



**Isle of Man**  
Government

Ballagyn Ellan Vannin

# Department of Environment, Food and Agriculture

Rheynn Chymmyltaght, Bee as Eiriny's

Hartford Homes  
Unit 2, Middle River  
Douglas  
IM2 1AL

Telephone (01624) 685958  
Email: scott.gallacher@gov.im  
Contact: Scott Gallacher  
Our Ref: MEC/AP23/0050

Date: 10<sup>th</sup> July 2024

Dear Sir/Madam,

## ON APPEAL

**PA No:** 22/00675/B

**Address** Fields And Part Fields 524202, 524978, 524930, 524765, 524224,  
524225 & 524226 Land East Of Braddan Road Braddan Isle Of Man  
IM2 2RA

**Proposal:** Full approval for a residential development comprising up to 320 dwellings, a nursery and a neighbourhood centre with associated highway and pedestrian/cycle access and infrastructure, drainage, landscaping and public open space together with approval in principle for a 2-form entry primary school and associated access/infrastructure

I refer to the appeal in respect of the above planning application.

In accordance with the provisions of The Town and Country Planning (Development Procedure) Order 2019, I herewith give notice of the appeal decision.

The Minister for Environment, Food and Agriculture, the Hon C Barber MHK, has considered the report, concurs with the appointed person's conclusions, and accepts the recommendation that both appeal's **should be dismissed**. Accordingly, she has directed that the Department's decision to approve the application should be upheld, and that the application **should be Approved subject to conditions**. Formal notice of this decision is attached.

Yours faithfully

Redacted

**Scott Gallacher**  
Chief Officer



## THE TOWN AND COUNTRY PLANNING ACT 1999

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### The Town and Country Planning (Development Procedure) Order 2019

Hartford Homes  
Unit 2, Middle River  
Douglas  
IM2 1AL

In pursuance of her powers under the above Act and Order/Regulations, the Minister for the Department of the Environment, Food and Agriculture, the Hon C Barber MHK does hereby in the name of and on behalf of the Department **APPROVE** planning application **22/00675/B** by Hartford Homes **for** Full approval for a residential development comprising up to 320 dwellings, a nursery and a neighbourhood centre with associated highway and pedestrian/cycle access and infrastructure, drainage, landscaping and public open space together with approval in principle for a 2-form entry primary school and associated access/infrastructure - Fields And Part Fields 524202, 524978, 524930, 524765, 524224, 524225 & 524226 Land East Of Braddan Road Braddan Isle Of Man IM2 2RA subject to the following conditions:-

#### **CONDITIONS OF APPROVAL:**

1. The detailed part of the development hereby approved, namely the erection of up to 320 dwellings, a neighbourhood centre, children's nursery and associated landscaping and infrastructure, shall begin before the expiration of four years from the date of this decision.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019 and to avoid the accumulation of unimplemented planning approvals.

2. Prior to the commencement of development on any part of the site, and notwithstanding details already submitted, an updated phasing plan including trigger points for delivery of the neighbourhood centre and the affordable housing, shall be submitted to the Department. Development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure that future residents are provided with on-site local facilities in a timely manner so as to minimise the need to travel.

3. Prior to the commencement of development on the 'approval in principle' part of the site, namely the two-form entry primary school and associated access/infrastructure (the school site), details of siting, design, external appearance, site layout and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Department.

Reason: To comply with Article 26 of the Town and Country Planning (Development Procedure) Order 2019.

4. The first application for approval of the reserved matters for the school site shall be submitted to the Department no later than six years from the date of this approval. Development of the school site shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved. Development shall be carried out in accordance with the approved details.

Reason: To comply with article 26 of the Town and County Planning (Development Procedure) Order 2019.

5. Prior to first occupation of any dwelling (other than on plots 237 and 238) the site access to Braddan Road shall be completed in broad accordance with the details shown on drawing ITB15759-GA-010 Rev G. The visibility splays provided as part of those works shall be permanently retained thereafter, with nothing to be planted, erected and/or allowed to grow within the visibility splays above a height of 0.6 metres above ground level.

Reason: In the interest of highway safety.

