



Isle of Man
Government

Reiltys Ellan Vannin

DEPARTMENT OF ENVIRONMENT FOOD AND AGRICULTURE

**TOWN AND COUNTRY PLANNING ACT 1999
TOWN AND COUNTRY (DEVELOPMENT PROCEDURE) ORDER 2019**

Agenda for a meeting of the Planning Committee, 22nd April 2024, 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas

Please note that participants are able to attend in a public meeting in person or virtually via Microsoft Teams. For further information on how to view the meeting virtually or speak via Teams please refer to the Public Speaking Guide and 'Electronic Planning Committee – Supplementary Guidance' available at www.gov.im/planningcommittee. If you wish to register to speak please contact DEFA Planning & Building Control on 685950.

1. Introduction by the Chairman

2. Apologies for absence

3. Minutes

To give consideration to the minutes of a meeting of the Planning Committee held on the 8th April 2024.

4. Any matters arising

5. To consider and determine Planning Applications

Schedule attached as Appendix One.

Please be aware that the consideration order, as set down by this agenda, will be revisited on the morning of the meeting in order to give precedent to applications where parties have registered to speak.

6. Site Visits

To agree dates for site visits if necessary.

7. Section 13 Agreements

To note any applications where Section 13 Agreements have been concluded since the last sitting.

8. Any other business

9. Next meeting of the Planning Committee

Set for Tuesday 7th May 2024.

PLANNING COMMITTEE Meeting, 22nd April 2024
Schedule of planning applications

<p>Item 5.1 18 Selborne Drive Douglas Isle Of Man IM2 3LP</p> <p>PA23/00655/B Recommendation : Refused</p>	<p>Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations</p>
<p>Item 5.2 Field 211013 North Of Upper Ballacrye Sandygate Jurby Isle Of Man IM7 3BS</p> <p>PA23/01355/B Recommendation : Permitted</p>	<p>Erection of winter shelter for two horses and associated storage area.</p>
<p>Item 5.3 8 The Crofts Castletown Isle Of Man IM9 1LW</p> <p>PA24/00160/B Recommendation : Refused</p>	<p>Install frameless balustrade system to existing balcony</p>
<p>Item 5.4 Lower Ballavarkish Grenaby Road Ballabeg Castletown Isle Of Man IM9 4HD</p> <p>PA23/01192/B Recommendation : Permitted</p>	<p>Conversion of redundant barns into single residential dwelling and detached garage, erection of small subordinate single storey extension to south elevation to provide open plan living accommodation. External landscaping, new driveway and installation of new sewer treatment works</p>
<p>Item 5.5 Villiers Square Fort Street Douglas Isle Of Man IM1 2AX</p> <p>PA23/01223/B Recommendation : Permitted</p>	<p>Construction of mixed use commercial building including commercial office (class 1.2 & 2.1), retail (class 1.1) and leisure uses (class 4.4) complete with basement parking, food & drink (class 1.3 and 1.4), and 80 bedroom hotel including restaurant and operational areas (class 3.1)</p>

PLANNING AUTHORITY AGENDA FOR 22nd April 2024

Item 5.1

Proposal : Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations

Site Address : 18 Selborne Drive
Douglas
Isle Of Man
IM2 3LP

Applicant : Chris Norman Enterprises Limited

Application No. : 23/00655/B- click to view

Planning Officer : Paul Visigah

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. Overall, it is considered that the principle of converting the existing dwelling situated in a part of the Selborne Drive Conservation Area recognised for large detached and semi-detached dwellings would be at variance with the provisions of Strategic Policy 12 and General Policy 2 (c & g), whilst also failing to align with Environment Policy 35, as the scheme as proposed would fail to improve the quality and condition of an existing housing stock, and would not ensure that the special features contributing to the character and quality of the immediate locality are protected.

R 2. The application is considered contrary to General Policy 2(g) and Strategic Policy 4 (a) of the Isle of Man Strategic Plan as the proposed increase in density within the dwelling, together with the increased intensification of use evident in the level of bin storage to the front of the property, the storage of associated domestic paraphernalia on site, and increased displacement of parking to the immediate street scene, would adversely affect the existing character and appearance of the site and immediate street scene.

R 3. There is insufficient information within the application to allow a determination of the effect of the lack of parking provision on the existing highway network such as providing parking surveys to determine the impact of the proposal on the surrounding streets in terms of on street parking demand or to demonstrate that a reduced level of parking would not result in unacceptable on-street parking in the locality and as such would lead to the aggravation of on-street vehicle parking to the detriment of existing on-street parking provision in the area. Accordingly, it is considered the proposal would fail to comply with Transport Policy 7 and General Policy 2 (h) and (i) of the Isle of Man Strategic Plan 2016.

R 4. The proposed development would be contrary to Transport Policy 6 and General Policy 2(h) of the Isle of Man Strategic Plan 2016 given that it does not give similar weight to the needs of pedestrians or provide a safe and convenient access for all highway users, since the driveway width is considerably below the requirement for driveways with pedestrian access, and the main access into the proposed apartments (including access for baby carriages) would be via a driveway with width unsuitable for parked cars and pedestrians, and this would not be in the interest of highway safety.

Interested Person Status – Additional Persons

It is recommended that the following Government Departments should not be given Interested Person Status on the basis that although they have made written submissions these do not relate to planning considerations:

Manx Utilities Drainage

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

16 Selborne Drive, Douglas, as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status.

It is recommended that the owners/occupiers of the following properties should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

23 Selborne Drive, Douglas, as they are not within 20m of the application site and the development is not automatically required to be the subject of an EIA by Appendix 5 of the Strategic Plan, in accordance with paragraph 2B of the Policy.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

1.0 THE SITE

1.1 The application site represents the residential curtilage of 18 Selborne Drive, Douglas, which is a large semi-detached late Victorian/Edwardian dwelling situated on the north eastern side of Selborne Drive, near the junction with Tennis Road.

1.2 The existing dwelling has its detached garage accessed via Tennis Road and Colden Lane. The rear garden which could be accessed via a pedestrian side gate from the main entrance would also be accessed via a pedestrian gate at the rear of the dwelling. The existing dwelling has access to two parking spaces in front of the dwelling and the single garage to the rear.

1.3 The street scene is characterised by similar sized dwellings most of which utilise the unrestricted on street parking along the adjoining street for additional vehicle parking. The site has access to bus corridors along the adjoining streets.

2.0 THE PROPOSAL

2.1 Planning approval is sought for Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations.

2.2 The proposed works breakdown is as follows:

2.2.1 Conversion of dwelling into three flats

- a. The internal arrangement will result in the creation of three flats; one two bedroom apartment on each of the three floors (ground, first and second floor).
- b. Each apartment would have a layout supporting an open plan living room/kitchen, two bedrooms, and a large bathroom.
- c. There would be an enclosed porch and utility on the ground floor which will serve all the apartments.
- d. Each apartment would have access to a single parking space, although two of the cars would be parked in tandem.

2.2.2 Other works would include:

- a. Installing new UPVC framed side lights to the sides of the main dormer on the front elevation of the dwelling.
- b. Installation of a new rooflight measuring about 600mm x 600mm on the northwest roof plane. The rooflight is to be similar to the existing rooflight on the southwest (front) roof plane.
- c. Installing bicycle rack store within the rear garden and by the existing garage. The bicycle rack is to house seven bicycles.
- d. Installation of a wall mounted baby carriage storage at rear of utility room. NO details of the baby carriage has been provided.
- e. Provision of bin storage area in front of the dwelling.

2.4 No trees on site would be removed to facilitate the development.

3.0 PLANNING POLICIES

3.1 Site Specific

3.1.1 The application site is located within an area designated as Predominantly Residential Use on the Area Plan for the East (Map 4 - Douglas), and the site is located within the Douglas (Selborne Drive) Conservation Area. The site is not prone to flood risks or within a registered tree area and there are no registered trees on site.

3.2 TOWN AND COUNTRY PLANNING ACT 1999

3.2.1 S18 Designation of conservation areas

(4) Where any area is for the time being a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in the area, of any powers under this Act.

3.3 National policy: THE ISLE OF MAN STRATEGIC PLAN 2016

- a. Environment Policy 35 - Seeks to preserve or enhance the character or appearance of Conservation Areas.
- b. Environment Policy 34 - expresses a preference for the use of traditional materials in the maintenance, extension or alteration of pre-1920 buildings.
- c. Environment Policy 42 - character and need to adhere to local distinctiveness.
- d. General Policy 2 - General Development Considerations.
- e. Paragraph 8.12.1 - General presumption in favour of extensions to existing properties (excluding Conservation Areas or Registered Buildings).
- f. Strategic Policies 1, 2, 5 - relate to re-use of existing sites, location of new development within existing towns, and good design.
- g. Strategic Policy 12 - Sets out the considerations for improving the quality and condition of the existing housing stock and creation of flats by conversions.
- h. Housing Policy 17 - Allows for the conversion of buildings into flats.
 - a. Strategic Policies 3 - promote use of local materials and character.
 - b. Strategic Policy 4 - Seeks to Protect or enhance the fabric and setting of Conservation Areas (etc.).

- c. Strategic Policy 5 - New development, including individual buildings should be designed to make a positive contribution to the environment of the Island.
- d. Transport Policy 4 - Highway capacity and safety considerations.
- e. Transport Policy 7 - Parking considerations/standards for development.
- f. Other policies within the Strategic Plan which are considered relevant in the assessment of the proposal are; Infrastructure Policy 5, Community Policy 11, Community Policy 7 and Community Policy 10.

3.4 Planning Policy Statements: 1/01 POLICY AND GUIDANCE NOTES FOR THE CONSERVATION OF THE HISTORIC ENVIRONMENT OF THE ISLE OF MAN

3.4.1 POLICY CA/2 - Special Planning Considerations

4.0 OTHER MATTERIAL CONSIDERATIONS

4.1 THE RESIDENTIAL DESIGN GUIDE (July 2021)

4.1.1 Whilst not adopted planning policy, DEFA's Residential Design Guidance is a material consideration in the assessment of this application as, "It is intended to apply to any residential development within existing villages and towns, including individual houses, conversions and householder extensions". Sections 2.0 on sustainable construction, 3.1 which refers to local distinctiveness, Section 5 for Architectural Details, and 7.0 which deal with impact on neighbouring properties are considered relevant to the current scheme.

4.1.2 Other relevant sections include:

4.1.2.1 Paragraph 1.1.9 which states:

"The document is not a Planning Policy Statement (as per Section 3 of the Town and Country Planning Act 1999) but is capable of being an 'other material consideration' (as per Section 10(4)(d) of the Act). Furthermore, where proposals adopt the approaches set out within this document, they are more likely to be considered to comply with the detailed Development Plan policies that relate to design. For example, General Policy 2 of the Isle of Man Strategic Plan (2016)."

4.2 Character Appraisal for Selborne Drive Conservation Area 2003.

4.2.1 The contributions made by key buildings

4.4.1.1 Paragraph 3.17

"3.17 Selborne Drive was laid out from 1883 and originally the entire length from Hawarden Avenue to Quarter Bridge Road was known as Selborne Road. The Western Section adopted the title 'Drive' from around 1900. The properties in the area are almost all large, semi-detached, late Victorian/Edwardian residences. Materials tend to be smooth or rough cast render, slate roofs which often feature prominent projecting gables over squared bays. Houses are set within low-walled gardens to the front and the density of development is much less intensive than the high Victorian Terraces seen elsewhere in town. The title 'Drive' is highly appropriate given the completely straight layout of this important roadway. Properties maintain a uniform set back giving a sense of Edwardian elegance to the area. There are some repetition of design features in the pairs of houses such as Edwardian sliding sash windows; curved eaves soffits; square bayed windows, some of which are framed with smooth-rendered banding; and rendered elevations. The use of this language serves to unify the appearance of the group which is one of the most stylish approaches to residential areas of the upper town."

5.0 PLANNING HISTORY

5.1 Whilst there is a planning history for the application site, it is considered that none of the previous planning applications are considered relevant in the assessment and determination of this current application.

5.2 A review of the Planning History for the entire Selborne Drive shows that no approvals have been granted for conversion of any of the dwellings to apartments with the properties here still retained largely as large detached or semi-detached dwellings serving single households. Of the 155 determined planning applications on record for Selborne Drive, one (PA 88/04358/B) relates to the conversion to apartments and this application was refused.

6.0 REPRESENTATIONS

Copies of representations received can be viewed on the government's website. This report contains summaries only.

6.1 DOI Highways find the proposals to be acceptable, including relaxations on parking provision due to the site being in a sustainable location in Douglas, and therefore do not oppose (DNO) the application. The Applicant is advised to consider installing an electric vehicle charging point to aid net zero objectives (10 October 2023/30 January 2024).

6.2 Douglas Borough Council have stated that the development must not prohibit the refuse bins from being removed from the highway to be stored within the curtilage of the property between refuse collections (9 February 2024).

6.3 Manx Utilities Drainage have stated that they have no objections to the application. They provide further advice on the discharge of surface water and connection to the public sewers (21 June 2023).

6.4 The owners/occupiers of 23 Selborne Drive, Douglas, object to the application due to the following reasons (27 June 2023):

- o Insufficient parking in the area, and the increase in number of occupancy to three families would exacerbate the parking challenges.
- o Apartments would not be in keeping with the immediate vicinity.

6.5 The owners/occupiers of 16 Selborne Drive, Douglas, object to the application on the following grounds (29 June 2023):

- o The proposed dormer would not be in keeping with the character of the building and Conservation Area.
- o Noise concerns from more families using the dwelling.

7.0 ASSESSMENT

7.1 The fundamental issues to consider in the assessment of the current application are:

- a. Principle of the proposed conversion of the dwelling into three apartments (STP 12, EP35, & GP2)
- b. Impacts on Character or Appearance of the site and Conservation Area (GP2, SP4, EP35, PPS 1/01);
- c. Impacts on the amenities of the neighbouring properties (GP2); and
- d. Impacts on parking provisions (GP2 & TP7).

7.2 PRINCIPLE OF THE PROPOSED CONVERSION OF THE DWELLING INTO THREE APARTMENTS

7.2.1 In assessing the acceptability of the proposed conversion of the dwelling, it is first noted that the site sits within a Conservation Area, and within an immediate street scene dominated by mainly single family detached and semidetached homes in spacious plots, where the introduction of flats would be inconsistent with the nature of dwellings in the area. It is also noted that this character is clearly referenced in Paragraph 3.17 of the Character appraisal for the Conservation Area which notes that "the properties in the area are almost all large, semi-detached, late Victorian/Edwardian residences", whilst also noting that "the density of development is much less intensive than the high Victorian Terraces seen

elsewhere in town". These reinforce the fact that unlike the other parts of Douglas noted for a history of housing large boarding houses and holiday accommodation which would easily allow conversions into apartments, this part of Douglas has a specific identity and density which needs to be protected in its own right.

7.2.2 Whilst it is noted that there is support within Section 8.13 of the Strategic Plan for the Conversion of large dwellings within the island, and particularly Douglas, there is no evidence to suggest that the existing dwelling in its current form is no longer suitable for use as a single dwelling. Likewise, there is no clear indication of a shortage of demand for larger single family dwellings in the wider area to support the splitting of the dwelling into smaller residential units in an area known to support large single family residences, particularly as there are implications for parking, and other domestic intensifications of use, noting that the dwelling sits as a building of townscape merit in an area with uniform character in terms of density of use and appearance.

7.2.3 It must be emphasised that although the Strategic Plan seeks to provide for housing needs, it is not the intention of the plan to diminish the volume and quality of the existing housing stock. In fact, Strategic Policy 12 is clear that favourable consideration will generally be given to proposals for improving the quality and condition of the existing housing stock. This policy goes further to provide scenarios for converting properties to flats by placing emphasis on the conversion of redundant boarding houses, and vacant/underused space above commercial premises, which the existing semi-detached dwelling cannot be categorised as. Given the above, it would be vital to reiterate that the goal is to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, without compromising established housing types and densities that seek to accommodate housing demands and needs for every community on the island.

7.2.4 Therefore, it is considered that the principle of converting the existing dwelling situated in a part of a Conservation Area recognised for large detached and semi-detached dwellings would be at variance with the provisions of Strategic Policy 12 and General Policy 2 (c & g), whilst also failing to align with Environment Policy 35, as the scheme as proposed would not ensure that the special features contributing to the character and quality of the immediate locality are protected.

7.3 CHARACTER AND APPEARANCE

7.3.1 In terms of potential impacts of the proposed works on the existing building, it is first considered that the proposal would broadly not conflict with Section 18(4) of the Town and Country Planning Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise, with respect to any buildings or other land in a Conservation area, as elements of the proposal (such as the re-rendering of the building) would facilitate the retention and preservation of the existing built fabric on site.

7.3.2 With regard to the assessment of impacts on the character and appearance of the site and Conservation Area to which the property sits, it must first be established that character and appearance are two separate elements, as character could be defined by the key architectural and design elements, essential features and special qualities that contribute to each area's architectural and historic interest (and these include features of the buildings and street scene), as well as the nature of uses within the area which may have evolved or remained the same through time. It would be vital to note that the historic character of a place is the group of qualities derived from its past uses that make it distinctive. This may include: its associations with people, now and through time; its visual aspects; and the features, materials, and spaces associated with its history, including its original configuration and subsequent losses and changes (Historic England, 2017 - The Setting of Heritage Assets:

Historic Environment Good Practice Advice in Planning Note 3, Second Edition). Appearance on the other hand refers to the aspects of a building or space which determine the visual impression the building or space makes, such as its architecture, building techniques, decoration, colour, texture, and lighting (Planning and Environment Wales, 2022 - Character, Appearance and Design), as such appearance refers mainly to the visual elements of a building and area, that is, how a place looks.

7.3.3 Given the above, it is considered that the physical works proposed only seek to make minor alterations to the external appearance of the building, with the particularly noticeable elements being the re-rendering of the building which would largely replicate the existing appearance, as well as the installation of new rooflight and side lights to the existing dormer on the front elevation of the property. As such, it is not considered that there would be adverse impacts on the appearance of the property. However, it must be emphasised that the special features of a Conservation Area go beyond appearance, and also includes key attributes of an area such as, parking, density of housing, and other attributes linked to use such as the servicing of dwellings which includes the storage of bins and bikes, access to meter boxes, space for drying clothes or places for deliveries, and these further serve to define the character of the area. Thus, in considering the impacts on the character and appearance of the area, a holistic approach would be utilised in determining the acceptability of the proposed development for the site and Conservation Area.

7.3.4 For context, the changes to the physical attributes of the existing building on site, would be appropriate given their design and size, and as rooflights and side lights can be found on the properties within the street scene and Conservation Area. In fact, the adjacent semi-detached dwelling at No. 16, as well as No.s 14 and No. 8 Hawarden Avenue which has most of its prominent side elevation on Selborne Drive, have conspicuous side lights. Many of the dwellings here also have prominent roof lights on their front and side elevations. Likewise, the rendering would improve the appearance of the property and contribute to its appeal within the immediate street scene. As such, it is considered that these elements of the proposal would serve to preserve the appearance of the building.

7.3.5 Conversely, the resulting changes to the site and immediate area as a result of the proposed increase in density within the dwelling, through the creation of three new apartments is considered to be at variance with the character of this part of the Selborne Drive Conservation Area. It must be emphasized that Selborne Drive is primary a residential street within the Selborne Drive Conservation Area wherein the character is established by the high architectural quality and layout of the buildings and associated land. This character is further defined by the large, and either detached or semi-detached dwellings, set in moderately sized plots, and which provide for on-site parking largely able to accommodate two cars parked within the curtilages, or three cars where vehicles are parked in tandem parking. Whilst, significant attention has been paid to the architectural detailing on the residences, particular attention has also been paid to the size and type of dwellings here, as well as the density which is unlike most parts of Douglas, being less intensive (See Paragraph 3.17 of the Character Appraisal).

7.3.6 In addition to the factors highlighted in 7.3.4 above, there are no examples of similar properties or any property within the street scene being converted to apartments. Moreover, the additional domestic paraphernalia associated with the increased density to three households such as clothe lines, outside storage, and recreational areas would alter considerable the nature of the site area relative to the neighbouring properties which support single families, particularly as the internal layout for the apartments do not provide for additional storage provisions as is evident in the fact that prams (baby carriages) would be stored outside the apartments, and exposed to the elements.

7.3.7 Granting the occupier number may not change considerably over the use of the dwelling as a single large dwelling, there is no guarantee that the three household that would occupy the new apartments would be small households, given the size of the new apartments which could accommodate three 6 member households, with a total occupancy of 18 occupants, and this increase in occupancy would be unattainable with a single family household. Thus, it is considered that the increased intensity of use of the existing semi-detached property in a quiet residential area, together with its regular periodic arrivals and departures of the occupants of the apartments and their visitors, would introduce an intensity of use which at present, does not exist within any of the properties on Selborne Drive.

7.3.7 It is further considered that three households would result in a greater number of comings and goings, car ownership and waste bins usage than a single family dwelling, with cumulative harm to the character of the area which is accustomed to use by single families. It has also been recognised that parking arrangement has a fundamental effect on the quality of a place or development, and this is particularly relevant in respect of conversion of a house to flats which can lead to parking taking up the front garden in a bid to provide for additional parking needs when the new use is established, with the resultant effect being a diminished value in the character and appearance of the street due to the reduction in size of front gardens which serve as an integral element of the street character.

7.3.8 Based on the foregoing, it is considered that although the scheme has positive elements which would serve to preserve the appearance of the area, the overall scheme which seeks to introduce apartments in a street where none exists, with its attendant intensification which holds potential to alter the character of the immediate vicinity would conflict with Section 18(4) of the Town and Country Planning Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise, with respect to any buildings or other land in a Conservation area. This would also be averse to the provisions of Environment Policy 35, General Policy 2, and Strategic Policy 4 (a) of the Strategic Plan.

7.4 IMPACT ON NEIGHBOURS

7.4.1 In terms of impacts on neighbours, it is noted that the element of the proposal with the potential to impact on neighbours is the potential for increased noise and activity, associated with the number of people living at and visiting the property, which would be considerably in excess of what might reasonably be expected from a single dwelling.

7.4.2 In terms of potential disturbance associated with increased activity at the site, it is considered that a single large family dwelling of four to five rooms is of a nature of occupation that would generate less frequency and timing of people leaving and entering the property, with movements more likely to be predictable and compatible with the lifestyles of the adjoining single family occupants of the dwellings in the immediate vicinity. Thus, it is considered that the proposed introduction of three apartments at the property would exacerbate existing disturbance and noise concerns for the adjoining neighbours, particularly No. 16 which exists as a semi-detached dwelling with the application site, minding there are no noise insulation measures that could be enforced via existing planning policies to protect this neighbour from noise impacts.

7.4.3 Whilst the concern noted above could be exacerbated by the use being established on the site, with the properties being occupied by large families, given that the new apartments are all two bedroom apartments suitable for three families with 6 member households (due to the floor area available to each of the apartments), there is no evidence to suggest that this would be the case. As such, it is not considered that the potential disturbance and noise increase would be sufficient to warrant refusal of the application, although it must be noted

that there is a high potential for harmful and unacceptable impacts upon neighbouring living conditions as a result of the proposed development.

7.5 IMPACTS ON PARKING/HIGHWAY SAFETY

7.5.1 In terms of parking provisions, it is considered that the property has three parking space allocations for the apartments, two of which are such that could result in larger vehicles to the property being pushed onto the pedestrian walkway given that the length of the parking in front of the property is only 9.6m which is well below the standard stipulated in the Manual for Manx Roads which requires driveways to have a minimum length of 5.5m for a single vehicle (11m for two cars). Likewise, the width of the driveway which is set at 2.6m is also set well below the minimum width of 3.4m for driveways that support pedestrian access such as the case for the current application. Whilst it is noted that the site is close to existing public transport corridors within Douglas where relaxation of the standards would be acceptable, the scheme as proposed does not even meet the standard for the provision of three parking spaces to support single cars parked within the curtilage, and the site is not close to any public car park that would serve to diminish parking concerns associated with the proposed development.

7.5.2 The fact that the scheme would provide for seven cycle storage provisions is noted and also commended. However, there is no guarantee that the cycle provision would serve to diminish the demand for parking in the area, as there is little evidence provided with this application to suggest that cycle provision has actually diminished the demand for car parking spaces within Douglas, given the rising pressure on on-street parking within Douglas, despite these provisions in recent developments.

