



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, 2nd March 2026, 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 Monday 16th February 2026.

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 Monday 16th March 2026.

PLANNING COMMITTEE Meeting, 2nd March 2026
Schedule of planning applications

Item 5.1 Land At Lord Street Car Park Lord Street Douglas Isle Of Man IM1 2BL PA25/90516/B Recommendation : Refused	Erection of up to 12 storey of mixed use development including a multiscreen cinema (Class 4.4); office space (Class 2.1); 12 commercial units (Classes 1.1 to 2.1); bus information centre; public toilets; bus driver welfare area; 5 bus stands on Lord Street with associated waiting areas; site development and landscaping works; back of house area, plant facilities and circulation space; green roof terrace; 85 residential apartments (Class 3.4); and private parking facilities (94 car spaces).
Item 5.2 Plot Of Land / Site Adjacent To 56 Glenfaba Road Peel Isle Of Man PA23/00985/B Recommendation : Permitted	Erection of two semi-detached dwellings
Item 5.3 Orchard Cottage Oatlands Road Andreas Isle Of Man IM7 4ET PA25/90768/B Recommendation : Permitted	Erection of a detached building to be used as a garage for the existing dwelling and residential annexe of self-contained living accommodation
Item 5.4 Part Of Playing Fields Nobles Park Douglas Isle Of Man PA25/91202/B Recommendation : Permitted	Additional use and extension of time of the TT and Festival of Motorcycling hospitality facility as approved under 14/00170/B for the Food and Drink Festival.
Item 5.5 125 Royal Park Ramsey Isle Of Man IM8 3UH PA25/91166/C Recommendation : Permitted	Change of use of ground floor room to podiatry clinic (Class 1.2 professional services)
Item 5.6 Ballakinnag House Shore Road Ballaugh Isle Of Man IM7 5AZ PA25/90916/B Recommendation : Permitted	Removal of condition 2 of 20/00648/B as amended by 21/00193/MCH
Item 5.7	Conversion of offices (Class 2.1) to

Howard Pearson House Summerhill Business Park Victoria Road Douglas Isle Of Man IM2 4RP PA25/90843/B Recommendation : Permitted	private medical facility (Classes 3.2 and 4.1) including alterations to public footpath and additional landscaping works
Item 5.8 11-12 West Quay Ramsey Isle Of Man IM8 1DW PA25/90689/B Recommendation : Permitted	Erection of new four storey dwelling

Item 5.1

Proposal : Erection of up to 12 storey of mixed use development including a multiscreen cinema (Class 4.4); office space (Class 2.1); 12 commercial units (Classes 1.1 to 2.1); bus information centre; public toilets; bus driver welfare area; 5 bus stands on Lord Street with associated waiting areas; site development and landscaping works; back of house area, plant facilities and circulation space; green roof terrace; 85 residential apartments (Class 3.4); and private parking facilities (94 car spaces).

Site Address : Land At Lord Street Car Park
Lord Street
Douglas
Isle Of Man
IM1 2BL

Applicant : Lord Street Development SPV Ltd

Application No. : [25/90516/B](#) - click to view

Principal Planner : Chris Balmer

RECOMMENDATION: To REFUSE the application

Reasons and Notes for Refusal

R : Reasons for refusal

O : Notes (if any) attached to the reasons

R 1. It is considered from the detailed evidence provided and representations received from Estates and Housing that the proposal is a viable development and one which could provide Affordable Housing and Public Open space provision either physically on site or as a commuted sum. It is not considered the suggested "Review Mechanism" is an appropriate alternative mechanism. Therefore, it is considered the application is contrary to Housing Policy 5 and Recreation Policy 3 of the Isle of Man Strategic Plan 2016.

Right to Appeal

It is recommended that the following organisations should be given the Right to Appeal on the basis that they have submitted a relevant objection:

- o Public Estates and Housing (DOI) - Objection
- o Highways Services (DOI) - Condition not attached
- o Flood Risk Management (DOI) - Condition not attached
- o Local Authority - Condition not attached

It is recommended that the following organisations should be given the Right to Appeal on the basis that they have submitted a relevant objection:

- o IOM Constabulary - Comments does not relate to material planning considerations
- o IOM Fire and Rescue Service - Comments does not relate to material planning considerations

It is recommended that the owners/occupiers of the following properties should NOT be given the Right to Appeal because:

Objection does not identify land that is owned or occupied by the objector that would be impacted on (A10(2)(a));

- o 4 Park Avenue, Douglas
- o 2 Glen View South Cape, Laxey
- o 139 King Edward Road, Onchan
- o 15 Highfield Crescent, Onchan
- o 11 Hilary Road, Douglas
- o C/O Royal Academy Of Arts, Burlington House
- o 2 Willow Court, Willow Terrace, Douglas
- o SAVE Mann's Heritage, 49 Derby Square, Douglas
- o Lhergy Moar Farm, Eairy
- o 9 Fort William, Douglas
- o The Society For The Preservation Of The Manx Countryside And The Environment, First Avenue, Douglas
- o Ballaqueeney Lodge, Ballaquayle Road, Douglas
- o Caardee, Dreemskerry Hill, Maughold
- o The Oaks, 53 Brunswick Road, Douglas
- o 6 Taubman Terrace, Douglas
- o Gull Cottage, Beach Road, Baldrine
- o 27 Alberta Drive, Onchan

Planning Officer's Report

THE APPLICATION IS TO BE DETERMINED BY THE PLANNING COMMITTEE BECAUSE:

- IT WOULD RESULT IN MORE THAN 8 RESIDENTIAL UNITS; AND
- IT IS ACCOMPANIED BY A FORMAL ENVIRONMENTAL STATEMENT.

1.0 THE SITE

- 1.1 The site is a parcel of land approximately 0.57 hectares in size, which is located on a corner plot with Lord Street to the north, Parade Street to the east, North Quay to the south and Harris Lane/Chapel Row to the west. The site is currently unused being fenced off. Its previous use was as a public car park (180 spaces – pay and display) and along the north edge of the site is Lord Street Bus Station, which is made up of a total of five bus stops/stands. It should be noted that planning approval for use of the site as a temporary car park had lapsed and therefore it has no lawful use.
- 1.2 Due to the previous usage of the majority of the site as a car park, the character of the site is a large expanse of hard surfacing, with an approximate 1.8m high timber fence, with planters in parts running along the northern and eastern boundaries of the site. The southern and west boundaries of the site are open with no boundary features, the exception being a metal fence running parallel with the gable end of the neighbouring buildings (Nr 1 Lord Street (café) and the public house The Albert) and a public footpath which runs between Lord Street and Chapel Row/Harris Lane.
- 1.3 The northern section of the site accommodates the existing bus station which is made up of five bus shelters situated at the back of the pavement. A public footpath then fronts these shelters and a large lay-by for buses to park can also be found.
- 1.4 Access into the car park can be achieved via Harris Lane and Chapel Row. To exit the car park vehicles must exit via Harris Lane and onto North Quay (one way system).