6. Prior to first occupation of any dwelling in any phase, or parcel therein, the visibility splays at internal junctions within the site shall be provided broadly in accordance with the details shown on drawing ITB15759-GA-034 Rev D. They shall be permanently retained thereafter with nothing to be planted, erected and/or allowed to grow within the visibility splays above a height of 0.6 metres above ground level.

Reason: In the interest of highway safety.

7. Prior to first occupation of either of the dwellings on plots 237 and 238, visibility splays at the driveway junction with The Falls shall be provided broadly in accordance with the details shown on drawing ITB15759-GA-044 Rev B. They shall be permanently retained thereafter with nothing to be planted, erected and/or allowed to grow within the visibility splays above a height of 0.6 metres above ground level.

Reason: In the interest of highway safety.

8. No dwelling, or unit within the neighbourhood centre hereby approved, shall be occupied until the driveway, parking spaces, turning area and associated drainage for the relevant dwelling/unit have been completed in accordance with the details shown on the approved plans. Once provided, the parking areas shall be retained for the intended purpose at all times thereafter.

Reason: In the interest of the safety of all highway users.

9. The estate roads, including footways, shall be constructed so as to ensure that, before it is occupied, each dwelling or unit within the neighbourhood centre has been provided with a properly consolidated, surfaced and drained footway and carriageway to at least base course level between the dwelling, or unit, and the existing highway at Braddan Road or, in relation to Plots 237 and 238, The Falls.

Reason: To ensure that the development is served by an adequate means of access.

10. Prior to first occupation of any dwelling without a garage as shown on the approved plans, cycle storage provision at a rate of one storage space per bedroom shall be provided in accordance with details that shall previously have been submitted to and approved in writing by the Department. That storage provision shall be retained thereafter for its intended purpose.

Reason: In order to promote sustainable travel in the interests of reducing pollution and congestion in accordance with Strategic Policy 10 of The Isle of Man Strategic Plan 2016, the aims of the Active Travel Strategy and the Climate Change Act.

11. Prior to first occupation of any unit in the neighbourhood centre hereby approved, cycle and motorcycle parking shall be provided in accordance with details that shall previously have been submitted to and approved in writing by the Department. The parking provided in accordance with this condition shall be retained thereafter for its intended purpose.

Reason: In order to encourage and support travel by means other than the private car in the interests of reducing pollution and congestion in accordance with Strategic Policy 10 of The Isle of Man Strategic Plan 2016, the aims of the Active Travel Strategy and the Climate Change Act.

12. None of the dwellings hereby approved shall be occupied until the off-site works listed below have been completed in accordance with details which have first been submitted to and approved in writing by the Department:

- i) upgrading of the southbound bus stop on Peel Road south of the junction as indicatively shown on i-Transport Drawing ITB 15759-GA-030;
- ii) installation of dropped kerb crossings on Ballafletcher Road at North Lodge and Old School House as indicatively shown on i-Transport Drawing ITB 15759-GA-024; and
- iii) wayfinding signs on the Heritage Trail and off-road link through the National Sports Centre.

Reason: In order to encourage and support travel by means other than the private car in the interests of reducing pollution and congestion in accordance with Strategic Policy 10 of The Isle of Man Strategic Plan 2016, the aims of the Active Travel Strategy and the Climate Change Act

13. None of the dwellings hereby approved shall be occupied until a signal- controlled crossing on Peel Road has been installed in accordance with details which have first been submitted to and approved in writing by the Department, broadly in accordance with i-Transport Drawing ITB15759-GA-40 Rev A.

Reason: In the interest of highway safety and to encourage and support travel by means other than the private car in the interests of reducing pollution and congestion in accordance with Strategic Policy 10 of The Isle of Man Strategic Plan 2016, the aims of the Active Travel Strategy and the Climate Change Act.

14. No more than 100 dwellings shall be occupied until the pedestrian/cycle route to Peel Road via Douglas Rugby Club has been completed in accordance with details which have first been submitted to and approved in writing by the Department, broadly in accordance with i-Transport Drawing ITB15759-GA-41 Rev A.

