

712

Form RB1

Registered Building No. ~~100~~¹⁶
AMENDED & REVISED
Ref: CCM/JCS

TOWN AND COUNTRY PLANNING ACT 1981

THE REGISTERED BUILDINGS (GENERAL) REGULATIONS 1982

TO: The Palace Group.,
Palace Group & Casino,
Central Promenade,
Douglas,
Isle of Man.

NOTICE IS HEREBY GIVEN that at a meeting held on the 16th March, 1990, the PLANNING COMMITTEE of the Department of Local Government and the Environment, in pursuance of its powers under the above Acts and Regulations REGISTERED The Palace Lido, Central Promenade, Douglas, in the Town of Douglas, as defined with a red line on the enclosed plan, in the PROTECTED BUILDINGS REGISTER by reason of its architectural interest.

THE EFFECT OF THIS REGISTRATION IS IMMEDIATE and prohibits the alteration or demolition of the structure or appearance of any part of the building except in compliance with an obligation imposed by or under any statutory provision or with the prior written consent of the Planning Committee.

Public notice of the Registration was published on the 30th day of July, 1987.

Dated this 23rd day of March, 1990.

By Order of the Committee

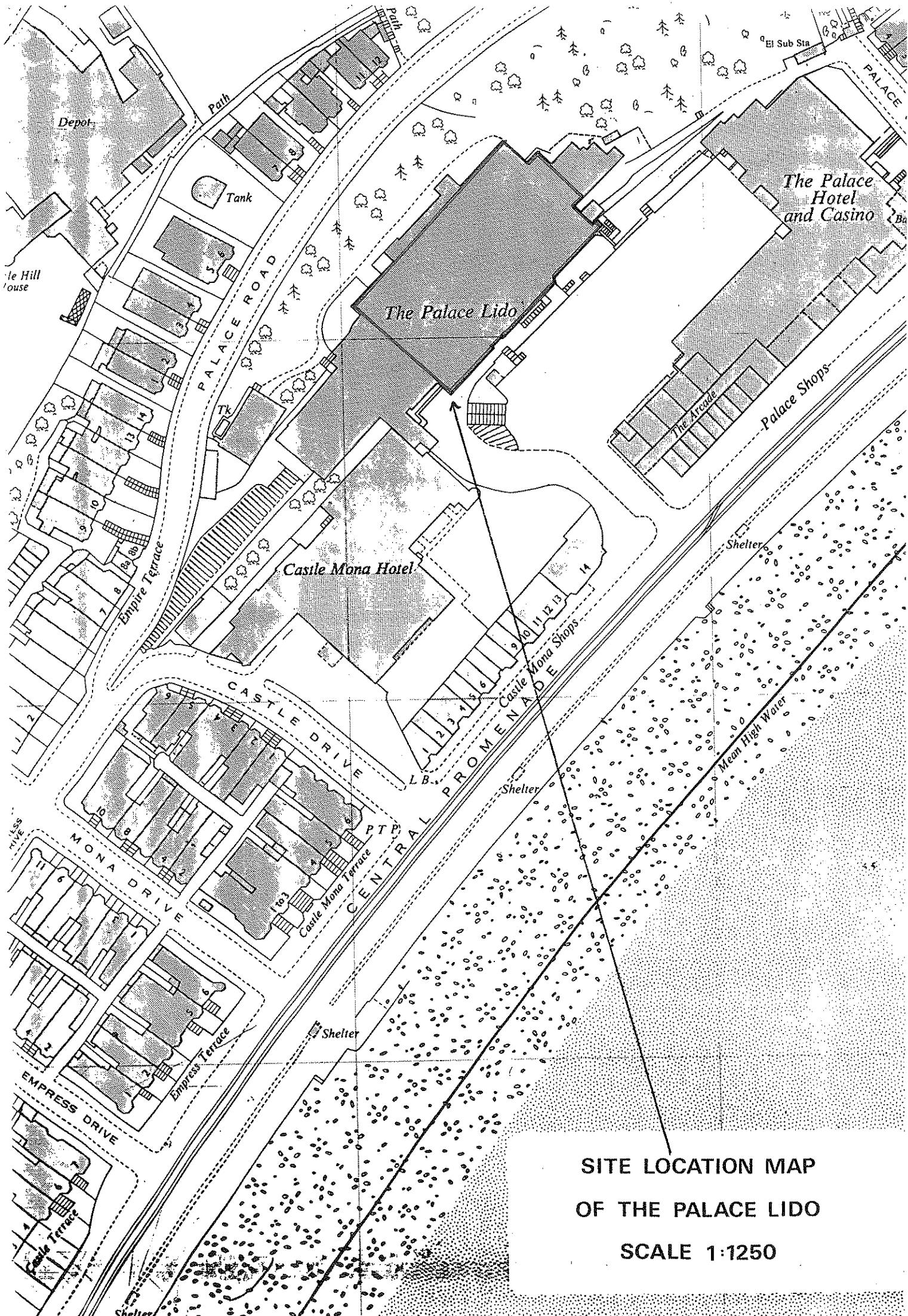


C. C. Magee
Secretary, Planning Committee

Central Government Offices,
Douglas,
Isle of Man.