7.5.3 Furthermore, the increased parking associated with the new residential units (which are all two bedroom dwellings) together with the associating parking demand for visitors would displace additional parking to the street and this would not be in the interest of highway safety. It must be noted that parking is a key concern for Selborne Drive, as well as the adjoining streets such as Tennis Road, Albany Road, Brunswick Road, Alexander Drive, Selborne Road, and Primrose Avenue, particularly during the mornings and evenings when the demand for parking by residents is particularly high. In fact, a visit to the area during lunch time on Wednesday 23 August 2023 showed that there was highly limited parking available in the area even during lunch, as over 80 percent of the on street parking was taken up during the entire period of the visit which lasted for about 30 minutes. Frequent visits to the area at various times of the day, which includes weekdays and weekends reinforces the lack of parking provisions in the area; a situation that would be exacerbated by the introduction of three new independent units of accommodation on site.

7.5.4 The concern regarding parking is further exacerbated by the fact that there is no public car park within close proximity, which would serve to absorb the additional parking demand created. Likewise, the site is not a town centre location where it could easily be argued that the site sits within close proximity to existing employment centres and opportunities and as such would not demand vehicular movements.

7.5.5 Granting the advice offered by DOI Highway Services confirms that they have no highway safety or parking concerns, with particular emphasis for relaxations on parking provision placed on the site being in a sustainable location in Douglas, the Strategic Plan is clear within Appendix 7 that for such relaxations would be allowable where proposals support the need to find a use for redundant buildings which are in sound condition. In this case, there is nothing to suggest that the existing building is redundant for its use as a single large semi-detached dwelling. Moreover, the size of the dwelling as a five bedroom dwelling is not such that is out of demand within the immediate vicinity, and it is not considered that the scheme as proposed would be in the interest of protecting or preserving the key attributes of

this part of the Selborne Drive Conservation Area. As such, it is not considered that the provisions set out within Appendix 7 of the Strategic Plan for allowing the relaxation parking standards has been fully met in this case.

7.5.6 Overall, it is considered that the scheme fails to provide for at least three practical car parking arrangements for the apartments in accordance with the minimum standards stipulated in the Manual for Manx Road, and as such would conflict with the provisions of Transport Policy 7. Likewise, there is no evidence to suggest that the existing building is redundant for its use as a large semi-detached dwelling or that the three substandard parking provisions would be appropriate for the three two bedroom dwellings proposed within the scheme, and it is not considered that the impact on the character and appearance of the surrounding area would be positive. As such, it is not considered that the provisions set out within Paragraph A.7.1 of Appendix 7 of the Strategic Plan for allowing the relaxation parking standards has been fully met with the current application.

8.0 CONCLUSION

8.1 Overall, and for the reasons stated above, it is considered that the proposal would fail to comply with Strategic Policy 12, General Policy 2 (c, g & h), Transport Policies 6 and 7, whilst also failing to comply with Environment Policy 35, and Strategic Policy 4 of the Strategic Plan, and Planning Circular 1/01. The application is, therefore, recommended for refusal on these grounds.

9.0 INTEREST PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land which the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision-maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 22nd April 2024

Item 5.2

Proposal : **Erection of winter shelter for two horses and associated storage area.**

Site Address : **Field 211013
North Of Upper Ballacrye
Sandygate
Jurby
Isle Of Man IM7 3BS**

Applicant : **Mr & Mrs Paul and Andrea Warrilow**

Application No. : **23/01355/B- [click to view](#)**

Planning Officer : **Paul Visigah**

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

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.

C 2. In the event that the stable building approved is no longer used or required for the stabling of horses, the building and its associated support structures shall be removed and the ground restored to its former condition within 24 months of the date the use ceased.

Reason: The stable building has been exceptionally approved solely to meet the specific need based on the information provided and its subsequent retention without that need would result in an unwarranted stable building in the countryside.

C 3. The building hereby approved must be used only for equestrian purposes. The building may not be used commercially or for private livery use.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses will require further consideration.

C 4. For the avoidance of doubt there shall be no permanent siting or any external storage of any horse jumps, horse boxes or any other associated equestrian paraphernalia on the land edged red on the Location Plan and Site Plan received 16 November 2023.

Reason: For the avoidance of doubt, to reflect the information provided in the application and to ensure no unacceptable impact on the environment.

Reason for approval:

Overall, the proposal is considered to be of a small scale, providing only the space necessary to house two of the applicant's horses, with an associated hay store and open shelter. The proposal is also of typical stable appearance in terms of its timber construction and

proportions and its siting away from the nearest highway, with the existing vegetation backdrop also serving to ensure that the proposal results in no adverse or material harm to the character and appearance of the area. Likewise, its private use, along with the distance and relationship with the neighbours would serve to diminish any harm on the living conditions for occupiers of the neighbouring dwellings. What's more, the need for the building has been demonstrated, and there would be no conflict in this regard with Environment Policies 1, 14, 19, and 21 of the Strategic Plan 2016.

Interested Person Status – Additional Persons

None

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS IT COULD BE CONSIDERED A DEPARTURE FROM THE DEVELOPMENT PLAN BUT IS RECOMMENDED FOR APPROVAL.

1.0 THE SITE

1.1 The site exists as part of Field 211013 which sits to the west of Summerhill Road, Jurby. Access to the site is via a narrow farm track from the A13 highway which measures about 500m long and is approached from the south of the site. This access track also serves two isolated dwellings, the closest being at Upper Ballacrye which is situated about 234m south of the site, while the dwelling at Ballacrye is situated about 390m south.

1.2 The broader site area which is defined by the blue boundary line, being within the applicants ownership sits directly southwest of a wooded area the bounds most of the northeast and northwest boundary of the site and separates the site from the dwellings; Ballachurry Cottage and Woodlands to the north. The larger site area to which the application site sits measures about 5.07 Acres (2.05 Hectares).

2.0 THE PROPOSAL

2.1 Planning approval is sought for Erection of winter shelter for two horses and associated storage area. The winter shelter which is a mono-pitch roofed building would measure about 7.2m by 5.5m, 3.1m tall when viewed from the front and 2.4m tall at the rear.

2.2 This timber building which would be set over concrete blocks placed in trenches and held in place by rammed earth would have a layout to allow for two open shelter areas, a stable, and a partly open market garden and hay store. The roof is to be finished in Plastisol coated steel box profile sheeting in Juniper green.

2.3 The applicants have provided additional information which indicates that:

- o They currently have 5 "normal" sized horses on the grazing, as well as 2 miniature Shetland ponies. Of these, only 2 of the "normal" sized horses are elderly and need the building, the natural shelter of the natural shelter of the gorse hedges is enough to protect the others.

- o They further note that the field, as a whole, is currently used for vegetable growing, grazing equines and housing a small flock of poultry. The long-term plan is to grow more vegetables and increase the percentage of the 5 acres used for this. They state that the equines and the increasing market gardening

3.0 PLANNING POLICY

3.1 Site Specific

3.1.1 The application site is located within an area not zoned for development on the 1982 Development Order. The site is not within a Conservation Area, a registered tree area and there are no registered trees on site. The site is not within an area zoned as High Landscape Value or Coastal Value and Scenic Significance, and is also not prone to flood risks.

3.2 National: STRATEGIC PLAN (2016)

3.2.1 The Strategic Plan stipulates a general presumption against development in areas which are not designated for a particular purpose and where the protection of the countryside is of paramount importance (EP 1 and GP3). However, there are policies and texts within the Strategic Plan which support some equestrian-related developments provided they do not conflict with the requirements of GP3 and EP1.

3.3 Relevant Strategic Plan Policies:

- a. General Policy 3 - Exceptions to development in the countryside.
- b. General Policy 2 - General Development Considerations.
- c. Environment Policy 1 - Protection of the countryside and inherent ecology.
- d. Environment Policy 14- Soil quality considerations for development that would result in permanent loss of agricultural land.
- e. Environment Policy 19 - Local amenity, Soil quality, and highway network and traffic considerations for equestrian development.
- f. Environment Policy 20 - Conditions for allowing large scale equestrian developments, which includes new buildings and external arenas, in areas with High Landscape or Coastal Value and Scenic Significance.
- g. Environment Policy 21 - Development for stabling or shelter of animals in the countryside.
- h. Strategic Policy 2 - Priority for new development to identified towns and villages.
- i. Strategic Policy 5 - Design and visual impact.
- j. Paragraph 7.15.1:

"Equestrian activities are becoming increasingly popular in rural areas and on the fringes of our towns and villages. These activities can generally take place only on open, rural land, and often represent a useful way of diversifying traditional farming. The use of land as grazing land falls within the definition of agriculture (section 45 of the 1999 Town and Country Planning Act), and does not therefore involve development, but the keeping of horses and the operation of equestrian activities generally do involve development and may have an adverse impact on the appearance and character of the countryside. Sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such adverse impacts. Whilst horses should be well housed, it will seldom be appropriate to use cavity-wall construction for stables, since such buildings may too easily be adapted for residential uses, so thwarting other policies of this Plan. Where new buildings are necessary, they should be sited close to existing building groups, and designed not only to blend with their surroundings but also to suit their specific purpose".

4.0 PLANNING HISTORY

4.1 The field which is the subject of the current application does not have any recent history of planning applications. However, applications have been submitted for a number of equestrian buildings for sites in the immediate vicinity. These include:

- i. PA 01/00839/B for Erection of agricultural building for horses and cattle, Upper Ballacrye, Sandygate, Ramsey - Refused. This application was refused for the following reason:

"The proposed new building is of a size, form and construction that would encourage future use as a dwelling, which would be contrary to established planning policy in respect of

residential development in the countryside. There has not been sufficient need for a facility of this type demonstrated as to outweigh the above concern."

ii. PA 15/00545/B for Erection of a building to form three stables with feed and bedding store and creation of field access, Field 214380, Upper Ballacrye, Sandygate, Ramsey - Approved.

iii. PA 17/00853/B for Erection of double stables and adjoining haybarn, Field 214380, Sandygate, Ramsey - Approved.

iv. 23/00954/B for Retrospective approval for erection of stable and agricultural building, Ballachurry Beg, Summerhill Road, Jurby - Approved.

5.0 REPRESENTATIONS

Copies of representations received can be viewed on the Government's website. This report contains summaries only.

5.1 DOI Highways find the proposal to have no significant negative impact upon highway safety, network functionality and/or parking (24 November 2023).

5.2 No comments have been received from Jurby Parish Commissioners and neighbouring properties.

6.0 ASSESSMENT

6.1 The fundamental issues to consider in the assessment of the application are:

- i. The Principle of the Proposed development;
- ii. The Design and Visual Impact;
- iii. Impacts on Local Amenity; and
- iv. Impact on Agricultural Soils.

6.2 The Principle (GP3, EP 21, & Paragraph 7.15.1)

6.2.1 In assessing the principle of the proposed development, it is considered that General Policy 3 resists development in the countryside other than in specified circumstances, none of which is applicable in this case. However, Environment Policy 21 does explicitly allow for equestrian development in the countryside, but only where, by virtue of its siting, design, finish or size, the development would not be detrimental to the character and appearance of the area. As such, any new equestrian buildings must be designed in form and materials to reflect their specific purpose, without resulting in harm to the character and appearance of the countryside.

6.2.2 Equestrian pursuits are also addressed at section 7.15 of the Strategic Plan, with Paragraph 7.15.1 recognising that equestrian activities are becoming increasingly popular and may have an adverse impact on the character and appearance of the countryside. Among other things, sensitive siting and high standards of design, construction, and maintenance are necessary to ensure that there are no such impacts. In addition, Environment Policy 19 allows for the development of equestrian activities in the countryside where there would be no loss of local amenity, no loss of high-quality agricultural land and where there would be no highways issues.

6.2.3 From the information submitted, it is evident that the reasons for the building in this location would appear justified, particularly as it would provide housing for the applicant's horses, mainly for two of the elderly horses that are of poor health and require requires housing during the winter months. It is also considered that the building is sized to meet the basic needs of the two horses, as well as associated basic hay store and any necessary equipment for keeping the horses. Further to the above, it is considered that this equestrian use would not prevent any agricultural use in the future given that that use for agricultural purposes does not constitute development and can be undertaken without the need for a

planning application in line with The Act 1999. Hence, the principle of the proposed development would be acceptable.

6.3 The Design and Visual Impact (STP5, EP1, & EP 21)

6.3.1 In considering the design and scale of the shelter, it is of a proportionate size and form in relation to the proposed use and site area to which it would be situated. In terms of finish, the timber finish would have the appearance of a typical stable building as seen all over the Island, and would be well integrated with the existing site which is largely enclosed in mature gorse hedges.

6.3.2 Further to the above, the position of the building at the southern end of the field and close to the mature sodbanks that lines most of the field boundary, as well as the mature trees situated along most of the eastern boundary of the broader site area would mean that there would be limited views to the building whose scale would make it hardly noticeable from distance views. Additionally, the green roof finish would mean that it would not be seen as an unduly intrusive or incongruous feature in the countryside. Therefore, it is considered that the proposed building would be in keeping with the existing site area, and as a result acceptable from a design standpoint.

6.4 Impact on Local Amenity (EP 19)

6.4.1 Environment Policy 19 resists equestrian buildings where there would be a loss of local amenity. In this case however, the distance to the nearest properties, combined with intervening vegetation, would be more than sufficient to ensure that there would be no material harm in this regard. Moreover, the non-commercial use of the development, would ensure that the associated traffic movements would not cause undue noise and disturbance for nearby residents.

6.4.2 Environment Policy 19 also requires that the local highway network should be able to accommodate traffic generated by a proposed development. In this case, Highway Services who are tasked with the specific responsibility for road safety have not raised any concerns with the development. As such, it is not considered that there would be any highway safety concerns or adverse impacts on the capacity of the adjoining highway network.

6.6 Impact on Agricultural Soils (EP 14 and EP 19)

6.6.1 The site in terms of soil classification is Class 3 and therefore the proposal would not result in the loss of high quality agricultural land and therefore in this respect complies with Environment Policies 14 and 19. Whilst the above is not a reason to allow development that would deplete available agricultural land on the island given that majority of the agricultural soils on the Island (80.26%) fall within Class 3 soils, the scheme does not propose to completely remove the land from agricultural production. Besides, the nature and scale of the build is such that land could still retain its agricultural potential for grazing, or restored to full agricultural use should the equestrian activities be discontinued.

7.0 CONCLUSION

7.1. The proposal is of small scale providing only the space necessary to house two of the applicant's horses, with an associated hay store and open shelter. The proposal is also of typical stable appearance in terms of its timber construction and proportions and its siting away from the nearest highway, with the existing vegetation backdrop also serving to ensure that the proposal results in no adverse or material harm to the character and appearance of the area. Likewise, its private use, along with the distance and relationship with the neighbours would serve to diminish any harm on the living conditions for occupiers of the neighbouring dwellings. What's more, the need for the building has been demonstrated, and there would be no conflict in this regard, with Environment Policies 1, 14, 19, and 21 of the Strategic Plan 2016 which seek to protect the countryside.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed in Article 6(4) who should be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 22nd April 2024

Item 5.3

Proposal : Install frameless balustrade system to existing balcony
Site Address : 8 The Crofts
Castletown
Isle Of Man
IM9 1LW
Applicant : Mr Matthew Warren
Application No. : 24/00160/B- [click to view](#)
Planning Officer : Vanessa Porter

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. Whilst there may be a certain degree of existing overlooking due to the terraced nature of the properties, the fact that the proposed balcony is at first floor, coupled with how close the proposal is to the boundary of No.6 The Crofts creates an overbearing overlooking impact, to the detriment of the enjoyment of No.6 The Crofts rear garden above and beyond what is already in place. As such the proposal is contrary to General Policy 2g and in turn the Residential Design Guidance 2021.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

No 6. The Crofts as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (January 2020).

Planning Officer's Report

THE APPLICATION IS BEFORE THE COMMITTEE AS THE APPLICANT IS A MEMBER OF THE PLANNING DEPARTMENT

THE APPLICATION SITE

1.1 The application site is within the curtilage of 8 The Crofts, Castletown which is a mid-terrace, three storey property situated to the North East of The Crofts.

1.2 To the rear of the property is an existing flat roofed extension.

THE PROPOSAL

2.1 The current planning application seeks approval for the erection of a frameless balustrade system to the existing first floor extension. The frameless balustrade will measure 4.603m by 2.168m, with an overall height of 1.1m.

PLANNING HISTORY

3.1 There are two previous applications which are relevant to the assessment of this application;

PA07/01508/B - Replace existing rear ground and first floor patio and side windows with French doors and tilt and turn side windows - Permitted.

PA14/01073/B - Installation of replacement windows and door to front elevation and windows to second floor level on rear elevation - Permitted.

PLANNING POLICY

4.1 The site lies within an area zoned as "Predominantly Residential" under the Area Plan for the South, Map 5 - Castletown. The site isn't within a Flood Risk Zone but is within a Conservation Area.

4.2 Given the nature of the of the land designation and the property being within a Conservation Area, Section 18(4) of the Town and Country Planning Act (1999) is the most relevant in the assessment of this application. Followed by paragraph 7.29.2 and Environment Policy 35 of the Isle of Man Strategic Plan, which set out development in Conservation Areas will only be permitted where they preserve or enhance the character and appearance of the area.

4.3 Also relevant in the assessment of this application is The Residential Design Guide (2021) which is a breakdown of General Policy 2 and lends advice on the impact of balconies on neighbouring properties.

REPRESENTATIONS

5.1 The following representations can be found in full online;

5.2 Highway Services have considered the proposal and state, "No Highways Interest." (26.02.24)

5.3 No comments have been received from Castletown Commissioners at the time of writing this report.

5.4 The Manx Wildlife Trust have written in to state that there is potential for avoidable bird strikes for several birds and they are recommending the glass be opaque. (19.03.24)

5.5 The owner/occupier of 6 The Crofts have written in to state they are worried about overlooking and overbearing impact. (7.03.24)

ASSESSMENT

6.1 The main issues to consider in the assessment of this planning application are:

- Section 18(4) test / character and appearance (GP2 & EP35)
- Neighbouring amenity (GP2, g)

6.2 SECTION 18(4) TEST / CHARACTER AND APPEARANCE

6.2.1 Due to the proposed works being in a Conservation Area it is necessary to test the application under section 18(4) of the Town and Country Act (1999), see section 4.2 of this report, on whether the works preserve or enhance the Conservation Area.

6.2.3 When looking at the proposal generally roof terraces and glass balustrades are not a typical feature within a Conservation Area, whilst this is the case, the proposed works within this application are situated within the rear of the property away from a general public vantage point. Whilst views of the proposal will be awarded of the proposed balustrade, it is unlikely that this would cause harm to the character and appearance of the Conservation Area or the overall streetscene and as such from this point of view the proposal would pass the Section 18(4) test and comply with the relevant parts of General Policy 2 and Environment Policy 35 of the Isle of Man Strategic Plan.

6.3 NEIGHBOURING AMENITY

6.3.1 The main consideration in this assessment is the impact of the proposed balcony on the neighbouring property. In the first instance there is potential that there will be overlooking to both properties either side, Kenmure to the West of the site and No.6, The Crofts to the East of the site, whilst this is the case, the overlooking to No.6, The Crofts due to location of the flat roof would have more of an impact.

6.3.2 it is relevant to note that the use of the flat roof without the balustrade as additional living space, would not be an operational development/material change of use, as such the main factor that is looked at within this assessment is whether the additional of a balustrade would create further/additional impact to the neighbouring properties.

6.3.3 Looking back at the history of the site, PA07/01508/B is relevant in that, the photos provided show a concrete balustrade surrounding the flat roofed area. This is then followed by PA14/01073/B which shows the removal of the balustrade and the replacement roof. This means at some point between the applications the storm damage and the replacement roof were done.

6.3.4 When noting this and the comments raised from the neighbouring property, the balustrade hasn't been in place for a very long time.

6.3.5 Balconies have the potential to create an actual and perceived overlooking impact to neighbouring properties, which would ultimately create an overbearing impact, especially in terraced properties such as the application site. This is especially noted in the Residential Design Guidance which states that, "In most instances, roof terraces on terraced or semi-detached properties are unlikely to be acceptable."

6.3.6 A site visit was undertaken with regards to the neighbouring property, which showed that the rear garden of No.6 The Crofts is dominated by the flat roofed extension. With the majority of the space being able to be viewed if the balustrade is in place. Whilst there is the potential that the flat roof can be used as a balcony without the balustrade, the likelihood that the owners/occupants would go to the edge of the flat roof would be minimal, with the proposed balustrade resulting in a new level of disturbance to the neighbouring properties.

6.3.7 There is also the potential that if situated within the furthest corner to the flat roof that views back into the upper floor of the property is viewable.

6.3.8 What could also be seen from the site visit, is that the boundary wall between the properties is low, which means that if you are standing in either garden views are awarded over, whilst there vegetation between the properties, this does mean there is a certain amount of overlooking already available to both properties. There is also the fact that if situated at the French doors the occupants can see the upper half of No.6 The Crofts garden.

6.3.9 The main issue is that currently the likelihood of the flat roof being used is minimal, as such any possible overbearing impact to the proposal would be minimal, the addition of a

balustrade which means the likelihood of the flat roof being used raises drastically, this also will mean that the overbearing feeling to the No.6 The Crofts will raise drastically with the perceived and actual overlooking being above and beyond what is currently in place. This will ultimately have a harmful impact upon the rear garden of No.6 The Crofts

6.3.10 Whilst a 1.8m high privacy wall of some sort could be added to the elevation to No.6 The Croft the fact is that, that would add an overbearing impact to No.6 The Crofts, with the potential due to the location of the rear gardens, that additional loss of light might occur. The addition of a privacy screen would also not lessen the overbearing impact to the neighbouring property.

CONCLUSION

7.1 Overall whilst it is noted that the balcony was in use previously, a long time period has gone past. Whilst there may be a certain degree of overlooking due to the terraced nature of the properties, the fact that the proposed balcony is at first floor, coupled with how close the proposal is to the boundary of No.6 The Crofts creates an overbearing and actual/ perceived impact to the enjoyment of No.6 The Crofts rear garden above and beyond what is already in place. As such the proposal is recommended for refusal.

INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status

Item 5.4

Proposal : Conversion of redundant barns into single residential dwelling and detached garage, erection of small subordinate single storey extension to south elevation to provide open plan living accommodation. External landscaping, new driveway and installation of new sewer treatment works

Site Address : Lower Ballavarkish
Grenaby Road
Ballabeg
Castletown
Isle Of Man
IM9 4HD

Applicant : Mr Stephen Desmond
Application No. : 23/01192/B- [click to view](#)
Planning Officer : Hamish Laird

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

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.

C 2. The development for the conversion and extension of the barns and stable to form a dwelling and garage, and the external landscaping and creation of a new driveway, hereby permitted, shall be constructed in accordance with the following approved details as outlined on the submitted Drawings -

Drawing No. 300 Proposed Elevations (dwelling). Namely:

- o New natural slate roof (sample to be submitted for written approval);
- o Existing natural stonework to be retained and repointed with lime mortar;
- o Zinc gutters and rainwater pipes;
- o Aluminium windows and doors - colour Anthracite Grey;
- o Windows within existing openings except as shown on the approved drawings;
- o Chimney Flue to be finished in Matt Black;
- o Flat Roof Extension to have a single ply membrane finish in Dark Grey colour;

Drawing No. 200 Proposed Garage. Namely:

- o New natural slate roof (sample to be submitted for written approval);
- o Existing natural stonework to be retained and repointed with lime mortar;
- o Zinc gutters and rainwater pipes;
- o Doors and Windows - Aluminium windows and doors. Colour - Anthracite Grey. Timber effect double garage door.

Reason: To ensure that high quality materials are used for the Barns and stables conversions and the extension which reflect and preserve the character and historic significance of the Barns and Stables structure and impart a high quality finish in the interests of visual amenity.

C 3. To compensate for the loss of Barn Swallow and Blackbird nesting habitats, suitable structure/s for said birds must be constructed in a suitable location (for swallows see Appendix I of the submitted Ballavarkish - Preliminary Roost Assessment by Ecology Vannin dated July, 2023 for examples).

Prior to the commencement of development details of the proposed structure/s, including location and timing for delivery/provision shall be submitted to DEFA Planning and approved in writing. This should be a structure/s with a wooden interior and open side, providing shelter and easy access. The structure/s could be free-standing or part of the new building and should provide clear access to foraging grounds. The approved structure/s shall thereafter be retained and maintained at all times.

Reason: To compensate for the loss of nesting habitat and for the conservation and protection of legally protected species, in accordance with the requirements of the Wildlife Act 1990 and Environment Policies 4 and 5 in the Adopted Isle of Man Strategic Plan 2016.

