

Mr. A. Johnstone,
Planning Appeals Secretary,
Chief Secretary's Office,
Government Offices,
Buck's Road,
Douglas, IM1 3PN.

Murray House,
Mount Havelock,
Douglas,
Isle of Man,
IM1 2SF.
email: sarah.corlett@gov.im
Tel: (01624) 685906
Fax: (01624) 686443
**Director of Planning & Building
Control**
Michael Gallagher, M.R.T.P.I.

18th May, 2012

Dear Mr. Johnstone,

Re: PA 12/0573 – residential development of 95 dwellings with highway and drainage infrastructure, new school field and playground, public open space and landscaping, part fields 234267, 234456, 234555 and 230578, parts of adjacent gardens, school grounds and adjacent highway, Main Road, playground, part public car park and verge/hedge of Slieau Curn Park, Kirk Michael.

Please find attached a statement on behalf of the Department of Infrastructure's Planning and Building Control Division.

Under 10 (1)(b) of the Town and Country Planning (Development Procedure) Order 2005,, as the proposed development includes land within which the Department of Infrastructure could be said to have a vested interest, the planning application cannot be determined by the Planning and Building Control Division. As you will be aware in accordance with the relevant legislation, such applications are referred to and determined by the Council of Ministers, following consideration and recommendation by an independent inspector.

Given the above, the role of the Planning and Building Control Division in the determination of this application is understood to be only to set out the factual background to the proposal, advise on relevant planning policy consideration and provide assistance to the inspector in his or her consideration of the application. The enclosed statement is written and submitted on this basis. This was the position adopted in respect of the most recent application for this site, PA 11/1250 and the Inspector's understanding of this is set out in his Pre-Inquiry Note (the last two sentences on page one and first paragraph of page two) which is attached at **Appendix One**.

The development is similar to that proposed in PA 11/1250 inasmuch as it proposes residential development on much the same site (the current application site does not include a small triangle of land to the rear of The Fire Station and the site includes a slimmer section of roadway alongside Slieau Curn Park at the northern end of the site), and proposes the same layout at the northern end of the site other than the reorientation of the houses on plots 9 and 10 which now have a hedge boundary to the public open space rather than a fence.

Elsewhere on the site, to the rear of the school, the line of housing is similar other than the substitution of a different house type on plot 8 and the plots have been reduced in width such that there is more public open space between plot 8 and plot 9. To the south of the new access road, other than the level of the house on plot 67 which has been reduced by 0.1m, the line of houses on plots 67 -77 remains as for the previous application as do the dwellings on plots 78-82. Below this the layout has been changed to bring the buildings further south and the dwelling at the entrance to the site, to the north of Cronk Froy has been omitted.

Overall, the development accommodates 95 dwellings compared with 100 in the previous application. The provisions for access and drainage remain largely as previously proposed although the access road has been reduced in width from 7.5m to 5.5m and has a footway on one side only.

The Planning Officer will attend any inquiry and make herself available to assist the procedure as requested.

Yours sincerely,

Miss Sarah Corlett
Senior Planning Officer

STATEMENT ON BEHALF OF THE PLANNING AND BUILDING CONTROL DIVISION, DEPARTMENT OF INFRASTRUCTURE

Site description

1. The application site is an area of land which stretches from the rear of eight properties which front onto the A3 Main Road, to the southern edge of Slieau Curn Park in the north, including open land which abuts the Mitre Hotel and Fire Station and including Kirk Michael Primary School and an area of 0.3 ha of Public Open Space between a property known as Slieau Dhoo and Mull View – a residential cul de sac. The site also includes public highway at Douglas Road corner – the junction of the A3 Main Road with the A4 Peel Coast Road. The site amounts to around 8 ha and slopes downward from south to north by 17m.
2. The applicant has indicated in blue on the location plan that they also own the properties Westlands and Knock y Tholt on the Main Road and the site includes land which is presently part of the rear gardens of both of these properties.
3. The eastern edge of the extent of the proposed built development does not follow any built or physical feature but marks the edge of the Predominantly Residential area designated on the Kirk Michael Local Plan of 1994. The application site also includes land to the east of this designated area by way of a strip 45m wide which is proposed to form the site offices, parking and storage area for the development as it is being undertaken and is to be reinstated once the development is complete.