2.0 THE PROPOSAL

2.1 The planning application seeks full approval for the; "Erection of up to 12 storey of mixed use development including a multiscreen cinema (Class 4.4); office space (Class 2.1); 12 commercial units (Classes 1.1 to 2.1); bus information centre; public toilets; bus driver welfare area; 5 bus stands on Lord Street with associated waiting areas; site development and landscaping works; back of house area, plant facilities and circulation space; green roof terrace; 85 residential apartments (Class 3.4); and private parking facilities (94 car spaces)."

2.2 The proposal includes the elements set out below.

- A multi-screen cinema including concession area / café / bar (1,670 Gross Internal Area Square Metres) entrance at ground floor with 4 cinema screens at second floor level and ticket hall and café/bar at third floor. It would operate 10am and 12midnight seven days a week.
- 85 residential apartments, (10,827 GIA sqm) across the first to eleventh floors. There would be a total of 3 x 1 beds, 70 x 2 beds, 11 x 3 beds units and 1 x 4 bed units. All have private balconies.
- Private car park containing 94 standard car parking spaces, (3,751 sqm) and accesses from ground level via Harris Lane and Chapel Row;
- 12 retail/ leisure/ restaurant units (totalling 2,007 GIA sqm). The commercial unit (annotated as café/bar) at third floor of the cinema building has been designed to be split into two units for flexibility. This would create an additional commercial unit (total of 13). There are no current end users known for the commercial units hence Use Classes 1.1 (shops), 1.2 (financial and professional services), 1.3 (food and drink – no takeaway) or 2.1 (office) are sought for all the commercial units (except unit at 3rd floor within cinema element is proposed to be 1.3 only) proposed, with additional Use Class 4.4 (Assembly and leisure) proposed for units 9, 10 & 12. All units are accessible directly from street level.
- Office space (437sqm) located at first floor level on the submitted plans, albeit it should be noted that the proposed commercial units outlined above include the possibility of Use Class 2.1 (office).
- Drivers' welfare, public WC's, internal public bus seating area and travel/tourist information centre (138sqm). This utilises one of the retail units proposed.
- Provision of five bus stands on Lord Street with associated waiting areas.
- Back of house area, plant facilities and circulation space.
- Site development and landscaping works.
- Layby and drop of area on Chapel Row/Harris Lane (rear of cinema building) to facilitate deliveries and servicing.
- Residential and cycle storage located at ground floor level (centre and northern sections of building).
- Office refuse storage ground floor level (centre of building).
- Residential refuse/recycling storage areas at ground floor level (eastern and southern sections of building).
- Roof of car park provides a private outdoor landscaped area for the residents of the building.
- Secure and covered cycle stands to western wall of building.

2.3 The Planning Statement indicates:

"The proposed development will be delivered within a series of three to twelve storey buildings that in combination will offer a gross internal floor area of 18,783sqm. This is a reduction from the 21,052sqm proposed in May 2025. (GIA).

Access is provided via the surrounding road network, including Chapel Row, North Quay, Harris Lane, Parade Street and Lord Street. Car park access will be provided via

Harris Lane on to North Quay. Reconfigured bus stances will be provided on Lord Street.

The erection of the proposed development will necessitate the clearance and removal of the existing public car park and adjacent bus stances¹ within the site prior to the erection of new building foundations, structures and associated infrastructure."

2.4 The Planning Statement also outlines;

"The evolution of the design from 2018 and the proposals permitted in 2019 reflects the alterations in commercial activity as a result of the pandemic and the intervening years, and the context of surrounding development proposals, noting that there is significant interest in the development of the area, including the Parade Street car park, and the two vacant sites on the north side Lord Street. There is an immediate and significant opportunity to define the urban realm of this area of Douglas and create a confident, modern external facing quarter for Douglas that reflects its status as one the main entry points to the Island. The proposals have been reimagined in order to respond to this opportunity, presenting a statement building with appropriate massing and height reflected in the main elevations to Lord Street, North Quay and Parade Street. The proposals have been shaped in discussion with the Isle of Man Government and the developers of surrounding sites and the amendments being made to the scheme in October 2025 reduce the height and scale of the building. The design evolution has been described in the Design & Access Statement in 5 steps:

- Creation of a perimeter block of development with a centralised car park – helping to maintain active frontages*
- Define the building lines along street frontages and consider the public realm, again helping to create greater amenity and activity at ground floor level whilst maintain the building lines established by existing neighbouring buildings.*
- Considering the treatment of the central void above car park level on order to provide dual aspect residential units and again improve amenity*
- Cut away section of the perimeter block to create a visual connection to the quayside for residents, improve light access to the central court and landscape the area to create a communal garden area.*
- Introduce a tall focal point element at the corner of Parade Street and Lord Street to provide an appropriate termination of views from the Ferry Terminal along Bath Place. This element has been reduced from 14 storeys to 12 storeys in the October 2025 amendments."*

2.5 The proposed multi storey car park would accommodate 94 car parking spaces for the residents of the apartments only. A total of 136 cycle spaces are proposed throughout the site, with a total of 86 being for residential use and 50 short stay spaces in the form of 25 Sheffield stands.

2.6 No Affordable Housing provision or Public Open Space is proposed to be provided, either in the form of physical units/space or commuted sum payments. This will be dealt with in more detail later in this report.

3.0 PLANNING HISTORY

3.1 There are a number of previous planning applications which are considered relevant in the determination of this application, with the following being the most relevant.

3.2 Erection of a leisure-led mixed use development including a 7 screen cinema, 80 bedroom hotel, 20 residential apartments (14 two bed and 6 three bed units), 3 restaurant/cafe units (Class 3), 4 retail units (Class 1), information centre, public toilets, a drivers' welfare area, multi storey car park (198 car spaces and 16 motorbike spaces), back of house area, plant facilities, circulation space, 5 bus stances on Lord

Street with associated waiting areas, site development and landscaping works within a series of five to seven storey buildings - 18/00846/B - APPROVED on 09.07.2019. This application has now expired and cannot be implemented.