C 4. No works of development shall be undertaken on site until a bat and bird box plan has been submitted to DEFA Planning and approved in writing. Such plans shall include details of at least 2 bat boxes/bricks and at least 2 birds boxes/bricks suitable for swifts; and, one bird box suitable for a blackbird. Bat boxes should be places high up on the southern elevation and bird boxes on the north elevation, not above windows or doors.

Reason: To provide suitable mitigation against the wide scale loss of habitat through the use of the Barn and Stables on site as a dwelling and garage.

C 5. Any external lighting installed as part of the development should be kept to a minimum where possible in order to avoid disturbing bats foraging or passing through the site. The Institute of Lighting Professionals and Bat Conservation Trust Guidance Note 08/18 on Bats and Artificial Lighting in the UK recommend measures such as:

- o using LED luminaires due to their sharp cut-off, lower intensity, good colour rendition and dimming capability,
- o using warm white spectrum lights (ideally less than 2700 kelvin) to reduce blue light component,
- o peak wavelengths higher than 500nm to avoid the component of light most disturbing to Bats;
- o setting external security lighting on motion sensors and short timers,
- o luminaires should lack UV elements when manufactured,
- o avoiding uplighting,
- o avoiding use of metal halide, fluorescent sources.

Reason: To provide adequate safeguards for the ecological species existing on the site. (See Manx Bat Group Bat Activity Survey).

C 6. Details of foul and surface water drainage provision to serve the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage scheme shall be installed prior to the development hereby permitted being first occupied and shall thereafter be retained and maintained at all times.

Reason: To ensure that the site is adequately drained and does not increase the risk of flooding elsewhere.

C 7. Prior to the first occupation of the development, hereby approved, a Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall include details of all planting and sowing, including size, species and numbers of trees and plants, ground preparation, management and maintenance. All planting, seeding, and earth works comprised in the approved details of landscaping shall be carried out in the first planting and season (November - March) following the substantial completion of the development whichever is the sooner, and any trees or plants which within a period of 5 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 similar size and species.

Reason: In order to give planting a sufficient time to establish and to ensure that the development provides an attractive environment helping to assimilate it into its surroundings in the interests of the visual amenities of the site and surrounding area.

C 8. A boundary hedge comprising Manx native species shall be provided to the northern and eastern boundaries of the site, details of which shall first be submitted to and approved in writing by the DEFA Planning. Such approved boundary treatments shall be planted in the first planting and season (November - March) following the substantial completion of the development whichever is the sooner, and any constituent trees or plants which within a period of 5 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 similar size and species, and shall thereafter be permanently retained and maintained.

Reason: To ensure that the development provides an attractive environment helping to assimilate it into its surroundings in the interests of the visual amenities of the site and surrounding area; and, to improve the biodiversity of the site.

C 9. The development hereby permitted shall be occupied as a single dwelling only.

Reason: This is due to the application site being located in the open countryside where planning permission for a new unit of living accommodation would not be granted unless there was an identified and justified need - such as a requirement for an agricultural or forestry worker. This accords with the provisions of General Policy 3a); Housing Policies 4a) and 11; and, Environment Policy 1 in the Adopted Isle of Man Strategic Plan (2016).

C 10. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling, including the installation or replacement of any windows or doors, hereby approved, other than that expressly authorised by this approval, shall be carried out, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

C 11. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2012 (or any Order revoking and/or re-enacting that Order with or without modification), no garages or other free standing buildings shall be erected or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil of liquid petroleum gas, or the erection of a gate, fence, wall or other means of

enclosure, within the curtilage of the dwelling hereby approved, other than that expressly authorised by this approval, without the prior written approval of the Department.

Reason: To control development in the interests of the amenities of the surrounding area.

N 1. FOR YOUR INFORMATION

Please be aware that a ban on the installation of fossil fuel heating systems in any new building(s) and or extension(s), will come into force on 1st January 2025.

You therefore are encouraged to ensure that your proposed development includes alternatives to fossil fuel heating systems if you believe that such works will not be completed by that date.

To this end, if you propose an alternative, such as air source or ground source heat pump(s), or any other heating system that would require planning approval, the details of this should be addressed now. This may require you to resubmit your planning application to accommodate the alternative permitted heating system proposed.

Reason for approval:

Overall it is concluded that the planning application accords with the provisions set out in General Policy 2 b) c) g) and i) Housing Policies 4, 11 and 15, Environment Policy 1 and Environment Policy 22 of the Isle of Man Strategic Plan 2016.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following should not be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

Isle of Man Natural History and Antiquarian Society, 95 Malew Street, Castletown, Isle of Man. IM9 1LX.

The above Persons/Society, therefore, do not satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

Planning Officer's Report

THIS APPLICATION IS REFERRED TO PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

1.0 THE SITE

1.1 The site is located in the open countryside beyond any recognised settlement boundary. It comprises a range of three stone built barns. The main barn is two-storey in scale and has partially rendered and brick built walls, with a small portion of pitched, slate roof remaining over the westernmost element. Attached to its south-west side is a single storey, Manx stone structure with no roof. The third barn, which is detached from the other two, and sited to the south and east of the two-storey structure, is largely intact with a pitched slate roof over. The site covers an area of approx. 2,097m². The immediate area around the site consists of two residential properties - a chalet bungalow at Thie Kells to the east; and, a detached two-storey dwelling at Lower Ballavarkish with separate single storey

barn, located immediately to the west of the site. Otherwise the site is surrounded by pasture land, with arable fields. It forms part of a larger land holding identified on the submitted site plan. The site slopes gently downward from north to south, offering uninterrupted views of the surrounding countryside to the south.

1.2 In their Design and Access Statement, the applicant advises that: "The existing walls are constructed in traditional Manx Stone & locally sourced yellow granite. As the barns have been redundant for some time, both barns have fallen into a state of disrepair. The main barn has suffered almost a complete loss of the original 'A' frame timber roof structure and floors. The principal external walls are generally in reasonable condition except the area where previous repairs (rendered) have been carried out - it is proposed to demolish this locally and rebuild with natural stone finish. The barns have been assessed and it is concluded they are structurally capable of repair. Refer to the Structural Appraisal included in Appendix A."

2.00 The Proposal

2.1 The full planning application proposes the conversion of the redundant barns into single residential dwelling and detached garage. In addition, it proposes the erection of small subordinate single storey, flat-roofed, extension to south elevation to provide open plan living accommodation. External landscaping, a new driveway and the installation of a new sewer treatment works, also form part of the proposal.

2.2 The proposals involve the provision of the following accommodation:

In the west side single storey barn:

Ground floor: Office and library, with the addition of a new glazed link to front elevation between library; and,

In the main 2-storey barn:

Ground floor: Snug, cloakroom, entrance hall, dining room, kitchen, with the addition of a new, flat-roofed single storey extension to the front elevation with full-height glazing on 2-sides to provide a lounge; and, in the existing single storey rear element, the provision of the Plant; boot room; and, utility room. This would open out onto a patio area to the rear of the barn. To the rear of this single storey structure it is proposed to site 2 No. Air Source Heat Pumps (ASHP).

First floor: Master bedroom with en-suite bathroom and dressing area; 2nd bedroom with en-suite shower room; and, bedrooms 3 and 4 with family bathroom and landing area with full-height glazing in a vaulted ceiling in the south facing elevation.

16 No. Solar PV Panels are proposed to be added to the south facing roof-slope.

Outside: the front and rear garden areas would be laid to grass and parking provision for 4 cars (2 in the rear and 2 to the front of the garage), would be provided, along with a turning area located to the rear of the garage.

The existing, detached barn to the east would be converted to a separate garage unit with the existing block of mounting steps to the west side elevation being retained.

2.3 Proposed finishes are:

Walls (Existing) Existing natural stone walls to be retained.

Walls (Extension) Render. White finish

Pitched Roof Natural slate.

Photovoltaic panels in accordance with sap calc.

Flat Roof Single ply membrane.

Dark Grey Rainwater Goods Zinc gutters and rainwater pipes

Doors and Windows Aluminium windows and doors. Anthracite Grey

Flue Matt black finish

The outside ground surfaces are proposed to be finished with: Bracken Permeable Paving; Anthracite Porcelain Paving; and Brick Slot Drains.

2.4 The application is supported by a 2-Part Design Statement by Cornerstone Architects which includes Appendices comprising:

- o Appendix A - A Structural Appraisal Ref: AX0188 by Axis Consulting Engineers Ltd dated June 2023;

- o Appendix B - Site Layout Plans indicating the proximity of electricity and water connections to the site;

- o Appendix C - A Preliminary Roost Assessment by Ecology Vannin Consultancy Services dated July 2023;

- o Appendix D - Lower Ballavarkish, Grenaby: Report on a bat survey of former agricultural buildings - compiled 24/07/2023 by the Manx Bat Group; and,

- o Appendix I - Examples of Barn Swallow nesting provision;

2.5 The application is further supported by existing and proposed plans (floorplans; elevations; site plans and garage layout plan; a topographical survey; site photographs; and, details of both G1 Solar Photovoltaic Panels by Clearline fusion; and, design and specification details for Mitsubishi Electric PUZ-WM60VAA (-BS) Edocan R32 Monobloc Air Source Heat Pumps of which 2 No. are proposed to be added to the rear, north facing, elevation.

3.0 PLANNING POLICY

3.1 The land as designated, is not zoned for development and sits within a rural part of the open countryside within the area covered by the Area Plan for the South. The site is not within a Conservation Area.

3.2 The land is also linked to Map 2 Landscape Assessment Areas; that identifies site is within an area that is broadly classified as D8 or 'Incised Inland Slopes'

3.3 Within the written statement under section 3.0 Landscape Character Area (LCA), page 85, at Section D14 "Ballamodha, Earystane and St Mark's"

D14 - Ballamodha, Earystane and St Mark's notes that the:

"The overall strategy for the area should be to conserve and enhance the character, quality and distinctiveness of this farmed landscape with various field patterns defined by different hedges, a scattered settlement pattern of traditional hamlets, farmsteads and nucleated settlements fringed by trees, a varied road network enclosed by grassed Manx hedges and roadside vegetation, and numerous wooded valleys and glens. In addition to the conservation of archaeological sites, measures should also be adopted to conserve and enhance the physical structure and setting of upstanding heritage features such as the Silverdale watermill.

3.4 It is noted the buildings and their footprint are not identified as being at flood risk.

3.5 The site is not within a Registered Tree Area.

3.6 The following policies from the 2016 Strategic Plan are considered pertinent in the assessment of this application:

Strategic Policy

2 Priority for new development to identified towns and villages

- 4(b) Protection of built heritage and landscape conservation
- 5 Design and visual impact
- 10 Sustainable transport

Spatial Policy

- 4 Remaining villages
- 5 Building in defined settlements or GP3

General Policy

- 2 General Development Considerations
- 3 Exceptions to development in the countryside

Environment Policy

- 1 Protection of the countryside
- 3 Protection of trees and woodland
- 4 Wildlife and Nature Conservation
- 7 Protection of existing watercourses

Housing Policy

- 4b New Housing in the Countryside
- 11 Conversion of rural buildings to dwellings
- 15 Extension or alteration to traditional styled properties in the countryside

Transport Policy

- 4 Highway safety
- 7 Parking provisions

3.7 Paragraph 8.10 - Conversion of Rural Buildings to Dwellings

3.8 Paragraph 8.11.1 - Replacement Dwellings in the Countryside

3.9 Planning Circular 3/91 - Guide to the residential development in the countryside.

3.10 Residential Design Guide (2021)

This document provides advice on the design of new houses and extensions to existing property as well as how to assess the impact of such development on the living conditions of those in adjacent residential properties and sustainable methods of construction.

4.0 PLANNING HISTORY

4.1 There is no planning history of direct relevance to the site. The application was pre-ceeded by a pre-application inquiry for the scheme considered by this Report.

5.0 REPRESENTATIONS (in brief - full reps can be read online)

5.1 Arbury and Rushen Parish Commissioners: (17/11/23): The Commissioners Support the application.

5.2 Highway Services (27/10/23): Highways Comments:

"23/01192/B - After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking, as the area is a low traffic rural area and the proposals are accessed off a private road then onto the public highway, both with adequate access visibility. The Applicant is advised to consider an EV charging point on the site to aid net zero objectives for the residents."

5.3 Ecosystem Policy Team (9/11/23):

" The Ecosystem Policy Team can confirm that Ecology Vannin's (EV) Preliminary Roost Assessment for Ballavarkish dated July 2023 and the Manx Bat Group's (MBG) Bat Survey report dated July 2023 are all in order and that a suitable level of assessment has been undertaken. However, we are not yet content with the proposed ecological mitigation measures.

EV found 3 swallow nests in the single storey lean-to and 'several' nests in one of the stone barns. All of these nest sites will be lost as a result of this application. However, no suitable mitigation measures have yet been proposed. It says in section 4.2 of the Design Statement that "To encourage biodiversity swallow, bat, and bird boxes will be incorporated where appropriate on the building." However, as far as we can determine only 1 swift box is to be installed on site. Swallows have specific nesting requirements and will not nest in swift boxes and so this is inappropriate as a mitigation measure, and 1 box does not mitigate for the loss of several nesting locations.

In section 6.1 of EV's preliminary roost assessment they state "To compensate for the loss of Barn Swallow nesting habitat, a structure suitable for nesting swallows must be constructed in a suitable location (see Appendix I for examples). This should be a structure with a wooden interior and open side, providing shelter and easy access. The structure could be free-standing or part of the new building and should provide clear access to foraging grounds."

Therefore, prior to determination of this application the applicant must provide details of a new structure suitable for several pairs of nesting swallows and where this is to be provided on site. Additionally, the MBG found a nesting blackbird in ivy in the interior of one of the barns. As this application will result in the loss of a nesting site, compensatory nesting space should also be provided in the form of a blackbird nest box in an undisturbed area of the site, possibly on the back (eastern) elevation of the garage, facing the trees. We suggest that plans showing the type of box and where this is to be erected, are provided at the same time as the information about swallow mitigation. No species details have yet been provided in terms of the soft landscaping but because of the location and general loss of natural green space on site, the landscaping should be undertaken with native or other well established species with known wildlife benefits. We would suggest that a native hedge is incorporated on site to provide sheltering and feeding and even nesting locations for blackbirds.

We can confirm that we are content with the locations of the bat and bee bricks. Please note that it is stated on page 4 of the MBG's survey report that, "it seemed as if (a bat) might have emerged from under the partial roof beam but it was not recorded at the rear of the building and no further bats emerged from this area. It flew off over the cow byre." We don't think it is clear from this sentence whether a bat emerged or not and so contrary to Appendix I we consider that a bat brick is necessary mitigation for the possible loss of a bat roost site and not just a 'nice to have'.

Once the above requested information has been provided, the Ecosystem Policy Team would like to be consulted on this application in order to request a number of conditions on approval, to secure the bat and bird mitigation measures and for native landscaping. We do not think it appropriate in this instance to request details of swallow mitigation as a pre-commencement condition, because the mitigation may require the building of a separate structure which may require Planning permission."

5.4 In respect of third party or neighbour representations, one letter has been received from the Isle of Man Natural History and Antiquarian Society (28/11/23) that comments as follows:

"While IOMNHAS supports in principle the conversion of barns to residential accommodation and the linking of separate old farm buildings together, in this instance the proposal seems to represent a substantial rebuild of the main barn building (there is no obvious replication of the patters plates in the new build and the structural assessment does not fully support renovation of this barn) and the proposed elevations with a very large amount of glazing does not maintain the character of a barn building, which is the core of the policy for renovation of disused agricultural buildings. IOMNHAS consider that the scheme should be reconsidered."

6.0 ASSESSMENT

6.1 The fundamental issues to consider in the assessment of this planning application are:

- (i) Principle (STP2, 10 and SP4)
- (ii) Exceptional circumstances (SP5, GP3b, HP4b, HP11,)
- (iii) Visual Impact (GP2 b, c; EP1, EP15)
- (iv) Neighbouring amenities (GP2g)
- (v) Highway Safety (GP2 h & i; TP 4 & 7)
- (vi) Trees and Ecology (STP4b, EP3, GP2d)
- (vii) Drainage / flooding (GP2l, Ep7)
- (viii) Other

(i) Principle

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- (vi) Trees and Ecology (STP4b, EP3, GP2d)
- (vii) Drainage / flooding (GP2l, Ep7)

(i) Principle

6.1.2 The starting point here is the land designation, it is clear from the 1982 Development Plan and the Area Plan for the South (2013) that the application site is within a rural and protected part of the countryside where any development is strictly controlled with the site not being allocated specifically for any development.

6.1.3 The site lies outside any 'main settlement boundary' as noted in SP4, the nearest settlement being Ballabeg approx. 700m to the south-west, and is very much part of the open countryside as previously identified and development would be contrary to those policies in principle. Two of the existing structures, the main 2-storey barn, and the single storey barn located to the west of it, which have no roof over them have been abandoned. The detached barn - proposed to be used as a garage - is roofed over, but has not been fully utilised for many years, and shows some signs of decay. The submitted Design Statement at Section 3, covers the structural condition of the building and in the context of the barns advises that: "The existing walls are constructed in traditional Manx Stone & locally sourced yellow granite.

As the barns have been redundant for some time, both barns have fallen into a state of disrepair. The main barn has suffered almost a complete loss of the original 'A' frame timber roof structure and floors. The principal external walls are generally in reasonable condition except the area where previous repairs (rendered) have been carried out - it is proposed to demolish this locally and rebuild with natural stone finish. The barns have been assessed and it is concluded they are structurally capable of repair. Refer to the Structural Appraisal included in Appendix A."

6.1.4 The Structural Appraisal

6.1.5 The structural survey advises that:

Main Barn:

"The main barn structure is a two-story farm building roughly 24m long x 6m likely built in the 1800s. All walls are constructed in traditional Manx stone and locally sourced yellow granite with lime mortar bedding. The building itself has been unoccupied for some time and has since suffered almost a complete loss of the original A frame timber roof and floors. With only the building shell remaining, several saplings and trees have self-seeded within the main walls and have grown to a height approximately level with the eaves. Extensive ivy and vegetation also cover much of the wall copings around the perimeter of the building.

Structurally the southern facing front wall is bulging at floor level and has had some remedial work in the form of pattress plates and tie bars installed in an attempt provide restraint against further movement. The tie bars and plates have are in fairly poor condition and it is likely that some additional movement has occurred since they were originally installed. With the complete loss of floor and roof structure, the outer wall is entirely reliant on the existing pattress plates for restraint which are slowly failing.

The rear North facing wall is in comparably good condition when compared with the South face. It is relatively plumb with no signs of significant leaning or budging. The West gable is also in fair condition with no major structural defects other than vegetation growth.

All stone walls are approximately 550mm thick and bedded with lime mortar.

The loss of roof and floor structure also means a loss of the restraint they provide to the walls which is clearly seen with the substantial movement to the East gable end. A crack of up to 30mm has opened down the face of the front wall as a direct result of the East gable movement. It can be concluded that the movement is directly associated with the loss of restraint at floor and roof level opposed to other common factors such as settlement."

6.1.6 The South-West annex

"The South-West annex is a single-story stone building leading of the main barn. The footprint is approximately 9.7m long x 4.9m wide, with walls approximately 550mm constructed in the same manner as the main barn.

Extensive ivy growth can be seen to the southern gable which limited the inspection of masonry behind. That said, a clear diagonal crack on the East wall suggests that the gable is moving away, similar to what can be seen on the main barn but to a lesser degree.

The single story building also has a complete loss of timber roof, and has a small tree growing adjacent to the centre partition wall."

6.1.7 The rear lean-to shed:

"The rear lean-to shed is a single-story stone building built against the rear North-East side of the main barn. The footprint is approximately 10m long x 4m wide, with walls approximately 550mm built in the same stone construction as the main barn.

The walls are in relatively good condition, but the roof has completely rotted out with only some free standing rafters remaining."

6.1.8 The east detached stable

"The East detached stable is a single-story stone building built on the East side of the main property and has a footprint of approximately 15.5m long x 5.4m wide, with solid traditionally build stone walls 500mm thick. Out of all areas surveyed, the detached stable was in the best condition with the roof structure still intact.

Although the roof was intact, extensive vegetation has penetrated under the slates and would therefore been in need of a full re-roof. The A-frame trusses however, could be potentially be saved as they appear in fair condition. This would need to be confirmed via a more detailed timber survey at a later stage.

The troughed sloping floor slab suggests the barn was originally used as a stable or to house animals. To create a better use of space, even if it were just for storage, the building would benefit from a new levelled floor slab."

6.1.9 The structural survey concludes as follows:

"Following the survey conducted to Lower Ballavarkish Barns, the general conclusion is that the existing property condition is relatively poor. That said, most areas remain viable for repair provided suitable steps are taken to ensure long-term stability. Structurally, the rear North wall and West side wall are in fair condition with only routine remedial works required such as vegetation removal, capping beams, and repointing. The front Southern wall and East gable walls will need a more substantial structural work scope in order to guarantee robustness going forward. It is recommended that these works include replacement of the structural tie bars and pattress plates at floor level, additional East-West tie bars to restrain the gable end, and potential underpinning of the East gable end. Due to the extent of structural work required in this location, an alternative might be to locally rebuild the South-East corner like for like and include adequate restraint at floor and ridge levels."

6.1.10 The Reports Author made a list of recommendations with regard to remedial works (subject to final design). These comprise:

In the area of the south-east corner:

"Option 1 - Replace existing tie bars with new pattress plates and tension rods. Additional East-west tie rods to support east gable. Underpin South-East corner. Additional restraint ties to be provided via new floor and roof structure. Helibar crack stitching and crack repairs.

Option 2 - Locally rebuild South East corner like for like using recovered stone. Tie bars/restraint ties still required following floor installation."

In all areas:

Remove all vegetation from wall copings. Removal all trees and eco-plug stumps to prevent regrowth. Concrete capping to be provided to all walls to tie in any lose stonework and provide new fixing point for replacement roof structure."

In the Main Barn:

A New Replacement floor structure throughout. Floor to incorporate restraint system to all perimeter walls."

6.1.11 The comments received from the Isle of Man Natural History and Antiquarian Society (IOMNHAS), are noted. It is considered that the Barns are a reflection of the agricultural heritage and social change across the Island and are of sufficient historic interest to warrant their retention which would require sensitive development in order to convert them to a habitable dwelling, whilst in visual terms, continuing to positively contribute to the Islands built heritage. Whilst considered to be of historic interest sufficient to warrant their retention, they are not judged to be of sufficient special historic or architectural interest to add the buildings to the Registered Buildings List. The concerns raised by IOMNHAS relating to how the Main Barn express a view that is proposed to be converted in that in this instance the proposal seems to represent a substantial rebuild of the main barn building. The submitted Structural Report concludes that they are structurally capable of repair, and this view is supported here. Whilst each application is considered on its merits, it is noted that in the context of the PA23/00203/B for the "Conversion and extension of former mill to a dwelling, creation of access and closing off of existing access, installation of solar panels, reinforcement of bank around existing lake and associated drainage (retrospective) and landscaping" which was considered and approved by the Planning Committee at its 22.05.2023, Meeting, the structure of the Mill building was in a similar, roofless, condition as the Barns and Stable. Whilst, that property had a history of previous planning approvals for conversion and use as a residential property, it was considered that the merits of retaining the building and restoring it to a productive use outweighed any concerns regarding its re-building, conversion and extension. It is considered that the same logic, when taken in the round, applies in this case, also.

6.1.12 The principle of the conversion of the Barns to a residential dwelling has been the subject of pre-application discussions with the applicant resulting in the application now being considered. Despite the fact that the site lies in open countryside where ordinarily the provisions of Strategic Policy 2 and Spatial Policies 1-4 - which identify areas of development to be located, generally within existing towns and villages and development in the countryside to only be permitted in exceptional circumstances, as detailed in Spatial Policy 5 and cross referenced to General Policy 3, it is considered that the application proposals would provide an acceptable re-use of the existing historic barns, and provide betterment by way of providing a family home, and a visual improvement to the character of the site and surrounding countryside. The proposed flat-roofed living room extension; and, glazed link between the library in the south-west barn and the snug/cloakroom/hallway in the main barn would add a degree of modernity to the development which would contrast and at the same time, compliment the appearance of the converted barns. The proposals would enable the architectural merits and vernacular appearance of the stone barns to stand out in this location as they would originally have done.

6.1.13 The addition of the flat-roofed living room extension; and, glazed link are considered to be acceptable in principle because it is considered that they would contrast and not detract generally from the scale, proportion and form of the existing property and owing to their relatively small-size and scale; and, single storey construction, would not amount to an increase in terms of floor space of more than 50% of the original, with minimal visual impact to the wider countryside. They would be contained visually between the west barn and the detached garage building, and would only be available to public views from the south.

