

Amended report prepared following the meeting of the Planning Committee 29th June

PLANNING REPORT AND RECOMMENDATIONS

Application No. : 07/00486/A
Applicant : Mr D Moore
Proposal : Approval in principle for the erection of three dwellings with associated roads and sewers
Site Address : Land Abutting Peel Road Opposite The Braddan Church Junction
 Peel Road
 Braddan
 Douglas
 Isle Of Man

Considerations

Case Officer : Mrs F Mullen
Photo Taken :
Site Visit : 13.06.2007
Expected Decision Level : Planning Committee

Written Representations

2 Glen View South Cape Laxey Isle Of Man	Objects to the proposal
PMCS Seacliffe Old Castletown Road Ballaveare	Objects to the proposal

Consultations

Consultee : Highways Division
Notes : Do not oppose

Consultee : Braddan Parish Commissioners
Notes : Object

Consultee : S.P.M.C. & E.
Notes : Comments received

Consultee : Inland Fisheries Development Manager
Notes : Note to be included

Consultee : IOM Water Authority
Notes : Note to be included

Consultee : Manx Electricity Authority
Notes : Note to be included

Consultee : Disability Access Officer
Notes : Note to be included

Consultee : Wildlife & Conservation Officer
Notes : No objection subject to conditions

Officer's Report

THE SITE

The application site forms an area of land to the east of Peel Road opposite Braddan Parish Church. The site has recently been part developed through works by the Department of Transport Highways Division in connection with a highways improvement scheme to include the creation of a mini roundabout at the junction of Peel Road and Saddle Road. These works have resulted in the creation of a vehicular access into the site.

PLANNING STATUS

The application site is zoned as Open Space in the adopted Plan for the area, this being the Braddan Parish Plan Planning Circular 6/91.

Within the Draft Braddan Plan, the site was identified as Proposed Residential, with the Modifications Document published in February 2003 stating "...The site is surrounded by mature trees which, if retained and reinforced could largely screen the site from the view of passing motorists. The site has been used in the past for reclamation and contributes little visually although the site does support wildlife in terms of the existence of the river and the surrounding trees. The Department would consider that the northern end of the site could be suitable for a limited development (around 4 dwellings), reflecting the extent of the existing residential building on the western side of the road if appropriate drainage and access could be formed for this site...and provided that the easternmost part of the site were retained as open space to preserve the value of the wildlife corridor."

The Department has subsequently decided not to proceed with the revised Braddan Plan.

PLANNING HISTORY

The following previous applications are considered relevant in the consideration of this application:

PA 04/00731/B - Highway improvement scheme including creation of a mini roundabout at Junction At Braddan Church Between Peel Road And Saddle Road, Braddan. Approved initially 30th June 2004.

PA 96/01174/A - Approval in principle for erection of two detached dormer bungalows, land adjacent to Ballafletcher Cottage, Peel Road, Braddan. Refused 12th December 1996. Refused at Appeal 18th September 1997.

THE PROPOSAL

Planning approval in principle is sought for the erection of three dwellings with associated roads and sewers. Access to the site is indicated as being from the recently created access in association with the Department of Transport Highways Division works to the adjacent junction. The dwellings are indicated to the north of the site, with a roadway leading to a turning head. The area of land to the south of the site would remain free from development.

REPRESENTATIONS

Braddan Commissioners object to the proposal on the grounds that the area was not zoned for the erection of buildings and access to the proposed dwellings would be from the main Douglas to Peel road and on the inside of the TT course.

The Department of Transport Highways Division advise that they do not oppose the development. The Department of Agriculture, Fisheries and Forestry Wildlife and Conservation Division advise that as a large number of trees have been removed from the site in recent years, they consider it to be important that as many trees as possible are retained on the site. In addition, the Department of Agriculture, Fisheries and Forestry Inland Fisheries have commented on the application in relation to the proximity of the site to the adjacent watercourse. They advise that a minimum distance of 8m should be retained between the watercourse and any development in order to minimise damage and disturbance to the river banks and beds.

The Society for the Preservation of the Manx Countryside and Environment object to the proposal and the occupiers of Rowan Garth express concern as to the level of detail submitted with the application. A resident of Port Soderick objects to the proposal.

ASSESSMENT

The application proposes in principle, the construction of three dwellings on the north of the application site. Whilst the site is designated as Open Space in the adopted Local Plan for the area, access into the site has recently been created by works in association with PA 04/00731 and as stated inter alia in the now abandoned Draft Braddan Plan, "The site has been used in the past for reclamation and contributes little visually although the site does support wildlife in terms of the existence of the river and the surrounding trees." This view being taken prior to the recently completed works to the adjacent highway. As such, the site is not now considered to make a positive contribution to the visual amenity of the area, such as to warrant the continued protection as Open Space. The site does however accommodate a number of mature trees, particularly on the north western boundary of the site adjacent to the road, which are indicated as being retained within the proposal.

Objections to the development relate to zoning, access and lack of information in respect of design so as to consider the impact of adjacent residential properties.

With regard to zoning, as previously stated, whilst the site is currently zoned as Open Space, recent development on and adjacent to the site warrants a re-consideration of the use of the site, particularly given the new access into the site. With regard to access, the Department of Transport Highways Division do not oppose the development and a suitable condition may be attached to any approval restricting the development until such time as the mini roundabout adjacent to the site has been constructed.

In relation to the design and impact on adjacent occupiers, the properties across the river are some 65m from the site boundary, with Ballafletcher to the north of the site being some 60m from the site boundary. The application is in principle only, however, it is considered that suitably designed dwellings may be accommodated on the site without adverse impact on the residential amenity of adjacent occupiers.

With regard to the tree coverage, impact on wildlife within the area and impact on the river bed and bank, the applicant has advised that they have discussed the proposal with the Department of Agriculture, Fisheries and Forestry and Department of Transport to ensure that a tree belt is retained along the road frontage and would accept any conditions in relation to this element and/or the works in relation to the river area.

The application is considered to be finely balanced. At the time of the previous decision in 1997, the Inspector in his conclusions stated "...it is the size and its contribution to the local scene that is most striking. It seemed to me that the trees and open space of the appeal site do add a significant and highly valued dimension to the local scene and that this contribution is that which the policies of the Local Plan intend to protect." However, although the site is currently zoned as Open Space it is considered that it has changed in nature since that time, due to works partly within and adjacent to

the site being carried out with additional works proposed. In addition, the site was identified as being suitable for residential development in the Draft Braddan Plan and whilst this plan has been abandoned, the reasoning behind the suggested zoning is considered to be a consideration in the determination of this current application.

The contribution that the site makes to the open character of the area may be retained due to the proposed location of dwellings, allowing the area adjacent to Braddan Bridge to remain free from development, with development taking place toward the developed area to the west of the site across Peel Road.

The submitted plan indicates the siting of three dwellings which would allow for the retention of trees, development clear of the river bank and the retention of open space to the southern end of the site and as such is considered on balance, to be acceptable.

RECOMMENDATION

It is recommended that the application be approved.