NOTE: Rights of Review and Appeal against this registration are provided under the Regulations and summarised on the enclosed leaflet.

A copy of Schedule 2 of the Town and Country Planning Act 1981 is appended hereto.



SITE LOCATION MAP
OF THE PALACE LIDO
SCALE 1:1250



PALACE
LIDO

GAMING
BINGO
CABARET





PALACE
LIDO

YAMAHA

YAMAHA

YAMAHA MOTOR SALES (UK) LIMITED

Government Offices
Buck's Road
Douglas
Isle of Man
Fax 0624 662504
Telex 628612 IOMAN G

Tel 0624 626262
Administration Ext
Architects Ext
Environmental Health Ext



Department of
Local Government
and the
Environment

FILE COPY - PLEASE DO NOT REMOVE

Ref: MIS/MC

30th January, 1991.

Dear Sir/Madam,

ON APPEAL: Registered Building No. 116: Palace Lido

I refer to the recent appeal hearing in respect of the registration of the above building.

** In accordance with the provisions of paragraph 7(5) of Schedule 1 to the Isle of Man Planning Scheme (Development Plan) Order 1982, I am enclosing herewith a copy of the report of the person appointed to hear this appeal.

I am directed to advise you that the Minister, having considered the report has agreed to accept the recommendation of the appointed person. Accordingly, he has directed that the appeal be allowed and that the building be deregistered.

Yours faithfully,


M. I. Savage,
Chief Executive.

TO: Messrs. Kneale Callow (Ref: JJC/291/JF/C8266-16), PO Box 154,
St. George's Chambers, Hill Street, Douglas;
Advisory Council, per Mr. C. Clutton, CBE, Old Vicarage, Lezayre;
Manx Museum & National Trust;
Town Clerk, Town Hall, Douglas;
Borough Technical Officer, Town Hall, Douglas;
Mr. J. Hyde, Planning Appeals;
Mr. C. C. Magee, Secretary, Planning Committee;
The Editor, IOM Courier/Examiner Group (for information);
The Editor, Manx Independent (for information);
News Room, Manx Radio (for information).

Appeal by the Palace Group Limited under the provisions of Section 7 of the Registered Buildings (General) Regulations 1987 in respect of Registered Building 116, The Palace Lido.

The material points made by the parties were:

For the Appellants

1. It was accepted by the Department of Local Government and the Environment that in the Notice dated 23 March 1990 the registration of the building had been made solely on the grounds of architectural interest. The reference in a previous Notice dated 11 September 1989 to historic interest was no longer part of the Department's Case. It was also agreed during the evidence of the Department that the decision of the Planning Committee was not in accordance with the advice given by the professional staff. It was further given as evidence that the architectural interest related solely to the interior of the building and was not applicable to the exterior.
2. The submitted evidence and documents of the Consultant Engineers and Architects, unchallenged by the Department of Local Government and the Environment, left no doubt that the possible cost of some £1.2 million needed to create a sound waterproof and damp proof envelope to the appeal premises would be prohibitive pro rata to the potential income levels that could be generated. Restoration of the internal features, presumably the nub of the registration, was beyond practicality both in the financial sense and in obtaining the necessary skills to carry out the works. Any relevance of the building to the current social scene had ceased and the funding of restorative works from revenue was no longer possible. A dramatic fall in clientele and revenue had brought about the cessation of the most recent use and in spite of exhaustive enquiries and research no viable alternative uses had been found for the building. Many of the uses considered foundered on the impracticability of the building and the absence of need on the Island for a building of this size and nature. The *raison d'être* for the building had long gone and the internal changes had removed all sense of quality.
3. The views of the Douglas Corporation in their letters of the 30th August 1990 and the 1st November 1990 were very important considerations since these reflected the views of the local people on the matter of registration. After examining the evidence and inspecting the building the Corporation opposed registration. The Corporation concluded that in the absence of any use that could generate funds on the scale needed for the repairs and refurbishment and bearing in mind that the purpose for which the building had

been designed no longer existed considered that registration was unjustified. The Corporation were well aware of the facts concerning entertainment centres and were able to make their judgment against the background of their own ventures. The Corporation had also considered the possibility of the building being split into small areas of use but had rejected this as a solution because it would destroy the primary characteristic of the building, spaciousness.

