



**Isle of Man  
Government**

*Reillys Ellan Vannin*

**Minutes of a meeting of the Planning Committee, held on 22nd April 2024, at 10.00am, in the Ground Floor Meeting Room of Murray House, Mount Havelock, Douglas**

Present: Mr R Callister, MHK, Chair of the Planning Committee  
Mr P Young, Member  
Mrs H Hughes, Member  
\*V Mr M Warren, Member  
Miss A Betteridge, Member  
Mr P Whiteway, Member

In Attendance: Miss A Morgan, Acting Head of Development Management  
\*Mr P Visigah, Planning Officer  
\*Mrs V Porter, Planning Officer  
\*Mr T Cowell, Planning Officer  
Mrs C Dudley, Deputy Secretary to the Planning Committee  
Mr R Webster, Highway Development Control, Highway Services  
\*Part of the meeting only  
Attending virtually via Microsoft Teams V/\*V

**1. Introduction by the Chair**

The Chair welcomed members of the public in attendance to view the proceedings.

**2. Apologies for absence**

Apologies were noted from Mr Skelton.

**3. Minutes**

The minutes of the 8<sup>th</sup> April 2024 were agreed and signed as a true record.

**4. Any matters arising**

None

**5. The Members considered and determined the schedule of planning applications as follows.**

<p><b>Item 5.1</b> 18 Selborne Drive Douglas Isle Of Man IM2 3LP</p> <p><b>PA23/00655/B</b></p>	<p>Conversion of dwelling into three apartments, installation of rooflight and new render to all elevations</p> <p>Applicant : Chris Norman Enterprises Limited Case Officer : Paul Visigah Recommendation : Refused</p>
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, updating the Members subsequent to the site visit carried out on 12<sup>th</sup> April 2024. He confirmed that he had two points he would like to reiterate regarding the proposal. Firstly, that the impact on the appearance of the building and the impact on the character of the area were two separate issues, illustrating this point with an extract from

an Appeals Inspector's report which highlighted the difference and gave the detrimental impact on the character of the area as a reason for refusal, whilst reiterating that this issue has been adequately covered in Paragraph 7.3.2 of the Officer report. Secondly, that the parking area, as shown on the submitted plans, to the front of the building was not of a size suitable for 2 cars to be parked without causing obstruction to the pedestrian footway, that it did not comply with the minimum standards in the Manual for Manx Roads in that the length of the parking provision to the front of the property was 9.6m, which was below the stipulated standard of 5.5m per vehicle, giving a required minimum length of 11m. Furthermore, the width of this parking area was 2.6, which was well below the minimum stipulated standard of 3.4m, and the existing garage to the rear of the property did not comply with the standards stipulated in the Manual for Manx Roads. While the application under consideration was to make use of an existing building, the parking provision did not meet the required standards.

The Case Officer further noted that the three (two bedroom) apartments should provide six parking spaces to meet the requirements of the Strategic plan, but noted that the parking standards had been relaxed to allow for three parking spaces given that the proposal seeks to maximize the use of an existing building. However, what is being proposed would be for three parking provisions which were well below the minimum standard as the space provisions within the garage and parking spaces in front of the property did not meet any of space requirements stipulated within the Manual for Manx Roads as minimum standards.

The Highway Services representative confirmed there was nothing further to add to their report.

The agent spoke in support of the proposal. The points raised were as follows:-

- The Case Officer had introduced new information into his report, of which we were not made aware. This would become relevant should the matter progress to Appeal
- Disagreed with the dimensions quoted by the Case Officer. The required length of a parking space was 5m rather than the 5.5m referred to
- There is an existing area where vehicles can pull off into the parking area, so that there was sufficient space for two cars
- Believed the width of the drive to be greater than the 2.6m stated by the Case Officer
- Believed the Case Officer measured the dimensions of the parking area from the submitted plans rather than from the actual space
- Garage measurements fall within those stipulated by the Permitted Development Order. There is an ambiguity between the requirements of the PDO and what is claimed to be suitable for a car
- The garage is an existing structure which would therefore accommodate a car
- The building has been used as apartments for 10 years without detrimental impact on the surrounds
- There was an apartment block next door to the development site, contrary to the Case Officer's report
- Applied for planning permission rather than a Certificate of Lawful Use as we believed this to be the correct course of action

