over three phases, which is approximately half developed. The proposal would address a need for additional school classroom accommodation in Ballasalla in a central location, on the existing school site close to residential areas and directly adjacent to bus stops on Douglas Road.

6.9 Accordingly, the proposal is considered to comply with Community Policy 2 which seeks new community facilities being located to serve the local population and for them to be accessible to non-car users.

#### Residential amenity

6.10 Consideration has also been given to the potential impacts upon the residential amenities of the neighbouring properties. However, after visiting the site, and noting the presence of the existing community cabins and the blank side wall of the single storey dwelling at No. 1 Glashen Terrace facing the site, it was evident that no significant impacts would occur, and that the residential amenities enjoyed by occupants of existing neighbouring properties would remain largely unaffected as a result of the development.

#### 7.0 RECOMMENDATION

7.1 In conclusion, it is recommended that the planning application be approved on the grounds that the development would be acceptable and would be in accordance with the provisions of policies GEN2; Community Policy 2; Environment Policies 22 iii) and 23; and, Transport policies T4 and T7, all as outlined in the Isle of Man Strategic Plan (2016).

#### 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 22nd July 2024

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### Item 5.5

**Proposal :** **Erection of three detached dwellings with integral garages to replace proposals for an apartment building previously approved by PA21/00083/MCH**

**Site Address :** **Bayqueen Hotel  
The Promenade  
Port St Mary  
Isle Of Man  
IM9 5DG**

**Applicant :** **Hartford Homes**  
**Application No. :** **24/00653/B- [click to view](#)**  
**Principal Planner :** **Chris Balmer**

**RECOMMENDATION: To APPROVE the application**

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### **Recommended Conditions and Notes for Approval**

**C : Conditions for approval**

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

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

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

C 2. No dwelling hereby approved shall be occupied until the parking and turning areas associated with that dwelling have been provided in accordance with the approved plans Nrs 46, 47 & 48. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

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

C 3. All planting, seeding or turfing comprised in the approved details of landscaping Drawing Nr 44 shall be carried out in the first planting and seeding seasons following the completion of that dwelling. 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 and for biodiversity net gain.

C 4. Prior to the occupation of the dwelling on Plot 1 the obscure glazing and the first floor 1.8m high timber screen all shown on Drawing 46 shall be completed and shall be maintained as such thereafter

Reason: In tern interests of neighbouring residential amenities.

C 5. The "Communal Open Space" and six "Visitor Parking" as shown on drawing 44 shall be completed prior to the occupation of the dwelling on Plot 1 and retained thereafter.

Reason: To ensure the provision of an appropriate landscape setting to the development and to provide additional off road parking for visitors of the site and adjacent apartment building.

C 6. No dwelling hereby approved shall be occupied until a swift box is appropriately installed to the western gable elevation of each dwelling and retained thereafter.

Reason: in the interests of biodiversity.

C 7. Prior to the installation of any external glazed balustrades details to prevent bird strikes on the clear glass balustrades shall be submitted in writing to the Department and these approved measures shall be installed prior to the occupation of that dwelling.

Reason: in the interests of biodiversity.

N 1. The applicants should note that allowing surface water runoff onto a public highway would contravene Section 58 of the Highway Act 1986 and guidance contained in section 11.3.11 of the Manual for Manx Roads.

Reason for approval:

Overall, it is considered the proposal would be developing a site which is designated for residential development currently and one which has gain previously planning approvals for greater levels of development on this site. The proposal would provide an additional supply of housing within a sustainable location, given its closeness and good pedestrian to Port St Mary and would meeting the overarching aims of the IOM Strategic Plan i.e. "Towards a Sustainable Island" and identified near the top of the settlement hierarchy.

The proposal would comply with; Strategic Policy 1, 2, 3, 4 5, 10 & 11, Spatial Policy 2 & 5, General Policy 2, Environment Policy 4, 7, 42 & 43, Housing Policy 1, & 4, Transport Policy 1, 4, 6, 7 & 8 and Energy Policy 5 of the IOM Strategic Plan 2016, Area Plan for the South and the Residential Design Guide 2021.

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

None

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

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

#### 1.0 THE APPLICATION SITE

1.1 The site is a piece of land which lies on the northern side of Port St. Mary Promenade to the west of Awin Mooar, a semi-detached two storey house and to the east of Nrs 32, 33 and 34 Rhenwyllan Close. To the south of the site is the former Bayqueen Hotel site which is currently under development for a detached six storey building which accommodates residential apartments (total of 23), Cafe/spa/wellness/gym with associated car parking, landscaping and additional use of ground floor apartments as tourist accommodation. This site is within the applicant's ownership.

