

DRAFT OCTOBER 2010



Statutory Document No. ()

THE TOWN AND COUNTRY PLANNING ACT 1999

**THE TOWN AND COUNTRY PLANNING (COOIL ROAD) DEVELOPMENT
ORDER ()**

Approved by Tynwald *2010*
Coming into operation *2010*

The Department of Infrastructure makes this Order under section 8(1), (2), (3)(b) and (4) of the Town and Country Planning Act

1. Title

The title of this Order is the Town and Country Planning (Cooil Road) Development Order ()

2. Commencement

If approved by Tynwald, this Order comes into operation on (date to be inserted)

3. Interpretation

In this Order the "site" means the land in the Parish of Braddan edged by a thick black line on the plan in Schedule 1 hereto.

4. Cooil Road Planning Approval

Subject to the conditions set out in Schedule 2, planning approval in principle is granted for the development of the site for all or any of the following purposes-

- (a) those within class 5 (research and development, light industry) or class 6 (storage and distribution) of Schedule 4 of the Town and Country Planning (Permitted Development) Order 2005
- (b) those within Class 4 (offices) Schedule 4 of the Town and Country Planning (Permitted Development) Order 2005

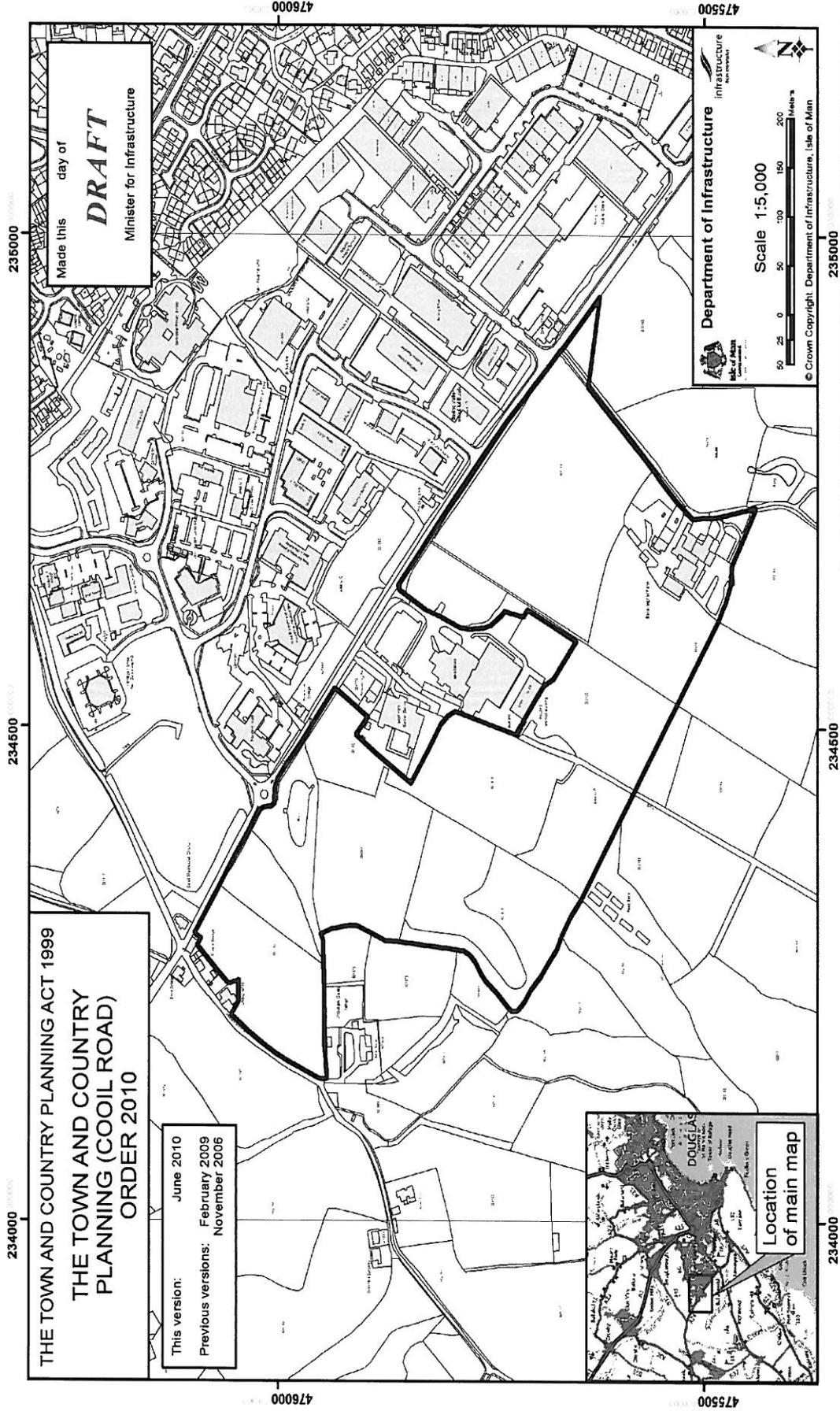
DRAFT PREPARED by DoI 13th October 2010

- (c) showrooms and associated open space for the display and sale of motor vehicles and for no other purpose (even if such other purpose would not otherwise require planning permission or would be permitted by any legislation); and
- (d) the siting of a sewage treatment plant and surface-water attenuation systems.