The proposed development

4. Proposed is the development of the site for residential purposes. This will include a new access off Douglas Road Corner into the site. This access will have traffic signals fitted alongside the accessway and also on both sides of Main Road and the Peel Coast Road. The road will be 5.5m wide with a footway running along the length of the northern side.
5. The access is proposed on land which is currently primary school playing fields. Whilst some of the playing fields will be retained to the north, the development will also provide a new playing field in the form of a sports pitch 52m by 80m and a

bitmac play area, all behind the existing primary school building. Additional land to the north of the school building is to be conveyed to the Department of Education and Children for future expansion of the school, if this should be required.

6. Public open space is to be provided on the southern side of the access road for a length of around 75m with development to the south in the form of twenty nine detached houses at a density of around 9.6 dwellings per hectare. The access road will be 5.5m wide with a footway on the northern side. The access road reaches the edge of the residential zone and turns north, passing eight proposed detached houses before an area of public open space and is 30m wide and extends from the access road west to the rear of the Fire Station and the Mitre Public House.
7. From there the estate road continues towards Slieau Curn Park where the estate road adjoins the existing carriageway. In this northern part of the site, there are to be three pairs of semi-detached bungalows suitable for elderly persons, two blocks of four two storey apartments, thirty seven terraced properties, six semi-detached houses and a detached house. The density in this part of the site is around 22 dwellings per hectare including the area of public open space to the south: 30 dwellings per acre without this.
8. The existing playground which sits to the rear of numbers 1-5 Mull View is to be retained with surface water and foul drainage running beneath it.
9. The site is to be drained by a series of soakaways taking the surface water south into the public open space alongside the entrance, and at the northern end of the site, the surface water will be channelled into a second large soakaway in the public open space behind the school as well as to two underground storage tanks. Foul drainage is to be to a proprietary treatment system at the northern end of the site which will discharge treated sewage into the public sewer.
10. The applicant has submitted a flood risk assessment with the application. This states that ponding does occur on the site due to blocked culverts and ditches and mostly the nature of water flows in the area. It recommends that almost all, if not all of the flooding can be alleviated through removing blockages in the culvert entrances,

removing a large tree stump and culvert below the farmyard and repair the banks of the watercourse and ensure that any overland flow crossing the farmyard is channelled back into the watercourse below by re-grading ground levels in that area. If development were permitted then the new bank replacing the access into the site, would prevent water flowing into the site and that which did would be channelled into the surface water system.

Planning policy and status

The Kirk Michael Local Plan, 1994

11. The majority of the site lies within an area which is designated in the Kirk Michael Local Plan of 1994 as Predominantly Residential. A small part at the entrance is within the School Playing Field designation and the existing playground area to the north of Mull View is designated as Public Open Space. Part of the site is within and much of the site lies immediately alongside the Kirk Michael Conservation Area which was adopted in 2006. The map and Character Appraisal are included at **Appendix Two**.
12. Within the local plan written statement, the application site is referred to as land which has previously been allocated for residential development and states "It should be noted that if any of the above areas are to be developed then the form of development, density, and detailed design should be closely controlled in the context of a comprehensive and agreed proposal, together with generally improving visual amenity" (paragraph 5.2).
13. Paragraph 5.7 refers specifically to the application site and states: "This peripheral belt is the most significant development area. Any development in this area should take into account the possibility of a by-pass route. No estate road access would be permitted to the by-pass".
14. The Plan goes on to state "Future development proposals should incorporate appropriate areas of open space as part of overall landscape schemes (paragraph 5.10). Paragraphs 12.4 and 12.5 reiterate the need to provide open space and not to develop any existing areas of open space. This has now been superseded by the Strategic Plan, Recreation Policy 3 which states "Where appropriate. New development should include the provision of landscaped amenity areas as an integral part of the design. 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 to the Plan".