PARTY STATUS

It is considered that the following parties, who submitted comments, accord with the requirements of Planning Circular 1/06 and are therefore, afforded interested party status:

Department of Transport Highways Division
Department of Agriculture, Fisheries and Forestry Inland Fisheries
Department of Agriculture, Fisheries and Forestry Wildlife and Conservation Division
Braddan Parish Commissioners
Mr P Cameron, Rowan Garth, 2 Braddan Bridge, Douglas

Accordingly the following parties are not granted Interested Party Status:

Society for the Preservation of the Manx Countryside and Environment
MEA
Isle of Man Water Authority
Disability Access Officer
Mr Jessop, Seacliffe, Old Castletown Road, Braddan

ADDITIONAL REPORT

At the meeting of the Planning Committee of Friday 29th June 2007, the Committee determined to refuse the application for the reason that the land is not currently zoned for residential development within the adopted local plan for the area, this being the Braddan Parish Plan, Planning Circular 6/91 and the application is therefore considered to be premature, pending the preparation of a new local plan for the area.

Recommendation

Recommended Decision: Permitted

Date of Recommendation: 20.06.2007

Conditions and Notes for Approval / Reasons and Notes for Refusal

C : Conditions for approval
N : Notes attached to conditions

R : Reasons for refusal
O : Notes attached to refusals

C 1.

This approval is in principle only and will remain valid for a period of two years within which time no development may take place until such time as details of the reserved matters (siting, design, external appearance, internal layout, means of access, landscaping) have been approved by the Planning Authority. Such reserved matters should form the subject of a single application.

C 2.

This approval relates to the drawing numbers 4105/1; 4105/3; location plan and supporting letter, submitted as part of this application.

C 3.

No development may take place on the site until such time as the highway improvement works, to include the creation of a mini roundabout as approved under PA 04/00731, have been completed.
Reason: In the interests of highway safety.

C 4.

Any subsequent application seeking approval for Reserved Matters, must include details of all existing trees on the site and those to be retained, a full landscaping plan and details of works proposed to protect the adjacent main river.

Decision Made :

Committee Meeting Date :

Johnstone, Andy (CSO)

From: Partington, Nixon & Kinrade [p.n.k@manx.net]
Sent: 21 September 2007 14:47
To: Johnstone, Andy (CSO)
Subject: FW: FAO Winston Taylor - Re D.Moore Appeal - 07/00486/A
Attachments: 2007_09_17_12_33_34.pdf, 2007_09_17_12_31_52.pdf; 2007_09_17_12_32_55.pdf

Dear Andy

Mr. Winston Taylor who is the applicants advocate has asked that I forward a set of Photographs of the site indicating its relationship to the heritage trail/ access road and surroundings With regard to comments made in respect of the new Strategic plans policies

Regards

Allan callow

From: Winston Taylor [mailto:wtaylor@simcocks.com]
Sent: 21 September 2007 13:53
To: p.n.k@manx.net
Subject: FW: FAO Winston Taylor - Re D.Moore Appeal

Please find enclosed again.

Please confirm safe receipt.

Winston Taylor
Advocate
For and on behalf of Simcocks Advocates Limited.
Ridgeway House, Ridgeway Street, Douglas, Isle of Man, IM99 1PY
Tel +44 (0)1624 690300 Fax +44 (0)1624 690349

Simcocks is the trading name of Simcocks Advocates Limited, an incorporated legal practice in the Isle of Man with registered number 104672C. Registered office: Ridgeway House, Ridgeway Street, Douglas, Isle of Man IM1 1EL. Tel: +44 (0)1624 690300 Fax +44 (0)1624 690333.

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From: Winston Taylor
Sent: Wednesday, September 19, 2007 2:31 PM
To: 'p.n.k@manx.net'
Subject: FW: FAO Winston Taylor - Re D.Moore Appeal

Regards

Winston Taylor
Advocate

24/09/2007

For and on behalf of Simcocks Advocates Limited.
Ridgeway House, Ridgeway Street, Douglas, Isle of Man, IM99 1PY
Tel +44 (0)1624 690300 Fax +44 (0)1624 690349

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From: Evelyn Brown
Sent: Wednesday, September 19, 2007 2:18 PM
To: Winston Taylor
Subject: FW: FAO Winston Taylor - Re D.Moore Appeal

From: Partington, Nixon & Kinrade [mailto:p.n.k@manx.net]
Sent: 19 September 2007 14:14
To: mail
Subject: FAO Winston Taylor - Re D.Moore Appeal

Dear Winston,

We are awaiting the photo's to forward to Mr. Andy Johnstone at the planning office.

Could you please forward a.s.a.p.

Yours
Allan Callow

24/09/2007



1.5m high 2.5 Metre Fence
between A' and B' including
2.5m wide vehicle access gate

Areas Shaded thus denote

- A mixture of 30' Pawan Elm and 5m
Lentil : one at 2 metre centres
- 10' x 10' gridiron at 2 metre centres

Post and wire fence
between A' and T'

Main stone dwarf wall
to match existing

Timber post and 3 rail
fence as drawing 11'2

Fern gate by EOT
as drawing 12'0

Timber post and 3 rail
fence as drawing 11'5

Mark stone dwarf wall
to match existing

Post and wire fence
between E' and T'

Length of existing stone
curb to be abandoned
as per this

Proposed Surface
Water Sewer

Handwritten note:
1.5m high 2.5 Metre Fence
between A' and B' including
2.5m wide vehicle access gate

1 and Purchase Laboratory
Area = 0.17 ha

1 and Area = 0.17 ha

1 and Area = 0.17 ha

Handwritten:
The Boundary
of the

Isle of Man Department of Planning and Building	
Ormeau Church Junction	
Project No. 11/10/10	
Client: Isle of Man Government	
Date: 11/10/10	
Scale: 1:1000	
Author: [Name]	
Check: [Name]	
Approved: [Name]	
Date: [Date]	

