

## **Addendum report**

**PA 10/00155/B – Relocation of existing stone recycling area and creation of industrial starter units. Land currently used as part of Recycling and Storage Compound and adjoining unused land, adjacent to existing Industrial Units and Animal Waste Processing Plant, Middle Farm, Braddan.**

As part of the presentation to the Planning Committee it was highlighted that due to the scale of development proposed an environmental impact assessment or suitable equivalent was required under the provisions of Environment Policy 24. As the submitted planning application did not include this it was recommended, and accepted, that an additional reason for refusal was given. The suggested wording of the additional reason for refusal is:

*"Due to the level of floorspace proposed the planning application is required to be accompanied by an Environmental Impact Assessment in accordance with the provisions of Appendix 5 of the Isle of Man Strategic Plan 2007. As the submitted planning application fails to provide such assessment the planning application does not accord with the provisions of Environment Policy 24 of the Isle of Man Strategic Plan 2007."*



Anthony Holmes  
22<sup>nd</sup> July 2010

## PLANNING REPORT AND RECOMMENDATIONS

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**Application No. :** 10/00155/B  
**Applicant :** Dandara Commercial Ltd  
**Proposal :** Relocation of existing stone recycling area and creation of industrial starter units  
**Site Address :** Land Currently Used As Part Of Recycling And Storage Compound And Adjoining Unused Land,  
Adjacent To Existing Industrial Units And Animal Waste Processing Plant  
Middle Farm  
Braddan  
Isle Of Man

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### Considerations

**Case Officer :** Mr A Holmes  
**Photo Taken :** 23.03.2010  
**Site Visit :** 23.03.2010  
**Expected Decision Level :** Planning Committee

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### Written Representations

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|---|-------------------------|
| Upper Ballacubbon Richmond Hill Douglas Isle Of Man | Objects to the proposal |
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### Consultations

**Consultee :** Manx Electricity Authority  
**Notes :** Interest expressed

**Consultee :** Braddan Parish Commissioners  
**Notes :** no objection.

**Consultee :** Drainage Division  
**Notes :** No objection

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### Officer's Report

#### THE APPLICATION SITE AND PROPOSED DEVELOPMENT

The application site comprises of land to the east of the Energy from Waste Facility and Animal Waste Plant and south of existing industrial units in the Richmond Hill area of Braddan. Access to the application site is via the existing industrial units.

The proposed development comprises the relocation of existing stone recycling area and creation of industrial starter units on the application site.

The planning application is being considered by the Planning Committee due to it proposing more than 500sqm. of new floorspace within an area that is not allocated for such purpose.

#### PLANNING HISTORY

There have been two previous planning applications that are considered specifically material to the assessment of the planning application.

Planning application 06/00558/B sought planning approval for the relocation of existing stone recycling area and creation of industrial starter units on land directly adjacent to the application site for the current planning application. This previous planning application was refused by the Planning Committee on the 27th July 2006. A subsequent appeal against the refusal was upheld by the Minister, in accordance with the recommendation of the appointed Planning Inspector, with the appeal decision issued on the 30th March 2007. Copies of these decision notices have been placed on the file for the current planning application.

Planning application 08/01686/B sought planning approval for the erection of industrial starter units (comprising amendments to PA 06/00558/B) on land directly adjacent to the application site for the current planning application. This previous planning application was approved on the 14th November 2008. Copy of this decision notice has been placed on the file for the current planning application.

## REPRESENTATIONS

Braddan Parish Commissioners have no objections to the planning application.

The Department of Transport Drainage Division do not oppose the planning application.

The Manx Electricity Authority expresses an interest in the planning application.

The owners and/or occupants of Upper Ballacubbon, which is located over 1km west of the application site, objects to the planning application. The grounds for their objection can be summarised as concern that the proposal represents inappropriate development of a green field site in the countryside, that there is no real need for the proposed development and that it would be visually intrusive.

## PLANNING POLICY

In terms of local plan policy, the application site is located within a wider area of land that is designated as open space (agriculture) under the Isle of Man Planning Scheme (Braddan Parish District Local Plan) Order 1991. There are no policies with Planning Circular 6/91, the written statement that accompanies the local plan, which are considered specifically material to the assessment of the planning application.