15. The application proposal would make provision for 3.86 acres (15,620 sq m) of open space associated with the development (not including the existing play area between Mull View and Slieau Dhoo) and a further 1.76 acres through the provision of the new playing field for the school. The Strategic Plan would require a total of 8032 square metres of open space including formal play space.
16. Paragraph 5.12 of the Local Plan states "Future residential development should include the provision of housing for first time buyers in addition to semi-sheltered and sheltered housing in order to respond to the needs of persons resident in the area." This has been superseded by Housing Policy 5 of the Strategic Plan which states: "In granting planning permission on land zoned for residential development or in predominantly residential areas the Department will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more."
17. Paragraph 5.13 of the Local Plan states: "If at the end of the five year life of this document, detailed applications for the development of residential areas allocated have not been approved then consideration will be given to the removal of such areas from development purposes."
18. Paragraph 5.14 states: "Any development of residential areas to the east of the built environment should pay regard to the suggestion of a by-pass to the east of Kirk Michael. The feasibility and desirability of such a link should be further examined by the Department of Highways, Ports and Properties [now the Department of Infrastructure] in association with the Michael Commissioners". A study into the need and viability of such a by-pass was undertaken in 2004 by Atkins Consultants Limited on behalf of the then Department of Local Government and the Environment and the then Department of Transport. The report concluded that any benefits of a by-pass would not outweigh its costs and impact, with the scale of development requirement to fund any of the four suggested routes estimated to range from requiring a 50% increase in village size to more than a doubling in village size. The report concluded that some further development of the village in the south east would be possible without the provision of a by-pass. This conclusion was accepted by the Departments.

19. Section 7 of the Local Plan sets out the parking standards for new residential development. This amounts to 1.5 spaces per dwelling. This has been superseded by the Strategic Plan Appendix Seven which requires two spaces per dwelling, preferably but not exclusively behind the building line, depending upon the layout of the development.
20. Paragraph 8.2 of the Local Plan states: "Little scope for improvement or alteration of traffic flow exists with the exception of a possible by-pass". Paragraph 8.3 goes on "If such an action were to prove desirable and feasible this could alleviate traffic-flows on the section between the junction of Ballacraigne and Peel Road , and the junction of Baltic Road and the Main Road."
21. Paragraph 11.4 of the Local Plan states: In development of the residential areas on the east side of the Main Road, consideration should be given to providing pedestrian/vehicle segregation."

The Strategic Plan

22. In addition to the Strategic Plan policies cited above, the following policies are considered material in the consideration of the present application:
23. Strategic Policy 1: **Development should make the best use of resources by:**
- (a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and re-using scarce indigenous building materials;**
 - (b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space and amenity standards; and**
 - (c) being located so as to utilise existing and planned infrastructure, facilities and services.**
24. Strategic policy 2: **New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3.**
25. Strategic Policy 3: **Proposals for development must ensure that the individual character of our towns and villages is protected or enhanced by:**
- (a) avoiding coalescence and maintaining adequate physical separation between settlements; and**
 - (b) having regard in the design of new development to the use of local materials and character.**
26. Strategic Policy 4: **Proposals for development must:**
- (a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings, Conservation Areas, buildings and structures within National Heritage Areas and sites of archaeological interest;**
 - (b) 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

(c) not cause or lead to unacceptable environmental pollution or disturbance.

27. **Strategic Policy 5: New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies.**
28. **Strategic Policy 10: New development should be located and designed such as to promote a more integrated transport network with the aim to:**
 - (a) minimise journeys, especially by private car;**
 - (b) make best use of public transport;**
 - (c) not adversely affect highway safety for all users, and**
 - (d) encourage pedestrian movement.**
29. **Strategic Policy 11: The housing needs of the Island will be met by making provision for sufficient development opportunities to enable 6000 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2001 to 2016.**
30. **Kirk Michael is identified in the Strategic Plan as a service village where "Housing should be provided to meet local needs and in appropriate cases to broaden the choice of location of housing" (Spatial Policy 3).**
31. **Spatial Policy 5: New development will be located within the defined settlements. Development will only be permitted in the countryside in accordance with General Policy 3.**
32. **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

- 33. Environment Policy 3: **Development will not be permitted where it would result in the unacceptable loss of or damage to woodland areas, especially ancient, natural and semi-natural woodlands, which have public amenity or conservation value.**
- 34. Environment Policy 35: **Within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development.**
- 35. Environment Policy 36: **Where development is proposed outside of, but close to, the boundary of a Conservation Area, this will only be permitted where it will not detrimentally affect important views into and out of the Conservation Area.**
- 36. Environment Policy 42: **New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans.**
- 37. Housing Policy 1: **The housing needs of the Island will be met by making provision for sufficient development opportunities to enable 6000 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2001 to 2016.**
- 38. Housing Policy 2: **The Department will seek to ensure an adequate supply of housing land, based on the level of provision indicated in Housing Policies**

1 and 3. The Department will keep under review land that is allocated for residential development in existing Local Plans and in the Area Plans to ensure that the land is available for development, to enable the number of dwellings to be built that are set out in Housing Policy 1. Where it appears to the Department that land that is allocated for development in a Local Plan or an Area Plan is not available for development, then it will consider, through a review of the Area Plan, making alternative land available and retaining the unavailable land in a land-bank for possible future development. In doing so, the Department will have regard to any phasing proposals for the development of land that are identified in the Area Plan.