Reason: In order to encourage and support travel by means other than the private car in the interests of reducing pollution and congestion in accordance with Strategic Policy 10 of The Isle of Man Strategic Plan 2016, the aims of the Active Travel Strategy and the Climate Change Act.

15. Prior to the commencement of development on the school site, full details of the access arrangements, parking, bus turning and servicing for the site shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details prior to the school being brought into use.

Reason: In the interest of the safety of all highway users.

16. Prior to the commencement of development on any part of the site, including works of site clearance and preparation, a Construction Access and Construction Traffic Management Plan shall be submitted to and approved in writing by the Department. Development shall be carried in accordance with the approved Plan.

Reason: In the interest of safety for all highway users.

17. Prior to the commencement of development in any phase, including any works of site clearance or ground preparation, details of the works to upgrade the existing highway drain on Braddan Road, as shown on Drawing No 21-009 01, shall be submitted to and approved in writing by the Department. The relevant works shall be completed in accordance with the approved details prior to the commencement of any above ground works within Phase 1 (other than works required pursuant to this condition).

Reason: In order to prevent flooding of the highway and adjacent land and to prevent pollution of nearby watercourses.

18. Work shall not commence on construction of the surface water attenuation feature shown on Drawing No Hart 045-50 Rev E until full details, including existing and proposed contours and cross-sections, have been submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to prevent increased risk of flooding and pollution.

19. Work shall not commence on construction of the headwall for the outfall to the River Glass until full details, including facing materials, have been submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to prevent increased risk of flooding and pollution.

20. Prior to commencement of development on the school site, details of foul and surface water drainage arrangements for that site shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details.

Reason: In order to prevent increased risk of flooding and prevent pollution.

21. Notwithstanding any details already submitted, and prior to the commencement of any construction works, a detailed hard and soft landscaping strategy (other than for private gardens) shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details and timetable. The details to be submitted shall include:

- i) plans at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas;
- ii) a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment;
- iii) proposed finished levels and contours;
- iv) hard surfacing materials;
- v) an updated boundary treatment plan;
- vi) minor structures (eg play equipment, street furniture, refuse storage areas, signage etc);
- vii) means to prevent vehicles entering onto and/or parking within areas of public open space;
- viii) design, including cross-sections and facing materials for the reconstructed retaining wall at the entrance to the site on Braddan Road;
- ix) a scheme for the ongoing management and maintenance of the retained mature woodland shown on Drawing No Hart 045-60, including long term design objectives, management responsibilities and maintenance schedules; and
- x) a timetable for implementation.

Reason: In the interests of character and visual amenity and safeguarding/ enhancing biodiversity.

22. Any new trees or plants shown on plans approved pursuant to condition C21 above which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Department.

Reason: In the interests of character and visual amenity and safeguarding/ enhancing biodiversity.

23. Prior to commencement of development in any phase, including any works of site clearance or ground preparation, an Arboricultural Method Statement (AMS) detailing the measures to be put in place during the construction period for the protection of those trees and hedgerows shown as being retained on Drawing Nos OTP-160522-N-RevA and OTP-160522-S-RevA (Andrew Igoea Arboricultural Impact Assessment AIA-180522 rev A (January 2023)) and which adheres to the recommendations of BS5837:2012 (Trees in relation to design, demolition and construction - recommendations), shall be submitted to and approved in writing by the Department. The AMS shall provide technical details of the required protection measures, construction methods and supervision protocols. Development shall be carried out in accordance with the agreed protection measures.

Reason: In the interests of visual amenity and safeguarding biodiversity.

24. No tree or hedgerow shown as being retained on Drawing Nos OTP-160522-N-RevA and OTP-160522-S-RevA shall be cut down, uprooted, destroyed or damaged in any manner during the construction period and thereafter, within five years from the date of first occupation of the development. In the event that any trees marked for retention die or become damaged or otherwise defective within that period, the Department shall be notified as soon as reasonably practicable and remedial action agreed and implemented.

Reason: In order to protect and enhance the appearance and character of the site and locality.