- 3.3 This approved scheme was described by the then applicants as;
"...a series of 4 interlinked structures that will read as a single urban block. In summary terms the separate building elements will be as follows:
o Cinema with 3 commercial units and 1 restaurant below (7 storey element);
o Multi Storey Car Park (6 storey element)
o Hotel with information centre, drivers welfare area and 1 restaurant below (5 storey element)
o Residential apartments with 2 restaurant units below (6 storey element)"
- 3.4 That application also included the following elements:
- Bus stances are to be provided onto Lord Street on a similar arrangement as existing, albeit the stances will be reconfigured in a saw tooth kerb arrangement to improve use and safety. A total of five new shelters (as existing) would be installed (final designs not known) but would be sited along the frontage of the public footpath, rather than the current situation where the shelters are located along the back of the footpath. This is to enable better pedestrian traffic walking along the footpath.
 - Laybys/drop off areas on Parade Street to facilitate hotel drop off and on Chapel Row/Harris Lane to the rear of the cinema to facilitate deliveries and servicing;
 - Cycle storage for the hotel is provided in a secure room; and
 - Outdoor seating areas on North Quay associated with the proposed restaurants.
- 3.5 Additional planning applications on the site are;
- Erection of marquee and ice rink for seasonal use over a period of three months - 20/01198/B – APPROVED on 23.11.2020
 - Demolition of bus station and creation of temporary pay and display car park - 01/01763/B – APPROVED with a condition giving a 2 year temporary approval which expiring on the 8th March 2004
 - Approval in principle for redevelopment of site to create residential units, retail units, Police Station/Library unit, car parking - 97/00528/A – APPROVED
 - Change of use of disused waiting room to youth work project - 95/00183/C – APPROVED
 - Internal alterations to form Police enquiry counter and offices - 94/00985/B – APPROVED
 - Alterations to improve premises and toilet facilities - 90/01611/B – APPROVED
 - Redevelopment to provide mixed residential, offices, retail & parking, site of existing Bus Station & car park - 93/00936/B – APPROVED
 - Erection of multi-storey car park with office, retail and 14 residential units - 88/01737/B – APPROVED

4.0 KEY DOCUMENTS

4.1 Material Considerations

4.1.1 Section 10(4) of the Town and Country Planning Act states:

"In dealing with an application for planning approval... the Department shall have regard to –

- (a) The provisions of the development plan, so far as material to the application,*
- (b) Any relevant statement of planning policy under section 3;*
- ...*
- (c) All other material considerations."*

- 4.1.2 In light of (a) above, it is considered that two key documents are The Area Plan for the East 2020 and The Isle of Man Strategic Plan 2016 which are considered in more detail in 4.2 and 4.3.
- 4.1.3 In light of (b) Planning Policy Statement 1/01 – Policy CA/2 & CA/4 is relevant and considered in 4.4.
- 4.1.4 In light of (d) above, the following are of particular importance:
- Town and Country Planning Act (1999) Section 16(3) and 18(4)
 - Use Class Order 2019
 - Climate Change Act 2021
 - Flood Risk Management Act (2013)
 - Our Island Plan 2025/2026 update (GD 2025/0018)
 - Isle of Man Economic Strategy
 - Unoccupied Urban Sites
 - Central Douglas Masterplan (2014)
 - Island Infrastructure Scheme – department of enterprise
 - Operation Policy on Section 13 agreements – (2020) – DEFA
 - Residential Design Guide (2021)
 - Manual for Manx Roads
 - Net Zero Emissions by 2050
 - Active Travel Strategy (2018 - 2021)
 - Douglas town centre parking survey and parking policy development options (2013) (DOI)
 - UNESCO Biosphere Isle of Man
 - Landscape character assessment update – final report (2025)
 - Landscape character assessment – final report (2008)
- 4.1.5 These documents are considered in more detail in 4.5.
- 4.1.6 All the documents are available on the government website.

4.2 The Area Plan for the East 2020 (APE)

- 4.2.1 The application site is within an area zoned as "Mixed Use Proposal Areas - The Fort" identified on the APE. The site is annotated as "DM004g" on the APE Proposal Map 5. A small section of the site (which includes Harris Lane) is within North Quay Conservation Area. Whilst the majority of the site is not within a Conservation Area, it directly abuts the north-eastern sections of the North Quay Conservation Area and is close to the Douglas Promenades Conservation Area to the East. There are no Registered Building on the site. There are a number of Registered Building in proximity to the site, these being Market Hall, Douglas Hotel to the east of the site and Harbour Ridge Tower to the south.
- 4.2.2 The current DOI flood maps indicate that the southern and western parts of the site are within a "Flood Risk – Tidal High Likelihood" area and the entire site is within a "Tidal Low Likelihood" and "Tidal Medium Likelihood" area. Further parts of the northeast section of the site are within a "Flood Risk – Surface Water" area.
- 4.2.3 The application site is not within any areas designated as Natural Conservation Zones, Nature Reserves & Sites of Ecological Importance for Conservation. The Site is located to the north (approx. 20m) of Douglas Bay Marine Nature Reserve (MNR), which is a statutorily designated Nature Conservation Area.
- 4.2.4 Paragraph of the Written Statement of the APE states;

"Douglas will continue to grow as the commercial, social and cultural heart of the Island remaining the prime focus for development and growth. It will continue to be a thriving capital rich in historic interest with an international outlook which will grow to accommodate the demands for new employment opportunities within and close to the town in a coordinated way. As the economic hub of the Island, it will maintain its role as the leading retail, entertainment, employment, sporting and learning centre. The town centre will be revitalised through regeneration work and encouraging high quality retail development. New leisure and hotel facilities will attract tourists and provide an attractive and vibrant mix of uses within Douglas."

4.2.5 Mixed Use Area 5 - The Fort states;

"This area provides the most redevelopment opportunities. The area is well located, near to the Sea Terminal, the Quayside and the retail areas. It is identified in the Central Douglas Masterplan as having potential for a variety of uses appropriate to the Island's Capital."

4.2.6 Town Centre - Mixed Use Proposal 5 states;

"There will be a presumption in favour of large or comprehensive development schemes for uses in the following categories:

Tourism/hotel

Leisure

Entertainment Food and drink

Provision must be made for public transport and a multi-storey car park within the area. Office and Residential uses will be acceptable at first floor level and above, but not at ground floor where an active frontage will be required. Any development must be of the highest design quality and improvements to the public realm. Uses which conflict with those stated in this Proposal will generally not be supported. As this area lies partly within the Douglas North Quay Conservation Area, development plans should pay special regard to this location."

4.2.7 Urban Environment Proposal 3 states:

"Development proposals, particularly in respect of Douglas Town Centre, which are contemporary in style and which clearly demonstrate innovative design solutions which enhance local character and distinctiveness will generally be supported."

4.2.8 Landscape Proposal 8 (Douglas Bay) states;

"The open, expansive headlands of Douglas and Onchan shall be protected from visual intrusion."

4.2.9 Landscape Character Area - Douglas Bay (E3)

"Landscape Strategy

Conserve and enhance:

a) the character, quality and distinctiveness of Douglas harbour, promenade and beach;

b) the urban setting between two large open headlands

c) and to maintain the rich maritime and coastal habitats of the area.

Key Views

Inter-visibility is possible in numerous places along the sea front from the coastal path around Onchan to the various piers and at the lighthouse at Douglas Point.