39. **Housing Policy 3: The overall housing provision will be distributed as follows:**
- **North 1,200**
 - **South 1,300**
 - **East 2,500**
 - **West 1,000**
 - **All Island 6,000**
40. **Housing Policy 4: New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:**
- (a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;**
 - (b) conversion of redundant rural buildings in accordance with Housing Policy 11; and**
 - (c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14.**
41. **Housing Policy 6: Development of land which is zoned for residential development must be undertaken in accordance with the brief in the relevant area plan, or, in the absence of a brief, in accordance with the**

criteria in paragraph 6.2 of this Plan. Briefs will encourage good and innovative design, and will not be needlessly prescriptive.

42. Recreation Policy 2: **Development which would adversely affect, or result in the loss of Open Space or a recreation facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted except in the following circumstances:**
- (a) where alternative provision of equivalent community benefit and of equivalent or better accessibility is made available; and**
 - (b) where there would be an overall community gain from the development, and the particular loss of the open space or recreation facility would have no significant unacceptable effect on local open space or recreation provision or on the character or amenity of the area.**
43. Recreation Policy 3: **Where appropriate, new development should include the provision of landscaped amenity areas as an integral part of the design. 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 to the Plan.**
44. Recreation Policy 4: **Open Space must be provided on site or conveniently close to the development which it is intended to serve, and should be easily accessible by foot and public transport.**
45. Community Policy 1: **Where relevant and appropriate, there should be provided by the developer of new or expanded residential areas, community benefits in the form of neighbourhood centres.**
46. Community Policy 5: **Permission will generally be given for proposals to improve or extend existing schools and institutions of higher education and to build new schools, subject to their being sited and designed in accordance with the other policies of this plan, having particular regard to the potential for community use of the buildings and the associated Open Space.**

47. **Transport Policy 1: New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes.**
48. **Transport Policy 2: The layout of development should, where appropriate, make provision for new bus, pedestrian and cycle routes, including linking into existing systems.**
49. **Transport Policy 4: The new and existing highways which serve any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan.**
50. **Transport Policy 5: Any improvements to the Island's highway network, including the provision of new roads, footpaths, and cycle routes, should be undertaken in accordance with the environmental objectives of this plan.**
51. **Transport Policy 6: In the design of new development and transport facilities the needs of pedestrians will be given similar weight to the needs of other road users.**
52. **Transport Policy 7: The Department will require that in all new development, parking provision must be in accordance with the Department's current standards.**
53. **Transport Policy 8: The Department will require all applications for major development to be accompanied by a Transport Assessment.** The application contains a Transport Assessment compiled by Bryan G. Hall.
54. **Energy Policy 5: The Department will prepare a Planning Policy Statement on Energy Efficiency. Pending the preparation and adoption of that PPS the Department will require proposals for more than 5 dwellings or 100 square**

metres of other development to be accompanied by an Energy Impact Assessment. The application contains an Energy Impact Assessment attached to the Planning and Design Statement prepared by Heritage Homes.

Planning History

55. The most recent application for the site, PA 11/1250 proposed a similar development but for 100 dwellings. This application was recommended for refusal by the independent inspector whose recommendation was upheld by the Council of Ministers. The Inspector's report and the Council of Ministers' decision are attached at **Appendix Three**. The reasons for refusal given by the Council of Ministers were those specified in the Inspector's report, namely:

- that the road as proposed is more than would be required by just the development and is not well placed other than for the consequent benefits for the school (paragraph 118)
- that traffic signals are not the most appropriate form of control and off-peak the signals would be even less appropriate (paragraph 120) and
- if weight were accorded to the thought that the access road could create the first stage of a relief road or by-pass, then signals would be a very poor choice." (paragraph 120)
- the proximity of the southbound stop sign to the school exit could lead to confusion and a possibly hazardous situation as well as for those exiting from Brynwood (paragraph 121)
- the development would fail to preserve or enhance the character or appearance of the inland side of Douglas Road Corner part of the Conservation Area
- the adverse impact from the development on the view from the Conservation Area in the vicinity of the Fair Field behind the Mitre Public House would be unacceptable.