- 1. Bare Soil
- 2. Grass
- 3. Bare Rock
- 4. Dry Pond
- 5. Beach Area
- 6. Sand
- 7. Miscellaneous Ponds
- 8. Open Area
- 9. Surfing Area
- 10. Substrate
- 11. Substrate
- 12. Substrate
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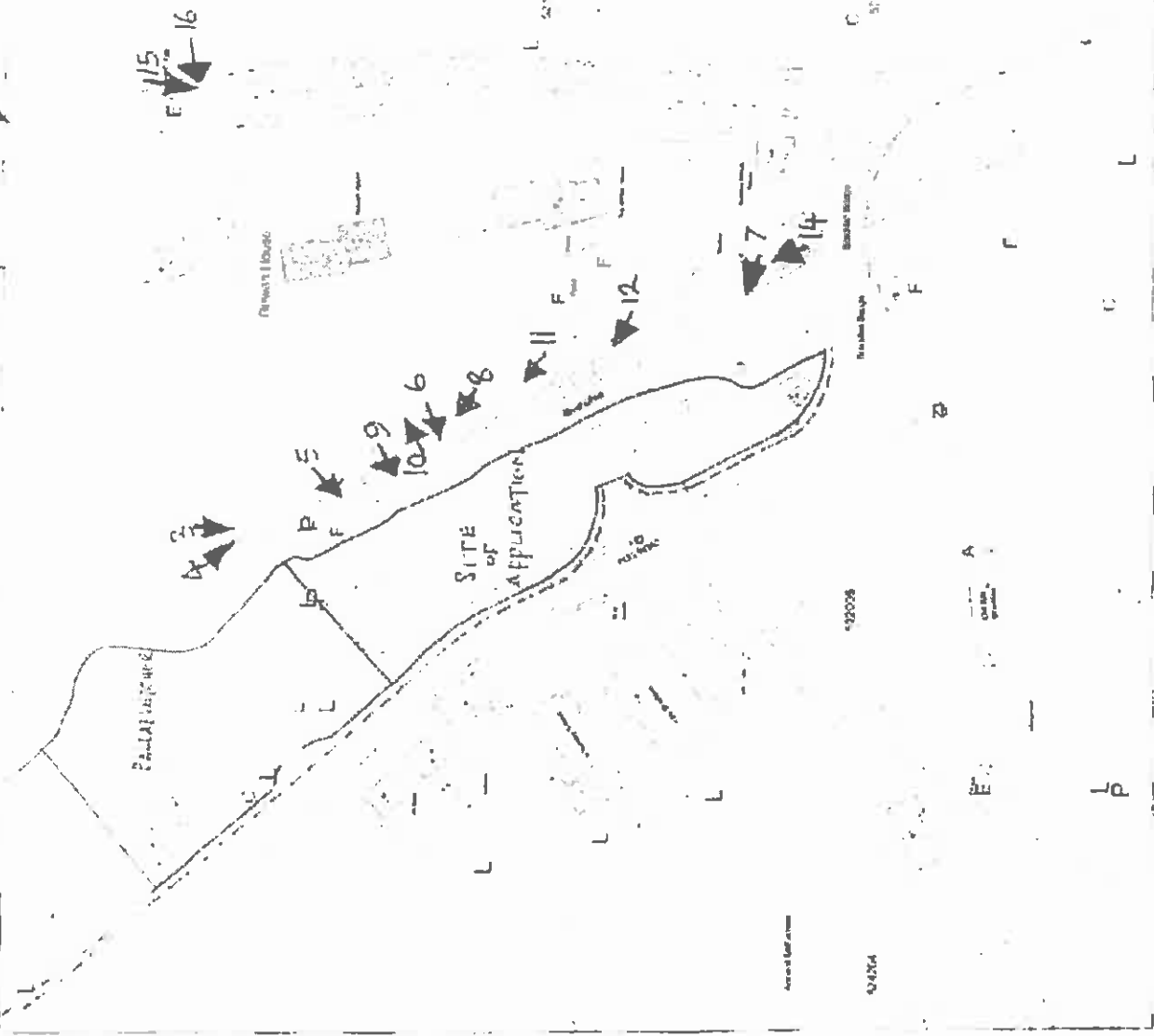


Department of Local Government and the Environment - Isle of Man
 142 L Boddan Hill
 1.1250

APPLICATION FOR APPROVAL IN PRINCIPLE FOR RESIDENTIAL USE OF LAND AT BALLAFLETCHER COTTAGE BRADDAN, ISLE OF MAN.

LOCATION PLAN
 Dwg No - 4105/2 3/07

KEY PLAN FOR PHOTOGRAPHS



1:2500

ISLE OF MAN
SURVEY

- R Boundary Line
- J Boundary Marker
- Q Trig Point
- A Bench Mark
- F Surface Level
- N Pylon
- S Monumentous Point
- G Flow Arrow
- V Drinking Water (Telephone use)
- C National Center
- L Protected Non-Carafa
- B Buildings
- B Routes (unmarked)
- C Castorion Trees
- C Castorion (marked)
- D Cripples / Quern
- J Marsh/Saltmarsh/Reeds
- L Non Continuous Trees
- L Non Cont. (marked)
- M Orchard
- I Herth
- O Rock
- O Rocks (marked)
- H Rough (marked)
- P Scrub
- A Cliff
- A Slope
- E Water
- F Stone
- B Protected Noddy



KEY PLAN FOR
PHOTOGRAPHS
1/2500

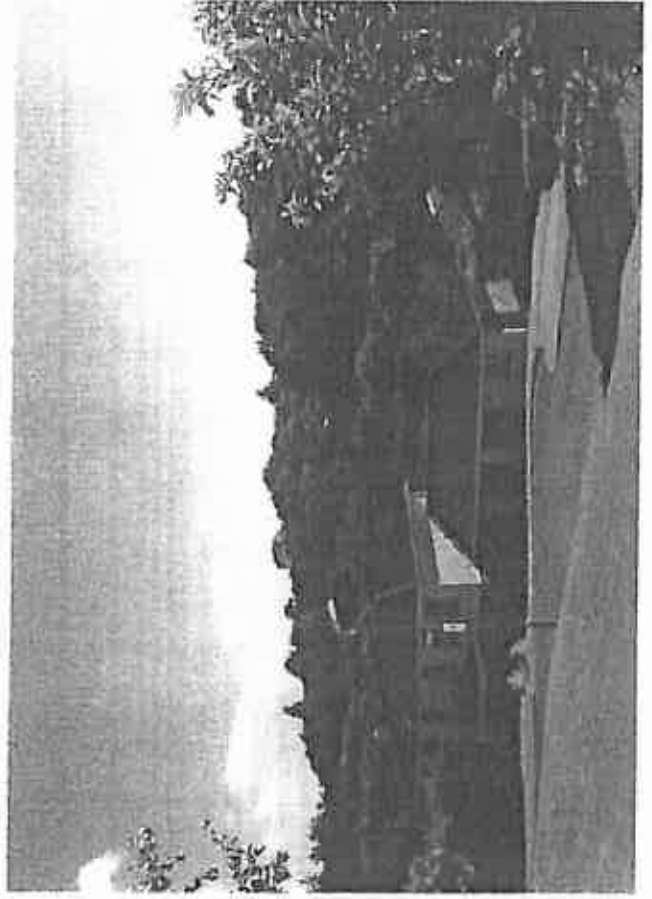


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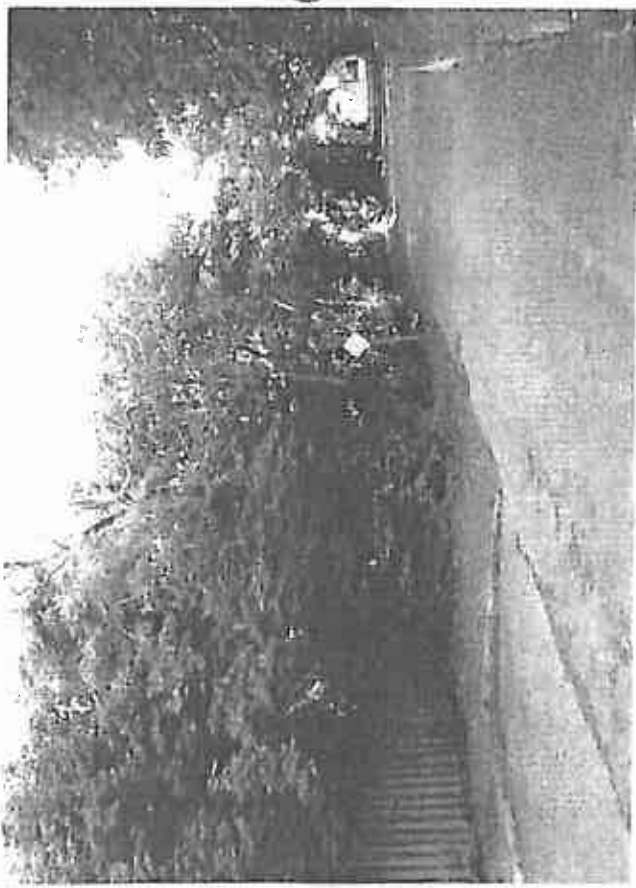
P.A 07/00486/A LAND AT