Views inland are dominated almost exclusively by the built form of Douglas with its terrace of white Victorian hotels, the built form of Onchan on the cliff tops and the various paraphernalia associated with the Harbour.

Views along the coast constrained and dominated by the two large headlands that enclose the area."

4.3 Isle of Man Strategic Plan (adopted 2016) (IOMSP)

4.3.1 In light of the above, it is considered the policies from the IOMSP set out below are relevant in the determination of this application.

4.3.2 The IOMSP takes its lead from the Government aims which include the pursuit of manageable and sustainable growth based on a diversified economy which is intended to raise the standard of living of the people of the Island and to provide the resources to sustain and develop public services. It also includes the protection and improvement of the quality of the environment such that it continues to be an asset for future generations.

4.3.3 The Strategic Aim is:

"To plan for the efficient and effective provision of services and infrastructure and to direct and control development and the use of land to meet the community's needs, having particular regard to the principles of sustainability whilst at the same time preserving, protecting, and improving the quality of the environment, having particular regard to our uniquely Manx natural, wildlife, cultural and built heritage."

4.3.4 The Strategic Aim is noted but not considered directly further, as the relevant aspects are unpacked by the relevant detailed policies which are identified below.

4.3.5 Strategic Policy 1 states:

"Development should make the best use of resources by:

(a) optimising the use of previously developed land, redundant buildings, unused and under-used land and buildings, and reusing scarce indigenous building materials;

(b) ensuring efficient use of sites, taking into account the needs for access, landscaping, open space and amenity standards; and

(c) being located so as to utilise existing and planned infrastructure, facilities and services."

4.3.6 Strategic Policy 2 states:

"New development will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions (2) of these towns and villages. Development will be permitted in the countryside only in the exceptional circumstances identified in paragraph 6.3."

4.3.7 Strategic Policy 4 states:

"Proposals for development must:

(a) Protect or enhance the fabric and setting of Ancient Monuments, Registered Buildings (1), Conservation Areas (2), buildings and structures within National Heritage Areas and sites of archaeological interest;

(b) protect or enhance the landscape quality and nature conservation value of urban as well as rural areas but especially in respect to development adjacent to Areas of Special Scientific Interest and other designations; and

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

4.3.8 Strategic Policy 5 states:

"New development, including individual buildings, should be designed so as to make a positive contribution to the environment of the Island. In appropriate cases the Department will require planning applications to be supported by a Design Statement which will be required to take account of the Strategic Aim and Policies."

4.3.9 Strategic Policy 6 states:

"Major employment-generating development should be located in existing centres on land zoned for such purposes and identified as such in existing Local or new Area Plans."

4.3.10 Strategic Policy 7 states:

"Undeveloped land which is zoned in Local or Area Plans for industrial, office, or retail purposes will be retained and protected for such uses, except where those uses would be inappropriate or incompatible with adjoining uses."

4.3.11 Strategic Policy 9 states:

"All new retail development (excepting neighbourhood shops and those instances identified in Business Policy 5) and all new office development (excepting corporate headquarters suitable for a business park(1) location) must be sited within the town and village centres on land zoned for these purposes in Area Plans, whilst taking into consideration Business Policies 7 and 8."

4.3.10 Strategic Policy 10 states:

"New development should be located and designed such as to promote a more integrated transport network with the aim to:

- (a) minimise journeys, especially by private car;*
- (b) make best use of public transport;*
- (c) not adversely affect highway safety for all users, and*
- (d) encourage pedestrian movement"*

4.3.11 Spatial Policy 1 states:

"The Douglas urban area will remain the main employment and services centre for the Island."

4.3.12 General Policy 2 states:

"Development which is in accordance with the land-use zoning and proposals in the appropriate Area Plan and with other policies of this Strategic Plan will normally be permitted, provided that the development:

- (a) is in accordance with the design brief in the Area Plan where there is such a brief;*
- (b) respects the site and surroundings in terms of the siting, layout, scale, form, design and landscaping of buildings and the spaces around them;*
- (c) does not affect adversely the character of the surrounding landscape or townscape;*
- (d) does not adversely affect the protected wildlife or locally important habitats on the site or adjacent land, including water courses;*
- (e) does not affect adversely public views of the sea;*
- (f) incorporates where possible existing topography and landscape features, particularly trees and sod banks;*
- (g) does not affect adversely the amenity of local residents or the character of the locality;*
- (h) provides satisfactory amenity standards in itself, including where appropriate safe and convenient access for all highway users, together with adequate parking, servicing and manoeuvring space;*
- (i) does not have an unacceptable effect on road safety or traffic flows on the local highways;*
- (j) can be provided with all necessary services;*

(k) does not prejudice the use or development of adjoining land in accordance with the appropriate Area Plan;
(l) is not on contaminated land or subject to unreasonable risk of erosion or flooding;
(m) takes account of community and personal safety and security in the design of buildings and the spaces around them; and
(n) is designed having due regard to best practice in reducing energy consumption."

4.3.13 General Policy 4 states:

"Where appropriate the Department will enter into Agreements under section 13 of the 1999 Town and Country Planning Act which may:

- (a) restrict the use of land;*
- (b) require land to be used in a particular way;*
- (c) restrict the operations which may be carried out in, on, under or over land;*
- (d) require operations or activities to be carried out in, on, under or over land or;*
- (e) require payments to be made to the Department either in a single sum or periodically, in particular as commuted sums for open space or parking provision, or other social or cultural provision, including public art, which is necessary and directly associated with the development proposed."*

4.3.14 Environment Policy 10 states:

"Where development is proposed on any site where in the opinion of the Department of Local Government and the Environment there is a potential risk of flooding, a flood risk assessment and details of proposed mitigation measures must accompany any application for planning permission. The requirements for a flood risk assessment are set out in Appendix 4."

4.3.15 Environment Policy 13 states:

"Development which would result in an unacceptable risk from flooding, either on or off-site, will not be permitted."

4.3.16 Environment Policy 22 states:

"Development will not be permitted where it would unacceptably harm the environment and/or the amenity of nearby properties in terms of:

- i) pollution of sea, surface water or groundwater;*
- ii) emissions of airborne pollutants; and*
- iii) vibration, odour, noise or light pollution."*

4.3.17 Environment Policy 24 (section 7.18) states:

"Development which is likely to have a significant effect on the environment will be required:

- i) to be accompanied by an Environmental Impact Assessment in certain cases; and*
- ii) to be accompanied by suitable supporting environmental information in all other cases."*

4.3.18 Environment Policy 26 states:

"Development will not be permitted on or close to contaminated land unless it can be demonstrated that there is no unacceptable risk to health, property or adjacent watercourses"

4.3.19 Environment Policy 29 states:

"In considering development proposals within Consultation Zones as designated on the Area Plans or published Consultation Zone Maps, the Department will consult with the Health and Safety at Work Inspectorate to determine the appropriateness of the development. In all cases, the health and safety of the public will be the overriding consideration. Developments which would conflict with the requirements of health and safety will not be permitted."