1.2 The site is accessed via a roadway which runs along the eastern boundary of the site and accesses directly onto Port St. Mary Promenade.

1.3 There is an existing public footpath which runs along the western boundary of the site. This is not affected by the development.

## 2.0 THE PROPOSAL

2.1 The application seeks full planning approval for Erection of three detached dwellings with integral garages to replace proposals for an apartment building.

2.2 The proposal would essentially replace the original four storey detached apartment building (total of apartments was 11). The proposed three dwellings would be generally contained within the footprint of the original approved apartment building. The approved apartment had an approximate width of 40m, a depth of 20m and a height of 15.7m. The new dwellings would have an approximate width of 10m, depth of 18.8m and a height of 14.3m.

2.3 The applicants outline the reason for the application:

"Construction works have been ongoing for over 2 years on the Bay Queen development approved under PA 21/00085/GB and reservations have been taken on a large number of the apartments in the Front Apartment building.

Sales are slower in the Rear Apartment building at present and while this could change if this building is commenced, we are keen to ensure that the overall development is completed and sold as speedily as possible to minimise disruption to both existing and new residents alike. A speedy completion would also allow our workforce to be redeployed on other projects.

As work has yet to commence on the Rear Apartment building, we have reviewed the proposed development and believe the 'offering' for the northern part of the site should be different to the apartments to the front of the site, to provide a range of housing types. This has resulted in this current planning application."

2.4 Furthermore the applicants comment;

"Each house will be detached and have private gardens. With 4 bedrooms and integral double garages, they will also have a first-floor balcony to the family area, to take advantage of coastal views and the hills beyond.

Incorporating pitched tiled roofs and finished in painted render to match the front apartment building, they will include design elements from the front apartment building, including arch features, banded render detailing to the ground floor, as well as using similar window and door types, so the overall development will have a cohesive appearance.

As well as having a reduced visual mass compared to the approved apartment building, the overall floor areas are also reduced:

Total internal floor area

Approved apartment building 2,303.57m<sup>2</sup>

Proposed 3no. houses 1,132.19m<sup>2</sup> (total for all 3)."

## 3.0 PLANNING HISTORY

3.1 The application site has been the subject of a number of previous planning applications; however, the following are considered the most relevant;

3.2 Minor Change application to PA 18/00637/GB involving the reduction of apartment numbers from 17 to 11 and amendments to elevations and finishes to approved rear apartment block building - 21/00083/MCH - APPROVED

3.3 Demolition of registered building and substation and construction of building to provide 23 apartments and cafe/spa/wellness/gym with associated car parking, landscaping and substation (amendments to previously approved PA18/00637/GB and in association with approved 18/00638/CON) and additional use of ground floor apartments as tourist accommodation - 21/00085/GB - APPROVED

#### 4.0 PLANNING POLICY

##### 4.1 LOCAL PLAN

4.1.1 The site is designated on the Area Plan for the South as Proposed Residential. Whilst there is a proposed Conservation Area in Port St. Mary, this excludes the application site and the proposed area continues past the front of the Bay Queen building (follows Promenade) and in front of the semi-detached properties to the south east and includes those on the other side of the road and the broughs leading down to the shore. The site is not within an area at risk of flooding on the national flood risk mapping although the area to the rear of the site (agricultural fields) is at risk of varying levels of surface water flooding.

4.1.2 The Written Statement of the Area Plan for the South in relation to Port St Mary states;

"Description of Port St. Mary

"3.12.1 The Bay Queen Hotel site clearly needs investment, and would provide a welcome opportunity for new residential development in Port St Mary."

"3.14 Summary of the Landscape Character Assessment:

.... Part retention of and conversion of the Bay Queen Hotel and the development of the immediate site around it is clearly desirable, and constitutes the principal opportunity for new housing, or other properly assessed uses, in the Village (Site 25). Renovation and re-use of some of the older buildings may provide other opportunities."

3.3.2 There is specific reference to the site including a development brief as follows:

4.66.1 The former Bay Queen Hotel is located at the north eastern end of the Port St Mary Promenade overlooking the bay. All but the west wing of the redundant Hotel has been demolished and the rest of the site cleared. The building dates back to the 1930's and makes a significant statement as a landmark building on the Promenade. This is recognised by its status as a Registered Building (RB 183).