In response, the Case Officer confirmed that the parking standards quoted within his report were taken directly from the Manual for Manx Roads, and that his report stated that no approvals had been granted for apartments in the local area, rather than there were no apartment buildings in the local area. Although it was claimed the building had been in use as apartments for over 10 years, the application was not for a Certificate of Lawful Use and so the development had not been assessed on those grounds.

The Members noted that from the site visit it was clear that the buildings to either side of the development were in use as flats. The Case Officer reiterated that there had been no approvals for such use in the area. He further stated that the use as apartments had never been assessed for the site, and as such it cannot be concluded that there has been no impacts resulting from such use.

The Members felt the application to be finely balanced, noting the need for such development within Douglas, but there was a difference of opinion as to whether the application site was the most suitable for such development. Mr Warren expressed that the character of the Conservation Area which the development site lay within would not be enhanced by the development. Mr Young expressed that while the Case Officer had to comply with Policy, as the decision makers the Planning Committee applied different weight to the concerns identified and felt that in this instance the proposal was acceptable. He agreed with the reduction in parking standards for this location near to the town centre, but requested that the front boundary wall of the property be put back to what it was in order to fit better within the existing streetscene.

The Members expressed that the site visit had aided their consideration, noting that Highway Services were satisfied with the parking provision as submitted. While they had concerns that the garage to the rear of the property was small, they felt that as the property had been used as apartments in the past without detriment to the area that the proposal could be deemed appropriate.

The Acting Head of Development Management advised the Members that their considerations were to be based on the contents of the application, as if the use had not been done, and the site visit only.

Following discussion, the Members voted on the proposal as follows:-

Mrs Hughes, Miss Betteridge and Mr Warren voted to support the Case Officer's recommendation to refuse the application.

The Chair, Mr Young and Mr Whiteway voted against the Case Officer's recommendation to refuse the application. As the vote was balanced with 3 votes for and against, the Chair used his casting vote to overturn the Case Officer's recommendation and the application was approved.

Mr Young proposed conditions of approval to encompass the standard 4 year approval, the front boundary wall to be made good, and that no meters to be attached to the outside of the building

The Acting Head of Development Management advised that the reason for the approval reflect that the proposal, on balance, was not considered to be detrimental to the character and appearance of the area.

The Case Officer requested further conditions with regards to parking provision in that the allocated parking spaces be marked out, and retained for that use and no other use, and that an area for bin storage be identified and situated at the rear of the dwelling, and details of same be provided.

The Acting Head of Development Management advised that should the condition to make good the front boundary wall be agreed to, this would only leave the existing garage to the rear as parking provision. The agent stated that the garden area to the rear was sufficiently large to allow further parking provision to be applied for, should such be required. The Acting Head of Development Management stated that this was not part of the application and was not relevant to this determination.

In response to a question from the Members, the agent confirmed that there was an area for bicycle storage available within the building. The Members requested that this matter form part of a further condition.

In response to a question from the Chair, the Case Officer confirmed that IPS had been recommended for parties within 20m of the development site.

## **DECISION**

Following discussion and a vote, the Members, with the exception of Mrs Hughes, Miss Betteridge and Mr Warren, **overturned** the recommendation of the Case Officer, with the Chair using his casting vote in order that the application was **approved** subject to the following conditions

### Reason for Approval:

On balance, the proposed use of the dwelling as three apartments is not considered to have detrimental impacts on the character and appearance of the site and Conservation Area. The proposal is, therefore, considered to preserve the character and appearance of the Conservation Area, thus complying with Environment Policy 35 and General Policy 2 of the Strategic Plan.