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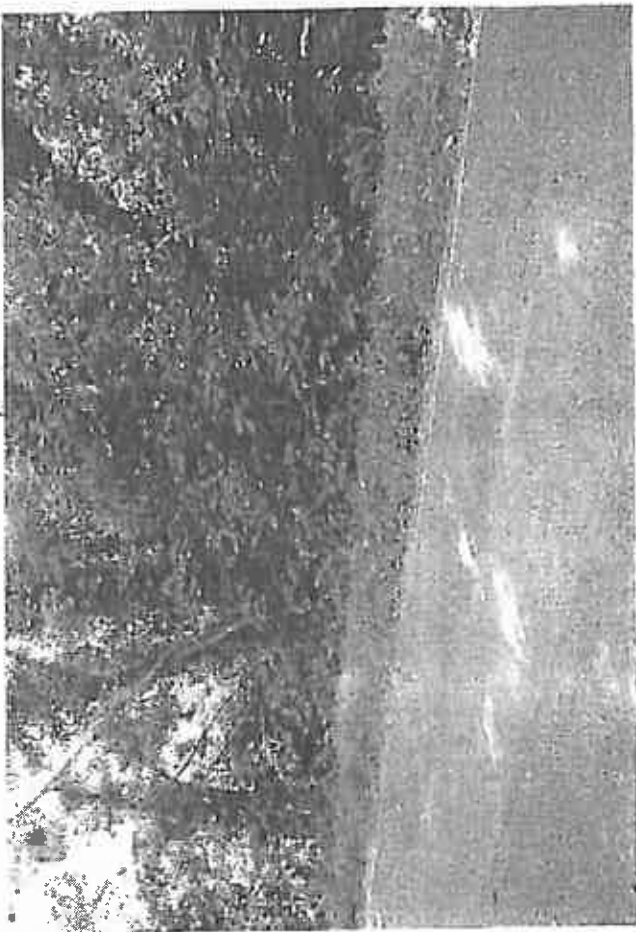


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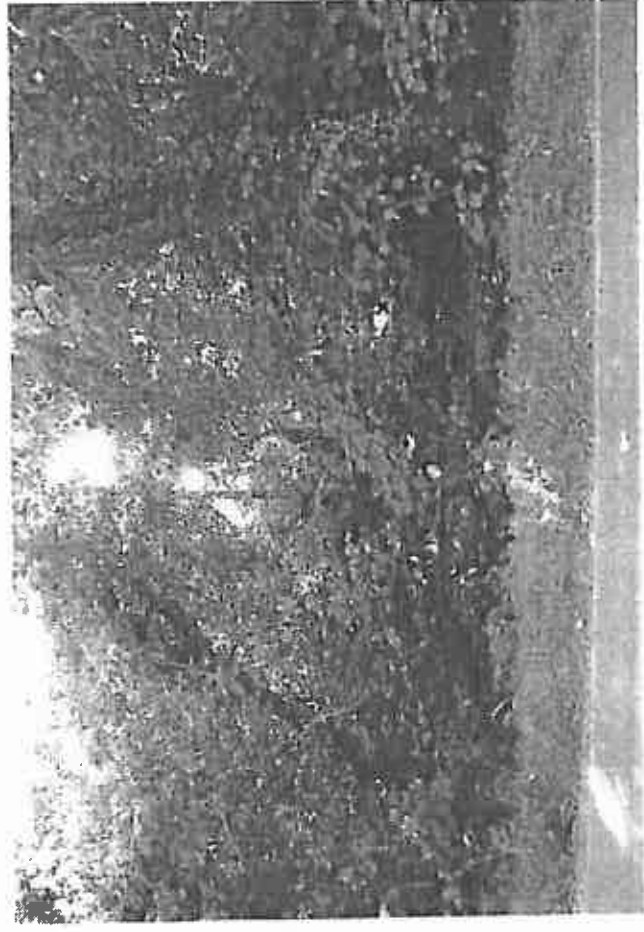
PA-07/00486/A SAND AT BRADDAN BRIDGE, BRADDAN