4.3.20 Environment Policy 35 states:

"Within Conservation Areas, the Department will permit only development which would preserve or enhance the character or appearance of the Area, and will ensure that the special features contributing to the character and quality are protected against inappropriate development".

4.3.21 Environment Policy 36 states:

"Where development is proposed outside of, but close to, the boundary of a Conservation Area, this will only be permitted where it will not detrimentally affect important views into and out of the Conservation Area."

4.3.22 Environment Policy 40 states:

"Development will not be permitted which would damage, disturb or detract from an important archaeological site or an Ancient Monument or the setting thereof."

4.3.23 Environment Policy 41 states:

"The Department will require that archaeological evaluations be submitted prior to the determination of proposals affecting sites of known or potential archaeological significance. In cases where remains are affected but preservation in-situ is not merited, the Department will expect to secure excavations and/or recording in advance of construction work either by the imposition of suitable conditions attached to a planning permission or through a formal agreement entered into with the developer."

4.3.24 Environment Policy 42 states:

"New development in existing settlements must be designed to take account of the particular character and identity, in terms of buildings and landscape features of the immediate locality. Inappropriate backland development, and the removal of open or green spaces which contribute to the visual amenity and sense of place of a particular area will not be permitted. Those open or green spaces which are to be preserved will be identified in Area Plans."

4.3.25 Environment Policy 43 states:

"The Department will generally support proposals which seek to regenerate run-down urban and rural areas. Such proposals will normally be set in the context of regeneration strategies identified in the associated Area Plans. The Department will encourage the re-use of sound built fabric, rather than its demolition."

4.3.26 Housing Policy 1 states:

"The housing needs of the Island will be met by making provision for sufficient development opportunities to enable 5,100 additional dwellings (net of demolitions), and including those created by conversion, to be built over the Plan period 2011 to 2026."

4.3.27 Housing Policy 4 states:

"New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions(1) of these towns and villages where identified in adopted Area Plans: otherwise new housing will be permitted in the countryside only in the following exceptional circumstances:

(a) essential housing for agricultural workers in accordance with Housing Policies 7, 8, 9 and 10;

(b) conversion of redundant rural buildings in accordance with Housing Policy 11; and

(c) the replacement of existing rural dwellings and abandoned dwellings in accordance with Housing Policies 12, 13 and 14."

- 4.3.28 Housing Policy 5 states:
"In granting planning permission on land zoned for residential development or in predominantly residential areas the Department will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more."
- 4.3.29 Business Policy 1 states:
"The growth of employment opportunities throughout the Island will be encouraged provided that development proposals accord with the policies of this Plan."
- 4.3.30 Business Policy 8 states:
"New office buildings should, in terms of height and mass, respect the scale and character of adjoining and nearby buildings and should accommodate parking space in accordance with the standards specified in Appendix 7 of the Plan."
- 4.3.31 Business Policy 9 states:
"The Department will support new retail provision in existing retail areas at a scale appropriate to the existing area and which will not have an adverse effect on adjacent retail areas. Major retail development proposals will require to be supported by a Retail Impact Assessment(1)."
- 4.3.32 Business Policy 10 states:
"Retail development will be permitted only in established town and village centres, with the exceptions of neighbourhood shops in large residential areas and those instances identified in Business Policy 5."
- 4.3.33 Recreation Policy 3 states:
"Where appropriate, new development should include the provision of landscaped amenity areas as an integral part of the design. New residential development of ten or more dwellings must make provision for recreational and amenity space in accordance with the standards specified in Appendix 6 to the Plan."
- 4.3.34 Recreation Policy 4 states:
"Open Space must be provided on site or conveniently close to the development which it is intended to serve, and should be easily accessible by foot and public transport."
- 4.3.35 Community Policy 7 states:
"The design of new development and the extension and refurbishment of existing buildings and development must, as far as is reasonably practical, pay due regard to existing best practice so as to help prevent criminal and anti-social behaviour."
- 4.3.36 Community Policy 10 states,
"Proposals for the layout and development of land will be permitted only where there is provided proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes".
- 4.3.37 Community Policy 11 states,
"The design and use of all new buildings and of extensions to existing buildings must, as far as is reasonable and practicable, pay due regard to best practice such as to prevent the outbreak and spread of fire".
- 4.3.38 Transport Policy 1 states,
"New development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes".

4.3.39 Transport Policy 2 states:

"The layout of development should, where appropriate, make provision for new bus, pedestrian and cycle routes, including linking into existing systems."

4.3.40 Transport Policy 4 states,

"The new and existing highways which serve any new development must be designed so as to be capable of accommodating the vehicle and pedestrian journeys generated by that development in a safe and appropriate manner, and in accordance with the environmental objectives of this plan."

4.3.41 Transport Policy 6 states:

"In the design of new development and transport facilities the needs of pedestrians will be given similar weight to the needs of other road users."

4.3.42 Transport Policy 7 states:

"The Department will require that in all new development, parking provision must be in accordance with the Department's current standards. The current standards are set out in Appendix 7."

4.3.43 Transport Policy 8 states:

"The Department will require all applications for major development to be accompanied by a Transport Assessment."

4.3.44 Energy Policy 5 states:

"The Department will prepare a Planning Policy Statement on Energy Efficiency. Pending the preparation and adoption of that PPS the Department will require proposals for more than 5 dwellings or 100 square metres of other development to be accompanied by an Energy Impact Assessment."

4.3.45 Note on Measures of Harm

Paragraph 1.6.1 of the IOMSP 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 Practice 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."* This should be considered when determining the potential "harm" to the Conservation Areas and Registered Buildings which will be considered later in this report.

4.4. Planning Policy Statements

4.4.1 1/01 Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man includes policy in relation to the following;

- o Giving Special Consideration to Conservation Areas (PPS1-CA/2)
- o Proposal for Preservation and Enhancement (PPS1-CA/4)

4.5 "Other Material Considerations"

4.5.1 TOWN AND COUNTRY PLANNING ACT (1999) Sections 16(3) and 18(4)

- Regarding the potential impacts upon nearby Conservation Areas and nearby Registered Buildings the following are required to be consider;

- Section 18(4) of the Town and Country Planning Act (1999) states;
"(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."
- Section 16(3) of the Town and Country Planning Act (1999) states;
"In considering — (a) whether to grant planning approval for development which affects a registered building or its setting, or (b) whether to grant registered building consent for any works, the relevant Department shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

4.5.2 USE CLASS ORDER 2019

Class 1.1 - Shops

Use, where the sale, display or service is to visiting members of the public, for the purpose of —

- (a) the retail sale of goods other than hot food;
- (b) a post office;
- (c) a travel agency or the sale of tickets;
- (d) the sale of hot drinks, sandwiches or other cold food for consumption off the premises;
- (e) hairdressing or the provision of beauty treatments;
- (f) the grooming of pets where no element of kennelling is provided;
- (g) a florist;
- (h) the displaying of goods for sale; or
- (i) the hiring out of domestic or personal goods or articles.