MADE

Minister for Infrastructure

SCHEDULE 1 Plan of the Site



SCHEDULE 2

Conditions of Approval

- 1) Approval of the details of siting, design, external appearance of the building[s], internal layout, means of access, landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Planning Authority in writing before any development is commenced in each phase of the development and the development shall be carried out as approved.
- 2) The application for approval of the reserved matters shall be made to the Planning Authority before the expiration of 4 years from the date the Order is approved by Tynwald.
- 3) The development to which this permission relates shall begin within 4 years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.
- 4) This permission is for a phased development of the site for which a master plan for the whole site must be submitted with the first reserved matters application. The master plan must indicate:-
 - (a) The location and extent of the Industrial Estate, which must be located to the southern section of the site, with a minimum gross area of 7.7ha (excluding land used for structure planting) sufficient to provide a minimum of 32,000 square metres (gross) floor space for primary uses within classes 5 and 6 of Schedule 4 of the Town and Country Planning (Permitted Development) Order 2005.
 - (b) The location and extent of the Business Park, which must be located to the western section of the site, with a maximum gross area of 4.2ha (excluding land used for structure planting) sufficient to provide a maximum of 21,000 square metres (gross) floor space for primary use within classes 4, 5 and 6 of Schedule 4 of the Town and Country Planning (Permitted Development) Order 2005, of which a maximum gross floor space for uses within Class 4 of the Town and Country Planning (Permitted Development) Order 2005 shall not exceed 5250 square metres. The minimum gross floor area for any building to be used for offices under Class 4 of the Town and Country Planning (Permitted Development) Order 2005 shall be 500 square metres and that no

building shall be sub-divided into smaller units that fall below 500 square metres.

- (c) The location and extent of the Car Showrooms and associated open space for the display and sale of motor vehicles, which must be located to the north eastern section of the site, with a maximum gross area of 2.1ha (excluding land used for structure planting) sufficient to provide a maximum of 7,000 square metres (gross) floor space.
- (d) A landscaping scheme including –
 - (i) Full details of all structure planting and earth-modelling;
 - (ii) Proposals for peripheral planting designed so as to mitigate any adverse visual impact of the development in views from Richmond Hill, the Ballacutchel Road, and the Cooil Road; and
 - (iii) Proposals for screening the development from the buildings fronting on to Colooney's Lane south of the Cooil Crossroads
 - (iv) The accommodation of surface water drainage systems.
- (e) Prior to the commencement of development a landscape management plan including long-term design objectives, (for a minimum of 10 years) management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Planning Authority.
- (f) The height of the buildings for the Industrial Estate shall not exceed a maximum height of 12m. The height of the buildings for the Business Park shall not exceed a maximum height of 18m. The height of the buildings for the Car Showrooms shall not exceed a maximum height of 13m
- (g) The layout of the primary foul and surface-water drainage systems, the location and discharge arrangements for any on-sewerage treatment plant, and the location and nature of arrangements to attenuate surface-water discharges; in the design of these arrangements, consideration must be given to the use of Sustainable Urban Drainage Systems
- (h) The layout of the primary highway system, including the access points from the Cooil Road; this system must include
 - (i) A minimum of two permanent points of access;
 - (ii) A footway along the Cooil Road frontage; and
 - (iii) A bus lay-by on the Cooil Road;

- (iv) No vehicular access will be permitted from U47 Unclassified Colooneys Lane;
 - (i) The proposed phasing of the development in terms of both the provision of infrastructure and the construction of buildings.
 - (j) How the layout of the development has been designed to afford protection to a gas pipeline which crosses the site along with what protection measures will be undertaken during the construction works to afford protection to the gas pipeline.
- 5) The reserved matters to be submitted in accordance with condition 1 within each phase shall include:
- (a) An assessment of the transport issues relating to the proposed development, and which identifies what measures will be taken to deal with the anticipated transport impacts at that phase of the development
 - (b) Ecological surveys of that phase of the development which address in particular frogs, lizards and bats.
 - (c) Specific proposals for safeguarding/mitigating against any adverse impacts of that phase of development would have on the interests identified by the ecological surveys.
 - (d) A geophysical and or alternative survey(s) of that phase of the development
 - (e) A tree survey to BS5837: 2005 (Trees in relation to construction) indicating the trees for retention, actual canopy spreads, health, vigour, trunk, diameter, age, class, amenities values to proposed site development.
 - (f) Details of all earthworks, mounding and finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings.
 - (g) The layout of car parking and service access, cycle and motorcycle parking and pedestrian access.
 - (h) A written statement setting out the proposals for sustainable building design.
- 6) No phase of development shall take place until samples of the facing, roofing and paving materials for that phase have been submitted to and approved by the Planning Authority, and these works shall be carried out in accordance with the approved details for that phase.
- 7) No building shall be brought into use until the vehicular and pedestrian means of access associated with the phase for that building has been constructed in accordance with the approved reserved matters for that phase,