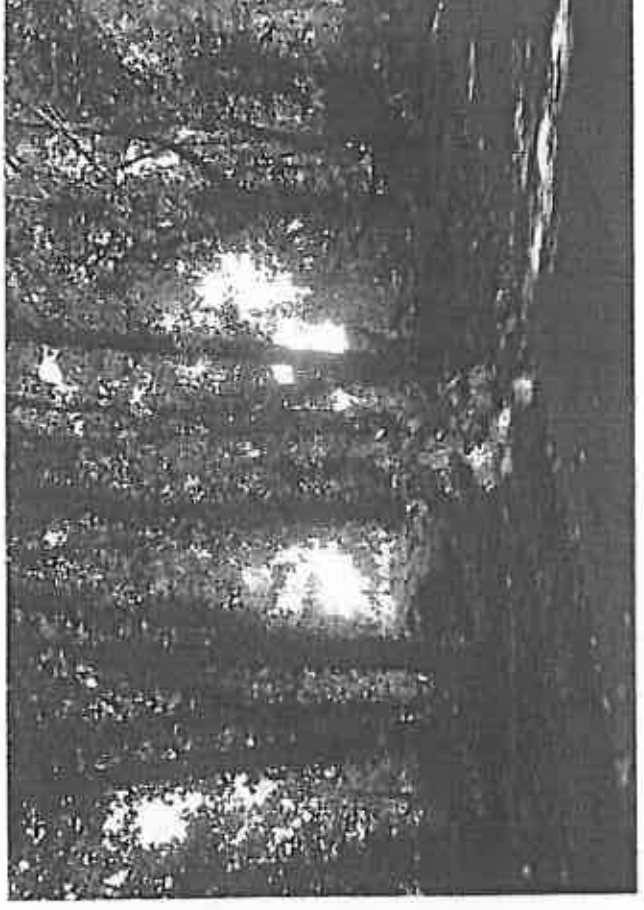
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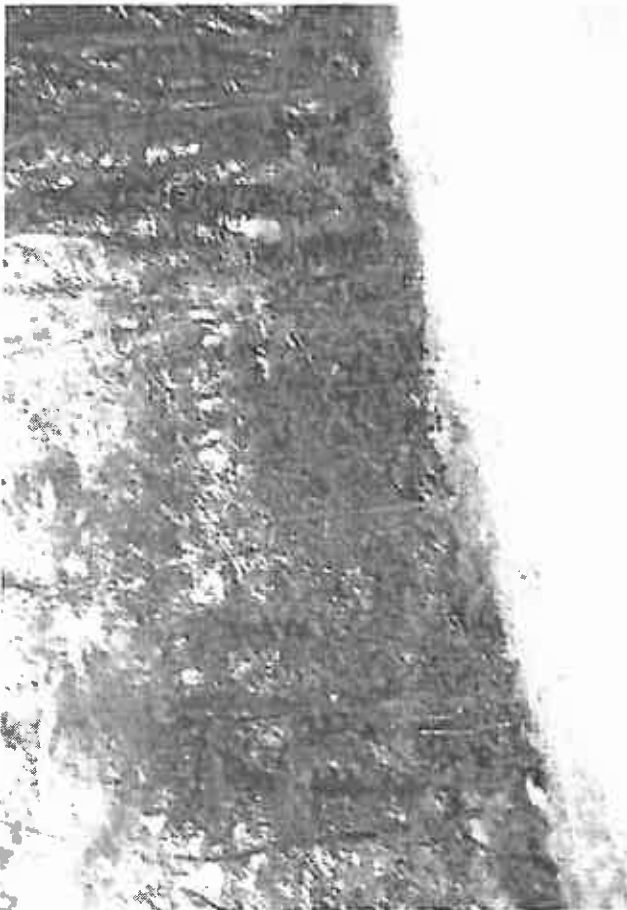
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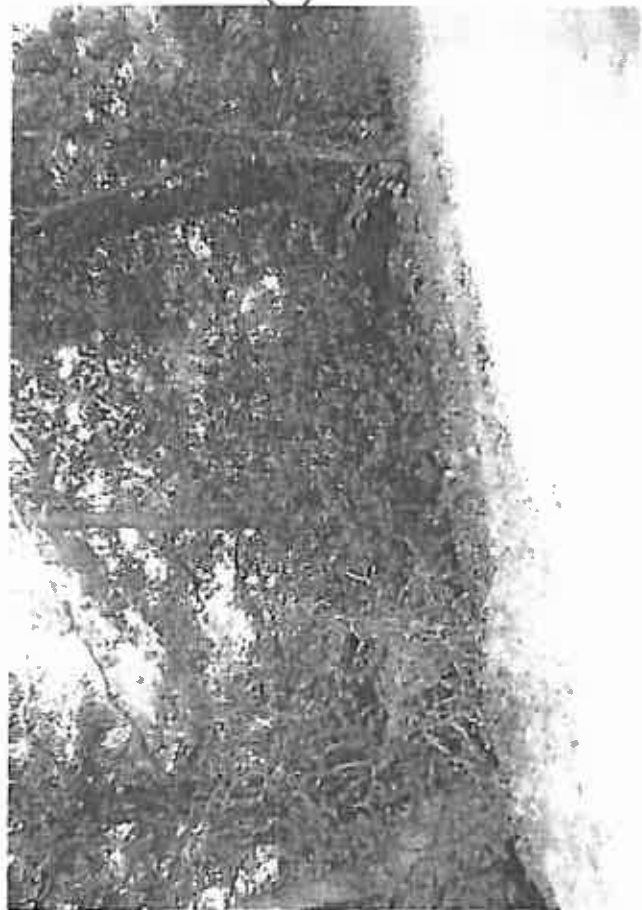
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PA 07/0048/A LAND AT BRADDAN BRIDGE, BRADDAN

11



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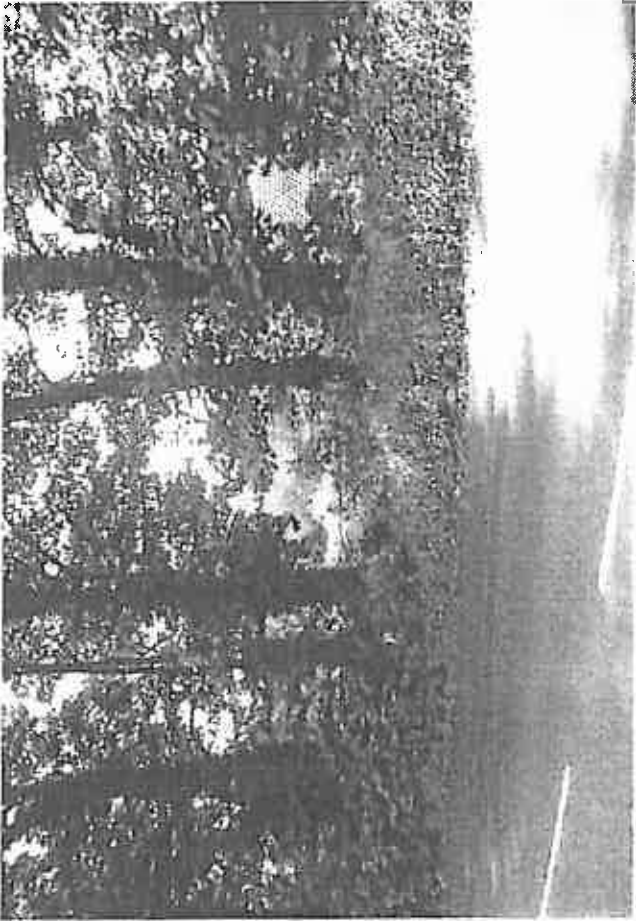


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10

PA 67/0048/A SAND AT BRADDAN BRIDGE, BRADDAN



13



15



14



16

1:1250

APPLICATION FOR APPROVAL IN PRINCIPLE FOR RESIDENTIAL USE OF LAND AT BALLAFLETCHER COTTAGE, BRADDAN BRIDGE BRADDAN, ISLE OF MAN.