56. He sums this up in paragraph 154 where he states:

57. "However, it would harmfully premature to commit to, in effect, the initial length of a by-pass for Kirk Michael in the absence of any policy commitment to build the whole route. Inasmuch as the access road might be treated as the initial length of a by-pass, the choice of a traffic signalled junction at its commencement is a poor one. Solely as a residential access the proposed length of road is over-engineered and poorly located at Douglas Road Corner where its presence, together with the house proposed to its south, would substantially degrade the location's informal character and important visual linkage with the open countryside and hills. In this way and in a more localised way behind the Old Fire Station the losses of view would do considerable harm to key qualities of the Kirk Michael Conservation Area".
58. The applicant has not fundamentally changed the position or type of junction but has provided additional information to support the type and location of the junction. Correspondence from the Director of Highways, dated 29th March, 2012 is included (Appendix BGH 7 of Bryan G Hall's proof of evidence) sets out the Department of Infrastructure Highways Division's position in respect of this.
59. The layout has been changed to attempt to address the Inspector's concerns regarding the impact on the Conservation Area and views to the hills: the built development has been relocated to provide a wider vista into the site although the relationship between plots 1 and 69 at the far end of the access drive remains the same as previously shown. The application contains a Townscape and Visual Assessment which seeks to satisfy the Inspector that the concerns raised in the previous application in respect of the impact on the Conservation Area and views through the site are no longer applicable in the case of the new application.
60. The Inspector also makes recommendations in respect of other aspects of the development, which he either finds acceptable or does not find them so unacceptable as to refer to them in the reasons for refusal. In support of the application, the Inspector states: "...the fact that development would provide 100 additional homes, 99 of them on land identified for the purpose since 1994 and 25 of them within affordable categories is powerful support for the application" (paragraph 105).

61. He goes on, "As regards available open space and school facilities this element of the overall development is a second weighty favourable factor" (paragraph 107).
62. He also refers to the compound at his paragraph 110 and states "I express no view other than to suggest that the drafting of that Plan should not, inadvertently, be influenced by ground conditions resulting from a purely temporarily approved use, for pragmatic reasons, to serve adjacent building work. This issue could and in my view should be addressed by requiring a phasing plan, including phased restoration".
63. He comments at paragraphs 136, 137 and 138 on the relationships of the proposed development on the amenities of existing dwellings in Mull View, Slieau Curn Park and Cronk Froy and describes these are "not unreasonable". He notes at paragraph 139 "In all other locations the new dwellings would self evidently be adequately separated from those backing onto the site and neither is there any evident problem in the relationship of any new dwelling one to another."
64. He states at paragraphs 142 and 143 that the contrasting densities in the northern and southern ends of the site would not cause tangible harm but comments that "such a stark stratification in residential character would be undesirable socially and at odds with the more traditional mix that resulted when villages evolved incrementally over time".
65. He concludes at paragraph 153 that the objections regarding foul sewerage and surface water drainage are unfounded. There was discussion regarding the position of the sewage treatment facility in relation to the boundary of the site with the property known as Slieau Dhoo and whilst the original submission showed the plan immediately adjacent to the boundary with this property, it was agreed by the developer at the inquiry to relocate the plant further from the boundary such that it would be equidistant from the boundary with Slieau Dhoo and the nearest proposed house on the estate. The current application shows this amended position for the plant which will be 16m from the boundary with Slieau Dhoo and the same distance to the side of the dwelling on plot 33.

Proposed conditions

66. If in the event that the Inspector is minded to recommend that the application is permitted, it is often helpful to have a draft schedule of conditions prepared in order that all parties can have the opportunity to discuss them. The inclusion of these suggested condition in no way pre-empts the Inspector's recommendation nor should it be seen to be influencing this recommendation in any way.
67. The following represent the conditions which were discussed and agreed in the case of the previous application, subject to modification to reflect the alterations which have been made to the present scheme.

Condition no. 1:

68. The development hereby permitted shall commence before the expiration of four years from the date of this notice.

Comment:

This is a standard time constraint condition for approved development to be commenced.