Class 1.2 – Financial and professional services

Use, where the services are provided principally to visiting members of the public, for the purpose of providing —

- (a) financial services (including the services of a bank, building society or insurance broker);
- (b) professional services (including estate agency, dentist, opticians and legal or architectural services); or
- (c) any other service which it is appropriate to provide in a shopping area, (including a booking office for a driving school or a job centre).

Class 1.3 – Food and drink

Use for the purpose of selling food or drink for consumption on the premises (including restaurants, cafés, public houses, wine bars or other such establishments).

Class 2.1 – Office

Use for the purpose of an office other than a purpose falling within Class 1.2.

Class 4.4 – Assembly and leisure Use for the purpose of —

- (a) a cinema, a music hall or a concert hall;
- (b) a bingo or a dance hall (but not a night club); or
- (c) a swimming baths, a skating rink, gymnasium or a dance studio (which may include the provision of instruction).

4.5.3 CLIMATE CHANGE ACT 2021

Climate Change Act has received Royal assent, and parts have been adopted, for example the fossil fuel ban through Building Control Legislation; albeit the matters listed below require further work to be undertaken before they come into force.

Accordingly, they have little planning weight; although it does give a clear "direction of travel".

"(a) demonstrate that the application has been made having regard to the following climate change policies —

(i) the maximisation of carbon sequestration;

(ii) the minimising of greenhouse gas emissions;

(iii) the maintenance and restoration of ecosystems;

(iv) biodiversity net gain;

(v) the need for sustainable drainage systems; and

(vi) the provision of active travel infrastructure; or

(b) explain why consideration of one or more of those policies is not practicable in relation to the proposed development."

4.5.4 FLOOD RISK MANAGEMENT ACT (2013)

Section 68 of the Flood Risk Management Act (2013) indicates that any published Flood Risk Management Plan and the extent to which the proposed development creates an additional flood risk are material considerations.

4.5.5 OUR ISLAND PLAN 2025/2026 UPDATE (GD 2025/0018)

"Our priority in 2025 and 2026 is to increase the number of homes available to Manx residents, now and into the future. We continue to modernise the planning system. Since the start of this administration, over 1,000 new homes have been approved - with 320 recently approved for Braddan. Efforts will be made to ensure these homes are occupied as soon as possible."

And

"The Isle of Man is the place for entrepreneurially minded individuals and businesses. It is home to a large number of prominent and high-quality global brands across a diverse spread of business sectors, including aviation, tourism, finance, e-business, e-gaming, esports, manufacturing, agriculture, construction, retail, food & drink, aerospace, shipping, biomed and more."

Further the Our Island Plan states;

"The regeneration of brownfield sites will carry on, accelerated by the Island

4.5.6 ISLE OF MAN ECONOMIC STRATEGY

The Isle of Man Economic Strategy was 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".

4.5.7 UNOCCUPIED URBAN SITES

The Council of Ministers have approved an Action Plan to Reform the Planning System (hereafter "The Action Plan"). The document "Reform of the Planning System - Programme for Government 2016 - 2021" GD2018/0031 was laid before Tynwald on 15th May 2018. One of the actions set out within this is that, *"Council of Ministers have agreed the following Policy with immediate effect: In order to continue to incentivise and support site redevelopment and the associated economic development, Planning Approval should not normally be given for brownfield sites to be used as temporary car parks" and that this is important, "To ensure faster brownfield site redevelopment and encourage socio-economic development".*

This "Action Plan" was approved by the previously Administration; albeit has not been annulled. However, the APE Written Statement objectives continues the theme of promoting and reuse of brownfield land, especially in Douglas to reduce the impact upon the countryside (paragraphs 8.3 & 12.11).

Report of the Select Committee of Tynwald on the Development of Unoccupied urban sites (2017-2018) (hereafter "The Select Committee Report" recommended that;

"Tynwald calls upon the Council of Ministers and all Departments to use every means at their disposal to encourage and prioritise the development of unoccupied or previously developed urban sites ahead of building on greenfield sites in the Manx countryside; and in particular that Tynwald is of the opinion that urgent action should be taken ... (iv) to use the planning system, taxation and other potential incentives to discourage greenfield development; (v) to use the planning system, taxation and other potential incentives to encourage brownfield development in Development Zones in Douglas and in other urban areas".

4.5.8 THE CENTRAL DOUGLAS MASTER PLAN (2014)

The Masterplan is not a statutory document in itself, although it was approved by Tynwald. It was intended that it would be a material consideration in the determination of applications and be reviewed for inclusion in the APE. The Masterplan introduced a series of Character Areas that reflected the existing nature and uses of particular areas of Douglas town centre while identifying opportunities for growth and evolution. These Character Areas remain relevant and have been used as a basis for the APE Proposals.

The Site is within an area known as "The Fort" under the APE. Project Proposals for the site include:

*"QS1 - Infill at the Lord Street site / North Quay, focusing on leisure development
The site will be dealt with in more detail in the following section, but the Lord Street site offers the final vacant site along this frontage. Other premises are currently vacant but are constrained by existing scale so these don't offer the same potential".*

"TF4 - Lord Street public realm improvements to create connectivity and safe pedestrian movement Lord Street traffic needs to be considered as part of a strategic highway overview for the centre. The street could become a shared space and with careful treatment would ensure that traffic movements are slowed to enable the safe movement of pedestrians. The bus station for Douglas is also to remain on Lord Street".

*"TF5 - Fort Street public realm improvement extending retail circuit from Strand Street Fort Street will be pedestrianised and link into Strand Street by the extension of the public realm improvement scheme already being implemented. The linking of this area into the existing is crucial in implementing the much needed connections across the town centre, to ensure that it works as a whole not just as a series of areas."
Infrastructure Scheme."*

4.5.9 THE ISLAND INFRASTRUCTURE SCHEME – DEPARTMENT OF ENTERPRISE

The purpose of the Scheme is to trigger the development of brownfield sites that are included on the Unoccupied Urban Sites Register, as published by the Cabinet Office, and unlock their long-term economic potential. Funding under this Scheme is made available to bridge the financial gap to enable development on these key urban sites, turning unviable development plans to viable opportunities with the minimal amount of support needed. The Scheme offers a financial support, by way of a grant and/or

loan, towards development projects of up to 25% of eligible expenditure. Applicants must ensure the following are met:

The development falls into the eligibility as outlined in the Tynwald Scheme; The designated site is on the Unoccupied Urban Sites Register; The designated development is in line with the IOMSP; The project must be considered to be financially unviable without support from the Scheme; Where the Company is using a Special Purpose Vehicle (SPV) to undertake the project, both details of the SPV and the parent company must be provided. The Department must be comfortable that the relationship is appropriate; For residential developments, the project plans to build or refurbish 8 or more homes on the brownfield site; An application form should be submitted and acknowledged by the Department before construction commences on the designated site; Normally only one application per site; and The development either has planning approval, or obtains this within one year from the offer of financial support. Unless there is a 3rd party appeal, in which case planning approval must be in place when the appeal decision is issued.