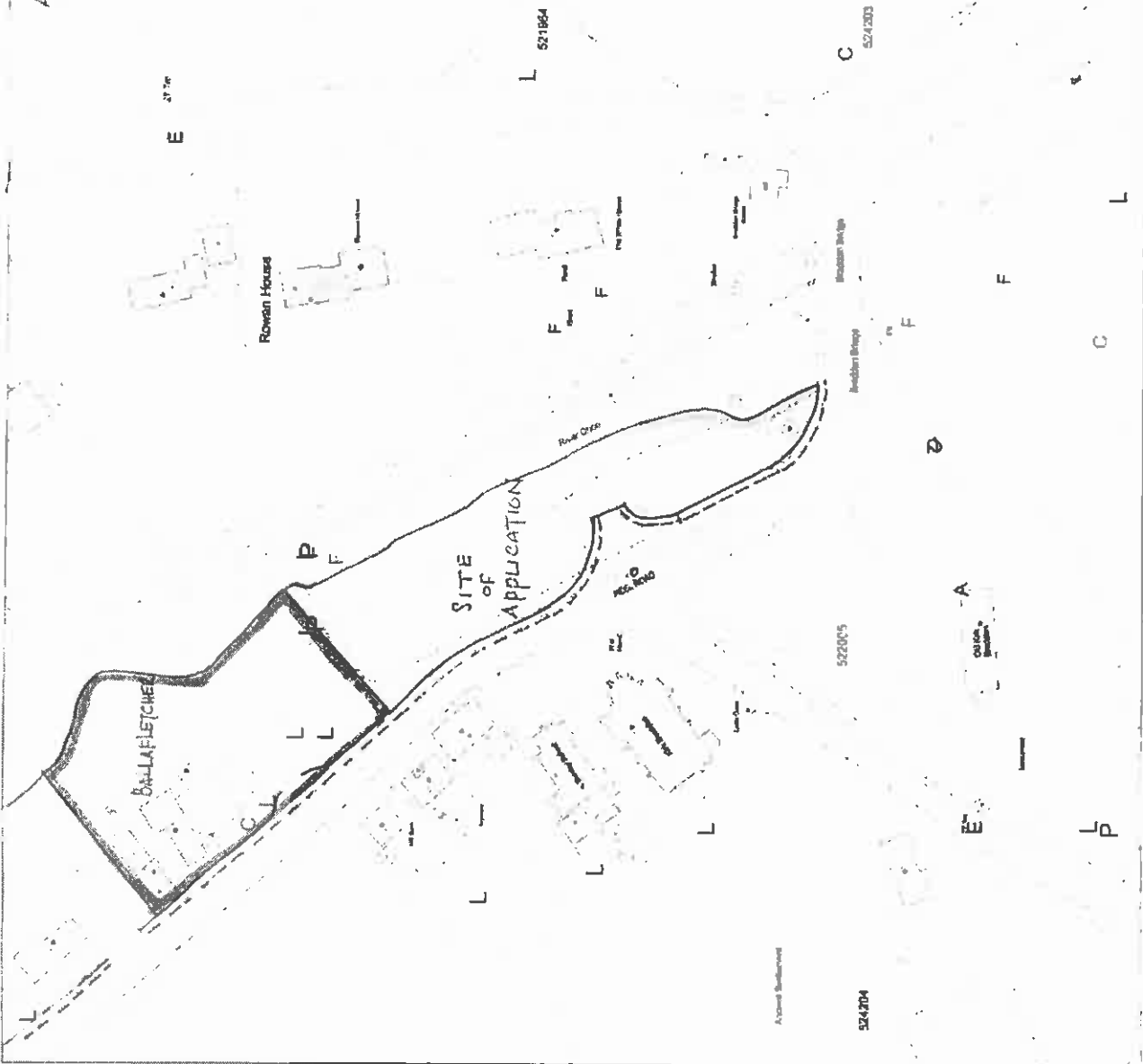
LOCATION PLAN

Drq No - 4105/2 3/07

524765

524765

Received 12030 Dolg 07000486
 Town and Country Planning Dept
 PLANNING BRANCH
 DATE 23.10.07
 REF 23.10.07



RECEIVED ON 12 MAR 2007

DEPT OF LOCAL GOVERNMENT AND THE ENVIRONMENT



- Point Detail
- R Boundary Pole
 - U Boundary Marking
 - O Trig Point
 - A Bench Mark
 - E Surface Level
 - N Pylons
 - S Miscellaneous Points
 - Y Flag Arrow
 - V Building Seeds
 - G Glasshouse (old)
 - C Postmarked Center
 - L Positional Non-Center
 - B Boulder
 - B Boulders (scattered)
 - C Coniferous Trees
 - C Coniferous (scattered)
 - D Coppice / Oaks
 - M Marsh/Saltmarsh/Reeds
 - L Non-Comiferous Trees
 - L Non-Comif. (scattered)
 - M Orchard
 - I Heath
 - O Rock
 - O Rocks (scattered)
 - H Rough Grassland
 - P Scrub
 - A Cliff
 - A Slope
 - F Water
 - F Scree
 - B Postmarked Boulder



MR. D. MOORE
 LAND AT BALLAFLETCHER
 BRADDAN BRIDGE
 BRADDAN
 ISLE OF MAN

SITE PLAN

Scale .. 1/500

(prepared from existing records
 subject to survey)

Jan 2007

drg No 4105/1A

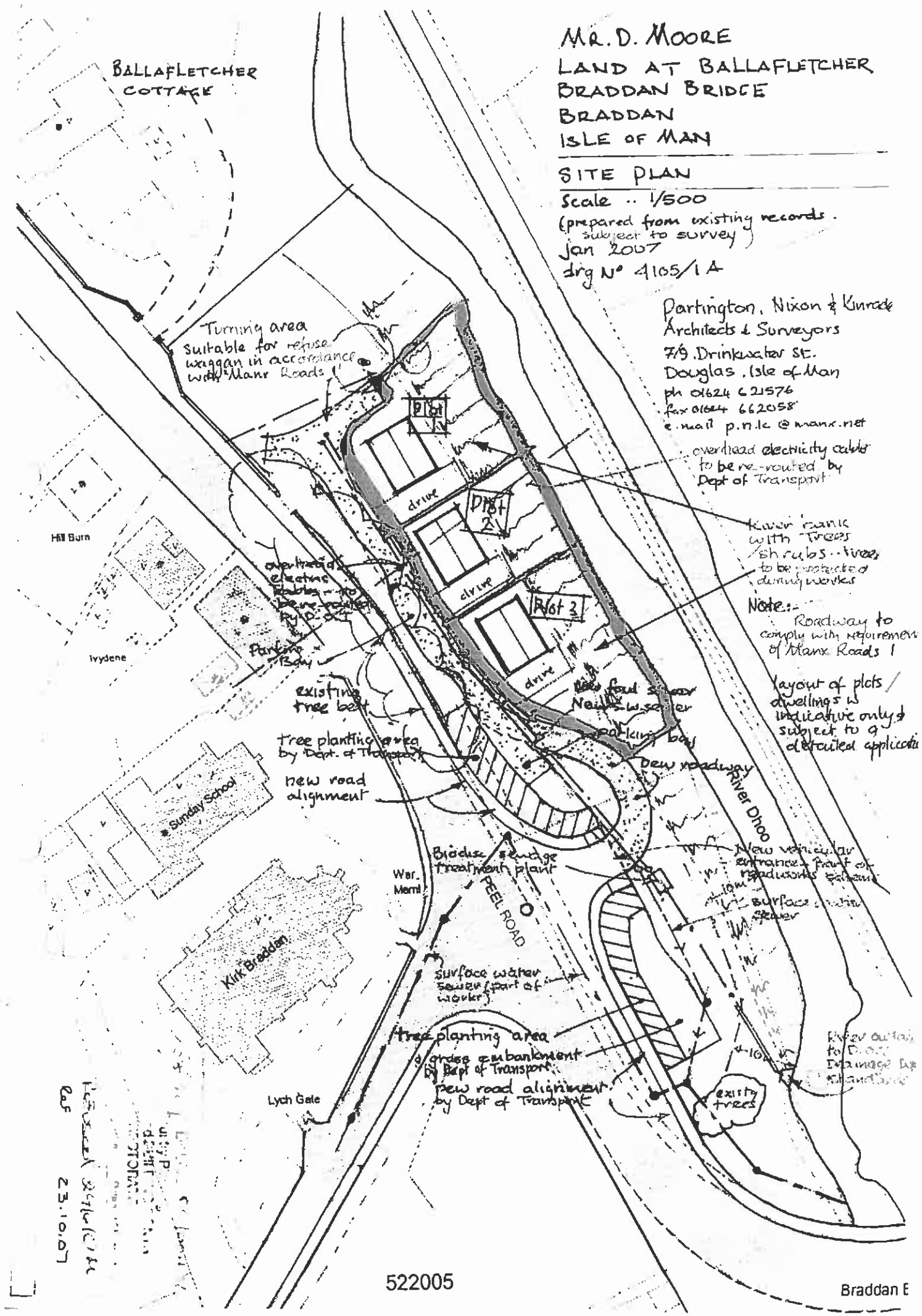
Partington, Nixon & Kinrade
 Architects & Surveyors
 7/9 Drinkwater St.
 Douglas, Isle of Man
 ph 01624 621576
 fax 01624 662058
 e-mail p.n.1c@manx.net