**C1:** 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 14 of the Town and Country Planning (Development Procedure) (No2) Order 2013 and to avoid the accumulation of unimplemented planning approvals.

### **C2: Parking Allocation**

Prior to the use of the apartments hereby approved, details of the allocation of the parking area within the garage shall be submitted to and approved in writing by the Department. This garage parking shall be retained for the parking of vehicles only and for no other purpose.

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

### **C3: Restoration of Front Wall**

Prior to the commencement of the development hereby approved, details which show the reinstatement of the pedestrian access in front of the property (which currently exists as a driveway), including its pedestrian gate and piers shall be submitted to and approved in writing by the Department. The pedestrian access and gate shall be reinstated strictly in accordance with the approved plans and thereafter retained as such. The gate and piers shall be in place prior to the occupation of the apartments.

Reason: To take account of the particular planning circumstances of the development hereby approved and to safeguard the character and appearance of the Conservation Area.

### **C4: Secure Bicycle Storage Provision**

Prior to the occupation of the development hereby approved, the secure bicycle storage areas shall be provided in accordance with the approved plans (Drawing No. 23/3198/02 Rev C), and shall be permanently retained thereafter and solely for the purpose of cycle storage.

Reason: To promote sustainable travel in the interests of reducing pollution, congestion and given a relaxation of the parking standards have been agreed.

### **C5: Provision of Services**

Notwithstanding the details that have been submitted, no services provided for the apartments (electric boxes etc.) shall be installed outside the property.

Reason: To take account of the particular planning circumstances of the development hereby approved and to safeguard the character and appearance of the Conservation Area.

### **C6: Bin Storage Location.**

Notwithstanding the details submitted, details of a secure bin storage area shall be submitted to and approved in writing by the Department. The bin storage area which shall include provision of recycling area shall not be set out at the front of the property, but at the rear. The secure bin

storage area shall be provided in accordance with the approved plans and shall be permanently retained thereafter and solely for the purpose of refuse storage.

Reason: To take account of the particular planning circumstances of the development hereby approved and to safeguard the character and appearance of the Conservation Area.

### **INTERESTED PERSON STATUS**

It was decided 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:

- o Manx Utilities Drainage

It was decided 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 was decided 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.

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**Mr Warren declared a conflict of interest in the following Item. In accordance with 19(3)(b) of the Constitution Order he left the meeting during its consideration.**

<b>Item 5.3</b> 8 The Crofts Castletown Isle Of Man IM9 1LW  <b>PA24/00160/B</b>	Install frameless balustrade system to existing balcony  Applicant : Mr Matthew Warren Case Officer : Vanessa Porter Recommendation : Refused
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. She further reported that the applicant had requested that the matter be deferred to the next meeting of the Planning Committee, as they wished to be present when the matter was considered and were currently unable to attend the meeting due to ill health.

Following discussion, the Members unanimously agreed to defer consideration of the matter until the next scheduled meeting on the 7<sup>th</sup> May, 2024, with a site visit requested with the time and date to be agreed at the end of the meeting.

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### **Mr Warren returned to the meeting**

<b>Item 5.4</b>	Conversion of redundant barns into single residential dwelling and detached garage, erection of small subordinate single storey extension to south elevation to provide open
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<p>Lower Ballavarkish Grenaby Road Ballabeg Castletown Isle Of Man IM9 4HD</p> <p><b>PA23/01192/B</b></p>	<p>plan living accommodation. External landscaping, new driveway and installation of new sewer treatment works</p> <p>Applicant : Mr Stephen Desmond Case Officer : Hamish Laird Recommendation : Permitted</p>
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In the absence of the Case Officer, Mr Visigah summarised the key issues as set out in the report and with reference to the visual presentation.

The Highway Services representative confirmed there was nothing further to add to their report.

The agent confirmed that they were present in order to answer questions.

In response to a question from the Members, the agent confirmed that the barn formed part of Lower Ballavarkish, was in the same ownership, and was proposed to be made into a detached garage to be used in conjunction with the proposed property.