69. Condition no. 2:

This approval relates to the following drawings date stamped 20th April, 2012:

ADR_FRA01 A

ADR_FRA02

2380_ADR_FRA03 B

ADR_500 Sheets 1 and 2, foul drainage details, soakaway design and trial pit results

2380.20.01

2380.20.02

2380.20.05

2380.20.06

2380.21.01

2380.20.04

2380.22.01

2380.22.02

2380.22.03

2380.22.04
2380.22.05
2380.22.06
2380.22.07
2380.22.08
2380.22.09
2380.22.10
2380.22.11
2380.22.12
2380.22.13
2380.22.14
2380.22.15
2380.22.16
2380.22.19
2380.22.20
2380.22.21
2380.22.24
2380.23.01.

Comment:

This is a standard condition reflecting the detailed approved drawings for future clarity.

70. Condition no. 3:

The Manx Museum and National Trust (Manx National Heritage) shall be notified of the date of the commencement of works and be given access and opportunity at all reasonable times to inspect the site, observe all excavations and investigate any archaeological features exposed. The developer shall provide written confirmation of such notification to the Planning Authority .

Comment:

This is a standard form of archaeological watching brief condition.

71. Condition no. 4:

All planting, seeding or turfing comprised in the landscaping shown within drawing 2380.20.02 shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Comment:

This is a standard landscaping condition linked to the approved development and to ensure that the landscaping is implemented in a reasonable time frame.

72. Condition no. 5:

Prior to the commencement of development details of any existing trees to be transplanted within the application site shall be submitted to and agreed in writing with the Planning Authority. Such details shall include a system for numbering each tree, a description of each tree and details of its respective transplantation location. Wherever possible the existing trees contained within the copse located within the southern part of the application site should be transplanted throughout the development as part of the implementation of the landscaping shown within drawing 2380.20.02. Any transplanted tree that dies, is removed, or becomes seriously damaged or diseased within five years of its transplantation shall be replaced in the next planting season with a tree of similar size and species.

Comment:

This seeks the details relating to the transplantation of existing trees within the copse in the southern part of the application site.

73. Condition no. 6:

Prior to the commencement of development all existing trees, shrubs and hedges to be retained shall be protected by fences or suitable barriers erected beyond their dripline. Such fences or barriers shall be maintained until the completion of the development on the land. Within these protected areas there shall be no storage, deposit, tipping or placing of any materials, soil, spoil or other matter, no parking or movement of vehicles or trailers, no erection or siting of buildings or structures, no

excavation or raising of ground levels and no disposal of water or other liquid. Furthermore, no fires shall be lit within 20m of any protected area. The principles of British Standard 5837: 2005 "Trees in relation to construction - Recommendations" should be followed where applicable.

Comment:

This seeks the implementation of protection of existing trees during construction.

74. Condition no. 7:

Within six months of the date of the existing public treatment works at Balleira Road being upgraded and capable of accommodating untreated foul flows from the development the sewage treatment plant contained within development shall be decommissioned and removed from the application site. As part of the decommissioning and removal the land shall be filled, levelled and turfed. Thereafter this land shall form public open space within the overall development and be maintained as such.

Comment:

This condition seeks the removal of the sewage treatment plant once local capacity is sufficiently upgraded to accommodate additional flow from development.

75. Condition no. 8:

No dwelling shall be occupied unless and until the access road between that dwelling and Main Road (A3), including footways and turning heads, has been laid out in accordance with the approved details and constructed to at least base course level.

Comment:

This is a relatively standard condition to ensure respective roads are constructed to appropriate levels before occupation of any dwelling.

76. Condition no. 9:

No dwelling shall be constructed until the new junction arrangement between the application site, Main Road (A3) and Peel Road (A4) has been set out in accordance with the approved details and in operation.

Comment:

This condition seeks to ensure that highway safety is not unduly compromised once construction has commenced. Given the scale of development the construction period is likely to be considerable and too long to rely on existing or temporary highway arrangements.

77. Condition no. 10:

The areas of public open space shown on drawing no. 2380.20.02 shall be laid out and made available for use no later than by the completion of the 62nd dwelling of the approved development.

Comment:

This seeks to ensure that the public open space is made available before the development is completed. Given the scale of development it is considered reasonable to require implementation by the completion of two thirds of the development.

78. Condition no. 11:

The relocation or replacement of existing play equipment located within the application site shall be agreed in writing with the Planning Authority prior to its installation. Such play equipment shall be installed within three months of agreement with the Planning Authority. It is recommended that relocation or replacement is discussed with Michael Commissioners prior to the submission of details to the Planning Authority.

Comment:

79. This condition relates to the relocation of existing play equipment in response to the issue having been raised at the inquiry into the previous application.