4.66.2 There are residential properties to the north west as well as to the east where Back Lane wraps around the south eastern boundary of the site. To the north east there is a large open field known as Rhenwyllan.

4.66.3 Planning approval was granted on the Bay Queen site (PA 02/0343) for the erection of two buildings housing 56 apartments. This was the Reserved Matters application which included the refurbishment of the Registered Building on the site and followed on from the original approval granted at Appeal under PA 99/2149. As some works were undertaken on the site, the approval was judged to have been taken up.

4.66.4 There have been calls to allow the comprehensive redevelopment of the Bay Queen site by allowing the demolition of the Registered Building element of the site. The building

was judged worthy of entry onto the Protected Building's Register due to its historic context, its landmark quality and rarity and aesthetic quality. Given this assessment and for the reason that the presence of the hotel provides a tangible link with the town's historical and sociological development, the Department supports the Registered Building status of the Bay Queen and any further redevelopment schemes should respect this.

#### 4.67 Development Brief 25

1. In terms of any development proposals for the Bay Queen site, favourable consideration may be given (subject to a full assessment of the overall design) to a scheme which retains only the 'twin towers' element of the Registered Building. The final design scheme must be prepared in consultation with the Conservation Officer (DoI).

2. The provision of affordable housing (in accordance with Housing Policy 5 of the Isle of Man Strategic Plan, 2007, or its replacement) shall be applied on any additional units over and above the 56 residential units already approved under PA 02/00343/B which has been taken up.

3. Development proposals must retain the pedestrian link (which passes the north western boundary of the site) from Rhenwyllan to the Promenade."

#### 4.2 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 Port St Mary as a Service Centre
- 5 Building in defined settlements or GP3

##### General Policy

- 2 General Development Considerations

##### Environment Policy

- 4 Wildlife and Nature Conservation
- 7 Where development is proposed outside but close to the boundary of a Conservation Area
- 42 New development in existing settlements must be designed to take account of the particular character and identity
- 43 The Department will generally support proposals which seek to regenerate run-down urban areas

##### 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

## 6 Development Briefs

### Recreational Policy

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

### Transport Policy

- 1 Be located close to existing public transport facilities
- 2 Provision for new links
- 4 Highway Safety
- 5 Design of Highway Network Improvements
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions

### Energy Policy

- 5 Energy Efficiency

#### 4.3 RESIDENTIAL DESIGN GUIDE 2021 - Section 3.0 New Houses

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 Climate Change Act 2021;

4.4.1 "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."

#### 4.5 Unoccupied Urban Sites: South - Port Erin (December 2022)

4.5.1 The site is one of seven sites within Port Erin designated as an "Unoccupied Urban Sites" which aims to identify and promote the development of brownfield sites ahead of Greenfield development. The site has also received approval in principle for the Government's Island Infrastructure Scheme (see below) for up to 10% of eligible costs.



4.6 Net Zero Emissions by 2050 - In July 2020, the Isle of Man Government published their Action Plan for Achieving Net Zero Emissions by 2050.

4.7 IoM Government's Active Travel Strategy (2018 - 2021) -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. Although the document focusses on the Douglas area, the principles of the document are considered to be applicable to the rest of the Island.

## 5.0 REPRESENTATIONS

It should be noted that full comments made by all representations are available on the Online Services. Below are the final comments received from the various parties;

5.1 Port St Mary Commissioners have no objection (04.007.2024).

5.2 Highway Services (DOI) make the following comments (14.06.2024):

"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 proposed dwellings have suitable parking and access, as well as additional visitor parking proposed. Conditions to implement access, driveways and pedestrian footpaths, and garages before first occupation should be attached to permission, as well as conditioning the garages to be used for parking of vehicles only should be attached."

5.3 Ecosystem Policy Officer (DEFA) comments (26.06.2024):

"The Ecosystem Policy Team have no objection to this application. The proposed landscaping is appropriate for the site and this should be secured via condition. The Proposed Street Elevations (Drawing No. 45) propose built in swift boxes or similar universal bird boxes high up on either the north or east elevations on each dwelling.

The boxes are shown on the north east elevation for each plot (see Drawings No. 46 47 & 48). Our advice is that swift boxes would be appropriate in this location. However, we recommend that they are re-positioned to the western elevation of each plot in order so that the boxes are not above the proposed clear glass balustrades and therefore to avoid bird collision.

We also request that a condition is secured for no works to commence unless a plan detailing the measures that are to be put in place to prevent bird strikes on the clear glass balustrades, is submitted to Planning and approved in writing. Measures could include use of etching, ultraviolet coatings or decals."

