

CHIEF SECRETARY'S OFFICE

Oik yn Ard-Scrudeyr

PLANNING APPEALS OFFICE

Government Office

DOUGLAS

Isle of Man IM1 3PN

Direct Line: (01624) 685280

Fax Number: (01624) 685710

E-mail: planning.appeals@gov.im

CHIEF SECRETARY

M Williams, CPFA

Our Reference : L09NEW/09/00001/CI

6 July 2010

CSO Copy – Refer to template L20 for mailing list

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING (DEVELOPMENT PROCEDURE) ORDER 2005

Planning Application: 09/00301/B
Applicant: Tesco Stores Limited
Proposal: Erection of store extension including mezzanine and bulk store extension, temporary store, decked car park and alterations to existing highway network, Tesco Store Lake Road, Bank's Circus And Junction tt Bank Hill, North Quay & Bridge Road, Douglas, Isle Of Man IM1 5AF.

The Inspector appointed to conduct the inquiry into the above captioned application which was called in by the Council of Ministers and determined by it in accordance with the provisions of Section 11 of the Town and Country Planning Act 1999 has submitted his report to the Council of Ministers.

Council has considered the Inspector's report dated 30th March 2010 and an additional document provided by the Inspector entitled "Summary of Conclusions - Reasons for Refusal" dated 27th May 2010. This document summarised the three reasons provided by the Inspector for the refusal of the application as follows:-

1. The Tesco Extra proposal is contrary to development plan retail policies dealing with the location of retail development and should therefore be refused. The proposal conflicts with Strategic Policy 9, Business Policy 9 and Business Policy 10 from the Strategic Plan because these policies call for retail development to be located within town and village centres. The Tesco application site is not within Douglas Town Centre. It is an out-of-centre site. Furthermore, to allow major additions of retail development on a site some 800m from the main shopping area of Douglas would set a damaging precedent for future shopping policy and retail investment on the Island.
2. The Tesco Extra proposal is contrary to development plan retail policy dealing with the scale of retail development and should therefore be refused. Business Policy 9 calls for the scale of new development to be appropriate to the existing Town Centre, and assumes the development would be in that centre. As this proposal is not in Douglas Town Centre, the scale of the Tesco proposal is inappropriate.
3. The Tesco Extra proposal is contrary to General Policy 2 (i) and Transport Policy 4 because the evidence submitted failed to demonstrate that traffic generated by the retail development could be satisfactorily and safely accommodated on the local highway network. There are 4 reasons for this. First, there are too many unresolved questions about the ability of the revised Banks Circus junction to satisfactorily accommodate predicted traffic generated by the proposal and committed development. Insufficient evidence was submitted on existing and predicted queue lengths and delays to show whether the proposal would have an acceptable or unacceptable effect on traffic flows. Second, there is a pedestrian safety issue by the Railway Hotel, where there would be an unsatisfactory narrow length of footway in a dangerous location. Third, there is the

unresolved problem of limited space available in the highway for buses turning right into Banks Circus from Bank Hill and approaching right turning parked vehicles – it is not clear whether this vital turning movement can be achieved. Fourth, vehicles generated by the proposal would intrude into the attractive North Quay pedestrianised waterfront area – this would have an unsatisfactory impact on the amenity of this pedestrianised waterfront area. All these traffic and highway matters taken together are sufficient to justify refusal of the proposal.

Council considered carefully all of the issues raised and reviewed the Inspector's report in full.

In relation to point 1 Council noted the Inspector's view that since the application site is not within Douglas Town Centre and is therefore an out-of-centre site the proposal for development should be refused. Following discussion Council did not feel Douglas Town Centre and retail centre has sufficiently defined boundaries. Council were of the opinion that the Douglas Town Centre and retail area boundaries should be clearly defined in the forthcoming Eastern Area Plan and that pending such definition it would be premature to refuse the proposal for the reason stated by the Inspector.

In consideration of point 2 Council discussed the Inspector's view that Business Policy 9 of the 2007 Strategic Plan calls for new development to be appropriate to the existing Town Centre and that since this proposal is not in Douglas Town Centre the scale of the proposal is not appropriate. Council concluded that they could not agree with the Inspector's view as to this since the Inspector had failed to give sufficient weight to the fact that the existing Tesco's site had an established use as retail premises.

Council considered the issues raised by the Inspector in relation to point 3 and agreed the points made by the Inspector regarding the traffic, highway and potential safety impact of the proposed development. Council therefore agreed with the Inspector that this was a fundamental reason for refusal of the proposal.

Council therefore concluded that they agreed with the Inspector that the Planning Application should be refused for the reasons set out in paragraph 3 of the Summary of Conclusions – Reasons for Refusal.

A copy of the Inspector's report and Summary of Conclusions - Reasons for Refusal can be viewed at gov.im/cso/

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A. Johnstone', written in a cursive style.

A Johnstone
Planning Appeals Administrator

Summary of Conclusions- Reasons for Refusal

1. The Tesco Extra proposal is contrary to development plan retail policies dealing with the location of retail development and should therefore be refused. The proposal conflicts with Strategic Policy 9, Business Policy 9 and Business Policy 10 from the Strategic Plan because these policies call for retail development to be located within town and village centres. The Tesco application site is not within Douglas Town Centre. It is an out-of-centre site. Furthermore, to allow major additions of retail development on a site some 800m from the main shopping area of Douglas would set a damaging precedent for future shopping policy and retail investment on the Island.
2. The Tesco Extra proposal is contrary to development plan retail policy dealing with scale of retail development and should therefore be refused. Business Policy 9 calls for the scale of new development to be appropriate to the existing town centre, and assumes the development would be in that centre. As this proposal is not in Douglas Town Centre, the scale of the Tesco proposal is inappropriate.
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David Bushby
27 May 2010