4.5.10 OPERATION POLICY ON SECTION 13 AGREEMENTS – JANUARY 2020 – DEFA

This operational policy is intended to provide clarification on how planning applications will be processed where agreements made further to section 13 of the Town and Country Planning Act 1999 may be required.

In relation to viability assessments, it is noted that the Royal Institution of Chartered Surveyors publishes guidance which may be relevant, as does the Ministry of Housing, Communities and Local Government. Given the complexity of such assessments there may be points which are not covered by this Operational Policy and only in such circumstances may it be appropriate to use guidance from other parts of the British Isles (see paragraph 1.6.1 of the IOMSP). Such guidance may be relevant as far as it relates to points about which this Operational Policy is silent. However, in the case of any discrepancies, this Operational Policy should take precedence.

4.5.11 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 also includes "Sustainable Construction" section which does include a number of aspects including, construction materials, building design and climate change resilience.

4.5.12 MANUAL FOR MANX ROADS is published by the Isle of Man Government's Department of Infrastructure. Our aims are:

- to ensure the highway network enhances accessibility to goods and services and encourage a diversity of transport modes
- to ensure the highway network provides for safe interactions between transport modes
- to maintain a safe, inclusive and serviceable highway network

4.5.13 NET ZERO EMISSIONS BY 2050

In July 2020, the Isle of Man Government published their Action Plan for Achieving Net Zero Emissions by 2050 - Phase 1 Progress Report & Delivery Strategy Post COVID-19 Pandemic (Version 2). The document provides an update on the progress of the Isle of Man Government Phase 1 Climate Action Plan, which was supported unanimously in January 2020, taking into account the positive impact that the lockdown as a result of the COVID-19 pandemic has had on sustainable travel habits, predominantly related to an increase in the number of people working from home. The document sets out a number of transport related actions for delivery to progress towards Net Zero by 2050, including the provision of cycle racks in public buildings, electric public service vehicles, hybrid buses, mobile working, promoting the use of

public transport and active travel and developing an all-Island electric vehicle charging network. The implementation of this TP will assist the Island with progressing towards the Isle of Man Government's Net Zero emissions targets.

4.5.14 IOM GOVERNMENT'S ACTIVE TRAVEL STRATEGY (2018 - 2021)

The Isle of Man Government's Active Travel Strategy was published in May 2018 and sets out the strategy to increase the number of people using more active modes of travel on a regular basis, i.e. walking and cycling. The aim of the strategy is to put in place a series of mechanisms which will help facilitate more active travel, achieving a modal shift away from motorised transport.

4.5.15 DOUGLAS TOWN CENTRE PARKING SURVEY AND PARKING POLICY DEVELOPMENT OPTIONS – DOI – NOVEMBER 2013

The aim of the document was to assess the ability of existing and off street parking provision to meet current needs and assess the future level of demand for a 15 year period up to 2027.

4.5.16 UNESCO Biosphere Isle of Man

UNESCO Biosphere Isle of Man is all about keeping the Isle of Man a special place to live, work and visit. The Isle of Man is the first entire Island Nation in the world to receive this designation. The UNESCO Biosphere Isle of Man project does not seek to prevent any specific actions, but to promote enjoying and celebrating the Isle of Man to the full, making it an even better place to be and promoting engagement. The Biosphere Reserves are about achieving a good working balance between people and nature' and the Accreditation reflects how the Isle of Man manages its environment, community and economy, acknowledging that all three components are necessary to achieve a sustainable situation. The Biosphere related guidance, is not formal planning policy but the designation is capable of being a material consideration.

4.5.17 IOM LANDSCAPE CHARACTER ASSESSMENT UPDATE 2025 – FINAL REPORT JANUARY 2025

LCA H6: Douglas Head - This LCA is located on the east coast of the Isle of Man, immediately south of Douglas. It forms a prominent headland above the town and is easily distinguished in more distant views by its isolated appearance and the three masts located on the ridge of the hill. Its proximity to Douglas contributes to its character, as the northern part of the LCA has views across the busy town, bay, harbour and ferry port. The position of Douglas Head means it forms a gateway to the Isle of Man and contributes to the first impression of the Island when arriving by ferry. It also contributes to the open setting of Douglas and Douglas Bay.

Douglas Head contains a number of features dating from Douglas' tourist heyday. Several of these (the cliff paths, camera obscura and Marine Drive) remain popular today. Historically, the area also contained an inclined railway, outdoor amphitheatre, observation tower and open-air swimming pool. Only the tower remains of the Douglas Head Hotel (now rebuilt as apartments) and below it is the Royal Navy Radar Training School built during World War II, now home to Manx Radio. The current lighthouse at the base of the headland was constructed in 1859.

From Douglas Head the Marine Drive runs along a terrace cut into the cliffs to Port Soderick (outside this LCA). It opened in 1891, and between 1896 and the Second World War it contained an electric tramway as well as a road. The road is now partially closed to vehicles due to coastal erosion, but it remains open for pedestrians and cyclists. Its 19th Century castellated gateway ('The Arches') remains a local landmark.

Below Marine Drive, sheer cliffs fall to a fragmented coastline of narrow stony beaches interspersed with narrow inlets. Cliff faces display contorted bands of blocky Manx Group rocks (predominantly sandstone), and a profusion of plants occupy small ledges and crannies on the rock face. There are extensive rocky platforms along the shoreline.

Alternating cliffs and pasture occur above Marine Drive. Subtle headlands, such as Little Ness, are covered with heather and grassland, and enable long views to the south-west to Santon Head and the distant Langness Peninsula. Inland is an area of rolling farmland, with generally straight-edged fields divided by hedges."

"LCA 13: Douglas Bay - This LCA is located at on the east coast of the Isle of Man, bookended by the visually-prominent headlands of Douglas Head (to the south) and Onchan Head (to the north). It comprises the shoreline, beach and offshore rocky platforms between the promenade and low water. The large settlement of Douglas lines the crescent-shaped bay, and strongly influences its character. The contrast between the busy settlement and open sea is particularly striking.