25. Prior to the commencement of development on any part of the site, including works of site clearance and ground preparation, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved CEMP which shall include, but is not confined to:

- i) details of a suitably qualified Ecological Clerk of Works (including name of person/company as well as details about their role on site), to be appointed for the duration of the works, including works of site clearance and ground preparation.
- ii) responsible working methods to ensure that construction and site operations avoid and/or mitigate detrimental impacts upon wildlife, including nesting birds, bats, common lizards and common frogs, including Precautionary Working Method Statements, methodology and timescales for vegetation removal, and checks by suitably qualified ecologists where necessary, including pre-felling checks of trees with potential roost features identified in the Preliminary Ecological Appraisal Report (issued 17 November 2020 Job No MWT20\_17 Appendix 5);
- iii) measures for the protection of retained boundary features and onsite habitats, as shown on the approved plans, including hedges, banks, stone walls, marshy grassland, woodland rough grassland and trees and construction exclusion areas;
- iv) arrangements for controlling the use of site lighting during the construction period, whether for safe working or for security purposes, including hours of operation; and
- v) measures to restrict surface water run-off during construction to nearby water course.

Reason: To safeguard ecological species and in the interest of biodiversity.



26. Bird boxes (with the majority being swift nesting boxes) and bee bricks shall be provided on every dwelling prior to its completion, in accordance with the details shown on Drawing Hart 045-51E. Once provided, the bird boxes and bee bricks shall be retained thereafter.

Reason: To safeguard statutorily protected species and in the interest of biodiversity.

27. At least ten integral bat roost niches for crevice and hollow roosting species shall be provided on the houses adjacent to the retained woodland prior to their completion, with a further five to be installed within houses in the perimeter woodland prior to their completion, in accordance with the details shown on Drawing Hart 045-51E. Once provided, the bat boxes shall be retained thereafter.

Reason: To safeguard statutorily protected species and in the interest of biodiversity.

28. Prior to the installation of any garden fencing, details of a scheme to promote ease of movement throughout the site for hedgehogs shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details, with the arrangements provided for to be retained thereafter.

Reason: To safeguard ecological species and in the interest of biodiversity.

29. Prior to any works relating to the installation of the attenuation tanks and cycle path shown on Drawing Nos Hart 045-58 and Hart 045-59, a mycological (fungi) survey shall be undertaken by a suitably qualified ecological consultancy and a report, detailing the findings, together with any necessary mitigation, shall be submitted to the Department and agreed in writing. Development shall be carried out in accordance with any agreed mitigation measures.

Reason: To safeguard ecological species and in the interest of biodiversity.

30. Prior to the commencement of development on the school site, including works of site clearance and preparation, an up-to-date Preliminary Ecological Appraisal Report, undertaken by a suitably qualified ecological consultancy, together with the results of any additional species surveys as determined by the ecologist, shall be submitted to and agreed in writing by the Department. Development shall be carried out in accordance with any recommended avoidance, mitigation and compensation measures set out within the agreed documents.

Reason: To safeguard ecological species and in the interest of biodiversity.

31. Other than within private gardens, no external lighting shall be installed or operated within the site other than in accordance with a scheme of low-level lighting (designed in accordance with the recommendations outlined in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting (2023) (or any later version or equivalent version thereof) which shall previously have been submitted to and approved in writing by the Department. The lighting scheme to be submitted shall include detailed drawings of lighting columns and fittings, information about the levels of luminance and any measures for mitigating the effects of light pollution.

Reason: To safeguard ecological species and in the interest of biodiversity.

32. Other than as shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2012 (or any Order amending, revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway.

Reason: In order to safeguard the character and appearance of the area.

33. No development shall take place on any part of the site, including any site clearance and ground preparation works, until a written scheme of investigation, to include excavations where required, has been submitted to and approved in writing by the Department. The scheme shall provide details of the programme of archaeological works to be carried out within the site, as well as post-excavation assessment (including analysis of the site investigation records and findings and production of a final report on the significance of the archaeological, historical and architectural interest represented) and appropriate publication. The archaeological site work shall thereafter be implemented in full in accordance with the approved scheme.

Reason: To ensure that archaeological remains and features are adequately recorded.