and those means of access shall thereafter be kept available at all times for their respective purposes.

- 8) No building shall be brought into use until the car parking and manoeuvring area associated with the phase for that building has been provided in accordance with the approved reserved matters for that phase, and those areas shall thereafter be kept available at all times for their respective purposes.
- 9) Any landscaping including boundary treatment, paving and footpaths referred to in Condition 1 associated with each phase of the construction works as set out on the approved drawings shall be completed in all respects, the exception of tree and shrub planting, within 3 months of the first occupation of the buildings within that phase of construction; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following that first occupation of the buildings within that phase of construction. Any tree or shrub which within 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with another of similar size and species, unless the Planning Authority gives written consent to any variation.
- 10) No development or other operations shall be commenced on this site until adequate steps, which shall have been previously approved in writing by the planning authority, have taken to safeguard against damage or injury during construction works all trees on the site, or those trees whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid or any other works carried out in such a way as to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees.
- 11) Street lighting and any floodlighting, to be provided throughout the development shall be erected in accordance with details and phasing submitted to and approved in writing by the local planning authority. No building shall be occupied until street lighting has been provided on the means of access serving that development.
- 12) Before any development is commenced a programme of archaeological work shall be prepared in accordance with a written scheme of investigation and shall be submitted to and approved in writing by the Planning Authority. The approved scheme shall include the timetable for the investigation. The programme of work will include:
 - a) Geophysical survey of all parts of the site
 - b) A fieldwalking survey of all parts of the site

- c) Trial investigations as required as a result of the above surveys.
- 13) The findings of the surveys and investigations shall be set out in a written report and provided to the Planning Authority and Manx National Heritage.
- 14) Based on the findings of 13) above a further written report incorporating proposals for mitigating the impact of development shall be submitted to, and approved in writing by the Planning Authority and include:
- a) On any archaeological remains identified by 13) a), b) and c) above. These proposals should involve preservation of significant archaeological remains in situ
 - b) Where it is not proposed to preserve remains in situ any justification for not retaining such remains in situ
 - c) If retention on site is unachievable provide for the recording of such remains.

Such record will be undertaken in accordance with RCHM(E)/English Heritage Level 3 Analytical Record and the results lodged with Manx National Heritage.

- 15) Ballavagher Farm and its associated outbuildings within the area marked X on the attached plan shall be retained (PLAN TO BE CIRCULATED ASAP)

Notes for information in relation to Conditions 13, 14 and 15:

- a) Manx National Heritage (MNH) is the statutory agency responsible for the preservation of cultural heritage on the Isle of Man. Any scheme of archaeological investigation should be agreed with MNH, and requires licensing under the terms of the Manx Museum and National Trust Act.
- b) For the avoidance of doubt, MNH would expect that geophysical survey should take place wherever practicable on the development site, and would suggest that a suitably experienced contractor, preferably one with experience of soil and rock conditions on the Isle of Man, should be used in order to maximise the value of the survey exercise.
- c) Every practical opportunity should be taken to undertake structured fieldwalking and artefact collection across all fields on the development site. This should take advantage of fields being actively cropped and those where ploughing for pasture re-seeding can opportunistically be undertaken. This may require early liaison and cooperation between the landowner(s) and tenant(s) as appropriate. It may prove necessary to plough some fields specifically to facilitate fieldwalking.
- d) Where trial trenching is undertaken, this must be agreed and licensed by MNH, and such licensing will be subject to designing a sampling strategy of an appropriate and accepted level.

- e) 'Significant archaeological remains' shall consist of remains which are deemed in the view of MNH as the statutory Inspectorate of Ancient Monuments to be worth of formal legal protection.

Explanatory Note

(This note is not part of the Order.)

This Order grants planning approval in principle for the development of land between Colooney's Lane and Ballavagher on the south side of the Cooil Road in the Parish of Braddan. The land is identified on a plan in Schedule 1. Development is subject to the conditions set out in Schedule 2. In particular, these require the submission of details of the proposed development for approval by the Department of Infrastructure.