In terms of strategic plan policy, the Isle of Man Strategic Plan 2007 contains two planning policies that are considered specifically material to the assessment of this current planning application:

General Policy 3 states:

*"Development will not be permitted outside of those areas which are zoned for development on the appropriate Area Plan with the exception of:*

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

Environment Policy 1 states:

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

## ASSESSMENT

The planning application seeks planning approval for the relocation of an existing stone recycling area and the creation of industrial starter units on the application site. In terms of assessing the proposed development it can be seen that there are clear similarities to previous planning applications 06/00558/B and 08/01686/B. Specifically, previous planning application 06/00558/B basically proposed the same as what is now proposed but on land adjacent to the current application site and planning application 08/01686/B was essentially an amendment of that planning application. The applicant has made submissions with the planning application that

they consider to set out justification for the proposed development. These submissions comprise a) their understanding of the status of the local plan and a previously abandoned revision of the local plan; b) an examination of the findings of the Planning Inspector who reported on the appeal against previous planning application 06/00558/B, including an appraisal of the visual impact of the proposed development; and c) an assessment of the need for industrial development of the type proposed together with supporting evidence from the Department of Trade and Industry and local estate agents. Full details of these submissions can be found on the application file.

In terms of assessment, before making any examination of the proposed development it is appropriate to comment on the numerous references made by the applicant to the land being designated for development under the draft Braddan Plan 2003. It should be noted that the revision of the Braddan Local Plan was formally abandoned by the Department of Local Government and the Environment in 2006. Since being abandoned it has been established that this previously emerging plan carries no weight in the consideration of planning applications, essentially it should be treated as if it never actually existed. This stance has been supported by a number of planning appeal decisions, including 07/00486/A, 08/02040/A and 09/01535/A. The relevant local plan for the application site is the Isle of Man Planning Scheme (Braddan Parish District Local Plan) Order 1991, which is accompanied by a written statement Planning Circular 6/91. On this basis the applicant's assertion that weight should be given the previously emerging revision of the Braddan Local Plan simply cannot be accepted.

Taking the above into account the starting point for assessing the principle of development has to be whether the proposed development accords with the land use designation of the application site. In this regard the application site is located within a wider area of land that is designated as open space (agriculture) under the Isle of Man Planning Scheme (Braddan Parish District Local Plan) Order 1991. As such, in terms of principle the proposed development is contrary to the land use designation. The planning application fails to accord with General Policy 3 and is further protected from unwarranted development by Environment Policy 1 of the Isle of Man Strategic Plan 2007. However, it should be recognised that the land use designation was the same when previous planning applications 06/00558/B was approved (although the Isle of Man Strategic Plan 2007 was formally adopted subsequent to that decision). It is therefore appropriate to examine the circumstances under which that previous planning application was approved in order to establish whether the grounds for that approval remain valid for the current planning application.

Previous planning application 06/00558/B was approved by the then Minister, in accordance with the recommendation of the appointed Planning Inspector, following an appeal by the applicant against refusal by the Planning Committee. Having reviewed the report it can be seen that the appointed Planning Inspector concluded that although the proposed development was contrary to planning policy there was sufficient justification in terms of need to set this aside as the development would neither materially affect the environment as viewed from the public highways nor have any significant effect upon dwellings in the area. Specifically, paragraph 46 of the appeal report states the following:

*"It appears to me that one of the unfortunate results of not proceeding with the Braddan Parish Plan is that ad hoc decisions sometimes have to be made. I consider that it is important that industrial units are provided where they are needed, and that new units are coming online before the current supply is exhausted. I therefore conclude that this is a case where planning approval should be granted in circumstances where planning policy would not favour the development. I reach this conclusion having also formed the view that the development proposed would not materially affect the environment as viewed from the public highways, nor it have any significant adverse effect on dwellings in the area. There are no outstanding highways objections, the report submitted on highway issues having apparently satisfied the Department of Transport's Highways Division."*

Taking this into account it is appropriate to assess whether the development proposed by the current planning application would materially affect the environment as viewed from the public highways or have any significant adverse effect on dwellings on the area. If the proposal does neither of these things it could be potentially argued that need for industrial starter units outweighs the general presumption against development.