5.4 Highway Service Drainage (DOI) make the following comments (20.06.2024);

"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: As there is in sufficient level data available the applicant is required to demonstrate compliance with the condition above."

## 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/street scenes;
- (c) Potential impact upon neighbouring amenities;
- (d) Potential impact upon highway safety / Parking provision;
- (e) Potential impacts upon ecology;
- (f) Energy Efficiency / Climate Change.

## 6.2 PRINCIPLE OF DEVELOPMENT (Strategic Policy 1 & 2, Spatial Policy 2 & 5 General Policy 2, Environment Policy 43, Housing Policy 1, 2, 3, 4 & 6 and Area Plan for the South)

6.2.1 The first issues relating to this application is the principle of residential development on this site. As outlined within the planning policy section of this report the site is proposed for residential development under the Area Plan for the South which has been adopted by Tynwald since 20th February 2013. The proposed residential use complies with this land uses designation and the area plan.

6.2.2 Furthermore, the Isle of Man Strategic Plan has been adopted firstly in June 2007 & again on 1st April 2016 (housing numbers updated only). Within this document Strategic Policies 1 & 2 require that new dwellings 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 Port St Mary.

6.2.3 In terms of housing need, more recently the update to the Isle of Man Strategic Plan 2016 has been undertaken and adopted, which identified that a total of 1,120 new dwellings is required to be provided between the years of 2011 to 2026 in the south of the Island alone. Given Port St Mary is regarded as one of the two Services centres in the south (total of five Services Centres throughout IOM), it is reasonable to consider a majority of these dwellings are likely to be provided in Port St Mary.

6.2.4 It is also noted that PA 21/00085/GB was approved on this site for residential development, which has been commenced and could be implemented today.

6.2.5 Accordingly; given the above reasons, it is consider the principle of developing the site for residential purposes is acceptable. This is not an automatic reason to allow development as further material planning matters as indicated previously need to be considered, to determine if 3 dwellings on the site are appropriate.

## 6.3 THE POTENTIAL IMPACT UPON THE VISUAL AMENITIES OF THE AREA (Strategic Policy 3, General Policy 2, Environment Policy 42 & 43)

6.3.1 In terms of the potential impacts upon the visual amenities of the area, it is considered the development will not be especially publically apparent from The Promenade, given the dwellings position being behind the Bay Queen Building which is larger and taller. There may be glimpses of the dwellings from either side of the Bay Queen building; albeit the dwellings would not be prominent features in the Promenade setting. The situation is similar when viewing the site from Rhenwyllan Close, again existing built development and landscaping will screen large parts of the development, albeit parts, especially the upper sections may be apparent. However, again it is not considered the impact would be so adverse to warrant a refusal; especially given a large building (apartment block) has been granted previously and the proposals now under consideration would likely have a reduced impact given the built form is reduced.

6.3.2 The design, scale, form and finishes of the dwellings again are appropriate and well designed and would continue the general design approach of the Bay Queen building currently under consideration.

6.3.3 Overall, the proposals would reduce built development over what was previously approved and would be in keeping to the visual amenities of the street scene. Accordingly, it is considered the proposal would not affect adversely the character of the surrounding landscape townscape and would respects the site and surroundings in terms of the siting complying with General Policy 2.

#### 6.4 POTENTIAL IMPACT UPON NEIGHBOURING AMENITIES - (General Policy 2 and Residential Design Guide 2021)

6.4.1 The residential properties potentially most impacted by the development would be those immediately to the west of the site (Nrs 32, 33 and 34 Rhenwyllan Close). Generally, the main issues relating to the impacts upon residential amenities are; overbearing impacts upon outlooks, loss of light, and or loss or privacy. In relation to these aspects, it is considered given the distance the new properties would be from any of these neighbouring properties, landscaping (new/existing) between and layout, design and siting the impacts would not be so significant to warrant a refusal. It is also noted the previously approved apartment building was taller and had a greater depth and therefore would likely have a greater impact upon neighbouring amenities (albeit considered to be acceptable) compared to the proposed new dwellings. It is noted the dwelling closest (Plot 1) to the neighbouring properties is sited closer to them; however, given the reduced scale it is not considered this would have an unacceptable impact. It is noted all gable windows within Plot 1 are proposed to be obscure glazing and the first floor rear terrace includes a high level screen to its side elevation. These would ensure appropriate measures to prevent overlooking towards the neighbouring properties, namely Nr 34 Rhenwyllan Close.