6.1.14 The principle of development is considered to be acceptable as an exception to the normal restrictive countryside planning policies.

(ii) Exceptional circumstances

6.2.1 In terms of planning policy there is a long established presumption against new residential development in the countryside. General Policy 3(b), and Housing Policy 4(b) both allow for exceptions for the conversion of redundant rural buildings and the sequential test

through HP11 subject to various caveats, including that the building is redundant and of architectural, historic or social value. In this instance, it would be prevalent to focus on HP11 for the conversion of the building to residential and the proposed extension (visual impact) against HP15 given the traditional appearance.

6.2.2 When considering HP11 and the conversion of the building, which precludes the rebuilding of ruins or the erection of a replacement dwelling of similar or even identical form, in this case, there is an existing structure on site that has been assessed by a competent structural engineer who is of the professional opinion that it can be successfully converted to form a dwelling.

6.2.3 When cross referencing the proposal with HP11 and the sequential test the following is summarised, as noted below:

(a) It is clear from the survey and the site visit that the building is redundant from its original use in that it cannot be inhabited and is suffering from a degree of decay. - Pass.

(b) The buildings appear to be intact with Manx stone walls standing and clear fenestration detailing around the building showing existing openings. The structural survey confirms the existing fabric of the building can be sympathetically restored and has clearly identified how this can be achieved. This is further shown on the architects' drawings how the building could be brought back into a habitable use and proposed extensions. - Pass.

(c) The former Barn features a strong degree of architectural, historic and social interest. Its former use as a barn for agricultural purposes, its layout and design with the traditional proportions and limited fenestrations reflect its former use and the utilisation of local stone are all aspects that are worthy of preserving. - Pass.

(d) The submitted drawings show that the design of the two single storey extensions would be subordinate in scale, size, and form. They would be located on the south side of the Main Barn, and attached to the western barn. They would be contained visually between the west barn and the detached garage building, and would only be available to public views from the south. In addition, the proposed southern boundary wall approx. 1200mm high with planting inside the wall and the slightly higher terrace wall (approx. 1500mm high) would provide some additional screening from views from the south. Overall, the site would also be screened from public views from the north and south by intervening trees, hedge rows and sod bank field boundaries; and, the adjoining farmhouse to the west at Lower Ballavarkish, and would not adversely affect the character and interest of the existing Barn complex to an unacceptable degree. It is further noted that the Arbury and Rushen Parish Commissioners (local authority) has expressed support for the application. - Pass.

(e) It is considered that the subservient nature, scale and extent of the proposed extensions, and the use of natural slate roofing; the retention of existing walls in Manx stone, with a white rendered finish to the flat-roof lounge extension; the use of with aluminium windows and doors in matching frames; zinc gutters and rainwater pipes, point to a high quality finish. It can also be conditions that the stonework and stone walls stonework and stone walls, where required, be repointed with lime mortar. These details are considered to be acceptable. - Pass.

(f) The application form notes that connections to Electricity, water and telecoms are required. Private drainage via a Klargester Biodisc with run-off in the adjacent field to the north which is owned by the applicant, is proposed. It is noted that, Telecoms can now be derived without the need for a landline connection; and, solar PV panels which form part of this proposal, would be used to supplement the requirement for an electricity grid connection, especially if connected to a battery. The proposed use of 2 No. Air Source Heat pumps would

further add to the green credentials of the proposed development, and would obviate any requirement for a gas-fired or oil =-fire central heating system, with such systems facing an Island wide ban from January, 2025. This element of the proposals meets the requirements of Policy HP11 (f) as the applicant has demonstrated that connections to these services could be made. Pass.

6.2.4 Such conversion must:

(a) Not dominate the original Barns, and it is considered, the proposals would be seen to retain much of the original appearance of these three buildings. The proposed alterations and extension would be sufficiently subservient and different in character to not lead to a loss of the original interest and character of the Barns as a group, nor would they represent dominant additions to them. As such, the proposed works are viewed as sympathetic works attached to the south side of the Main Barn structure, and would be seen as appropriate in this rural setting. - Pass.

(b) The proposal does not seek to utilise the same materials as those on the existing building and proposes a contemporary palette of materials and finishes. - Pass.

6.2.5 In Appendix 4 of the Planning Statement accompanying the application, the applicants structural engineer in 'conclusions and recommendations' to the Structural Survey advised that (see paragraph 6.1.9 of this report) that whilst the structural condition is poor: "... most areas remain viable for repair provided suitable steps are taken to ensure long-term stability. Structurally, the rear North wall and West side wall are in fair condition with only routine remedial works required such as vegetation removal, capping beams, and repointing. The front Southern wall and East gable walls will need a more substantial structural work scope in order to guarantee robustness going forward. It is recommended that these works include replacement of the structural tie bars and parrass plates at floor level, additional East-West tie bars to restrain the gable end, and potential underpinning of the East gable end. Due to the extent of structural work required in this location, an alternative might be to locally rebuild the South-East corner like for like and include adequate restraint at floor and ridge levels."

6.2.6 The existing door and window openings will be utilised as much as possible to retain the character of the building particularly on the north, and west facing elevations with the presently blank east elevation remaining devoid of any openings. It is noted that the central portion of the south-facing front elevation proposes a centrally located full-height glazed portion to allow the maximum amount of daylight possible into the porch, stairwell and landing. New windows will be double glazed aluminium units set within aluminium frames (Coloured: Anthracite Grey) with matching external doors, to give the barns and garage a more contemporary look while still retaining their character.

6.2.7 Officers consider that these changes are acceptable. The future alteration and design of the Barn and any future extensions can be further controlled by the application of conditions which suspend the Town and Country Planning (Permitted Development) Order 2012 in respect of extensions and alterations to the Barn; the erection of any garages, sheds, greenhouses, installation of a swimming pool, the erection of walling, fencing or other means of enclosure to protect the character and setting of the converted Barn.

6.2.8 On the whole it is considered that the proposed interference with the fabric of the building to convert to a dwelling and the proposed extension works including the provision of the porch link and flat-roofed front living room extension, with hard and soft landscaping to provide the walled garden would not lead to an unacceptable loss of the original character

and, overall the development proposed, satisfies the main test under HP11 (d,e,f (a-b)) for conversion of an existing rural building into a dwelling.

6.2.9 The design proposed here is judged appropriate. The building has a clear character and what is proposed will alter it without adversely affecting that character. The new extension, and porch, creation of window openings in the south and north facing elevations (apart from the central glazed full-height window, largely reflect the scale and positioning/arrangement of the existing openings. The interventions are limited in number and form, including the provision of a walled front garden and would not adversely affect the historic character of the Barns and stable building. As such, it is concluded that the conversion would meet the requirements of Housing Policy 11 with regard to the design approach taken for this conversion.

(iii) Visual Impact

6.3.1 In terms of the proposed extensions to the Barn, the provisions of Policy HP15 apply where extensions to traditional rural properties are generally only permissible when these respect the proportion and form of the existing property and only exceptionally will an increase over 50% being acceptable. However, this is not absolute and more of a guide figure but the key is that it should appear subordinate to the original building (in terms of floor space of no more than 50% of the original) with minimal visual impact to the wider countryside.

6.3.2 The ground floor porch link extension between the barns and the flat-roofed, ground floor lounge extension would have a combined floor area of approx. 51.0m² which represents a less than 50% increase over the combined floor area of the West Side Barn and the Main Barn which amount to approx. 242.0m². These additions would represent a 21.2% increase in floor area. It should be noted that whilst the Main Barn is 2-storey in scale, it has no existing upper floor and any such area is excluded from these calculations. It is considered that these additions to the existing Barn structures are acceptable in the context of the 50% floor increase limit imposed by Policy H15.

6.3.3 The conversion and extensions now proposed, would respect and reflect the attractive and characterful nature of the building that should be protected, and in so doing, would provide the Barn with a sustainable future use. In respect of the works proposed to the Barn, Environment Policy 34 advises that Work to pre-1920 buildings should use traditional materials. In this case, the proposed flat-roofed living room extension; and, glazed link between the library in the south-west barn and the snug/cloakroom/hallway in the main barn would add a degree of modernity to the development which would contrast with and at the same time compliment, the appearance of the converted barns. The Barns and Stables would be converted using traditional materials with the existing natural stone walls to being retained and natural slate being applied to the roofs. The use of these materials and any works of repair of making good using such materials and lime based mortar, can be conditioned. This would enable the architectural merits and vernacular appearance of the barns and stables to stand out in this location as they would originally have done. It is considered that the proposals would provide a visual improvement to the character of the site and surrounding countryside.

6.3.4 Overall, it is considered that the visual impact of the proposed development accords with the provisions of Environment Policy 34 in the Adopted Isle of Man Strategic Plan 2016.

6.3.5 When considering extending or building onto properties in the countryside, the rationale is that they should ideally follow that of a more traditional vernacular to fit in with the age when general development was emerging on the Island in the 1980's as noted in planning circular 3/91 to ensure any visual impact is appropriate for the countryside. In this case, the

proposal should be supported as it would accord with the aims and objectives of Policies STP5 and GP2 b & c; and, Environment Policy 34 where the built form of the proposal represents a subservient, proportionate and visually acceptable form of development for the site where the overall visual impact of the proposed development would accord with these above policy objectives and result in a development that would have a positive visual impact through its siting, scale, form and design.

(iv) Neighbours Amenities

6.4.1 The site lies in a relatively remote location, although there are two neighbouring dwellings at a detached chalet style dwelling at Thie Kella approx. 30m to the east; and, Lower Ballavarkish House and its attendant outbuildings, one of which lies immediately to the west of the front garden area and access into the site. Otherwise, there are no other immediate neighbours that are considered to be impacted by the proposed development. The converted Stables (new garage) would be sited closest to Thie Kella, and would have a blank east side wall facing this neighbouring dwelling. The 2-storey side elevation of the Main Barn would also be blank. There would be no overlooking or loss of privacy to these neighbouring occupants.

6.4.2 In respect of the relationship with Lower Ballavarkish House, as advised above it has an attendant outbuilding immediately to the west of the front garden area and access into the site, with the main dwelling being located approx. 20.0m to the south-east. Whilst there would be some opportunities for observation from the flight of steps attached to the west side of the Main Barn up to bedroom 2 at first floor level, any views would be likely to be in passing. The door at the top of the steps and the window in the side elevation serving bedroom 2 would not allow for any direct observation of the rear aspect of Lower Ballavarkish House, and overall it is considered that there would be little impact on the residential amenities enjoyed by its occupants.

6.4.3 In terms of the potential for any noise disturbance from vehicle movements and general domestic occupancy of the site, any such movements would be low in volume and frequency and the dwelling would be sufficiently separate from both adjoining dwellings for any such issues to cause minimal disturbance. In this regard, the proposed development accords with the provisions of Section (g) of General Policy 2; and, Environment Policy 22(iii); and, the relevant advice contained in the Residential Design Guide 2021.

(v) Highway Safety

6.5.1 The application site is served by an existing access track from the B40 Grenaby Road. This access track also serves the neighbouring dwellings, as well as fields on both sides in the run-up to the dwellings. DoI Highways has advised that the proposed development would have no significant negative impact upon highway safety, network functionality and/or parking, as the area is a low traffic rural area and the proposals are accessed off a private road then onto the public highway, both with adequate access visibility. Whilst Highways further advises that the Applicant should consider an EV charging point on the site to aid net zero objectives for the residents, there is no policy requirement for this to occur. The proposed garage would provide 2 No. secure, covered vehicle parking spaces as well having sufficient space inside to cater for cycle and bin storage. A further 4 No. vehicle parking spaces are proposed to be provided on the plot. The proposed access and parking arrangements are considered to be acceptable and accord with the provisions of Policies Transport 4 and Transport 7 in the Isle of Man Strategic Plan 2016.

6.5.2 With regard to the current application, a setback is proposed to be used opposite an area in the road where the tarmacked area widens and vehicles are likely to run closer to the verge. Whilst Highways note it is possible that as drawn an emerging vehicle could be sitting in the running lane of an approaching vehicle, and that a safer arrangement could be

demonstrated by beginning the setback further off the running lane; in this instance the extent of highway is uncertain and the vehicle flow is light, Highways have, as a result, accepted the location of the setback.

(vi) Ecology

6.6.1 The applicant has provided details comprising Ecology Vannin's (EV) Preliminary Roost Assessment for Ballavarkish dated July 2023 and the Manx Bat Group's (MBG) Bat Survey report dated July 2023. The Ecosystem Policy Team (EPT) has acknowledged that these Reports are all in order and that a suitable level of assessment has been undertaken. However, it has further advised that it is not yet content with the proposed ecological mitigation measures. Concerns raised are that 3 swallow nests found in the single storey lean-to and 'several' nests in one of the stone barns will be lost as a result of this application. The EPT notes that only 1 Swift box is to be installed on site, and as Swallows' have specific nesting requirements and will not nest in Swift boxes, the provisions of 1 Swift box does not mitigate for the loss of several nesting locations.

6.6.2 EV's preliminary roost assessment has provided guidance on compensating for the loss of the Barn Swallow nesting habitat in the form of a structure suitable for nesting Swallows being constructed in a suitable location. Also, the MBG found a nesting blackbird in ivy in the interior of one of the barns. As this nest site would also be lost, compensation should be provided in the form of a blackbird nest box in an undisturbed area of the site. It is considered that these items can be conditioned.

6.6.3 In respect of Bats, it is unclear from MBG's survey that Bats are present, or whether a Bat emerged during the survey. The provision of a Bat Brick can be secured via a suitably worded condition. The same applies to the provision of a Bee brick. It is considered that overall, suitable Swift, Swallow and Blackbird nesting boxes can be provided, as well as Bat and Bee bricks sufficient to mitigate any possible loss of nesting sites or habitat arising from the development. Conditions can be worded to detail where these items should be provided, such as favourably orientated elevations or away from opening windows; or, as a free standing structure. As such, the proposed development would accord with the requirements of the Wildlife Act 1990; and, Environment Policies 4 and 5 in the Adopted Isle of Man Strategic Plan 2016.

(vii) Landscaping

6.7.1 No specific landscaping measures are proposed as part of the application. It is considered that given the proposed works to the Barns and Stables 1; and, the creation of the walled garden to serve the converted Barns, with an approx. 1.2 m high wall to the front of the site, the visual aspects of the site and surroundings would be improved, and in conjunction with the above Bat and nesting bird mitigation measures, the bio-diversity of the site enhanced. In this regard, the proposals are seen to be acceptable and accord with the objectives of Policies EP3, SP4b in seeking to protect and improve the natural environment.

6.7.2 Any new planting or replacement of trees would be undertaken using Manx native species. The applicant confirms that he has no objection to this being made a condition of any planning approval. This would accord with the objectives of Policies EP3, SP4b in seeking to protect and improve the natural environment.

(vii) Drainage / Flooding

6.8.1 The proposals represent a re-use of previously developed land. The site does not lie within a recognised Floor Risk Area. Whilst the development would result in a greater extent of built form and hard surfacing being provided than is presently the case, it is considered that there would be no additional flood risk to land and properties lying downstream from the

site as a result of these proposals. As such, it is considered that there would be no unreasonable risk of flooding or flood risk resulting from the proposed development that could be considered contrary with the provisions of Policies GP2I, Ep7 of the Adopted Isle of Man Strategic Plan 2016. In this regard, the proposals are considered to be acceptable.

7.0 CONCLUSION

7.1.1 The proposed development for the conversion of the redundant barns into a single residential dwelling and detached garage, along with the erection of a small subordinate single storey extension to south elevation to provide open plan living accommodation; and, a glazed porch link between the Main Barn and the East Barn, plus the provision of external landscaping, a new driveway and installation of new sewer treatment works; are all considered to be acceptable and accord with the abovementioned Policies of the Strategic Plan as outlined in this Report. The proposed development meets the tests for exceptional development within the countryside. It is, therefore, concluded that the planning application should be approved subject to a range of conditions covering the use of materials to reflect the historic nature and importance of the Barns and Stables, landscaping, bio-diversity mitigation measures, drainage, and landscaping. Conditions restricting any additions and/or alterations which might otherwise constitute 'Permitted Development', meaning that they would require a specific planning permission, should also be added to any planning permission granted.

7.1.2 Recommendation - approve subject to conditions.

8.0 INTERESTED PERSON STATUS

8.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

8.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and
- o whether there are other persons to those listed above who should be given Interested Person Status.

8.3 The Department of Environment Food and Agriculture is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.

PLANNING AUTHORITY AGENDA FOR 22nd April 2024

Item 5.5

Proposal : Construction of mixed use commercial building including commercial office (class 1.2 & 2.1), retail (class 1.1) and leisure uses (class 4.4) complete with basement parking, food & drink (class 1.3 and 1.4), and 80 bedroom hotel including restaurant and operational areas (class 3.1)

Site Address : Villiers Square
Fort Street
Douglas
Isle Of Man
IM1 2AX

Applicant : Tevir Group

Application No. : 23/01223/B- [click to view](#)

Planning Officer : Toby Cowell

RECOMMENDATION: To APPROVE the application

Recommended Conditions and Notes for Approval

C : Conditions for approval

N : Notes (if any) attached to the conditions

C 1. The development hereby approved shall be begun before the expiration of four years from the date of this decision notice.

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.

C 2. The development hereby approved shall not be occupied or operated until the means of vehicular access has been constructed in accordance with the approved plans, and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

C 3. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the development and shall remain free of obstruction for such use at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

C 4. Prior to the occupation of the development a replacement bus stop and bus shelter on Loch Promenade shall be provided.

Reason: To ensure the delivery of a replacement bus stop following completion of the approved development.

C 5. Notwithstanding the level of information provided to date, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Department prior to the commencement of above ground works relating to the development. This shall include

details relating to all green roofs associated with the development. All landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Department. Any trees or plants indicated on the approved scheme 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: To ensure the provision of an appropriate landscape setting to the development and to assist the creation and management of biodiversity.

C 6. Prior to the commencement of any demolition works on site, a preliminary bat roost assessment shall be undertaken on the buildings by a suitably qualified ecological consultancy and a report detailing the findings submitted to the Department and approved in writing. Should the assessments find evidence of roosting bats, then further survey may be required as will details of avoidance and mitigation measures which may include requirements for the timing of building demolition and the provision of new roosting spaces.

Reason: To safeguard roosting bats and in the interests of biodiversity.

C 7. Prior to the commencement of development, a breeding bird assessment plan shall be submitted to the Department and approved in writing. The plan should contain the results of a breeding bird assessment on the buildings, including the process and timing for checking for their presence, or the measures to be put in place on the assumption that breeding birds are present in the buildings including any proposed mitigation measures. The proposed mitigation measure must also as a minimum contain details of at least 1 swift nest brick to be built into the new buildings.

Reason: To safeguard breeding birds and in the interests of biodiversity.

C 8. No above ground works relating to the development shall commence until sample details of cladding, windows, external doors and rooftop plant room louvres have been submitted to and approved in writing by the Department. The development shall not be occupied/brought into use unless the external finish has been applied in accordance with the approved details and be retained thereafter.

Reason: In the interests of the appearance of the development, the visual amenities of the area and preserving the character and appearance of the Conservation Area.

C 9. No above ground works relating to the development shall commence until panels of all variations of brickwork proposed, including movement/mortar joints, have been erected on site (or an alternative location) and approved in writing by the Department. The development shall not be occupied/brought into use unless the external finish has been applied in accordance with the approved details and be retained thereafter.

Reason: In the interests of the appearance of the development, the visual amenities of the area and preserving the character and appearance of the Conservation Area.

C 10. No development shall take place until a written methodology for an archaeological watching brief relating to the site groundworks has been submitted to and approved in writing by the Department. The programme of archaeological monitoring shall be fully implemented in accordance with the approved written methodology.

Reason: To ensure that any archaeological remains are appropriately recorded and/or assessed prior to their damage or destruction by the development in accordance with Environment Policy 41 of The Isle of Man Strategic Plan 2016.

C 11. The development shall be undertaken in full accordance with the mitigation and flood risk prevention measures outlined in Section 7 of the approved Flood Risk Assessment (Waterco) received 30.10.2023.

Reason: To ensure that the development would be appropriate from a flood risk perspective.

C 12. Prior to the commencement of above ground works, and notwithstanding the level of information already provided, full details relating to the design, form and layout of the approved substation shall be submitted to the Department for approval in writing. This shall also include details relating to flood resistance and mitigation measures in line with the recommendations provided within the approved Flood Risk Assessment.

Reason: To ensure that the final design and appearance of the substation is satisfactory and to reduce the risk of flooding.

C 13. Notwithstanding the provisions of the Town and Country Planning (Telecommunications) Development Order 2019 or any order amending, revoking or re-enacting that Order no telecommunications apparatus shall be erected or installed under Schedules 2 or 3 to that order without an express grant of planning approval from the Department.

Reason: In the interests of the wider strategic views of the area, the character and appearance of the development and the visual amenity of the conservation area.

C 14. There must not be any building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans and other documents listed on this decision notice.

Reason: In the interests of the wider strategic views of the area, the character and appearance of the development and the visual amenity of the conservation area.

C 15. Other than those shown on the approved drawings, no soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building hereby approved.

Reason: To ensure that the development is carried out to the highest standards of architecture and materials and in the interests of the character and appearance of the development.

C 16. Any telecommunications apparatus (not for the purposes as set out under Town and Country Planning (Telecommunications) Development Order 2019), extraction plant, air conditioning units and any other plant or equipment that is required on the exterior of the buildings shall be installed in accordance with details to be submitted to the Department in writing to be agreed. The details shall include: proposals for communal provision of television receiving equipment, wherever possible; siting; appearance; any arrangements for minimising the visual impact; and any arrangements for mitigating potential noise and vibration.

Reason: To ensure that any telecommunications apparatus and other plant or equipment that is required on the exterior of the buildings preserves the highest standards of architecture and materials as a key feature building.

C 17. In the event that piling is used, no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for works) has first been submitted to the Department in writing to be agreed. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard the amenities of local residential and businesses.

C 18. The development and use hereby approved shall not be brought into use unless its loading, offloading, turning and parking areas have been provided and surfaced in accordance with the details shown on the approved plans, for each block. Once provided, the loading, offloading, turning and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

C 19. In the event that car park ventilation is required, no part of the development hereby approved shall progress above lower ground level until there has first been submitted to the Department in writing to be agreed, a scheme to ventilate the car park and minimise the ingress of polluted air, and management thereof. The development shall be carried out in accordance with the report so agreed, and shall be retained as such thereafter.

Reason: To ensure that the amenity of future occupiers of the development is protected.

C 20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2012 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans and other documents listed on this decision notice, and any drawings approved subsequently in writing by the Department pursuant to any conditions on this decision notice, shall be erected on the site under the terms of Class 39 of Schedule 1 to that Order without an express grant of planning approval from the Department.

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

C 21. Notwithstanding the details shown on the approved plans all glass balustrades/balconies shall be installed with measures to prevent bird strikes to be either etchings on the glass or use of ultraviolet decals.

Reason: To prevent bird strikes, due to proximity of nearby nesting birds.

Reason for approval:

The application site is identified for development and the proposal is judged to comply with the site allocation, as further detailed within Comprehensive Treatment Area Proposal 1. The proposals are considered to constitute a high standard of development in a prominent location within the Conservation Area, without resulting in a significantly adverse impact upon the amenities of occupants of surrounding buildings, including the amenities of future residential properties within the site's immediate vicinity. The proposals are deemed to give rise to a positive impact upon the character and appearance of the wider Conservation Area

by redeveloping a prominent gap site, whilst further providing increased employment opportunity and additional serviced tourist accommodation, to the benefit of the local economy.

The proposals would further not result in a detrimental impact upon the safety and convenience of the local highway network, whilst further bringing about improvement to the immediate highway network. The development is therefore deemed to comply with Strategic Policies 1,2,4-6,9,10, Spatial Policy 1, General Policy 2, Environment Policies 4,5,10,22,35,41-43, Business Policies 1, 7-11, Recreational Policy 3, Transport Policies 1,2,4-8, Infrastructure Policies 1,5 and Community Policies 7,10,11 of the Isle of Man Strategic Plan 2016, relevant policies of the Area Plan for the East 2020 and the Residential Design Guide 2021.