overhead electricity cables
 to be re-routed by
 Dept of Transport

Kewer bank
 with trees
 sh rubs - trees
 to be protected
 during works

Note: Roadway to
 comply with requirements
 of Manx Roads 1

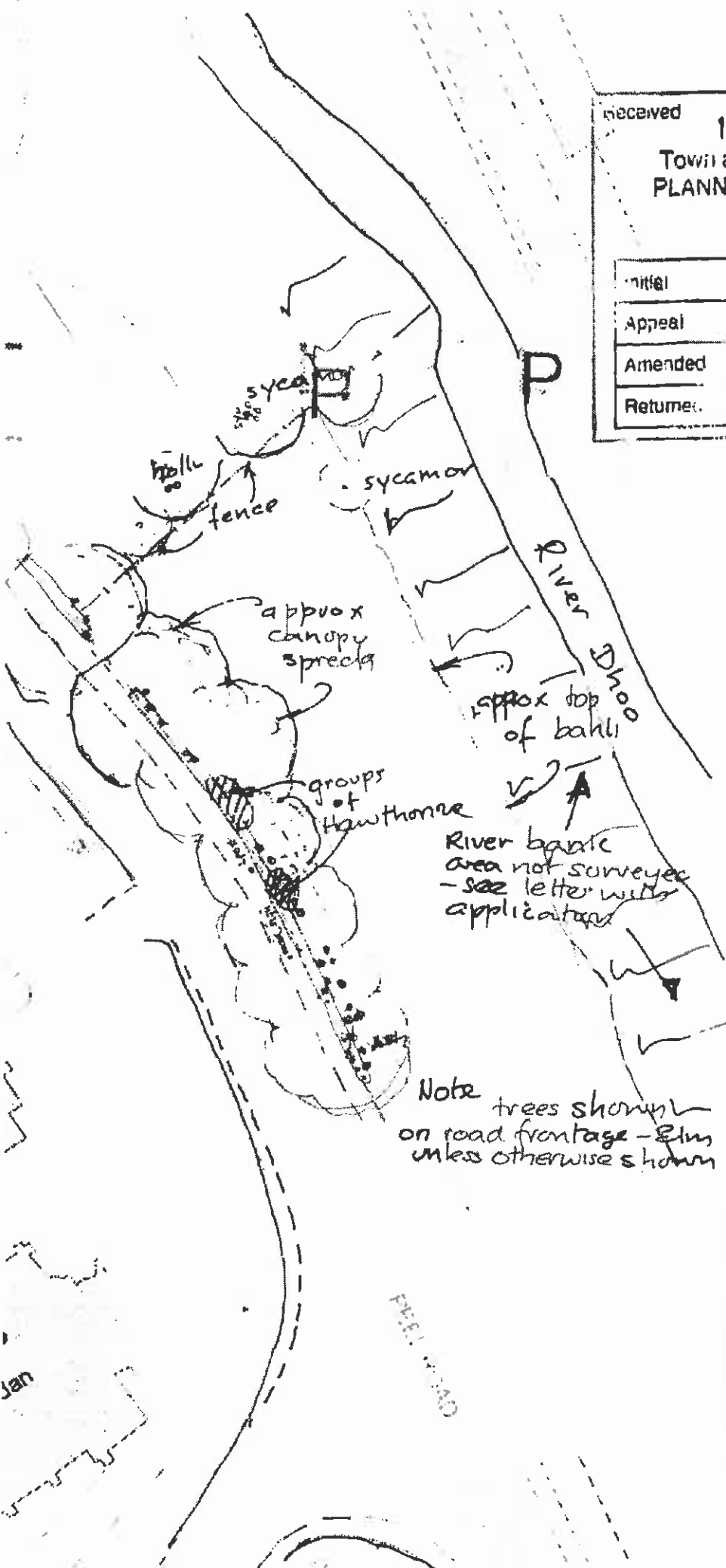
layout of plots/
 dwellings is
 indicative only &
 subject to a
 detailed application



522005


Braddan E

Hand-drawn site plan
 dated 23.10.07



Received	12 03 07	C7000486
Town and Planning	PLANNING	
Decision	Refused	23 10 07
Initial	Ref	RECEIVED 12 MAR 2007
Appeal		
Amended		
Returned		

Drawing Status
Tree Survey - road frontage area

 Partington Nixon and Kinrade
 ARCHITECTS and SURVEYORS
 27/8 Drakwater Street,
 Douglas, Isle of Man
 IM9 1TT
 Tel: 01624 882762/82711 Fax: 01624 882762

Client
Mr. D. Moore

Job Title or Contract
**Land at Braddan Bridge
 Braddan
 Isle of Man**

Drawing Title
**Proposed Approval
 in principle to
 Residential
 Development of
 Land**