Visually, at present a large mound of what appears to be stone can be seen from Old Castletown Road. It is reasonably assumed that this is related to the stone recycling area approved under previous planning application 06/00558/B. Taking the visibility of this existing mound, the relative position of the proposed development and the changes in levels into account it is assumed that the proposal will be readily visible from Old Castletown Road. On that basis it has to be logically concluded that the proposal will materially affect the environment as viewed from the public highway. It thereby fails against the grounds for allowing an exception put forward by the appointed Planning Inspector when he recommended approval of previous planning application 06/00558/B.

Nevertheless, in the interests of reasonableness it is also appropriate to consider whether the need for the proposed development outweighs all other material planning considerations. In terms of this, whilst the support for development from the Department of Trade and Industry is readily understandable, as it is their overall remit to encourage economic development, it has to be concluded that in terms of planning their letter is basically generic and does not constitute evidence that is substantive enough to outweigh the presumption against development through planning. Similarly, the letter of support from a local estate agents is viewed as carrying limited weight as it does not provide definitive evidence of a shortage of industrial units that would warrant setting aside the presumption against development. It has to be remembered that the planning process has to take a broader view and take many factors into account when making a balanced judgement.

In respect of need, an examination of local estate agents' websites identifies a significant amount of existing industrial units that are either for sale or rent within both the east of the Island and the whole Island. However, when considering need as justification to outweigh the presumption against development it is more appropriate to assess need utilising the Department's Employment Land Availability studies. The most recent publicly available version of this study is June 2010 (draft). This study identifies that there are 222.51 hectares of land currently designated for employment use across the Island and that of this 79.48 hectares remain currently available for development or use. In respect of the east of the Island (Braddan, Douglas, Laxey, Marown and Onchan) the study identifies that there are 100.05 hectares of land currently designated for employment use in the relevant local plans and that of this 12.09 hectares remain currently available for development or use. From this it is concluded that it cannot be said there is a lack of suitably designated land for the purpose proposed by the current planning application.

Reference is made by the applicant to the potential development of land within the locality of the application site through the Cooil Road Development Order. The effect of this order would be to grant planning approval in principle for the development of approximately 20 hectares of land south of Cooil Road and east of Colooney's Lane in Braddan for a mix of uses, including industrial. At the time of writing this order is due to be subject of a public inquiry in October 2010. The extent of the land covered by the order is significantly larger than the application site for the development proposed by this current planning application. The acceptability or otherwise of the land at Cooil Road will be the subject of scrutiny through public inquiry, its advancement by the Department does not support piecemeal approval of smaller parcels of land contrary to their land use designation.

On the basis of the above it is recommended that the planning application be refused on the grounds that the land is not designated for development and that such areas are protected from unwarranted development for their own sake. The case for need advanced by the applicant does not outweigh the presumption against development.

It is recommended that the planning application be refused.

#### PARTY STATUS

It is considered that the following parties that made representations to the planning application should be afforded interested party status:

Braddan Parish Commissioners.  
The Department of Transport Drainage Division (now part of the Water and Sewerage Authority).

It is considered that the following parties that made representations to the planning application should not be afforded interested party status:

The Manx Electricity Authority; and  
The owners and/or occupants of Upper Ballacubbon.

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#### Recommendation

**Recommended Decision:** Refused

**Date of Recommendation:** 13.07.2010

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#### 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**

R 1.

As the application site is not zoned for development the proposal is contrary to the land use zoning of the Isle of Man Planning Scheme (Braddan Parish District Local Plan) Order 1991 and the presumption against development outside of areas zoned for development set out by the provisions of General Policy 3 of the Isle of Man Strategic Plan 2007. Furthermore, the proposed development is contrary to the provisions of Environment Policy 1 of the Isle of Man Strategic Plan 2007, which seeks to protect the countryside for its own sake.