Interested Person Status – Additional Persons

It is recommended that the following Government Departments should be given Interested Person Status on the basis that they have made written submissions relating to planning considerations:

Isle of Man Fire Service
Isle of Man Constabulary
Manx Utilities Authority
Planning Policy, Cabinet Office
Visit Isle of Man Agency
Business Isle of Man, Department for Enterprise
Department of Infrastructure Flood Risk Management Division
Manx National Heritage

It is recommended that the following should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings:

Chapman Brothers Ltd, 30 Athol Street, Douglas
(owners of 7 Regent Street, Douglas)
Lloyds Bank Plc, Villiers House, 2 Victoria Street, Douglas
Duke Street Commercial Ltd, Stevenson House, 10 Prospect Hill, Douglas
(owners of 42-50 Dukes Street, Douglas)

as they have explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

It is further recommended that the following should not be given Interested Person Status as they are not considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are not mentioned in Article 4(2):

Isle of Man Natural History and Antiquarian Society, 95 Malew Street, Castletown

as they have not explained how the development would impact the lawful use of land owned or occupied by them and in relation to the relevant issues identified in paragraph 2C of the Policy, as is required by paragraph 2D of the Policy.

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

1.0 THE SITE

1.1 The application site relates to a parcel of largely undeveloped land bordered by Loch Promenade to the east, Regent Street and the rear of a terrace of properties within Regent Street to the north, the rear of nos. 42-58 Duke Street to the west and nos. 2-14 Victoria Street to the south. The Raad ny Foillan coastal footpath commences at the Sea Terminal and runs along the adjacent walkway on the opposite side of the promenade.

1.2 Presently the site is largely open with some paving, seating and bicycle/motorcycle stands, with hoardings which separate the interior of the site from Loch Promenade, and is used casually by those passing between Villiers House and Fort Street to Regent Street as well as hosting infrequent events such as sports events, Christmas markets and music shows on temporary stages. The lane which skirts around the west of the site, linking Regent Street with Fort Street comprises a rear service lane fronted by the rear elevations of buildings which front onto Duke and Regent Streets. The lane is dominated by a commenced development comprising steelwork and concrete but which has not progressed for a number of years.

1.3 The site lies within an area which is already highly developed along the Promenade, including the modern office building to the south known as Villiers House which wraps around the corner of Loch Promenade and Victoria Street. The buildings to the north which front Loch Promenade are however original, starting with the tall tower of Admiral House with this building only incorporating the rhythmic bays to the north of the entrance portico. The terrace continues with repeated three storey bays for the rest of this section with a modern church building commencing the subsequent terrace on the northern side of Howard Street.

1.4 Turning south, Villiers House contrasts with the yellow/buff brick of Jubilee Buildings, 1 Walpole Avenue and 6-7 Peveril Buildings with this block continuing around the corner to Peveril Square in a more modern form which is taller than the older buildings forming part of the block. Further west on Victoria Street, alongside Jubilee Buildings is a small gap alongside which is a new, modern building with significant glazed frontage, alongside more traditional, masonry and brick buildings with vertically oriented fenestration and detailed cornicing, string courses, mouldings and some with decorative ironmongery. Victoria Street accommodates a range of different styles of building which also range in age and function with shops and restaurants, offices, estate agent's and banking facilities.

1.5 The site wraps around the corner of Loch Promenade and Regent Street and sits opposite the side of the 1886 bar and restaurant. On the southern side of Regent Street is the vehicular opening into the site, alongside which is a two storey building, no.7 Regent Street, which is presently propped up by steelwork following a fire on the upper floors in 2016 which resulted in the demolition of part of the building. Beside this is a much lower two storey building before the block steps up to a three storey property on the corner of Regent Street and Duke Street. Turning west down Regent Street the large, a relatively modern building presently occupied by Marks and Spencer, is notably visible as an end feature to this particular highway and view from the promenade.

2.0 THE PROPOSAL

2.1 Planning permission is sought for the comprehensive redevelopment of the site in the form of two buildings. The principal building fronting the Promenade comprises a mixture of retail, office floorspace with associated gym, food and drink uses which will connect to Villiers

House and continue along the promenade and onto Regent Street up to the existing access into the site from this side street. The second building is a detached, six storey hotel at the rear (west) of the site. The office and retail building is subdivided into two sections referred to in the application submission as the "Marker Building" which is the taller section on the corner of Loch Promenade and Regent Street and the "Promenade Building" continues to the south and attaches to the existing Villiers House office building.

2.2 The buildings will be accessed by pedestrians from Loch Promenade through a new link at ground floor level within the building footprint as well as from Regent Street and Fort Street. Vehicular traffic will make use of the rear service lane with a lay-by and a reorganised rear lane behind the Victoria Street properties. In between the buildings is proposed a landscaped public open space to be used in connection with the remainder of the development.

2.3 The "Promenade" and "Marker" buildings fronting Loch Promenade incorporate provision for 50 vehicular parking spaces and 57 bicycle stands at basement level, with the ground floor level proposed to accommodate a variety of uses, including retail (Class 1.1), office (Class 1.2), food and drink (Class 1.3) and food and drink takeaway (Class 1.4). The application submission notes that the ground floor space is designed to accommodate a variety of town centre uses and the application seeks flexibility in the opportunity for changes between these uses without the need for planning approval. The submission further notes that the proposed gym would be available only to occupants of the office space to enhance the quality of the office space and increase the attractiveness to potential occupants.

2.4 The first to third floors of the building would accommodate solely office provision, whilst the fourth floor has been laid out as two distinct spaces, one of which would be used for a variety of town centre uses (i.e. retail, office or leisure), with the small space to be used solely as an office. The fifth floor would further be available for a variety of town centre uses.

2.5 The submitted planning statement notes the following in terms of design and elevation treatment:

"The Marker and Promenade buildings complement each other in terms of architectural style with a distinction between each in terms of colour and materials and with the section which links to Villiers House being glazed, matching the link section above the pedestrian link within the site from the promenade to Villiers Square. The intention of the scheme is to create a landmark corner "marker" building to continue the character of the promenade which features a number of taller and more distinctive buildings on the corners of the promenades with its side streets including Admiral House, opposite the site, Peveril Buildings and Jubilee Buildings to the south, Marlborough Apartments and Empress Apartments either side of Empress Drive and the Imperial Hotel either side of Mona Drive and the Savoy Hotel on the corner of Castle Drive. The Marker Building will be one storey higher than the Promenade Building to which it would be attached, following the form of these other corner buildings. The top level of the Marker Building will be finished in glazing.

The Marker Building is to be finished in red coloured cladding with the Promenade Building to the south separated by a glazed link above the pedestrian walk way, finished in light buff coloured brick, resembling and complimenting the finishes on Jubilee and Peveril Buildings to the south. The brick section will have decorative pattern and "Villiers Square" incorporated into the northern section. Both buildings have the same vertical emphasis from the windows above ground floor level and with the marker building having piers from floor to roof, further emphasising the verticality.

The second, third and fourth floors of the Marker Building step out from the floors below and above as the building turns the corner from Regent Street into the access lane, There are a series of decorative, Y shaped support features above the space created by the set back of the ground and first floors at this point. The space at ground floor level could be used for outside seating/dining.

The ground floor windows are larger to reflect their commercial use which is not an uncommon treatment of buildings close to and part of the town centre with its shops, cafes, bars and offices at ground floor level (see image on next page).

The rear of the building will feature the same finishes as the front in terms of the Marker Building and the glazed link above the pedestrian walkway but the remainder of the building up to its meeting with Villiers House will be finished in coloured render with the same vertical proportioned windows but in champagne colour with similar coloured ventilator panels, a glazed section accommodating the stair well and the same decorative brickwork in a section alongside the glazed stairwell."

2.5 The proposed hotel building will sit within Villiers Square towards its western boundary with the rear service lane serving the properties on the eastern side of Duke Street and those on the southern side of Regent Street. It will accommodate a 52 cover restaurant, bar, kitchen, storage and staff facilities, entrance lobby, reception and lounge on the ground floor with a delivery lay-by at the rear, two stairwells and two lifts and a bin store. Above there will be five floors of hotel accommodation totalling 80 bedrooms. The building would be finished to match the rendered finish on the majority of the rear of the proposed office and mixed use building on the other side of the public space with similar decorative brickwork and the future opportunity for the hotel operator's branding on the side of the building facing towards Regent Street.

2.6 The submitted planning statement provides the following overview and analysis of the proposed landscaped area between the built development:

"The space around and between the buildings is predominantly to be used for public leisure with outside seating and landscaping. The space is designed as public space in its own right as well as overspill from the surrounding buildings. The space could also accommodate events all year round, market stalls and outside exercise classes.

Hard surfacing will be buff coloured granite pavers. Car park ventilation would be incorporated into the design of the hard landscaping. A range of furniture will be provided.

New planting will incorporate a range of the following: Grey Alder, Cut leaf grey alder, shadbush, rowan, Largest Masterwort, Japanese Spindle Tree, Mrs. Robb's Bonnet, Knotted Cranesbill, Cranesbill Rozanne, Chilean Iris, Helleborus Purpurea, Sweet Box digyna, Japanese Skimmia Kew White, David Viburnum, oregano, rosemary and common sage which include species recommended in the Preliminary Ecological Assessment Report.

Pre-application advice from the Ecosystems Policy Team advised that due to the location, local species of plants and trees would not be necessary but to avoid invasive species. The scheme has done this and has, as advised chosen species which will add colour and interest both to the people who will use it as well as local ecology through the inclusion of vegetation rich in pollen and of interest to wildlife."

3.0 PLANNING HISTORY

3.1 The site benefits from a very extensive history, however only the following are considered to be of particular relevance with respect to the comprehensive redevelopment of the site:

13/00163/B - erection of six storey residential development with underground parking and ground floor retail space (amendment to 04/00418/B) - permitted

04/00418/B - erection of a block of 60 residential units with ground floor retail space and basement parking on remainder of site - permitted

00/00638/B - erection of office building and basement level parking and formation of public open space - permitted

94/01480/B - development to site to provide multi-storey office accommodation with civic space and parking - permitted

92/00309/A - approval in principle for redevelopment to create office/retail accommodation with parking - permitted

91/00576/B - redevelopment of Villiers site - permitted

89/01194/B - construction of hotel/business centre with car parking - permitted

4.0 PLANNING POLICY

4.1 Area Plan for the East (2020)

4.1.1 In accordance with the Douglas Central map within the Area Plan for the East, the site falls within the Strand Street Mixed Use Area and abuts the Maritime Gateway Mixed Use Area which lies to the north and across the Promenade to the east. The Promenade itself is designated as an area of Civic, Cultural or Other Use.

4.1.2 The Strand Street Mixed Use Area (3) is referred to in the Written Statement as follows:

"Mixed Use Area 3 - Strand Street

This area forms the core of the retail shopping area and is characterised by shops, food and drink uses, financial and professional services and other associated town centre uses such as hairdressers, beauticians and so on. The area is currently busy during daytime but quiet of an evening and it is considered that more residential uses would benefit the area and help support the night time economy. The primary shopping frontage is notated by the hatched line on Map 5.

Town Centre - Mixed Use Proposal 3

There will be a presumption in favour of retail and ancillary town centre uses such as food and drink and health and beauty uses along the primary shopping frontage. Outside of the primary shopping frontage a wider variety of town centre uses including financial and professional services open to visiting members of the public will also be acceptable. Entertainment venues, offices and residential use will be acceptable at first floor level and above, but not at ground floor level where an active frontage should be maintained and enhanced. These active frontages are essential to sustain an attractive town centre."

4.1.3 The site is further identified as forming part of Comprehensive Treatment Area (CTA) 1 - The Villiers, as identified within the Douglas Central map. The objectives of CTA's as noted to be as follows:

- i. Optimise use of land and buildings;
- ii. Unlock difficult sites;
- iii. Assist with a co-ordinated approach to development;
- iv. Improve the urban environment and visual amenity;
- v. Encourage further investment;
- vi. Provide for space for Douglas Town Centre to grow; and
- vii. Improve access and provide better linkages.

4.1.4 The following provides an overview of CTA 1 with respect to The Villiers site as noted in the Area Plan for the East, together with the corresponding proposal for the site:

"Despite planning approval for a variety of uses having been granted, much of the site remains undeveloped and has done for some time. The site has a negative effect on this prominent area of Douglas and impacts on the appearance of the Promenade as a whole. The area fronting the Promenade should either be developed or its appearance improved by creating an attractive public space. Re-development of the wider area would not be discounted, although where existing buildings are attractive and have a sound fabric, they should be incorporated into any wider scheme. The Central Douglas Masterplan suggests there is opportunity to support the intensification of the high street through the removal of some buildings on Duke Street. The Villiers site CTA is also a strategic freight corridor and maintaining access for commercial vehicles, including HGV's, must be considered in any proposed development.

CTA Proposal 1 - The Villiers (Treatment Plan)

Development of this area shall include office, leisure, retail, hotel, residential, entertainment venues, food and drink uses and public open space or a combination thereof; or the laying out of the site as public open space/town square in its entirety. Should built development not be brought forward independently of Government intervention, then consideration will be given to compulsory purchase of the site for either of the options described above."

4.1.5 Likewise, CTA Proposal 6 notes that:

"Within 12 months of the date when this plan is adopted, the Cabinet Office shall publish broad feasibility studies for each CTA reflective of the Treatment Plans set out above. The minimum details shall include:

- i. A site context and existing conditions plan, showing levels at the appropriate local datum, existing land uses and building footprints, adjoining roads and access points and land in government ownership.
- ii. Detailed analysis of the issues and identification of possible solutions/options going forward.

4.1.6 The subsequently feasibility study produced by the Cabinet Office and published in August 2021 provided the following site recommendations with respect to driving forward the site's redevelopment:

- o Early discussions with lenders and developers are recommended, to give greater clarity on current lending appetite and timing, post Covid, and the Loch Promenade site should be used as a test case for an assessment of viability and subsequent development of a tailored package of supporting measures to enable development to take place.
- o A study in respect of soil stability could provide technical information at an early stage in the design process that can inform the design of structures at sub grade levels.

- o The full extent of the underground car park needs to be ascertained, as this may impact upon the extent of floor plate that the site can accommodate, and affect building heights.
- o Existing utilities provision should be assessed, particularly in respect of any utilities provision that crosses the Loch Promenade site.
- o Discussions with the Department of Infrastructure are recommended, to explore the potential benefits for an additional vehicular access point onto Loch Promenade.
- o Gutter clearance to buildings on Victoria Street.
- o A building condition survey for retail premises on Regent Street and Duke Street should be undertaken to assess how these premises cater for the needs of modern retailing. This study may also be extended to premises on Victoria Street, to explore any deterioration in building condition due to gutters becoming blocked by vegetation.
- o A designated bin store for hire by smaller retailers operating in the main shopping street is recommended within the extent of the CTA, and where wholesale re-development takes place, bin storage provision should be included within the building envelope.
- o It is also suggested that current market demand for tourism uses on the Promenade are investigated, to determine whether a shift has occurred on Douglas Promenade from tourism accommodation to residential accommodation, or otherwise. This will enable a better understanding of future needs to be considered within the Promenade in the future.
- o The location and size of the site within the townscape, and the use options available, provides an opportunity for a bold statement of urban regeneration in the island's capital. Such a scheme including an appropriately located new town square on Regent Street, overlooked by Marks and Spencer and 1886 could create significant opportunities for retail and leisure investment, whilst providing space for outdoor leisure activities in a well-designed and safe environment. In so doing, its development is part of a bigger strategic picture which can unlock benefits for everyone.
- o Whatever options are considered, the opportunity for such high quality proposition, incorporating much needed public realm, is a vitally important aspect of developing this part of Douglas which could act as a catalyst for the wider redevelopment of the town as previously envisaged in the Lower Douglas Master Plan.

4.1.7 Further to the above, it is also noteworthy that the site has been given a unique site number in the Area Plan for the East, DM003g, which has been included within the Summary of Residential Land Provision table and indicated as having the potential to provide a notional number of 17 dwellings. No further information is provided in this respect, nor indeed has a specific design brief been produced for the site over and above the previously referenced CTA treatment plan.

4.1.8 Additional policies from the Area Plan for the East of material relevance to the proposed development are as follows:

Landscape Proposal

1 Requires applications to demonstrate that consideration has been given to the broad landscape strategies and key views described throughout Section 4.7 of the Plan.

Natural Environment Proposal

1 States that the protection, creation and improvement of green infrastructure will be supported, particularly in those locations which have the potential to be part of a Green Infrastructure Network. Development proposals must identify how they contribute to the long term provision of a network of connected green spaces.

Urban Environment Proposal

2 All new development and regeneration proposals within the Comprehensive Treatment Areas and Douglas Town Centre must demonstrate design elements to provide and enhance areas of public realm through sensitive and context-specific design.

3 Development proposals must make a positive contribution to local character and distinctiveness. Traditional or contemporary approaches may be appropriate, depending upon the nature of the proposal and the context of the surrounding area.

Transport Proposal

1 Requires development proposals to take into account the Active Travel Strategy and any specific actions set out in the Active Travel Action Plan.

2 Seeks to help deliver integrated transport networks. A series of requirements are listed to coordinate the development of all transport modes to provide a comprehensive transport system centred on Douglas and the East.

Utilities Proposal

1 Requires all development to be connected to the appropriate service and utility, which must be capable of receiving a new connection and sustaining it.

2 Seeks manage the sequence of development in growth areas so ensure services are available from early in the life of new communities.

3 Sets out the approach to the provision of electricity, telecommunications and gas supply for new developments.

4 Seeks to ensure that water, gas, electricity and telecommunications are provided in shared trenching and routes to minimise construction costs and land allocation for underground services.

5 Sets out the requirements for development proposals with regard to the provision of water supply, sewerage and drainage services and how impacts on flood risk and drainage should be considered in the design of development proposals.

6 Sets out approaches to reducing the impact of flooding, stormwater and overland flow on catchments and neighbouring properties.

Telecommunications Proposal

1 New developments should:

a) Make provision for fibre optic cables directly to each dwelling or commercial premises.

b) Within Comprehensive Treatment Areas, be phased so as to ensure that telecommunications structures are installed efficiently and will avoid ongoing disruption to site foundations.

c) Design facilities so as to be able to host equipment from more than one operator, and that such sharing be encouraged.

d) Demonstrate that the proposal has taken into account radio networks in particular those used by the emergency services (TETRA).

4.3 The following policies from the 2016 Strategic Plan are considered pertinent in the assessment of this application;

Strategic Policy

1 Efficient use of land and resources

2 Development focussed in existing towns and villages

- 4 Development to protect or enhance setting of Registered Buildings, landscape quality and biodiversity, and not result in unacceptable environmental pollution
- 5 Design and visual impact
- 6 Major employment generating development to be located in existing centre on land zoned for such purposes
- 9 New retail and office development to be located within existing town central on land zoned for such purposes
- 10 Sustainable transport

Spatial Policy

- 1 Development within the Douglas urban area

General Policy

- 2 General Development Considerations

Environment Policy

- 4 Protection of species and habitats
- 5 Mitigation against damage to or loss of habitats
- 10 Development and flood risk
- 22 Protection of environment and/or residential amenity from pollution
- 35 Development in Conservation Areas
- 41 Requirement of archaeological assessment
- 42 Designed to respect the character and identity of the locality
- 43 Development and regeneration of run-down urban areas

Business Policy

- 1 Growth of employment opportunities
- 7 New office development in town centre on land zoned for such purposes
- 8 Design and scale of new office development
- 9 Retail development to be at an appropriate scale to the existing area
- 10 Retail development in town and village centres
- 11 Sustainable tourism development

Recreational Policy

- 3 Requirement for landscaped amenity areas

Transport Policy

- 1 Proximity to existing public transportation services
- 2 Layouts to link to existing systems
- 4 Highway Safety
- 5 Improvements to highway network
- 6 Equal weight for vehicles and pedestrians
- 7 Parking Provisions
- 8 Requirement of Transport Assessment for major development

Infrastructure Policy

- 1 Development to take place in areas which will be connected to the IRIS drainage system
- 5 Water conservation and management

Community Policy

- 7 Designing out criminal and anti-social behaviour
- 10 Proper access for firefighting appliances
- 11 Prevention for the outbreak and spread of fire

5.0 ADDITIONAL MATERIAL CONSIDERATIONS

5.1 Our Island Our Future Economic Strategy (2022) and the Our Island, Our Future Visitor Strategy 2022-2032.

Both of these documents emphasise the need for the Island to develop and grow and meet the needs of a targeted expanded national and visitor population and economy. The economic strategy includes objective to create better paid jobs and rewarding career opportunities for all, a modern, business friendly environment, infrastructure and amenities to be proud of and placing sustainability and climate change at the heart of the economy. The visitor strategy identifies the need to attract new modern serviced accommodation offers, such as coastal and harbourside boutique hotels, spa and thalassotherapy resorts and retreats, e-sports hotels, branded hotels, and contemporary pub rooms.

5.2 Climate Change Act 2021 completed its passage through Tynwald in April 2021 and subsequently received Royal Assent in December 2021. The Act requires a statutory five-year Climate Change Plan to be in operation at all times, ensuring a clear direction for the Island to achieve net zero carbon emissions by 2050.

5.3 The Climate Change Action Plan 2022-2027 was subsequently produced and published in July 2022 and outlines the actions Government must take to cut emissions over the next five years, so the Island remains on track to be net zero by 2050. The plan assigns a percentage emission reduction target to six policy areas, including energy, transport and agriculture that must be met.

Some of the major actions include:

- o The provision of carbon neutral electricity supply by 2030
- o Bringing forward building regulations to ensure 97% energy efficiency in new buildings
- o Seeking to bring forward a ban on fossil fuel heating systems in new builds to 2024
- o The installation of 20MW of local renewables by 2026
- o Future introduction of further support for homeowners and tenants to aid the transition
- o The setting of a new interim emissions target of 35% by 2030.

5.4 Isle of Man Economic Strategy 2022

Approved by Tynwald in November 2022, the Economic Strategy outlines a 10-15 year strategy which seeks to, "...build a strong and diverse economy, which is sustainable, ambitious and built on firm foundations to provide economic success, rewarding career opportunities and prosperity which positively impacts all residents on the Isle of Man".

To achieve this vision, the strategy aims to make the Island a more attractive and prosperous place to live and work which it states will sustain and grow productive businesses and services. The plan outlines a £1bn long term public and private investment programme to secure 5,000 new jobs and a £10bn economy with infrastructure that can support 100,000 Island residents over the next fifteen years to 2037.

5.5 Built Environment Reform Programme (2022)

BERP is a two year programme of work set out to develop commitments in the Island Plan to build great communities. The document also promotes brown field sites for regeneration and ways to stimulate development in the widest terms. (Strategic Objective 4)

6.0 REPRESENTATIONS

6.1 Douglas City Council - Following careful consideration of the above planning application at a meeting of the Council's Environmental Service Committee held on the 18th

December 2023, the Committee resolved to support the proposed development with consideration being given to the following conditions should planning permission be granted.

The Council's support is conditional upon all matters relating to highways being satisfactorily resolved and that all waste and recyclables are stored within the designated waste storage areas shown on drawing reference "Proposed Site Plan". That no waste/recycling receptacles are placed outside of the designated bin storage areas and that the applicant provides details on their calculations for the number of waste storage bins for the hotel complex as part of their waste management strategy to the satisfaction of the Council's waste services management team.

Reason: To protect the open space amenity and to ensure that the streetscene along this part of the Promenade, Regent Street and within the proposed Villiers Square public space areas are maintained to a high standard and do not become negatively impacted by the waste created by businesses operating within the proposed new buildings. (18.12.23)

6.2 Highway Services

Initial comments

Further consideration on transport assessments, access, layout and off-site highway works are required to encourage visitors to the site to use sustainable transport modes, and off-set the development's impact on the local road network and parking.

These are summarised as follows:

1. A highway adoptions plan will need to be submitted for review/agreement, including any alterations for Fort Street and the bus shelter area on Loch Promenade.
2. Off-site highway works and bus stop/shelter design on the Promenade needs to be agreed with the DOI Highways Services and Bus Vannin. The current design made need alterations for current Bus/servicing operations and footway level design.
3. Large swept path tracking should include the exit onto Victoria Street from Fort Street and works to drop the footway and kerbs between buildings no. 14 and 16 on Victoria Street should be proposed to mitigate the impact of the development, as well as to help improve the public realm connections to and past the site. A servicing strategy for each land use and block should be provided within the TA.
4. Further details of the shared use area of the currently private section of Fort Street should be provided and agreed including adoption, design and construction. Forward visibility around the blocked paved bend should be considered and designed in as the current design appears to provide no forward visibility around the building. Additionally, the adjacent building is currently held up by structural support beams which appear to go through/situate on the proposed block paved area of Fort Street - how will this be removed to accommodate the proposals? The 0.5m width footway highlighted in the RSA should also be addressed/confirmed.
5. Motorbike parking at 5% of total spaces on the site should be provided. Cycling parking for staff and visitors of the hotel (as proposed in the TA) should be provided on the layout plan as it appears this has not been shown.