6.4.2 Overall, whilst the proposed development will have an impacts upon existing neighbouring properties, it is considered for the reasons given the proposed development would not having a significant impacts upon the residential amenities of the neighbouring properties and therefore comply with General Policy 2 of the IOMSP and the Residential Design Guide 2021.

#### 6.5 POTENTIAL IMPACT UPON HIGHWAY SAFETY / PARKING PROVISION (Strategic Policy 10, General Policy 2 and Transport Policy 1, 2, 4, 5, 6, 7 & 8)

6.5.1 Highway Services have considered the application and have raise no objection. The proposal will reduce the level of traffic over the previously approved apartment building (11 units).

6.5.2 On this matter the applicants Planning Statement states;  
"Access to the 3no. houses will be via the previously approved access from the Promenade onto the Bay Queen development site. The site road is 5.5m wide, and will be a shared surface, with a 2m wide pavement to the southern side, linking the entrances to the front apartment building.

Each house will have a double garage measuring at least 6m x 6m, and there will be a 6m x 5.4m (minimum) driveway in front of the garages, so there will be ample parking for property owners

The proposals, with regards to parking provisions, provides many benefits over the extant approved scheme. By reducing the number of homes from 11 down to 3, this will reduce the

number of potential visitors to the site. The provision of 6no. visitor parking spaces within the courtyard, shared between the 26no. front apartment and the 3no. proposed houses, should be more than adequate, as there is also on street parking on the Promenade."

6.5.3 In terms of parking provision, the parking standards as provided in the Strategic Plan require two parking space for a dwelling and therefore complies with this.

6.5.6 Overall, for these reasons it is considered the proposal would provide safe and convenient access for all highway users (vehicle and pedestrian), 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 Strategic Policy 10, General Policy 2, Transport Policy 1, 2, 4, 5, 6, 7 & 8 of the IOM Strategic Plan.

## 6.6 POTENTIAL ECOLOGY IMPACTS - (Environment Policy 4)

6.6.1 The Ecosystem Policy Team have considered the application and raised no objection subject to conditions, namely;

- o measures that are to be put in place to prevent bird strikes on the clear glass balustrades; and
- o swift boxes are recommend that they are re-positioned to the western elevation of each plot in order so that the boxes are not above the proposed clear glass balustrades and therefore to avoid bird collision.

6.6.2 The above matters should be conditional of any approval.

## 6.7 Energy Efficiency/Climate Change - (Climate Change Act)

6.7.1 The applicant's comment;

"The proposed houses will be energy efficient and highly sustainable, to help mitigate climate change. The site is close to the centre of Port St Mary, so all the town's existing facilities are within easy walking or cycling distance, which will promote Active Travel. All homes will have an integral double garage which can be used for cycle storage and the homes will be wired for electric vehicle chargers to be installed, to allow future owners to fit their specific requirements.

The houses will be highly insulated and will achieve high levels of airtightness. Air source heat pumps and roof mounted solar PV panels will be fitted to all properties. Gas powered appliances will not be used on this development, to reduce dependency on fossil fuels.

Internally, energy efficient LED light fittings will be used throughout, together with water efficient sanitary ware."

6.7.2 The Department is comfortable that the scheme complies with Energy Policy 5 and the Climate Change Act, albeit the latter is not yet in force.

## 7.0 CONCLUSION

7.1 Overall, it is considered the proposal would be developing a site which is designated for residential development currently and one which has gain previously planning approvals for greater levels of development on this site. The proposal would provide an additional supply of housing within a sustainable location, given its closeness and good pedestrian to Port St Mary and would meeting the overarching aims of the IOM Strategic Plan i.e. "Towards a Sustainable Island" and identified near the top of the settlement hierarchy.

7.2 In relation to highway safety there are no concerns raised and it is considered the level of parking provision is appropriate for the level of development and its location within Port St Mary to shops, services and public transport links.

7.3 Finally, there are no adverse impacts to protect species on this site and appropriate conditions in place to ensure biodiversity on the site is provided and would result in an energy efficient development.

7.4 In conclusion, the proposal would comply with; Strategic Policy 1, 2, 3, 4 5, 10 & 11, Spatial Policy 2 & 5, General Policy 2, Environment Policy 4, 7, 42 & 43, Housing Policy 1, & 4, Transport Policy 1, 4, 6, 7 & 8 and Energy Policy 5 of the IOM Strategic Plan 2016, Area Plan for the South and the Residential Design Guide 2021. It is recommended that the planning application be approved for the reasons given and subject to the conditions listed.

#### 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.