I confirm that this decision has been made by the Planning Committee in accordance with the authority afforded to it under the Town and Country (Development Procedure) 2005

Decision Made : REFUSED.....

Committee Meeting Date : 22/7/10.....

Signed : A. Blum.....  
Presenting Officer

Further to the decision of the Committee an additional report/condition reason is required. Signing Officer to delete as appropriate **YES/NO**

**ADDITIONAL REFUSAL REGARDING LACK OF ENVIRONMENTAL ASSESSMENT  
(SEE ADDENDUM REPORT)**

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NOTES



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INDUSTRIAL STARTER UNITS - Phase 2  
 MOBILE PARK INDUSTRIAL LOTSE  
 MOBILE FARM, BRADDAN  
 OVER ALL SITE PLAN

Project No: 11000 19/01/10  
 Date: 23/11/10  
 Scale: 1:1000  
 Drawn by: MAB 2311  
 Checked by: APJ/2011



NOTES:  
1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.  
2. THE BOUNDARIES OF THE LOTS ARE SHOWN BY DASHED LINES.  
3. ALL DIMENSIONS ON THIS PLAN ARE IN METERS.  
4. THE AREA OF THE LOTS IS 1000 SQ. METERS.  
5. THE PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.  
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NOTE:



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Site of Man Business Park  
Cool Road Bredan  
Co. Wick

INDUSTRIA, STARTER UNIT - Phase 2  
MILLIE PARK INDUSTRIAL ESTATE  
MILLIE PARK, BREDAN  
CO. WICK

PLAN NO. 1000 155  
DATE: 15/01/10  
SCALE: 1:500





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 St. John's

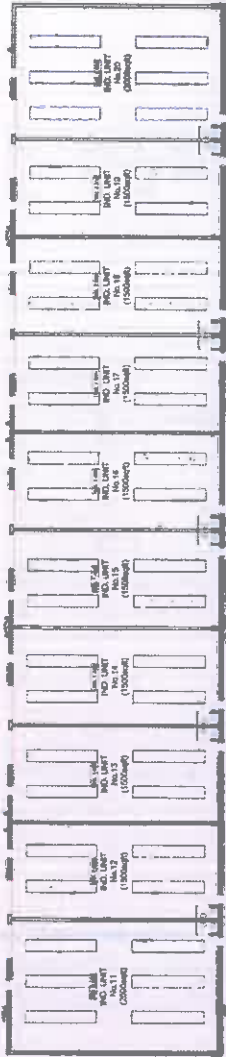
INDUSTRIAL STARTER UNITS - PHASE 2  
 ANGLE PARK INDUSTRIAL ESTATE  
 MIDDLE FARM, BRADDAN  
 DRAWING NO: 15/07/20  
 DATE: 15/07/20  
 PROJECT: INDUSTRIAL STARTER UNITS - PHASE 2  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]





NOTES:  
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FLOOR PLAN



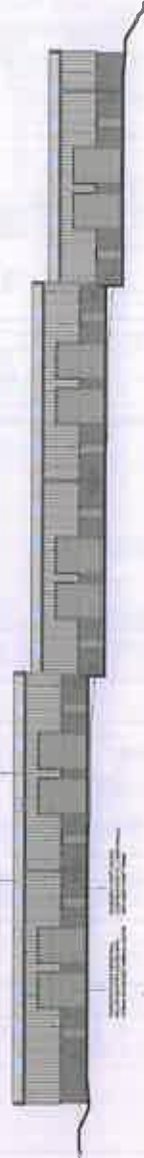
ROOF PLAN



MATERIAL COLOUR SAMPLE



FRONT ELEVATION



END ELEVATION



REAR ELEVATION



TYPICAL SECTION



**dandara**  
 Commercial Limited  
 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

INDUSTRIAL STARTER UNITS - PHASE 2  
 MIDDLE PARK INDUSTRIAL ESTATE  
 MIDDLE PARK, BRIDGEMAN  
 FORMS, SECTIONS & ELEVATIONS - BLOCK U  
 DATE: 15/01/20  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]