6. A wind assessment should be provided for the development height due to the location being in a high wind area and the flat frontage design of the development on Loch Promenade.

7. Car parking assessment for inadequate parking on-site - more assessment on all parking requirements for the different land uses proposed on the site should be provide within the TA (not just the office parking standards), then the applicant should show where the additional supply would be available within the adjacent car parks in the city centre. Additionally, existing surface and basement parking within the site will be lost - where will this go? The Planning Statement says that the development relies on parking provided on a future development in the Lower Douglas masterplan - how will this parking be linked to the development?

8. The site should be included within the cumulative modelling assessment of the Central and Lower Douglas Masterplan sites development taking into account the proposed Villiers Square development and car parking demand from Villiers distributed within the Lower Douglas area in the future.

9. The travel plan should add specific measures for bus usage improvements, to encourage cycle usage for staff and visitors of the hotel, and monitoring and multi modal change targets should be the basis of future actions within the travel plan. Measures to reduce the impact of the loss of parking on the site during construction and once the site is delivered should also be considered, including car sharing bays marked in the basement car park.

10. RSA stage 1 - Issues around swept path tracking of large vehicles on Fort Street, and impacts on nonmotorised users, still need to be considered and addressed.

11. Gradients on the site should be provided for review including how this ties into proposed gradients on the proposed altered Loch Promenade footway frontage of the development (due to repositioned of Kassel kerbing for the bus stop). All gradients on the site should meet the Inclusion Mobility document standards.

12. Flood risk issues on-site and within Fort Street, and surface water drainage not draining onto the public highway, need to be resolved with DOI Flood Risk and Drainage Teams - for these teams to comment on further.

13. Wayfinding signs should be considered on the development or adjacent to the development on the public highway to improve non-motorised connectivity and public realm quality in this high demand and tourist area. Benches should also be considered within the public realm/square of the site if not done so already.

14. Corduroy pavement around the steps should not be on adopted highway where it is smooth currently - various different plans show different positioning within the layout plans and the plans within the TA. Confirmation of the corduroy pavement position should be provided that it is within the site boundary and not on the adopted highway.

The principle of the development is likely to be acceptable, but better planning and design of the site individually is needed along with consideration of the masterplan development sites impacts and improved proposals for off-site highway works to mitigate the impact of the development.

Separate permissions will be necessary with the DOI Highway Services after grant of planning consent for works in the highway under a S109(A) Highway Agreement. Highway Licences

apply for temporary closures and traffic management on the public highway etc. An Oversailing of the Highway Licence will be required if the bus shelter is incorporated under the building and is on adopted highway land. (17.11.23)

Second round of comments following submission of additional information. Each comment is made against the previous points raised by Highway Services and in relation to the information provided.

1. The bus shelter area under the building will need to be adopted and then the applicant would need to apply for an overhanging the highway licence. This matter is still outstanding.

2. The applicant has not consulted Bus Vannin to agree the bus stop/shelter design and it would be unwise to not agree significant highway works during the planning application stage as abortive work and design will result if works need to be changed after permission is granted (a swell as amendment planning applications would be required). This matter is still outstanding.

3. The applicant has not addressed these items. The tracking on Fort Street onto Victoria Street in Appendix BGH2 has not been attached to the submission. We would not agree from the Bryan G Hall note that the proposals will not materially increase large vehicle trips on this narrow route - the development will exacerbate the damage along this section. Additionally, a servicing strategy has not been produced for the site - this was promised after discussions with Bus Vannin which has not materialised up until the date of this response. This matter is still outstanding.

4. The 2m notional offset from edge of adopted highway for pedestrian corridor is welcomed but this should be marked with blocked paving on the shared use area. In relation to the forward visibility around the Fort Street bend - this is acceptable for the slow speed nature of the street, providing the footway corridor on the shared surface area is marked with blocked paving to reduce vehicle pedestrian conflicts. In relation to the support beam issue, the applicant has provided a 0.8m strip that could be removed from the adopted highway if needed for support beams which is acceptable. In relation to the 0.5m footway offset, two plans shows different layouts where one has additional footway due to building overhanging (Dwg. EC PO2) and another plan doesn't (Dwg. 21/491/ATR/010) - clarification on if there is additional footway in this location is requested. The 2m notional footway and 0.5m offset footway items are therefore outstanding.

5. The motorcycle parking is welcomed. In relation to the hotel, although the cycle parking should ideally be within the hotel building and undercover, the outside cycle parking is acceptable. Therefore, this item is addressed.

6. The applicant has said that a wind assessment is not required, "as the buildings are only one story higher than Villiers House and the buildings are generally orientated in North Easterly direction and are well sheltered from the prevailing South Westerly winds by the buildings along Duke Street and Strand Street to the West." Providing this is acceptable to the planning department, this response will be acceptable to DOI.

7. Following additional and commentary providing within the Bryan G Hall note, car parking issues and supply information are satisfactory and therefore this item is addressed.

8. The applicant has not provided information on how the sites trips have been included within the Lower Douglas model, as vehicle trip generation would be distribute throughout the Lower Douglas area. This matter is still outstanding.

9. The updated Travel Plan has been updated with the majority of requests. However, the proposed travel measures within the Bryan G Hall note includes wayfinding signs, but the actual Travel Plan measures section within the updated Bryan G Hall Travel Plan appears to not include these - where will this be proposed so they can be included as a development improvement? Therefore, this matter is still outstanding.

10. This issue is primarily addressing items 3 and 4 above which DOI Highway Services do not believe have been satisfactorily addressed as of yet.

11. This item has been addressed.

12. This item would need to be resolved with DOI Flood Risk and Drainage Teams.

13. If wayfinding signs are to be proposed after the development application, then a suitable condition would be needed on permission for the wayfinding signs to be agreed with planning and implemented before occupation of the site. This item has been addressed subject to the planning authority agreeing to a condition on wayfinding signs.

14. The corduroy paving has been removed from the adopted highway on the plan (Dwg. EC PO2) which is welcomed. Therefore, this item is addressed.

The principle of the development is likely to be still acceptable, but there are still some transport items that need to be addressed to resolved highway safety, planning, accessibility and servicing. Separate permissions will be necessary with the DOI Highway Services after grant of planning consent for works in the highway under a S109(A) Highway Agreement. Highway Licences apply for temporary closures and traffic management on the public highway etc. An Oversailing of the Highway Licence will be required if the bus shelter is incorporated under the building and is on adopted highway land. (19.03.24)

Following the submission of the above comments by Highway Services, the applicant provided the following responses in relation to the above points on 28.03.24:

1. A proposed Highway Adoptions plan has been included in the Technical Note submitted by Bryan G Hall (dated 30th January 2024)- please refer to Appendix BGH 1. This set out the extent of envisaged works to the junction of Regent and Fort Street. An additional plan can be produced for the integrated bus stop solution if this is agreed, and we note the comments raised in respect of overhanging etc. We respectfully suggest that this can be dealt with post planning as part of highway agreements.

While it is the Applicant's aspiration to include the bus stop in the location shown on the submitted drawings and to explore reconfiguration of the existing footpath, it is not essential that the geometry of the footpath is changed. The recessed façade shown on the elevations will be maintained in any event.

2. As previously advised and as outlined in the Technical Note prepared by Bryan G Hall, the Applicant has held discussions with Bus Vannin regarding the suggested location and style of the bus stop. A Bus Stop Concept Strategy document was provided in May 2023 which outlined 2 options. We enclose the document for your information. The Applicant was subsequently advised by Bus Vannin representatives that Option 2 was the preferred option and hence this idea was incorporated into the elevations.

Regarding the suggested realignment of the current bus stop / layby area that lies outside of the Villiers Square site along Loch Promenade, it is recognised that further discussion with Bus Vannin and DOI Highways will be required and again, we respectfully suggest that those

discussions can be held as part of possible off-site works. The planning application drawings / documents indicated that approach. (It may well be that the current bus stop arrangements remain as they are currently configured, which is why the offsite works approach was adopted so as not to unduly delay the planning approval for the development).

3. The Applicant refers the reader to Appendix BGH 2 of the Technical Note where a large / refuse vehicle is shown emerging onto Victoria Street from Fort Street. As referenced in the Bryan G Hall Technical note (pg 2 paragraphs 11 & 12, it must be recognised that Fort Street is an existing public highway that requires upgrading and is currently used by both large and small vehicles. This matter has previously been discussed with DOI representatives on the 14th June 2023 (Meeting with Highway Services) and the Director and CEO of DOI Highways at a meeting held on 7/11/23. The Applicant is happy to engage with DOI Highways regarding the future upgrade of Fort Street and has expressed that view accordingly however, these works were not included in the planning application because the Applicant does not control this public highway. For that reason, these are deemed to be off site highway works that require further discussion but should not prevent the planning application from being determined.

As stated in paragraph 13 of the Bryan G Hall technical note, the Applicant intends to discuss the servicing strategy for the development with both Bus Vannin and DOI as part of the proposed off-site works referenced above. It should be noted that the Applicant's design proposals improve the servicing arrangements for the development by including a layby to the rear of the hotel building along Fort Street - a significant betterment that is in addition to the servicing arrangements currently located along Loch Promenade and access to / from Regent Street and Strand Street. The Applicant respectfully suggests that the possible off-site works should not adversely impact the time for determining the current application.

4. Noted and this design intent will be captured during the detailed design stage and as part of Highway Agreements. Appendix BGH 3 of the technical note (drawing 21/ 491/ATR010 Rev B) set out the proposed offsets namely 0.8m off from the edge of Fort Street, 2m footway and additional offset or approximately 0.8m adjacent to the proposed highway. For clarity Bryan G Hall now submit drawing 21/ 491/ATR010 Rev C which describes the design intent.

5. Noted.

6. Noted.

7. Noted.

8. Following the meeting with DOI Highways on 26/1/24, it was the Applicants understanding that the Villiers Square development would not form part of the cumulative modelling assessment for the purposes of its current application. The Applicant refers the reader to Section 34 and 35 of the Technical Note prepared by Bryan G Hall.

In addition to the above, the Applicant understands that the Planning Department holds a similar view namely; that the Villiers Square development would not be required to be included in the cumulative assessment for the purposes of determining the current application. (As mentioned in the Technical Note, the Applicant will supply relevant trip data for inclusion in the Systra modelling - for information purposes only and to assist with this work.) In summary, the Applicant maintains that it was agreed with the Planning Department and DOI Highways that the Villiers Square development would not be included in the cumulative modelling assessment with respect to the current planning application.

9. Wayfinding will be addressed as part of detailed design development and the Travel Plan will be updated accordingly. This issue should not prevent or delay determination of the current planning application.

10. Refer to comments in relation to points 3 and 4 above.

11. Noted.

12. A flood risk plan has been submitted with the planning application and ground floor levels for the building have been set accordingly. The development proposals have been discussed with both DOI Drainage Division and MUA Drainage. During discussions with the above authorities, it was highlighted that there are some existing drainage issues in Fort Street (a public highway). The Applicant is happy to discuss this matter further as part of possible off-site works. The issue was also discussed with the Director of Highways Services held on the 31st March 2023. Note: At present, the drainage design for the development proposals outfall into Regent Street and Loch Promenade - not into Fort Street.

13. Noted. The Applicant will agree the wayfinding approach with DBC as part of detailed design proposals.

14. Noted.

In reply to the above points provided by the applicant, Highway Services provided a subsequent and final response in relation to their original points raised.

1. The applicant has not confirmed whether this area for the bus stop will be adopted highway or not (based on the second paragraph of their 28 Mar 2024 submission). The area should be designated as highway for adoption so Bus Vannin have control over the bus stop and its use. If this cannot be agreed now, then a condition regarding the bus stop design, and land designated as highway maintainable at public expense under the bus stop, could be placed on the permission.

2. The applicant has stated two options in the 28 March 2024 response - use the concept proposals within the application or leave the bus stop/off-site highway works design as it is as existing on-site. This could mean building and off-site highway works would need to change after planning permission is granted, therefore a new planning application would be needed if the building would need to be altered. As the applicant has not spoken to Bus Vannin (as of 8 April 2024) during the planning application being submitted, it is difficult to know if they would accept the design of the bus stop or off-site highway works as proposed in the application. This matter is still outstanding.

3. Assessments on servicing strategies need to be done during the planning application when the design and off-site highway works are being assessed and agreed. In terms of the swept path tracking, the tracking shows that large vehicles will overrun the kerbs and footway on the small section of Fort Street onto Victoria Street. This issue directly relates to the development so it should be resolved by the development through proposals supporting the planning application, regardless if it is public highway - off-site highway works can be secured via a S109 highway agreement.

4. The applicant discusses 0.8m, 2m and 0.8m offsets and refers to plan 21/491/ATR010 Rev C, but the measurements on the plan refer to the first section of the new Fort Street shared section. Apologies, the comments above refer to the footway and offset adjacent to the hotel building. I think this issue needs clearing up as submitted plans Dwg.

DR L 00300 and Dwg. EC P01 and Dwg. EC PO2 and Dwg. 21/491/ATR/010 show different layouts around the hotel building. If Dwg. 21/491/ATR/010 is the final design then other layout plans need to be amended on the planning application.

5. No further comments.

6. No further comments.

7. No further comments.

8. The applicant has said they will give trip information into the lower Douglas model so the development impact can be accommodated within the model completed by others, but has not confirmed this is the case. Once this has been confirmed this is the case, then this item will be addressed. The developments trips will have an impact on the local highway network so the information needs to be used in modelling assessments.

9. The applicant has not updated the Travel Plan to accommodate the wayfinding signs, but the implementation of these can be controlled by condition on permission.

10. Items 3 and 4 still need to be addressed as discussed above.

11. No further comments.

12. No further comments - further comments by DOI Flood Risk and Drainage Teams is advised.

13. No further comments.

14. No further comments. (08.04.24)

6.3 Highways Drainage - No response received at the time of writing.

6.4 Manx Utilities Authority (Drainage) - Foul and surface water connections must be discussed with MU prior to any work commencing on site. (01.12.23)

MU can confirm we are happy with the drainage proposals. There is sufficient capacity where the SW discharge is being proposed, therefore we have no issues. (05.04.24)

6.5 Flood Risk Management - FRM are happy with the application and have confirmed that AOD = DO2. Recommend that Section 7 of the submitted FRA be conditioned. (13.11.23)

6.6 Registered Buildings Officer - The application proposes to construct three buildings, two of which are physically connected at high level. One proposed building sits on the corner of Loch Promenade and Regent Street, the second building sits along the site's Loch Promenade boundary, and the third building would be sited towards the eastern side of the site. The proposed buildings would be a mix of five and six storeys high, with areas of roof mounted plant above. A public space is proposed in the centre of the site, and parking accommodated within a basement. The external wall materials proposed are a combination of facing brickwork, painted render and metal cladding, with elements of curtain walling as well as windows.

A Heritage Impact Assessment has been submitted as part of the application documents. The document uses the measures of significance established in the Australia ICOMOS Burra Charter from 2013, which is considered to be an acceptable and well-established approach.

Paragraph 1.6.1 of the IOM Strategic Plan 2016 states that 'where there is no Manx guidance, it will often be appropriate and helpful to have regard to legal judgments or advice published in the UK or the EU.' With this in mind, it is considered appropriate to refer to the UK's National Planning Policy Guidance in relation to assessing potential harm to the significance of a heritage asset. Paragraph 18a-018 states 'Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss)'. The paragraph goes on to state that 'in determining whether works...constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.' In the absence of any Manx guidance, it is the above UK guidance that will be used to assess whether the level of harm from the proposals is likely to be substantial, less than substantial, or no harm (which includes enhancement).

Impact on nearby Registered Buildings Jubilee Clock

The application site is located approximately 100m from this Registered Building. The sweep of buildings along Loch Promenade form one of the principal backdrops of the Jubilee Clock, and make a significant contribution to its setting. Although obviously modern and in a form that is clearly intended to break up the development's overall massing, the proposed buildings are judged to respect the historic building line and to be of a height that is broadly commensurate with the surrounding townscape. It is considered that the re-introduction of the buildings along the Loch Promenade frontage of the application site in the manner proposed will cause no harm to the significance of the Jubilee Clock.

Douglas Borough War Memorial

The application site is located approximately 600m from the War Memorial. Although not close enough to impact the memorial's immediate setting, the frontage along Loch Promenade does form part of the memorial's backdrop and has potential to impact its wider setting. When viewed from a distance of 600m, it is considered that only the form and massing of the proposed buildings would be significant within a view. As mentioned above in the section relating to the Jubilee Clock, the proposed buildings are judged to respect the historic building line and to be of a height that is broadly commensurate with the surrounding townscape. With this in mind, and particularly when compared to the currently vacant site, the proposals are considered to cause no harm to the setting of Douglas Borough War Memorial.

Other Registered Buildings

The applicant's Heritage Impact Assessment analyses the potential impact on four other registered buildings in addition to the Jubilee Clock and Douglas Borough War Memorial. Given each building's respective position relative to the application site, I agree with the assessment's conclusion that the proposed development would cause no harm to these buildings.

Impact on the special character of the Douglas Promenades Conservation Area

One of the most significant aspects of the special character of the Douglas Promenades Conservation Area is the sweep of buildings along its frontage. It is judged that the currently vacant nature of the application site causes significant harm to this element of the Conservation Area's character. Furthermore, it is judged that this harm is currently increased by the partly completed building site on Duke Street that is visible through the application site. The re-introduction of a strong building line along the Loch Promenade elevation of the site is considered to be a positive proposal. Although there is a significant difference in height between Admiral House and the building proposed in the northernmost corner of the application site, the overall height across the site is considered to be reasonable when compared to the surrounding townscape.

The proposed presence of rooftop plant on both buildings along the Loch Promenade boundary is unfortunate, and it is judged that this will reduce the otherwise positive impact that the buildings would have. These areas of plant would be particularly visible when viewing the site from further north along the promenade, and it is judged that the scheme would have been improved if this plant had been accommodated within the overall massing of the proposed buildings.

In addition to the assessment of the height mentioned above, the form and rhythm of the proposed Loch Promenade buildings is judged to be such that it respects the adjacent buildings. With the above factors in mind, overall the proposed Loch Promenade elevation is considered to cause no harm to the special character of the Douglas Promenades Conservation Area.

Impact on important views into and out of the Douglas Promenades Conservation Area
Environment policy 36 uses the words 'Where development is proposed outside of, but close to, the boundary of a Conservation Area'. Although this application is sited inside the conservation area, it is still judged that the position and scale of development proposed could impact important views into and out of the conservation area.

The application site is in a prominent position towards the southern end of the conservation area. The proposed design of the Loch Promenade elevation is considered to be in a manner that respects the existing building line and rhythm. Although the roofs of both buildings are judged to be negatively impacted by the visible areas of plant, and it is considered that the design would be improved greatly by their removal, overall this elevation is judged to cause no harm to the important views into and out of the conservation area.

In addition to the views along Loch Promenade, the view looking towards the sea from the western half of Regent Street (outside 1886) is considered to be an important view into the conservation area. The western elevation of the 'Block A Marker' building will be extremely prominent in this view. From the western end of Regent Street the solid wall at second, third and fourth floor on this elevation is of some concern, as it is judged to present a rather brutal and possibly unwelcoming entrance to both the proposed development and the conservation area. In my view, the proposed scheme would be significantly improved by a softer treatment being applied to this portion of the elevation. It is judged that the scale, form and massing of this particular elevation as currently proposed does harm this important view into the conservation area. I would consider this harm to be less than substantial, however, as it would not seriously effect a key element of the conservation area's special interest.

CONDITIONS

It is considered that the overall appearance of the proposed development, and therefore to a certain degree its impact on the conservation area, will be significantly impacted by the standard of finishes used. With this in mind, the below conditions are suggested in the event that the application is recommended for approval:

External Finishes:

No development shall commence until sample details of cladding, windows, external doors and rooftop plant room louvres have been submitted to and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and be retained thereafter.

Reason: In the interests of preserving the character and appearance of the Conservation Area and surrounding area.

Facing Brickwork:

No development shall commence until panels of all variations of brickwork proposed, including movement/mortar joints, have been erected on site (or an alternative location) and approved in writing by the Department. The development shall not be carried out unless in accordance with the approved details and be retained thereafter.

Reason: In the interests of preserving the character and appearance of the Conservation Area and surrounding area. (09.11.23)

6.7 Manx National Heritage - the site is largely on made ground, however I had noted that the Hotel / Block B partially overlies buildings that are marked on the Ordnance Survey First Edition of the 1860s. Part of the ground on which those structures stood is likely already to have been disturbed during excavation and construction of the underground carpark, the entrance for which is adjacent.

On further reflection, however, it is possible that elements of the sea-wall may survive under part of the footprint of the proposed hotel, and this would be worthy of recording if the foundation design is such that substantial ground disturbance is necessary. (01.12.23)

Noting the status of Loch Promenade as a conservation area (first designated in 2002), we have carefully compared the height of the proposed frontages of the northernmost element of Block A on both the Loch Promenade and Regent Street, and wish to record our substantial concern over the scale of this building in relation to its neighbours.

Whilst the more southerly element of Block A ties in reasonably well with the former AXA building (now Lloyds Bank), the more northerly element rises to a maximum of 24.75m above finished ground floor level (as scaled from the online plans). For comparison, the tallest element of the roof of Admiral House - the isolated turret - on the north side of Regent Street is just 19m tall: expressed another way, the new development is 30% taller than Admiral House, which itself is the tallest existing building in the vicinity and sets the existing character tone for much of the surrounding conservation area.

Even allowing for the fact that the tallest part of Block A - the rooftop plant area - is set back from the Regent Street frontage, as is the fifth floor to a lesser degree, the new building reads as fully two storeys higher than its neighbour on Loch Promenade as will be apparent in views along the promenade and from out to sea, and completely dwarfs the rest of the buildings on the south side of Regent Street. We note that the building is slightly more than twice as high as Regent Street is wide. Given its location to the south of Admiral House, there is a danger that it will deprive this existing building of light during the day, as well as placing the streetscape in shadow at street-level.

We therefore cannot agree with the assessment submitted by the Department's Registered Buildings staff that the scheme is 'reasonable', that it 'respects the adjacent buildings', and that it would 'cause no harm to the special character of the Douglas Promenades Conservation Area'. (04.12.23)

6.8 DEFA Biodiversity - The Ecosystem Policy Team can confirm that the Manx Wildlife Trust's (MWT) Preliminary Ecological Appraisal (PEA) for Villiers Square dated October 2022, is all in order and that a suitable level of assessment has been undertaken.

The MWT determined that the ecological constraints on site were limited to the following:

Potential for damage to Douglas Bay Marine Nature Reserve during construction - requirement for a Construction Environmental Management Plan (CEMP).

Low potential for roosting bats in the building which could be damaged or destroyed by demolition and/or lighting - requirement for a preliminary roost assessment of the buildings and lighting designed to avoid impacts on bats.

Potential for nesting birds in the trees and buildings on site - requirement for retention of vegetation or replacement of vegetation and timing of vegetation removal outside of the nesting season. The MWT also identified potential nesting space for cavity nesting species on site, but did not recommend any additional assessment or mitigation. Therefore, one of the following 2 options should be chosen from.

1. An Assessment for nesting birds is undertaken on the buildings in the nesting season and avoidance and mitigation measures put in place based on the findings.

2. An assumption is made that nesting birds are definitely present in the buildings and avoidance and mitigation measures put in place on this basis. If this option is selected then based on the MWT's initial findings, at least 2 replacement nest sites should be provided which are suitable for cavity dwelling species.

Potential for spread of non-native invasive Wildlife Act Schedule 8 listed montbretia during construction - requirement for a CEMP which includes responsible avoidance and eradication plans.

Though not referenced within the MWT's PEA, the Ecosystem Policy Team are aware that blackbirds have previously bred on site (this is noted on Page 49 of the Planning Statement). The vegetation on site, previously used by blackbirds, is to be removed and so compensation is required. We recommend that compensation is provided in the form of at least 1 swift nest brick high up on the new building on a north east - north west elevation but not above windows, doors or balconies. A condition for this is requested below.

The Ecosystem Policy Team recommend that the following conditions are secured on approval:

No works to commence unless a Construction Environmental Management Plan has been submitted to Planning and approved in writing. The plan must include measures to be put in place during construction for the protection of Douglas Bay Marine Nature Reserve, such as the use of spill kits, secure storage areas, biodegradable oils, use of oil and silt interceptors, good waste management and litter prevention measures etc., and for the protection of nesting birds and roosting bats, such as the timing of vegetation removal and pre-clearance checks. It must also include a responsible avoidance and eradication plan for Wildlife Act Schedule 8 montbretia. The works must then be undertaken in strict accordance with this agreed plan.