Scale **1:500** Date **3-07**
 Drawing No **410S/3**

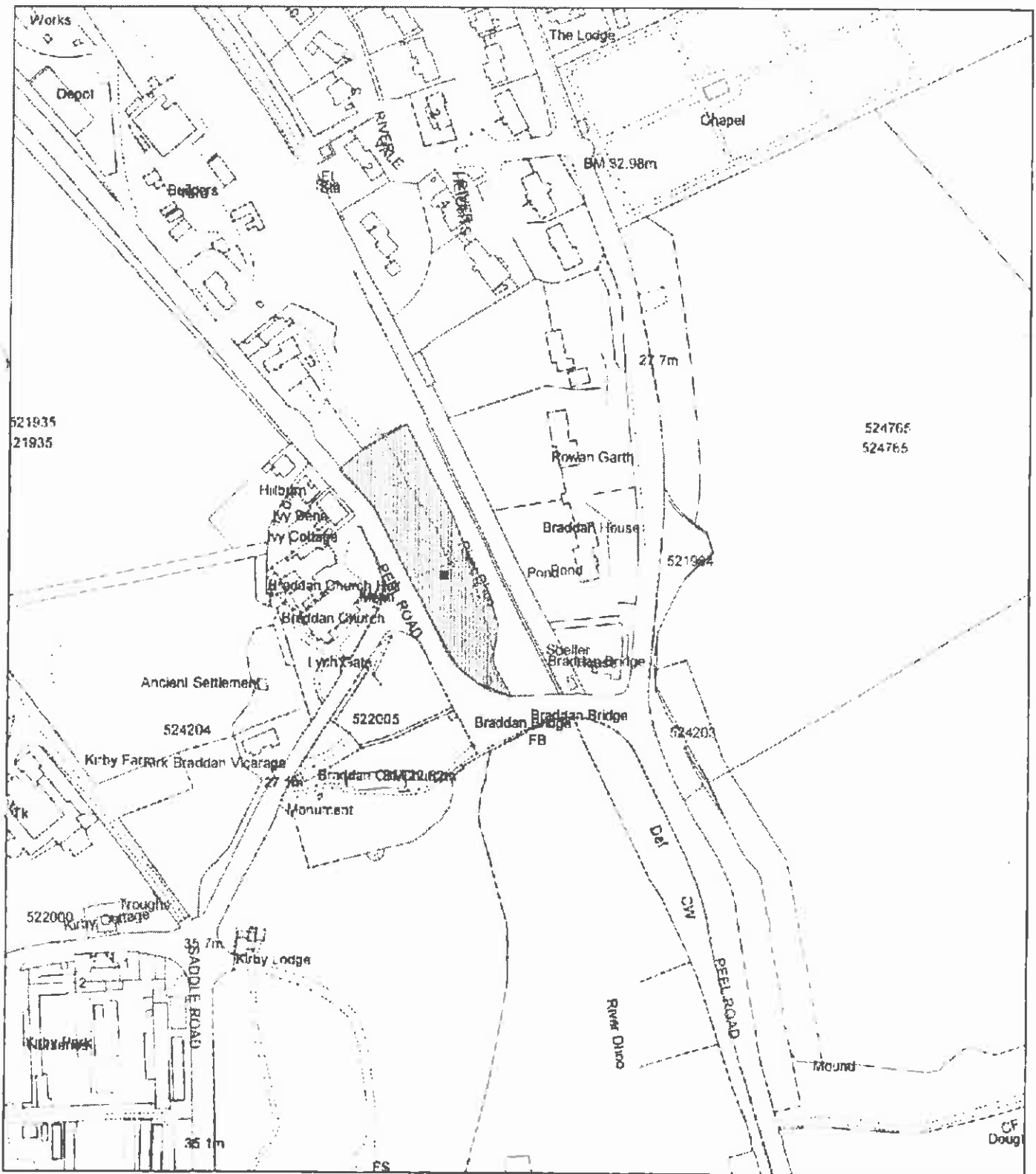
Note trees shown on road frontage - plus unless otherwise shown

Department of Local Government and the Environment

Directorate of Planning and Building Control



Isle of Man Government



1:2817



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Comments	07/00486/A
Date	21 June 2007



Produced using Uniform 7.3 at DLGE, Murray House Mount Havelock, Douglas, IM1 2SF

BALLAFLETCHER
COTTAGE

MR. D. MOORE
LAND AT BALLAFLETCHER
BRADDAN BRIDGE
BRADDAN
ISLE OF MAN

SITE PLAN

Scale .. 1/500

(prepared from existing records -
subject to survey)

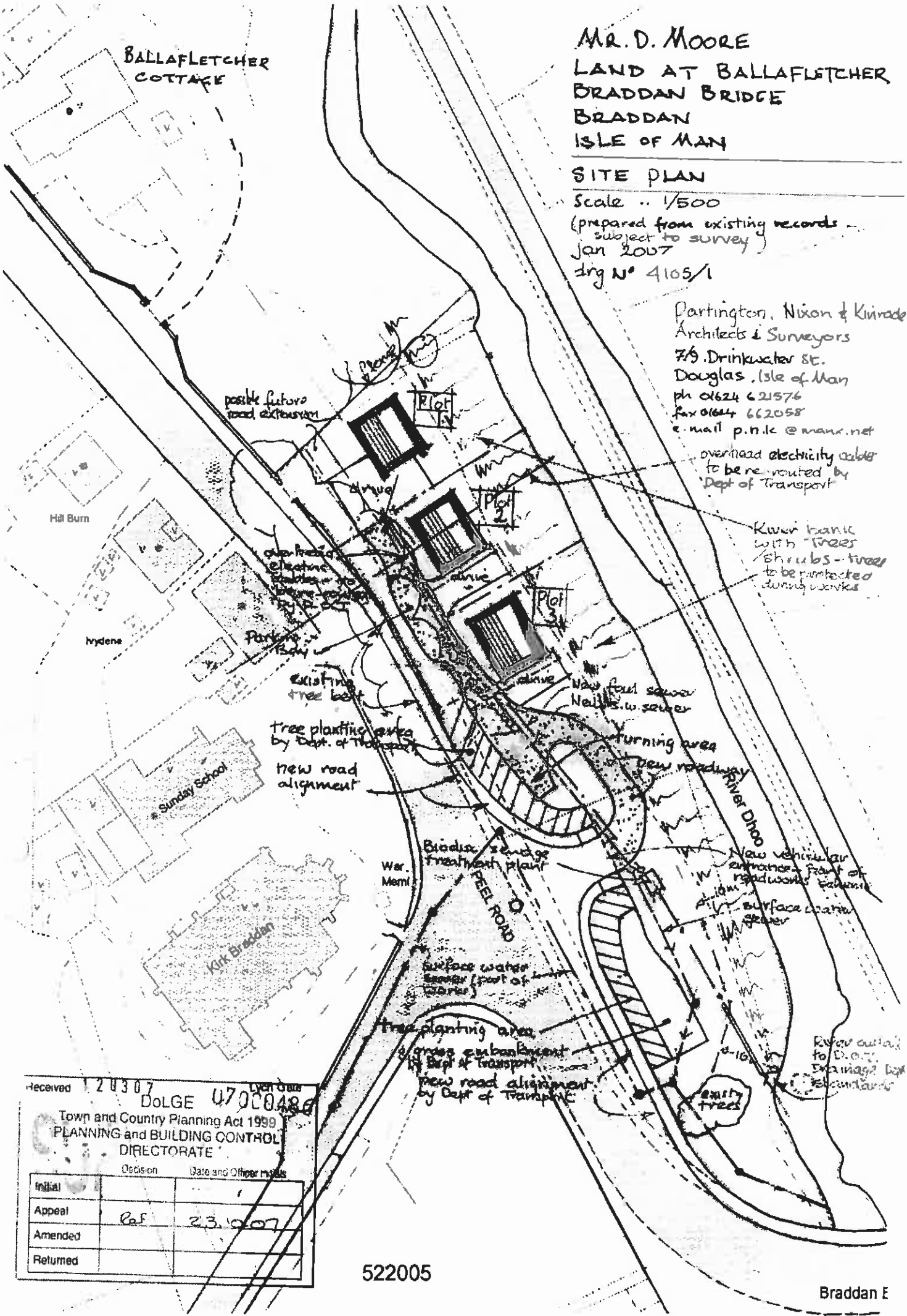
Jan 2007

drg No 4105/1

Partington, Nixon & Kinrade
Architects & Surveyors
7/9 Drinkwater St.
Douglas, Isle of Man
ph 01624 621576
fax 01624 662058
e-mail p.n.k@manx.net

overhead electricity cables
to be re-routed by
Dept of Transport

River bank
with trees
shrubs - trees
to be protected
during works



Received 20307
DOLGE 07000486
Town and Country Planning Act 1999
PLANNING and BUILDING CONTROL
DIRECTORATE

Initial	Decision	Date and Other notes
	Ref	23.1.07
Appeal		
Amended		
Returned		

522005

Braddan E