In response to questions from the Members, the Reporting Officer agreed to amend C5 with the requirement to submit a lighting plan in order to strengthen the condition, and that C7 be amended by the replacement of the phrase "Local Planning Authority" with "the Department".

### **DECISION**

The Committee **unanimously** accepted the recommendation of the Case Officer and the application was **approved** subject to the following 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 placed 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.

C5. Prior to the installation of external lighting within the site, a Lighting Plan shall be submitted to and approved in writing by the Department. The lighting of the site shall be designed in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018).

The lighting details shall include detailed drawings of the proposed lighting columns and fittings, information about the levels of luminance and daily duration and any measures for mitigating the effects of light pollution.

The development shall not be carried out other than in accordance with the approved plan, and shall be retained as such thereafter.

Reason: To provide adequate safeguards for the ecological species existing on the site.

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.

C7. Prior to the first occupation of the development, hereby approved, a Landscaping Scheme shall be submitted to and approved in writing by the Department. 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 or 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**

It was decided 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).

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<b>Item 5.2</b> Field 211013 North Of Upper Ballacrye Sandygate Jurby Isle Of Man IM7 3BS  <b>PA23/01355/B</b>	Erection of winter shelter for two horses and associated storage area.  Applicant : Mr & Mrs Paul and Andrea Warrilow Case Officer : Paul Visigah Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation. He advised that his report should have included that the proposed use would be compatible with the existing use for agriculture, which should have been at the end of sentence in Paragraph 2.3

The Highway Services representative confirmed there was nothing further to add to their report.

In response to a question from the Members, the Case Officer confirmed that there was no point of sale included within the market garden as it was not intended to sell produce from the site.

### **DECISION**

The Committee **unanimously** accepted the recommendation of the Case Officer and the application was **approved** subject to the following 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**

No representations were received from anyone whom the Planning Committee was required to consider for the affording of Interested Person Status

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<b>Item 5.5</b> Villiers Square Fort Street Douglas Isle Of Man IM1 2AX  <b>PA23/01223/B</b>	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)  Applicant : Tevir Group Case Officer : Toby Cowell Recommendation : Permitted
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The Case Officer reported on the matter and summarised the key issues as set out in the report and with reference to the visual presentation, updating the Members with regards to representations received subsequent to the conclusion of their report, from CBRE on behalf of Lloyds, which reiterated their earlier objections, and that from Duke Street Commercial Ltd, owners of the adjacent development site who had withdrawn their objections to the proposal. The Case Officer confirmed that as this party had withdrawn their objections, they were no longer recommended IPS as they no longer satisfied the conditions for IPS as laid out in the Operational Policy on Interested Person Status.

The Highway Services representative confirmed there was nothing further to add to their report.

The agent on behalf of the applicant spoke in support of the proposal. The points raised were as follows:-

- The application seeks to deliver a signature and high quality addition to the city whilst providing extensive public space in the form of a courtyard
- The proposal seeks to optimise land use, unlock difficult sites, assist with a coordinated approach to development, improve the urban environment and visual amenity, encourage further investment, provide space for Douglas City Centre to grow, improve access and provide better linkages
- The proposal met all the criteria and extended benefits beyond the application boundary
- A highly sustainable site located in the heart of Douglas committed to achieve BREEAM offering market leading office accommodation helping local businesses to meet their ESG commitments. The proposal should re-establish the site into its urban context as a promenade attractor in its own right and reinforce the Strand Street linkage to Villa Marina
- The architecture addressed the fundamental issue of repairing the promenade façade highlighted as of critical importance. The design does this in an interesting way modulating between the modern design of Villiers House and the established Victorian architecture of Admiral House. South of Admiral House provided a more varied palette and Regent Street formed a natural break point. The Marker Building was a complimentary, modern interpretation of the Victorian architecture of Admiral House whilst recognising the vertical and horizontal expression in the surrounding context and building on Douglas' use of red brick and terracotta in noteworthy buildings
- The massing was purposely broken down to manage the proportions to allow a linear element on the Promenade to have individual identity without looking out of place
- The importance of the new central public space was based around three key design directions – penetrating the Promenade façade, providing a building to the rear and expressing new and existing access routes

In response to a question from the Members, the agent confirmed that the access to the parking provision was to be maintained as existing so that there would be no change in the direction of traffic flow or to the access route. There was to be a shared access to the underground parking provision of 50 spaces plus bicycle storage provision.