No works to commence unless a preliminary bat roost assessment has been undertaken on the buildings by a suitably qualified ecological consultancy and a report detailing the findings has been submitted to Planning and approved in writing. Should the assessments find evidence of roosting bats, then further survey may be required as will details of avoidance and mitigation measures which may include requirements for the timing of building demolition and the provision of new roosting spaces.

No works to commence unless a breeding bird mitigation plan has been provided to Planning and approved in writing. The plan should contain the results of a breeding bird assessment on the buildings, or the measures to be put in place on the assumption that breeding birds are present in the buildings. The plan must also contain details of at least 1 swift nest brick to be built into the new buildings.- To note, swifts like to nest communally so we recommend that at least 2 are provided (there is space on the building to provide multiple).

No external lighting to be installed unless a sensitive low level lighting plan, following best practise, as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/23 - Bats and Artificial Lighting (2023) has been provided to Planning and approved in writing. (15.11.23)

The Ecosystem Policy Team further recommend that a condition is secured for no works to commence unless a detailed landscaping plan, which includes greater levels of detail about the creation of the green roof, and 5 year post-planting management schedule, has been submitted to Planning for written approval. Though we are content with the landscaping details that have been provided thus far, no details have yet been provided regarding the creation and management of the green roof, or other landscaped areas. (19.02.24)

6.9 Department for Enterprise - Business Isle of Man supports this application.

The site, identified as Strand Street character area within the Central Douglas Masterplan, is now incorporated as Mixed Use Proposals Areas within the Area Plan for the East which came into force on the 1st December 2020. The site is also identified as I-JUS 17 on the Unoccupied Urban Sites Register which we understand is 'intended to facilitate the re-development of previously developed sites within existing settlement boundaries of key service centres that are currently vacant and underused, by providing an easily accessible data source that clearly identifies and maps unoccupied urban sites on the Island'. This site is one of the largest of Douglas' key brownfield sites, so its redevelopment would deliver on Our Island Plan's 'National Outcomes & Indicators' which identifies the redevelopment of two key Brownfield sites using substantial private sector leverage as a key performance indicator.

The site is also the subject of a Comprehensive Treatment Area as designated within the Area Plan for the East. CTA Proposal 1 - The Villiers (Treatment Plan) sets out that;

"Development of this area shall include office, leisure, retail, hotel, residential, entertainment venues, food and drink uses and public open space or a combination thereof; or the laying out of the site as public open space/town square in its entirety. Should built development not be brought forward independently of Government intervention, then consideration will be given to compulsory purchase of the site for either of the options described above"

With the exception of the provision of residential, the scheme appears to deliver on the basis of the Comprehensive Treatment Area — Proposal 1.

The provision of office space within the development corresponds with the basis of the Isle of Man Strategic Plan 2016's Business Policy 7 which seeks to ensure that new office floor space should be located within town and village centres. The Business Agency carried out a 'pulse check' of the Island's Office, Retail and Industrial provision with the Island's commercial agents over the Summer 2023 period and noted some interesting outputs. In terms of office space, a number of the agents remarked that office enquiries have picked up this year, but it remains a struggling sector which the Commercial Agents consider is due in part, to the scale and quality of the existing office space market. Their feedback is that smaller suites around 500-1,000sqft are sought-after with the greatest demand being for open plan offices under 5,000sqft and whilst there is an abundance of office space of this size, the provision tends to be of the older, more cellular floor plan type, which are more difficult to alter to meet modern office requirements and could not be considered to be of grade A standard.

The survey also noted that the market for office space in excess of 10,000sqft was not well served and with the Department's Agencies continuing to engage with Digital-based businesses interested in re-locating to the Island, with the highest number of e-gaming licenses to date, a target of 90 for the year and 84 licenses approved to date, consideration is that there are businesses looking for such opportunities. This provision therefore, would correspond with the actions and goals set out in the Economic Strategy 2022-2032 which state that we will create a modern, business-friendly environment and in so doing, assist in creating and filling 5,000 new jobs across new, enabling and existing key sectors, by 2032, reaching an overall GDP of £10bn.

In respect of retail, the Summer 2023 industry 'pulse check' indicated that the marketplace is strong with relatively low vacancy levels in comparison to the UK, born out in the CACI report commissioned by the Business Agency which is currently being updated. The agents suggest that the high street has recovered better here than in the UK, with Strand Street strong and a number of the agents suggesting the strength of high street relates to the Strategic Plan's Strategic Policy 9, Business Policies 9 and 10 driving retail into the town centres and the resultant lack of out-of-town retail.

A street survey of some 628 people was carried out during the Summer of 2023, that strongly indicated that those surveyed wished to see more High Street multiples from the UK locate here which would result in units the size of units that would normally be found out of town. The provision of retail unit opportunities within this scheme would support that aspiration.

The Business Agency considers that the proposals deliver on a key metric in the Island Plan to key Brownfield sites using substantial private sector leverage, and represents substantial investment in the Island's economy which would also play an important part in supporting the development of a strong and diverse economy, which is sustainable, ambitious and built on firm foundations to provide economic success, rewarding career opportunities and prosperity which positively impacts all residents on the Isle of Man and in so doing, aligns with the drivers of the Economic Strategy. (21.11.23)

6.10 Visit Isle of Man - The Our Island Our Future Visitor Economy Strategy 2022-2032, endorsed by Tynwald in May 2022, includes a Visitor Accommodation Transformation Action Programme that seeks to develop 500 new and transformed hotel and serviced accommodation bedrooms and 500 new units of distinctive, contemporary, eco-friendly non-serviced accommodation to support visitor number growth over the next 10 years.

Programme 3 (Visitor Accommodation Transformation) of the strategy highlights that our visitor accommodation studies have shown that we are lagging behind our competitor island, coastal and rural destinations in terms of the quality and choice of visitor accommodation that we offer. Investment needs to be secured in distinctive, contemporary and ecofriendly visitor accommodation that will attract new visitor markets to the Island, help to boost off-peak demand, and enable the Island to get ahead of the competition.

The development would see the creation of an 80 bedroomed hotel with facilities including ground floor restaurant and bar.

The Our Island Our Future Visitor Economy Strategy states that our priority to 2032 will be to triple our holiday and short break demand with over 70% of our additional visitors staying for such purposes. The strategy has four target markets to grow and attract including 'Traditional Traveller', 'Curious Explorers', 'Experience Seekers' and 'Family Adventurers'. Development of new hotel accommodation will add to the growth of these markets, specifically the 'Family Adventurers' who look for family-orientated accommodation. Document '2301223B Design and Access Statement 9 of 9' on the planning application states there will be a total of 55 family bedrooms which would satisfy the family market. There is also 5 accessible bedrooms which will add to the Island's accessible bed stock, which shows alignment with the Equality Act 2017. At present, the Isle of Man has a limited number of accessible bedrooms within the serviced sector.

It is anticipated that this development will create a number of jobs in the tourism and hospitality sector. The creation of jobs supports Visit Isle of Man to achieve its targets under Programme 7 (Talent Development) of the Our Island Our Future Visitor Economy Strategy.

The need for new hotel developments is further supported by the Department's commitment within the Enterprise Act 2008 highlighting 'new hotel accommodation 3* and above (whole business, sole business)' as eligible for financial support and encouraged. The justification is as follows:

- o There has been a loss hotel accommodation over the last ten years
- o The Island needs quality hotel accommodation
- o Support business sector as well as tourist visitor sector

From an Area Plan perspective, we note that the site is located within the Strand Street Mixed Use Area designated in the Area Plan for the East approved by Tynwald on the 18th November 2020, and the redevelopment of the site for visitor accommodation is entirely in keeping with that designation. We also note that the site proposals are to redevelop an unoccupied urban site, which is not included on the formal Unoccupied Urban Sites Register, does deliver on the Island Plan's strategy to redevelop our brownfield sites.

The site is also subject of a Comprehensive Treatment Area proposal with the Area Plan for the East. That proposal is as follows:

CTA Proposal 1 - The Villiers (Treatment Plan) Development of this area shall include office, leisure, retail, hotel, residential, entertainment venues, food and drink uses and public open space or a combination thereof; or the laying out of the site as public open space/town square in its entirety. Should built development not be brought forward independently of Government intervention, then consideration will be given to compulsory purchase of the site for either of the options described above.

It is anticipated that the development would achieve a high quality finish satisfying a number of elements highlighted as growth potential within strategic documentation which will be in sympathy with the Departments policy to encourage a quality visitor experience to ensure the Island remains a competitive as a destination.

The Department for Enterprise has already supported this development through the Island Infrastructure Scheme to support the development of brownfield sites across the Island.

For the reasons set out above, Visit Agency Officers are thus fully supportive of this application. (07.11.23)

6.11 Isle of Man Fire Service - Our primary planning concern was around high reach appliance access to the proposed hotel, this has been confirmed as in accordance with ADB. We will now continue to engage with the developer in regards to internal matters which do not relate to planning. (13.03.24)

6.12 Isle of Man Constabulary - we would primarily be looking for the safety and security of all those using and residing within the facility as well as crime prevention in that the public feel safe when using or travelling through the facility.

Before all that comes the physical build and developers should be mindful of having robust perimeter fencing on site, an alarm system in place and any site cabins to be suitably fitted and secured, especially in respect of any fuel or the storage of materials and equipment. Contact details of the developer should be displayed in case of an emergency in case of such or any suspicious behaviour reported by staff or members of the public. Mobile or part time CCTV can be effective in preventing thefts and aid the security of the site.

A concern would be with the public open spaces and that the environmental design of this space does not attract anti-social behaviour or give opportunist criminals the space to hide or indeed commit crime. Good use of the space where a criminal would feel vulnerable would prevent crime, which includes lighting, surveillance (natural and by CCTV). Street furniture and planting of trees or shrubbery to be considered as part of this, and the lighting should be so that it doesn't impact those residing in the dwellings.

The retail space will have passing surveillance, as well as CCTV and specifics such as doors, locks, windows and glass to meet British Standards for commercial premises. Any access control to these spaces should again meet the required British Standard and this goes for the hotel, entertainment space as well as the food/drink outlets. They all have their vulnerabilities and the police would seek that measures are in place for the prevention and detection of crime.

The Isle of Man Constabulary support the application and welcome the development in changing the face of Douglas Promenade and it's City Centre. (05.02.24)

6.13 Environmental Health - No response received at the time of writing.

6.14 Manx Utilities Authority (Electricity) - We have had prior engagement with the developers electrical consultants. The proposals include a new substation building which is located to the West of the Hotel block B, however the planning drawings only show a rectangular outline with no text or detail to identify it as the substation building. We assume the substation would be orientated with doors opening towards the vehicle lay by area and should have lowered kerbs to assist heavy equipment installation. (09.01.24)

6.15 Planning Policy - The relevant statutory development plan is the Area Plan for the East (2020). The site is inside the town centre boundary and within a Mixed Use Proposal Area described as 'Strand Street'. The relevant policy wording is set out in Town Centre - Mixed Use Proposal 3: Town Centre - Mixed Use Proposal 3 states:

There will be a presumption in favour of retail and ancillary town centre uses such as food and drink and health and beauty uses along the primary shopping frontage. Outside of the primary shopping frontage a wider variety of town centre uses including financial and professional services open to visiting members of the public will also be acceptable. Entertainment venues, Offices and residential use will be acceptable at first floor level and above, but not at ground floor level where an active frontage should be maintained and enhanced. These active frontages are essential to sustain an attractive town centre.

The site falls within a larger area identified as a 'CTA' or Comprehensive Development Area. Feasibility Studies have been prepared for all five highlighted CTAs in line with CTA Proposal 6 (General) on the approved Area Plan. CTA 1 covers the site which includes the Villiers (please see Annexe 1). I draw your attention in particular to the Recommendations section on page 22. Please note the document was published in 2021. The Department has not taken any steps to compulsory purchase any land in CTA 1 or any other CTA area.

The Area Plan identifies the application site as DM003g on Map 5 and an indicative number of residential units is set out as 17 (see Table 19). There is no specific development brief.

As part of your deliberations, I would like to draw your attention to the 'Objectives' and 'Desired Outcomes' for the East's town and village centres set out in Chapter 9 'Town Centres'. (04.12.23)

6.13 Isle of Man Natural History and Antiquarian Society - Note that there is no specific archaeological assessment undertaken as part of this proposal. Adjacent properties on its western side i.e. those fronting Duke Street are known to contain cellars and evidence of domestic houses and cobbles at basement / cellar level. The Society would therefore consider that the opportunity should be taken to have an archaeological assessment undertaken of the site as part of the application and a condition requiring at minimum a watching brief on archaeology by Manx National Heritage attached to any consent. Request an archaeological assessment be undertaken before the proposal is progressed. (28.11.23)

6.14 A total of 3 private letters of private representation have been received. These have been received from the owners of nos. 42-50 Dukes Street, from CBRE on behalf of Lloyds Bank Plc, and from the owner of the ground-floor shop at no. 7 Regent Street. The following providing a brief summary of their content only. Full details can be found on the online planning file.

- Concern over removal of support to flank wall of no. 7 Regent Street with no replacement and potential structural stability to this property. Request condition be attached requiring works be undertaken to ensure structural stability and weatherproofing of this property both during and after construction.
- Proposals do not include sufficient detail over construction processes and how matters relating to noise, vibration, dust, servicing and visibility would be managed. Request submission of construction environmental management plan prior to determination ideally or at least as a pre-commencement condition.
- Proposals could pose a detrimental impact upon living conditions of future residents of nos. 42-50 Duke Street with respect to privacy, outlook and loss of light;
- Proposals have the potential to represent an overdevelopment of the site and contradict the principle of the Central Douglas Masterplan for the site.

7.0 ASSESSMENT

7.1 The main issues to consider in the assessment of this planning application are as follows:

- Principle of development (STP1,2,4-6, 9,10, SP1, BP1,7-11, EP43)
- Design, layout and impact on the Conservation Area (STP5, GP2, EP35,42)
- Residential amenity (GP2,EP22)
- Ecology, biodiversity and arboriculture (EP4,5)
- Highways impacts and parking (STP10, TP1-8)
- Drainage and flooding (EP10, IP1,5)

7.2 PRINCIPLE OF DEVELOPMENT

7.2.1 The application site falls within the urban area of Douglas which is noted to remain the main employment and services centre for the Island in accordance with Spatial Policy 1. The site is also located within the Strand Street Mixed Use Area as noted in Map 5 - Douglas Central, in the Area Plan for the East. Outside of the primary shopping frontage, a wider variety of town centre uses, such as retail, food and drink, financial and professional services, entertainment and offices will be acceptable in principle, together with residential uses above ground floor level.

7.2.2 Moreover, the site has been designated as a Comprehensive Treatment Area, the redevelopment of which is required to include office, leisure, retail, hotel, residential, entertainment venues, food and drink uses and public open space or a combination thereof; or the laying out of the site as public open space/town square in its entirety.

7.2.3 The proposals seek the site's redevelopment to provide a variety of commercial uses, including primarily office space and a standalone hotel together with elements of leisure, food and drink retail, but notably not including any residential related development. On this subject it is recognised that the site, under the allocated number DM003g within the Area Plan for the East, has been noted as having the potential to provide a notional number of 17 dwellings. However, such a figure is indicative only and, in the absence of a site specific development brief, it is considered that Treatment Plan for the site forming part of CTA Proposal 1 takes primacy in directing however redevelopment of the site should move forward.

7.2.4 The wording of CTA Proposal 1 is considered to allow for a significant degree of flexibility in terms of the range of uses which may be appropriate as part of the site's redevelopment and does not specifically state that a residential element must be included as part of any forthcoming scheme. Rather, 'residential' is listed as one of many uses which could be included, with the policy allowing for a 'combination' of such listed uses. Therefore, the absence of a residential element within the scheme is not objected to, rendering the principle of development to be appropriate and in accordance with the relevant policies, aims and objectives of both the Strategic Plan 2016 and the Area Plan for the East 2020.

7.3 DESIGN, LAYOUT AND IMPACT ON THE CONSERVATION AREA

7.3.1 The application site is presently largely devoid of built development and represents a prominent gap site in the heart of Douglas and a key location within The Promenade. The lack of built development on site further exposes existing development within Duke Street in the context of key views with The Promenade, and in particular the commenced but incomplete development at 42-50 Duke Street. As noted by the Registered Buildings Officer, the present situation poses a significant degree of harm to the character and appearance of the Conservation Area, which is characterised by a sweep development along the length of The Promenade frontage.

7.3.2 The recommendations for the site noted within the Feasibility Study document for the Comprehensive Treatment Area note that given the location and size of the site within the townscape, and the use of options available, this provides an opportunity for a bold statement of regeneration in the Island's capital.

7.3.3 With respect to Loch Promenade, the Conservation Area Character Appraisal notes that this provides a comprehensive development of well-ordered and closely related Victorian facades, with many of the buildings retaining their original form and important features. Moreover, there is a clear emphasis on verticality with building bays being at regular intervals and generating this repetitive pattern along the whole of the sweep of Loch Promenade.

7.3.4 The site is located between Admiral House, which is a largely original Victorian property, and Villiers House, which is modern and contemporary. To the north of Admiral House there are complete blocks of buildings which are very similar in appearance. This is in stark contrast to the south of Villiers House, where the character is markedly different and formed by individual buildings contrasting with their neighbours in detailing and facing materials. The buildings to the north are almost all painted render with those to the south comprising a combination of glass, aluminium and brick. Regent Street forms a visual break between Admiral House and the buildings to the north, and the site with Villiers House and Victoria Street and Peveril Buildings.

7.3.5 With respect to design and form, the submitted planning statement notes the following in the context of the wider character of the Conservation Area:

"The architectural approach taken in this current application is to create building which responds to and replicates the importance architectural elements identified in the Appraisal -

the repetitive rhythm of vertical bays, the horizontal elements defined by the flat roof and different materials in the top floors as well as creating a corner feature as achieved by Admiral House, providing a distinct identity to the location of Regent Street within the promenade, and which is one of the principal entrances to the Island's main shopping area. The section of the Promenade between Regent Street and Victoria Street (incorporating the application site) has a closer association in form and function with the buildings to the south. These buildings are commercial whereas those to the north are largely hotels with a similar and largely Victorian appearance and style. What is proposed will align with the buildings to the south, visually marking the change from hotels to commercial uses.

The building is subdivided into a number of different sections, creating visual interest and distinctiveness in the streetscene without the building appearing out of keeping either in terms of its height, materials or character. The proposal is therefore considered to satisfy Environment Policy 35 and Planning Policy Statement 1/01 - Conservation of the Historic Environment of the Isle of Man CA/2."

7.3.6 The above analysis is considered to be largely valid in terms of demonstrating how the design of the proposed development directly fronting The Promenade corresponds to its immediate surroundings. In particular, 'The Promenade' building (Block A) provides an appropriate transition from the Villiers Building to the south, whilst the glazed link with 'The Marker' building (Block A) provides a useful visual break to reduce massing whilst providing clear distinction between the two elements.

7.3.7 The step up in scale with the additional floor level for 'The Marker' building is noted, together with concerns raised over this uplift in scale by Manx National Heritage and the relationship it would pose with four storey Admiral House to the immediate north.

7.3.8 Nevertheless, the site occupies a prominent corner plot and therefore lends itself to a statement piece of architecture that is afforded greater flexibility for an uplift in scale and massing. The rhythmic fenestration and materiality of both sections of Block A display a contemporary nod to traditional Victorian architecture which is prevalent along The Promenade, without trying to fully emulate past development by way of a pastiche. The proposals represent a modern and well-designed development which takes note of and is sympathetic to existing development within its immediate vicinity, whilst being bold and striking in its own right.

7.3.9 It is further noteworthy that the Registered Buildings Officer (RBO) accepts that conclusions of the submitted Heritage Impact Assessment insofar as the development would cause no harm to the special character of the Conservation Area and has therefore offered their support. Some criticisms of the scheme by the RBO are noted, particularly the exposed plant atop Block A and the partially blank western elevation of 'The Marker' building viewed from Regent Street. However, the RBO has recognised that the plant would not cause any harm to important views into and out of the Conservation Area. Likewise, the plant would not be readily if at all visible from the public realm.

7.3.10 With respect to the largely blank western elevation adjacent to Regent Street, this was noted to be a largely architectural feature and indeed does provide a degree of interest when viewed above the cantilevered section. Upon review of this element of the proposals, officers do not consider this aspect of the design to be harmful and indeed constitute an unusual but not unpleasant design feature which adds interest to the western elevation when viewed in its entirety.

7.3.11 Turning to the hotel development (Block B) in the western portion of the site, such proposals would not be readily visible in the context of The Promenade and key views within

the wider Conservation Area following completion of the entirety of the development. Therefore, its impact upon the character and appearance of the same is deemed to be largely negligible, with Block A forming the key visual centrepiece of the site's redevelopment. Nevertheless, the overall design, scale and appearance of the hotel is considered to be reasonably appropriate and such that it would successfully tie in with the remainder of the development.

7.3.12 As highlighted by the RBO however, and when considering the entirety of the built development, the final acceptability of the proposals from a visual standpoint will be crucially dependent upon the final specification of materials to be used, which will need to be of an exceptionally high quality due to the site's prominent location within a Conservation Area. Whilst indicative finishes have been provided as part of the submission, it is considered necessary that full details be provided by way of condition prior to the commencement of above ground works.

7.3.13 Finally, it is noted that the development as a whole includes a well-integrated landscaped courtyard area which would provide an attractive and functional area of public open space with key linkages to The Promenade and Regent Street. This element of the proposals is welcomed by way of improving the public realm, together with largely corresponding with the aims and aspirations of the Comprehensive Treatment Area proposal 1 and the subsequent conclusions of the associated site feasibility study. A final specification of materials and planting would be required for submission by way of condition, should planning permission be forthcoming.

7.3.14 To summarise, the proposals are considered to constitute a very high standard of design whilst providing a bold and striking piece of architecture which would result in a significant improvement to the character and appearance of the immediate locality and indeed the wider Conservation Area. The current site represents a brownfield gap site which represents significant harm to the character of the Conservation Area and key public vistas both within the streetscene and the wider seascape offshore, and therefore its comprehensive redevelopment as proposed is strongly welcomed from a visual standpoint. The development is therefore deemed to be acceptable from a design and visual impact perspective, in compliance with Strategic Policies 4 and 5, General Policy 2, and Environment Policies 35 and 42 of the Strategic Plan.

7.4 RESIDENTIAL AMENITY

7.4.1 The principal issue to consider in this respect is the impact of the development upon the amenities of occupants of surrounding buildings, particularly existing residential units, together with potential future residential units to the west of the site at 42-50 Duke Street where a permission exists for the site's redevelopment to provide 20 apartments remains extant. Moreover, concerns have been raised by the development company and owners of 42-50 Duke Street over the impact of the development, particularly the 6-storey hotel in the western portion of the site, would have upon the living conditions of any future occupiers of nos. 42-50.

7.4.2 With regard to the development's impact in this respect, the submitted planning statement has provided the following commentary of note:

"58 Duke Street has a first floor rear terrace serving a restaurant and a flat above. An appeal into refusal of an application for the creation of the first floor rear terrace (09/01473/B) found that concerns about the impact of the proposed terrace on the living conditions of those in the apartment above were insufficient to justify a refusal and the inspector notes, the appeal property is in a town centre location, where residents would expect a higher level of noise and activity than either in a suburban or countryside locality" and went on to comment on the

opening hours of the restaurant (2300hrs). Duke Street is understood to have flats at second floor level.

42-50, Duke Street has permission, which has been commenced but not completed, for a mixed use development with retail use on the ground floor and residential accommodation above with bedrooms, kitchen/dining/lounge areas, a stairwell and lift in the section backing onto the rear service lane.

The proposed development has been designed with regard to its impact on these existing and proposed buildings. The marker building, by virtue of its necessary height and status will inevitably have an impact on the outlook from and light to windows in the southern elevation of Admiral House. However, it is notable that this building is a private hotel whose rooms would not ordinarily be permanently occupied. In addition, the visual contribution of this building to the promenade depends upon the inclusion of a status building on the corner. This may have an impact on adjacent buildings but this is not dissimilar to the impact shared by those other buildings on similar corner plots along the Promenade. The height of the majority of the building is predetermined by that of Villiers House and if the corner element is to step up, this results in a six storey building to the south of Admiral House. The proposal introduces only a single additional floor on the corner marker building which is not considered unreasonable or unacceptable in this case.