4. It was invidious and inequitable that the Appellants' should be required to incur exceptional costs to maintain a building that had no prospect of becoming financially viable and which has ceased to have any functional or practical uses. No evidence whatsoever had been submitted by the Department of Local Government and the Environment to refute the Consultants' conclusions on costs, revenues and potential uses and equally no evidence had been adduced to support the registration on the grounds of architectural interest.

For the Department of Local Government and the Environment

5. There was no criteria available upon which the assessment of architectural interest was made. In the case of the appeal premises however it was considered that in terms of social history, quality of decoration and ornamentation and overall uniqueness registration was warranted, a conclusion supported by the Manx Museum and National Trust. The poor physical and decorative state of the building was not disputed but nevertheless the building was of architectural interest and worthy of restoration at any cost. The evidence given on the alternative uses which had been explored gave the impression that these investigations had been of a superficial nature and it was believed that there must exist somewhere a use that could be financially viable.

Conclusions

6. The issue in this appeal is the conclusion of the Department of Local Government and the Environment that the appeal premises are of architectural interest and warrant registration and it is my opinion that the onus of justifying a registration on these grounds must therefore rest with the Department. In my view the Department have not provided the clear, conclusive and incontrovertible evidence that I consider to be a basic requirement before registration; with its implications for property owners, can be shown to be justified.

Recommendation

7. That the appeal be allowed.

File

20th March, 1990.

Your Ref: JJC/291/JF/C8266-12
Our Ref: CCM/JCS

Kneale Callow,
Advocates & Notaries,
P. O. Box 154,
St. George's Chambers,
Hill Street,
Douglas,
Isle of Man.

Dear Sir,

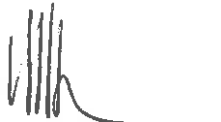
RE: PALACE LIDO - REGISTERED BUILDING NO. 116

Further to your previous correspondence in this matter, and to the site meeting in November last year, the Planning Committee considered a report thereon at their meeting on the 16th March, 1990.

The Committee resolved to vary the area registered and a revised notice is enclosed herewith. Rights of Review against this decision are extended and guidance notes thereon are attached to the notice.

Please confirm in writing that this arrangement is satisfactory and whether your client would wish the Committee to review the amended registration.

Yours faithfully,



C. C. Magee
Secretary

KNEALE CALLOW

ADVOCATES AND NOTARIES

(In succession to Kneale & Co. and Callow & Fick)

J. L. M. Quinn,
P. J. Shimmin,
C. J. Callow, LL.B.,
J. J. Callin.

Consultants
P. J. Kneale,
A. C. A. Fick.

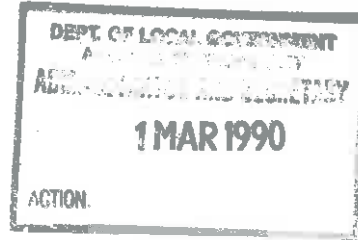
P.O. Box 154,
St. George's Chambers,
Hill Street,
Douglas,
Isle of Man.

Telephone: 0624 23195
0624 74656
Telex: 628478 KNEACO G
Fax Groups 2/3: 0624 20230

Our Ref: JJG/219/JF/C8266-12 Your Ref:

27th February 1990

The Secretary
Planning Committee
Department of Local Government
and Environment
Government Offices
Bucks Road
DOUGLAS



Dear Sir,

RE: PALACE LIDO

We refer to our letter of the 18th January 1990 and your acknowledgement of the 23rd January, confirming that the matter is receiving your attention.

We would be grateful to hear from you in regard to this matter, as one of some considerable urgency.

We wait hearing from you.

Yours faithfully

Kneale Callow

13th February 1990

To: C C Magee
Secretary
Planning Committee

From: N Wilson
Deputy Secretary

Re: Palace Lido

1. Building Registered at Planning Committee meeting on 30th August 1989.
2. Review requested by Kneale Callow on 27th September 1989 on behalf of the Palace Hotel and Casino Ltd.
3. Site visit took place approximately in November between Palace representations, their advocate and B Vannan and N Wilson of DOLGE when implication of Registration was discussed.
4. During discussions it was apparent that the defined site of Registration was incorrect and needed amending. The red line on the location plan included unnecessarily the following:-
 - a. A flat roofed kitchen extension on the North East side of the building.
 - b. Small lean-to extension ^{at} of the rear.
 - c. The foyer area and building to the South-West which are later additions and architecturally not very interesting.
5. Also during the discussions the Palace questioned the implication of Registration as an alternative use would shortly have to be found for the building and some considerable repair was necessary, internal and external. In particular:
 - a. The wooden dance floor is in a poor state.
 - b. The ceiling required attention and painting.
 - c. Several windows required attention and also maintenance and repair and painting of the front facade of the Building. The Palace indicated that under consideration was Sport and Leisure facilities at ground floor level i.e. Squash Courts etc. The upper area would not form part of this proposal but was under ^{separate} consideration. They queried whether some small scale office facilities might be acceptable.
6. Palace were advised that any alterations would require the submission of an application and care would have to be taken to preserve the fabric of the building etc and the dance floor.