In response to a further question from the Chair regarding parking provision, that agent confirmed that the intention was to provide a sustainable development with EVP on site, noting that there was other parking provision nearby and that it was a town centre site.

In response to questions from the Members, the Case Officer reported that in his opinion the design reflected the finishes and forms of nearby buildings, but that this would be controlled by condition. He expressed that this site demanded a striking piece of architecture that would still be sympathetic to the surrounds, and that he felt that the proposal was a reflection of the existing modern architecture but with a nod to past. He further confirmed that DEFA Flood Risk Management were satisfied with the details submitted within the application, and flood risk mitigation measures were addressed by the recommended conditions of approval.

In response to a question from the Members, the agent confirmed that tenants of the existing buildings would be kept updated and appraised of the works.

In response to a question from the Members with regard to construction and demolition waste, the Case Officer confirmed that some elements of management of same have been included within the recommended conditions, and that consideration had been given with regard to what could be enforceable under Planning Legislation. The Acting Head of Development Management advised the Members that elements of such management would be more properly dealt with under separate legislation by other Directorates. She confirmed that Planning Legislation could

only control development to the Low Tide Point, and that the Department can only assess what could be reasonably conditioned in line with Isle of Man Legislation.

The Members expressed concern regarding previous developers on the Island putting forward schemes which were unable to be progressed and then blaming the Planning Department for any delays occasioned. They further expressed that they felt the submitted scheme to be of good quality, well designed, and would improve the area. They felt that the developers had complied with best practice, all legislation and requests from Government bodies, noting that the local authority had expressed conditional support for the proposal. The Case Officer reported that the local authority's concerns had been taken into consideration and addressed by way of condition where possible, but that a low-light lighting scheme would not be suitable for a city-centre public open space, which was itself adjacent to the Promenade which had its own illumination.

In response to a request from the Members, the Case Officer agreed to amend his recommendation with regard to conditions 2 and 3 in order that the plan numbers be included.

## **DECISION**

The Committee **unanimously** accepted the recommendation of the Case Officer and the application was **approved** subject to the following 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 (namely drwg. no. 21141S-56T-P0-00S-D-A-001 P02), 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 (namely drwg. nos. 21141S-56T-P0-00S-D-A-001 P02 and 21141A-56T-P4-B1F-D-A-001 P02). 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**

It was decided 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 was decided 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)  
CBRE on behalf of Lloyds Bank Plc, Villiers House, 2 Victoria 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 was decided 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.

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## 6. Site Visits

The Committee agreed to make a site visit in relation to item 5.3 (PA24/00160/B - 8 The Crofts, Castletown) at 9am on Thursday, 25<sup>th</sup> April 2024. The Case Officer offered her apologies as they were unavailable for the site visit. The Acting Head of Development Management advised the Members that she would accompany them on the site visit in the Case Officer's absence. The Chair gave apologies as he would not be available for the site visit.

## 7. Section 13 Legal Agreements

The Members noted that no Section 13 Legal Agreements had been concluded since its last sitting

## 8. Any other business

The Chair gave apologies for the next meeting on the 7<sup>th</sup> May 2024 as he would not be available on that day. The Members noted that an Acting Chair would need to be appointed at that meeting.

## 9. Next meeting of the Planning Committee

The Committee noted that the next Planning Committee had been set for Tuesday 7<sup>th</sup> May 2024.

There was no further business and the meeting concluded at 11.15am.

## Confirmed a true record



Secretary to the  
Planning Committee



Mr R Callister, MHK  
Chair of the  
Planning Committee