The hotel building will have an impact on the buildings which back onto the rear service lane. These existing buildings are largely commercial although it is understood that there are residential premises on the upper floors of 52 Duke Street and permission has been granted, although not yet fully implemented, for the creation of apartments at 42-50, Duke Street. These properties have windows which look towards the proposed hotel although this element of the proposed development has been designed with its windows positioned so that they are generally not looking directly towards living space of any of the existing or approved residences. In the case of the southern section of the proposed hotel, these windows which look towards the living space of the apartments in the southern section of the approved development, are almost 20m away, as recommended in the Residential Design Guide. The RDG also makes a distinction between different types of rooms with primary habitable rooms including living, dining and kitchen/dining rooms but bedrooms constitute secondary habitable rooms.

The city centre location of the proposed development necessitates particular attention to making the best use of sites, as is advocated in Strategic Policy 1 whilst having regard to other critical constraints as set out in General Policy 2 and the other relevant policies applicable to the development. It is clear from the decision taken in respect of 09/01473/B above that the town centre location of that site, which abuts the rear lane adjacent to the application site, is a factor to be taken into consideration when determining development proposals in this area and the reasonable expectations of those living in such a location in terms of activities, noise, disturbance and we would add, the layout and proximity of buildings to each other. This is noted in the Residential Design Guide where it states at 7.5.6 "In dense urban areas, where there is already a level of mutual overlooking, a lesser standard may be acceptable."

It is also notable that the proposed use of the closest building to these existing residences, is as a hotel where the occupants will be seeking as much privacy and lack of disturbance as those who may live alongside, compared with, for example, a self-contained bar or restaurant which would be acceptable in principle on the application site. The proposed hotel is positioned to the east of the existing and approved buildings on Duke Street and as such there is not likely to be a significant impact on sunlight on these properties (the Residential Design Guide identifies concern where new buildings are to be located to the south of existing

properties (paragraph 7.3.3) and particularly also given the impact of the main building alongside the promenade (either as proposed or as approved).

Whilst there will be an impact on the outlook of these properties through the presence of a new building to the rear, the nature of the city centre location is such that buildings are typically closer to each other whether this is face to face across narrow pedestrian streets such as Duke Street and Strand Street, or back to back such as between the rear of the promenade hotels and the rear of the commercial buildings on Strand and Castle Streets.

It is considered that, taking into account the design approach and position and orientation of windows in the hotel building, the context of the site and its town centre location, that the impact of the proposed development on the living conditions and amenities of those alongside the site is acceptable and considered to be in accordance with General Policy 2 and the Residential Design Guide. In addition, the residents will have access to new areas of landscaped public open space rather than as at present, an under used and unattractive area and rear lane."

7.4.3 Upon detailed review of the scheme, the Department largely agrees with the assessment provided in the applicant's planning statement in this context. However, it should be qualified that the western elevation of the proposed hotel building ranges in distance from the eastern elevation of the approved apartment building at 42-50 Duke Street at circa. 10-12m, and not the 'almost 20m' specified in the planning statement.

7.4.4 Nevertheless, the '20m guide' as noted in the Residential Design Guide (RDG) is as specified within the RDG, a guide and 'a useful way to identify where overlooking is likely to be a concern', and therefore not an absolute policy requirement which can be afforded a degree of flexibility when appropriate. Indeed, paragraph 7.5.5 states that 'this distance can be relaxed, where the design or orientation is such that privacy and amenity of a neighbouring property is not compromised'. Likewise, para. 7.5.6 further adds that 'in dense urban areas, where there is already a level of mutual overlooking, a lesser standard may be acceptable'.

7.4.5 It is evident of course that the proposed development, and particularly the new hotel, will pose a material impact upon the living conditions of any potential future occupants of 42-50 Duke Street when compared to the current situation with the site being undeveloped. However, any such impact has to be balanced against the positively of comprehensively redeveloping the site, together with the acknowledgement that the site has been allocated for development in the Area Plan for the East and designated as a Comprehensive Treatment Area. Likewise, substantial weight must also be placed upon the potential benefits of providing an 80-bedroom hotel, particularly in the context of boosting the City's offering of serviced tourist accommodation and the positive impact this would likely bring to the local economy.

7.4.6 On balance therefore, whilst the impacts of the development upon the amenities of future occupants in Duke Street, together with existing uses apartments and other uses within the site's immediate vicinity are duly noted, this has to be balanced against the acknowledgement of the site's city centre location whereby a reduced degree of privacy, outlook, sunlight and protection from noise and disturbance are to be expected. Likewise, the benefits of the scheme in the wider content, both economic and visual, are considered to be substantial, and therefore sufficient enough to outweigh any harm upon existing and potential future occupiers immediately surrounding the application site.

7.5 ECOLOGY, BIODIVERSITY AND ARBORICULTURE

7.5.1 Within the submitted planning statement, the following overview is provided with respect to ecology and arboriculture impacts which ties in with the content and conclusions of the submitted Preliminary Ecological Assessment (PEA) by Manx Wildlife Trust.

"Prior to the application being submitted, Ecosystems Policy Team were approached and their advice was that they identified the benefit of improving the public realm and biodiversity in built up areas has positive wellbeing benefits. They acknowledge the very limited current ecological interest due to the significant areas of hard surfacing, albeit that blackbirds were nesting within the site and recommend that any site clearance is undertaken outside of the bird nesting season which the applicant will respect. They suggest that the height of the building is highly suitable for swift and starling nest boxes ideally integrated boxes which would not have an impact on the appearance of the building, high up on northerly elevations in between windows. They suggest that whilst the development is being undertaken, the proximity of the Marine Nature Reserve should be noted and responsible construction practices adopted and suggest that any art installations could have a local marine theme "to highlight the amazing biodiversity that is mostly hidden but so close by". They also suggest introducing plants with acknowledged biodiversity benefits within the landscaping scheme and advise against the introduction of certain species.

Further to this, the applicant commissioned a Preliminary Ecological Appraisal report which is also attached to the application. This found that whilst there are sites of ecological interest within the vicinity, these are not well connected to the application site. It found that there are no records of rare or protected species on or within 500m of the site (which includes the beach, harbour and sea), there are records of two non native invasive species which are on Schedule 8 of the Wildlife Act, 1990, 13 records of fungi none which are Red list species and 11 records of birds although these records may not be complete. There are also 32 records of invertebrates one which are rare or protected, 4 records of bats although with no evidence of roosting.

It refers to several urban trees within the site which are not Registered and which do not contain any features which would result in them being of value to bats or birds.

The PEAR identifies potential risk to wildlife during construction and potential loss of habitat although the report identifies only opportunities for nesting on the flat roofed structures and potential for cavity species such as house sparrow with no roosting opportunities identified for bats and with little opportunity for foraging.

The scheme responds to this advice through the selection of species which offer interest and shelter for wildlife and replace what little vegetation exists on the site with more appropriate and manageable species suitable to this urban environment and include some of the species recommended in the PEAR where these are appropriate to an urban environment of public open space.

The scheme involves the enclosure of bins to prevent nuisance caused by pigeons and gulls gaining access."

7.5.2 Following review of the submitted information, the Ecosystems Policy Team have concurred with the results of the submitted PEA and have subsequently requested the attachment of a number of conditions in relation to measures to safeguard the Douglas Bay Marine Nature Reserve, the submission of a Preliminary Bat Roost Assessment, a breeding bird mitigation plan and the provision of details in relation to a sensitive low level lighting scheme. Likewise, notwithstanding the level of detail submitted to date, it has also been requested that a detailed landscaping scheme be provided further qualifying the level of

information with regards to the creation of the proposed green roof and a 5 year post-planting management schedule.

7.5.3 With respect to matters relating to arboriculture, the proposals involve the remove of 3 no. unregistered trees which, whilst likely to provide some degree of ecological value, are not so significant that they should comprise a barrier to the site's redevelopment. Compensatory planting will however be required, which should form part of a future detailed landscaping scheme.

7.6 HIGHWAYS IMPACTS AND PARKING

7.6.1 The original application submission was accompanied by a Transport Assessment and Travel Plan prepared by Bryan G Hall, which provides the following summary and conclusions of the scheme with respect to highway safety impact and parking:

"A description of the local highway network in the vicinity of the application site has been provided, including Loch Promenade, Regent Street, Fort Street and Victoria Street. The results of existing weekday morning and evening peak hour survey of Regent Street and Fort Street have been provided, which show that the local highway network is presently operating well within its traffic carrying and environmental capacity and in a safe manner. A review of Personal Injury Collision data has not identified any significant highway safety issues.

It has been shown that the application proposals will improve accessibility in the local area and that site is highly accessible to employment/public amenities in Douglas including the Town Centre and public transport services on the Promenade and Victoria Street. On this basis it is concluded the application site is highly accessible to population areas in Douglas and on the wider Island and public amenities in Douglas by active modes of travel and public transport in accordance with Transport Policies 1 and 2 of the Strategic Plan and the aims and objectives of the Active Travel Strategy and the Net Zero Emissions by 2050 action plan.

To further encourage people to walk, cycle or use public transport, a Travel Plan also accompanies the planning application.

The application site is highly accessible by alternative modes of travel to the private car. On this basis it is concluded the application site is highly accessible by active modes of travel and public transport and therefore the proposed 50 car parking spaces (Net increase of 34 spaces on the site) accord with the policies and parking standards in the Strategic Plan.

The Assessment has shown that in the year 2028, the local highway network can accommodate development generated trips, without detriment to the safety or convenience of users of the local highway network.

It therefore concludes that vehicular and non-vehicular access to the application proposals accord with the policies of both the Isle of Man Strategic Plan, 2016 and the Area Plan for the East, 2020, and hence that the trips which they are likely to generate can be accommodated on the local highway network without detriment to the safety or convenience of its users."

7.6.2 Upon review of the submitted Transport Assessment, DoI Highway Services provided a detailed response which were summarised into 14 outstanding points which were required to be addressed, as highlighted in section 6.2 of this report. Following continued engagement between the applicant and Highway Services, also the content of which is also detailed through section 6.2 of this report, final comments were received from Highway Services which had narrowed the list out issues deemed to be outstanding and have not been fully addressed to the satisfaction of Highway Services. The following provides an overview of these issues and the Department's position in this respect.

7.6.3 Points 1 and 2 (from the original 14 point list provided by Highway Services) are largely interlinked and relate to the outstanding query as to whether the area for the bus stop will subsequently form part of the adopted highway. Highway Services consider that the area should be designated as highway for adoption in order that Bus Vannin have control over the bus stop and its use. If this cannot be agreed now, then a condition regarding the bus stop design, and land designated as highway maintainable at public expense under the bus stop, could be placed on the permission.

7.6.4 Likewise, it is noted that the two design options presented in the Bus Stop Strategy (i.e. bus stop to be integrated with the building versus sited away from the building) have been presented. In the absence of agreement with Bus Vannin over their design preference, there are concerns that this could result in the design of off-site highway works, including the bus shelter, being required to change following the grant of planning permission and therefore necessitating a new application to be submitted.

7.6.5 Following review and consideration of this issue, the Department notes that the plans submitted with the application clearly show that the bus stop would be integrated as part of the building on the eastern elevation of Block A fronting Loch Promenade. The applicant has stated that engagement with Bus Vannin was undertaken in 2023 who were presented within the two options outlined in the Bus Stop Strategy document, with Bus Vannin confirming their preference for option 2 (i.e. integrated bus stop as per the submitted plans). Copies of this correspondence have been provided by the applicant.

7.6.6 Whilst it is appreciated that the situation could hypothetically change and Bus Vannin may change their preference for the final design of the new bus stop, the delivery of a separate bus stop shelter could be delivered under permitted development and therefore not require the submission of a separate planning application. In this instance, it is considered that a condition ensuring the delivery of a bus stop prior to the occupation of the development would be sufficient in ensuring that a replacement bus stop and shelter were providing, without the need to tie the applicant into delivering the bus stop in its current location and form should Bus Vannin change their preference over this matter.

7.6.7 With respect to the adoption of additional areas of the highway, the applicant has provided a series of plans showing existing adopted highway within Fort Street and additional areas which would be offered up for adoption. Whilst it is noted that no clarification has been provided with respect to the adoption of the lay-by and bus stop, such matters would be subject to further consultation and discussion between the applicant and the DoI, and are deemed to fall outwith of the planning process. Therefore, it is not considered to be necessary, reasonable or indeed enforceable to attach a condition to any forthcoming decision notice requiring the submission of a plan highlighting land to be adopted as part of the public highway.

7.6.8 Point 3 of the response from Highway Services notes that assessments on servicing strategies need to be done undertaken during the lifetime of the planning application when the design and off-site highway works are being assessed and agreed. In terms of the swept path tracking, the tracking shows that large vehicles will overrun the kerbs and footway on the small section of Fort Street onto Victoria Street. This issue directly relates to the development and so, in the opinion of Highway Services, it should be resolved by the development through proposals supporting the planning application, regardless if it is public highway. Any off-site highway works can be secured via a S109 highway agreement.

7.6.9 The applicant provided the following commentary within the submitted Technical Note which is considered to remain of significant relevance in addressing this issue:

"It has been observed and Douglas Borough Council have advised the applicant that refuse vehicles currently use Fort Street and travel south between buildings No.14 and 16 on to Victoria Street. The personal injury collision analysis showed no highway safety issues at this point. It is acknowledged that this movement is tight and there is evidence of damage to the existing kerbs in this area. In line with the vehicular trip rates set out within the TA, the proposed development will introduce an average of one additional heavy goods vehicle on Fort Street per day. This will occur at varying times of the day, however the peak periods are likely to be avoided as is typical for servicing movements as evidenced by the existing counts of Fort Street summarised at Appendix BGH5 of the TA.

This is an existing issue for larger sized vehicles and the proposals will not materially increase the number of daily large servicing vehicles using Fort Street during the peak periods. The issue of improvements to this section of Fort Street has been discussed with the DoI previously in the context of wider city centre masterplan improvements planned to come forward. The Applicant has previously discussed the DoI aspiration of improving Fort Street utilising a shared surface approach. It would appear that works to drop the footway and kerbs between No.14 and No.16 Victoria Street could be undertaken as part of that street upgrade.

The servicing strategy will be discussed in the proposed meeting with Bus Vannin and DoI, as this will be impacted upon by any changes to the servicing area and bus stops on Loch Promenade. It should be noted that the inclusion of a layby to the rear of the hotel will improve the servicing of the development. This is in addition to the existing servicing layby on Loch Promenade which facilitates deliveries to Villiers House and other properties in the area and the accesses available to retailer on Strand & Regent Street. Following this meeting, a servicing strategy will be prepared setting out the strategy for the office and hotel uses."

7.6.10 Whilst it is recognised and accepted that the frequency of use of Fort Street by service/refuse vehicles from Victoria Street would increase as a result of the development, this is a pre-existing issue. The Department agrees with the general conclusions made by the applicant insofar as, with respect to large service vehicles, the proposals would not result in a material uplift in use and frequency. On this basis, whilst it is recognised that upgrades to Fort Street and continued dialogue between the applicant and the DoI to facilitate this are welcomed, it is not considered reasonable that the applicant should be solely responsible to facilitate such upgrades given that the present situation and use by other occupants for servicing needs.

7.6.11 As Highway Services rightly point out, off-site highway works can be secured via a S109 highways agreement and the scope of such works would need to be agreed between the DoI and the applicant in due course. Nevertheless, such matters are considered to fall outside of the remit of the planning process. Likewise, the same conclusion applies to a servicing strategy, which would need to be developed and agreed between the applicant, and DoI and Douglas City Council in due course but again falls outwith of the planning process.

7.6.12 Point 4 of the response has been resolved through further clarification provided by the applicant over the correct drawing which relates to the layout around the hotel building in relation to access and serving, namely drwg. no. 21/491/ATR/010 RevC.

7.6.13 Points 5 to 7, relating to the provision of motorcycle parking, the absence of a submitted wind assessment, and the content of the car parking assessment, are all deemed to have been resolved and therefore require no further comments.

7.6.14 Point 8 relates to the cumulative modelling assessment of the Central and Lower Douglas Masterplan sites, with Highway Services maintaining their position that the applicant

has said they will provide trip information into the lower Douglas model so the development impact can be accommodated within the model completed by others, however this has not confirmed to be the case. The developments trips will have an impact on the local highway network so the information needs to be used in modelling assessments.

7.6.15 On this point, the applicant has already agreed to provide the DoI with the required information via their consultants to facilitate the production of the cumulative modelling assessment that will help inform other developments coming forward within Lower Douglas. The provision of such information falls outwith of the planning process in relation to this application and therefore is not required at this stage.

7.6.16 Point 9 relates to the request for details of wayfinding signs to be included within the Travel Plan, with Highway Services noting that the provision of such information can be secured by condition. Whilst the stance of Highway Services on this matter is noted and appreciate, such provision would need to tie in with as yet unproduced strategy for measures to improve wayfinding in general, which would require consultation with Douglas City Council to tie in with their existing proposals for signage delivery. Consequently, the provision of wayfinding signs within the site, and indeed within a space that is open to the public but not formal 'public open space', is not considered to meet the tests of necessity to be conditioned and enforced.

7.6.17 Point 10 relates to issues surrounding swept path tracking of large vehicle onto Fort Street and is directly linked to points 3 and 4 already reviewed and addressed above.

7.6.18 Point 11 relates to gradients on site being provided which has been undertaken by the applicant previously and has therefore been addressed. Likewise, point 12 relates to issues of flood risk and surface water drainage which have been reviewed by the DoI Flood Risk Management Division and Manx Utilities Authority. Such matters are deemed to be acceptable and are covered in more detail in section x of this report.

7.6.19 Point 13 also relates to the provision of wayfinding signs, which has already been covered above.

7.6.20 Finally, point 14 has been addressed through the previous removal of corduroy paving from the adopted highway on the relevant submitted plan/s, therefore no further comment on this matter is required.

7.6.21 To summarise, the scheme as a whole has been assessed by the Department and deemed to be acceptable with respect to highways matters, particularly in relation to the quantum of parking proposed within a sustainable city centre location, together with its impact upon the safety and convenience of the local highway network. Whilst it is recognised that a few matters are deemed to be outstanding from the DoI's Highway Services perspective, such matters are considered, as assessed above, to either be resolvable through the attachment of appropriately worded planning conditions, or deemed to fall outwith of the planning process directly relating to the determination of this application.

7.7 DRAINAGE AND FLOODING

7.7.1 The application site does not fall within an area identified as being at high risk of tidal and fluvial flooding, however isolated areas in the northern, central and southern extents of the site are shown to have a 'medium likelihood' and 'high likelihood' of surface water flooding. The application submission is duly accompanied by a Flood Risk Assessment (FRA) which considers that the flood risk identified on site is associated with rainfall ponding within topographical low points. The flood risk identified will be reduced post-development through introduction of a new drainage system. Given that there are no distinct flow routes in the

area which would direct any potential surface water flooding towards the site, the FRA concludes that the risk of surface water flooding is very low.

7.7.2 The FRA further notes that Manx Utilities Authority (MUA) public sewer records show that there is a public surface water sewer immediately east of the site within Loch Promenade. The FRA further considers that any potential flooding arising from the public surface water sewer in Loch Promenade would be directed east away from the site, following the local topography. Likewise, any potential flooding of the public surface water and combined sewers in Victoria Street south of the site would be directed, east away from the site, following the topography of the road.

7.7.3 The FRA concludes that the site is identified at risk of tidal flooding when accounting for climate change. A water level of 5.69m AOD is estimated during the 0.5% AEP plus CC1 (year 2100) event, with the associated risk having been used to inform mitigation design measures.

7.7.4 The FRA adds that that the identified flood risk will be mitigated by raising ground floor levels of the proposed hotel and commercial unit to 5.99m AOD which provides a 300mm freeboard above the 0.5% AEP plus CC1 (year 2100) flood level. However due to access requirements, raising ground floor levels in not possible for the proposed substation. As such, it is proposed to install flood doors or barriers to limit flood water entering the proposed substation. A barrier height of 600mm is deemed to be sufficient to prevent flood water ingress during the 0.5% AEP plus CC1 (year 2100) event. Safe access / egress is available via Fort Steet proceeding west along Victoria Street to ground situated above 6m AOD (above the 0.5% AEP plus CC1 (year 2100) flood level). The site does not provide a tidal conveyance or storage function and there is no risk of fluvial flooding. As such, the proposed development will not remove flood storage from the floodplain and will not increase flood risk elsewhere.

7.7.5 Following review of the scheme and the submitted FRA, the DoI Flood Risk Management Division have confirmed they are content with the application as submitted and recommend that all mitigations measures outlined in Section 7 of the submitted FRA be conditioned, should planning permission be forthcoming.

7.7.6 With respect to surface and foul water drainage, a Drainage Report has been produced and submitted in support of the application. With respect to foul drainage, this would be drained by gravity into the combined public sewer system in Regent Street, with a connection to be made to a new manhole constructed in place of an existing lamp pole on the combined public sewer system.

7.7.7 In terms of surface water drainage, a connection would be made to an existing manhole on Loch Promenade with all impermeable areas of the development to be drained to the existing surface water system. Likewise, addition highway drainage to Fort Street is proposed to be drained by gravity to the existing surface water system in Regent Street, requiring the construction of a new manhole.

7.7.8 Manx Utilities Authority have confirmed there is sufficient capacity within the existing surface water and public combined sewer systems to accommodate the proposed development, with the development therefore deemed to be acceptable in this regard.

7.8 OTHER MATTERS

7.8.1 Concerns have been raised in relation to the removal of the steel supports attached to No. 7 Regent Street, the provision of which were required as per a condition attached to a Building Control Demolition Notice dated 2nd August 1994 (ref. DEM 94/22/MN/JC). Such

matters as deemed to be of a civil nature and would need to be resolved between the applicant and the landowner in question, in conjunction with Building Control. Therefore, whilst noting the request to attach a condition requiring the developer to undertake structural works, such matters fall outwith of the planning process and therefore a condition would not be appropriate in this instance.

7.8.2 With respect to archaeological matters, it is recognised that there is the potential for elements of the historic sea wall to be present beneath the site as noted by Manx National Heritage, whilst the Isle of Man Natural History and Antiquarian Society note there could be potential for the presence of additional historic structures. On balance, it is considered reasonable that a condition be attached to any forthcoming condition requiring the submission of a watching brief on archaeology with further assessment to be required if evidence of structures of historic significance are found during construction.

8.0 CONCLUSION

8.1 The application site is identified for development and the proposal is judged to comply with the site allocation, as further detailed within Comprehensive Treatment Area Proposal 1. The proposals are considered to constitute a high standard of development in a prominent location within the Conservation Area, without resulting in a significantly adverse impact upon the amenities of occupants of surrounding buildings, including the amenities of future residential properties within the site's immediate vicinity. The proposals are deemed to give rise to a positive impact upon the character and appearance of the wider Conservation Area by redeveloping a prominent gap site, whilst further providing increased employment opportunity and additional serviced tourist accommodation, to the benefit of the local economy.

8.2 The proposals would further not result in a detrimental impact upon the safety and convenience of the local highway network, whilst further bringing about improvement to the immediate highway network. The development is therefore deemed to comply with Strategic Policies 1,2,4-6,9,10, Spatial Policy 1, General Policy 2, Environment Policies 4,5,10,22,35,41-43, Business Policies 1, 7-11, Recreational Policy 3, Transport Policies 1,2,4-8, Infrastructure Policies 1,5 and Community Policies 7,10,11 of the Isle of Man Strategic Plan 2016, relevant policies of the Area Plan for the East 2020 and the Residential Design Guide 2021. It is recommended that the planning application be approved for the reasons contained within this report, subject to the attachment of conditions listed on any forthcoming decision notice.

9.0 INTERESTED PERSON STATUS

9.1 By virtue of the Town and Country Planning (Development Procedure) Order 2019, the following persons are automatically interested persons:

- (a) the applicant (including an agent acting on their behalf);
- (b) any Government Department that has made written representations that the Department considers material;
- (c) the Highways Division of the Department of Infrastructure;
- (d) Manx National Heritage where it has made written representations that the Department considers material;
- (e) Manx Utilities where it has made written representations that the Department considers material;
- (f) the local authority in whose district the land the subject of the application is situated; and
- (g) a local authority adjoining the authority referred to in paragraph (f) where that adjoining authority has made written representations that the Department considers material.

9.2 The decision maker must determine:

- o whether any other comments from Government Departments (other than the Department of Infrastructure Highway Services Division) are material; and

o whether there are other persons to those listed above who should be given Interested Person Status

9.3 The Department of Environment Food and Agriculture (DEFA) is responsible for the determination of planning applications. As a result, where officers within the Department make comments in a professional capacity they cannot be given Interested Person Status.