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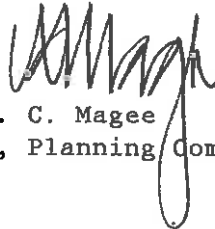
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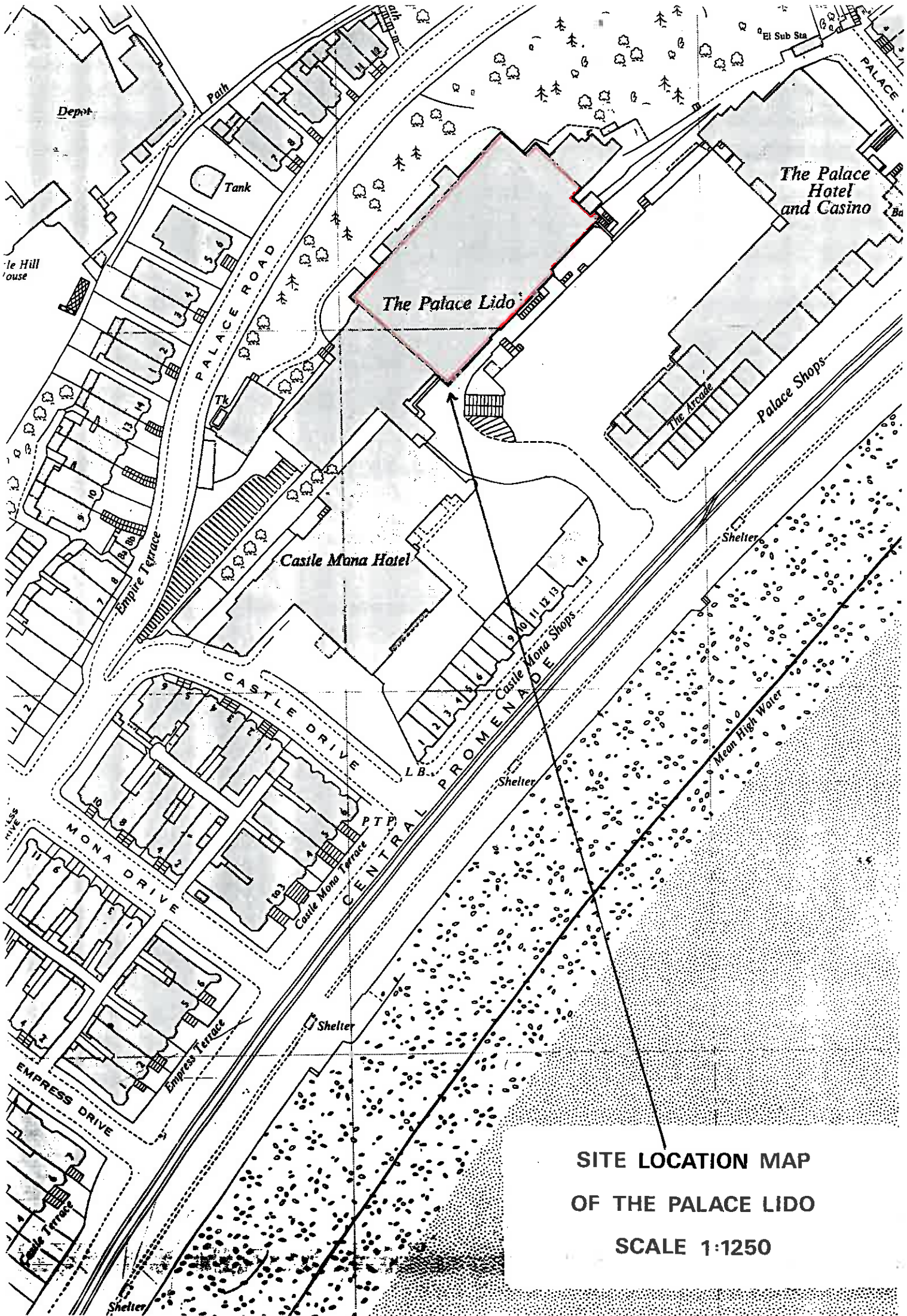


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