34. No development shall take place above ground level in any phase until a schedule of materials and finishes and/or samples of all external facing materials for all buildings and hard surfacing materials within that phase, has been submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

35. Prior to the construction of any dwelling, details of bin storage provision for that dwelling shall be submitted to and approved in writing by the Department. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to encourage the sustainable management of waste.

36. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any replacement/amendment of that order) the retail units within the local centre hereby approved shall be used only for purposes falling within Use Classes 1.1 (shops), 1.3 (food and drink) and/or 1.4 (hot food takeaway) and for no other purpose, and the Children's nursery within the neighbourhood centre hereby approved shall be only used for purposes falling within Use Class 4.2 (Childcare or Education) and for no other purpose.

Reason: In order to provide meaningful facilities for future occupiers, since the sustainability/accessibility credentials of the scheme have been assessed on this basis.

37. None of the retail units hereby approved shall be open to customers outside the hours of 08.00-21.00 Monday to Sunday, including bank and public holidays.

Reason: In order to safeguard the general amenity of the area and the living conditions of nearby residents.

38. The retail units hereby approved shall not be amalgamated and shall remain as separate units at all times.

Reason: To ensure that facilities provided remain as proposed, of a scale appropriate to the size of the development.

#### INFORMATIVE NOTE

As a matter of good practice, the developer is to implement the Action Plan set out in the i-Transport Framework Travel Plan (Ref:BT/AT/ITB15759-004A R dated 26 May 2022) in order to promote sustainable travel alternatives aimed at reducing reliance on the private car.

**NOTE: This approval relates to the plans as listed and referenced in the Inspector's Report (pages 63, 64 and 65).**



Reason for approval: Together with a smaller site to the north (which is in a different ownership) the appeal site is allocated for primarily residential development in the Area Plan for the East. The masterplan that has been provided clearly demonstrates that the scheme proposed would not prejudice later development of the allocated land to the north providing, as required by the Brief, for the possibility of an eventual vehicular access between Braddan Road and Ballafletcher Road.

In terms of matters of detail, the technical evidence on highways demonstrates that whilst traffic movements would increase as a consequence of the development proposed, the safe and efficient movement of pedestrian and vehicular traffic would not be materially affected. The site is also fairly well-related to day-to-day services and facilities, which would be accessible by a range of transport modes, with opportunities taken to improve pedestrian and cycle links. Notwithstanding the predicted increase in traffic movements, the technical evidence also demonstrates that there would be no material harm in terms of air quality.

Subject to mitigation measures, the residual landscape effects at year 15 following completion are identified as ranging from minor adverse to moderate beneficial, with residual visual effects as ranging from minor adverse to negligible neutral. Impacts on ecology, biodiversity and wildlife would be sufficiently protected and there would be no material adverse impact on the significance or special interest of nearby heritage assets.

The feasibility of the drainage scheme proposed is acceptable to the relevant authorities, who are content that it would not place additional stress on the existing sewerage network or increase risk of flooding.

The distribution and range of homes proposed would allow for the creation of inclusive, diverse and balanced communities, meeting the needs of different groups in society. Whilst there is no critical need for additional primary education infrastructure provision in the short-term, or during the early phases of development, provision for a two-form entry primary school is an integral aspect of the scheme. Although future occupiers would inevitably increase demand for GP services, there appears to be sufficient capacity in the current GP offer locally to accommodate that.

In all the above matters, there would be no conflict with any of the relevant development plan policies or related guidance.

Date of issue 10<sup>th</sup> July 2024

By Order of the Minister

Redacted

**Scott Gallacher**  
Chief Officer

Note 1: A copy of the report of the appointed person is appended hereto.

Note 2: All parties should note that there is no prescribed right of appeal relevant to the Minister's decision herein and accordingly the only right of challenge is by a petition of dolence brought to the High Court of Justice of the Isle of Man. Such dolence proceedings required to be issued promptly and in any event within 3 months.

Note 3: The letter which accompanies this notice forms part of the notice in accordance with Article 13 (3) of the Town & Country Planning (Development Procedure) Order 2019.