At the southern end of the bay – below Douglas Head – is the harbour and sea terminal, with piers and breakwaters which have an industrial influence on the seascape. Vessels of many different types and sizes are moored here, including the local fishing fleet and lifeboat. The passage of vessels accessing the harbour (and the larger cruise ships, moored offshore) adds an extra layer of visual interest and dynamism to the seascape. At the north end of Douglas Bay the intertidal area narrows, and the cliffs become higher. The settlement of Onchan sits on the cliff tops above the small, sheltered bay of Onchan Harbour. The distinctive peak of Snaefell and the surrounding uplands LCT forms the landward horizon beyond Douglas, adding to the sense of place.

In the centre of the bay, horse-drawn trams move along the promenade, passing gardens and 19th Century buildings within the Douglas Promenades Conservation Area. This part of the bay has a genteel air and has retained much of its Victorian character. The Raad ny Foillan follows the promenade before rising to take the coast road at Onchan. Below the promenade is a gentlygraded beach with a mosaic of sand, shingle and rock habitats. It supports a range of marine life and is popular for recreation, especially in the summer. The beach is within the Douglas Bay Marine Nature Reserve which contains valuable habitats such as maerl beds, rocky reefs and kelp forest.

The castellated 'Tower of Refuge' (a Registered Building) forms a focal point in the bay. It is situated on Conister Rock, also known as St Mary's Isle. It can be accessed on foot at low water, and was constructed in 1832 as a refuge for sailors stranded when their ships foundered on the treacherous rocks near the harbour mouth.

The proximity of Douglas and the port give this LCA a particularly busy and interesting character - it is seen and experienced by many people. Douglas Bay is associated with a sense of arrival/homecoming for people travelling by ferry and – combined with its role in the setting of Douglas – plays an important role in national identity."

4.5.18 IOM LANDSCAPE CHARACTER ASSESSMENT – FINAL REPORT JULY 2008

"D12 – DOUGLAS HEAD - Key Characteristics

- Prominent gently rounded hill overlooking the coast with some steeper undulations in the north and south.*

- *Open and windswept with large scale predominantly rectilinear fields over the majority of the area and some patches of heath on the seaward and northern areas as well as on the summit around Upper Howe Farm.*
- *Carnane Communications mast forms a distinctive landmark on skyline.*
- *Former Douglas Head Hotel and surrounding buildings are highly visible surrounded by cut amenity grass on gently slopes.*
- *Panoramic views inland and out to sea.*
- *Scattered farmsteads, typically surrounded by trees.*
- *Strong sense of tranquillity in southern and eastern parts, reduced elsewhere by views towards Douglas.*
- *Open and expansive views from most of the area out to sea, along the coast, over Douglas Bay and inland over the incised plateau up to the northern uplands.*
- *Lighthouse and camera obscura at eastern tip of Douglas Head."*

E3 – DOUGLAS BAY - Key Characteristics

- *Built-up areas of Douglas and Onchan form dominating back-drop to the area.*
- *Gently graded sandy beach is contained by two prominent rocky headlands with jagged sea cliffs.*
- *Victorian esplanade with metal railings forms a promenade along the beach's edge marking the edge of the area.*
- *Settlement of Onchan perches on the cliff tops with development spreading to cliff edge path.*
- *Concrete piers and break waters of Douglas harbour.*
- *Views along the coast constrained by the two large headlands that enclose the area.*
- *Little tranquillity in the area but an interesting character resulting from the urban back drop.*
- *Strong visual contrast between sea and urban areas.*
- *Colour and movement of the sea contrasts with the coastal landforms, and combine to create a dramatic landscape."*

"Key Views

- *Inter-visibility is possible in numerous places along the sea front from the coastal path around Onchan to the various piers and at the lighthouse at Douglas Point.*
- *Views inland are dominated almost exclusively by the built form of Douglas with its terrace of white Victorian hotels, the built form of Onchan on the cliff tops and the various paraphernalia associated with the Harbour.*
- *Views along the coast constrained and dominated by the two large headlands that enclose the area."*

"Evaluation of Inherent Landscape Sensitivities

- *Built-up areas of Douglas and Onchan.*
- *Victorian esplanade with metal railings forms a promenade.*
- *Ecologically diverse coastline with marine and inter-tidal habitats.*
- *Sea cliff nesting sites for sea birds.*
- *Open views enclosed by headlands.*
- *Sites of archaeological and cultural importance."*

"Landscape Strategy

The overall strategy should be to conserve and enhance the character, quality and distinctiveness of Douglas harbour, promenade and beach, the urban setting between two large open headlands and to maintain the rich maritime and coastal habitats of the area.

4.6 Other Guidance

4.6.1 Both the IOMSP and the Operational Policy on Section 13s highlight that regard may be had to practice elsewhere in some circumstances. It is noted that the National Planning Policy Framework (NPPF) for England Viability Planning Practice Guidance indicates:

- *"...A viability assessment should be presented in a way that allows clear interpretation and interrogation of it. It should evidence inputs used and explain any differences from the inputs and assumptions used in the viability assessment that formed the basis of the plan. Where the decision maker reasonably concludes clear interpretation is not possible, they may require the applicant to submit an updated viability assessment which addresses the identified issues..."*(Paragraph: 009 Reference ID: 10-009-20251216).
- *"...Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local planning authorities' ability to seek compliance with relevant policies over the lifetime of the project. They should not be used to avoid policy compliance or reduce agreed contributions..."*(Paragraph: 010 Reference ID: 10-010-20251216).
- *"Gross development value is an assessment of the value of development. For residential development, this may be total sales and/or capitalised net rental income from developments. Grant and other external sources of funding should be considered. For commercial development broad assessment of value in line with industry practice may be necessary..."*(Paragraph: 012 Reference ID: 10-012-20180724).
- *"Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data..."*(Paragraph: 022 Reference ID: 10-022-20251216).

5.0 REPRESENTATIONS

Copies of representations received can be viewed on the government's website. Further, the application has been amended and therefore this report generally only contains summaries only of the relevant material planning matters and the final comments received. Any decision maker should consider all comments received which as outlined can be viewed online.

5.1 Government Departments

5.1.1 DOI Highways Services initially sought additional information/amendments of the application for a number of reasons. After discussions with the applicants/Department and additional information being provided, DOI Highway Services made the following final comments (02.12.2025):

"HDC have reviewed the updated information for application 25/90516/B HDC dated 26 Nov 2025 online and can comment as follows:

The applicant has reduced the height/floors of the building and has changed the proposed use classes within the site. The site/building footprint and off-site highway works remain similar to the previous revision of the development which was not opposed by HDC subject to conditions (DNOC). The proposed development dated 26 Nov 2025 online is likely to have a similar or less parking demand than the previous

revised development and therefore HDC continues to not oppose the application subject to conditions (DNOC) provided below.

Therefore, HDC now do not oppose (DNOC) subject to the following suggested conditions:

- 1. Off-site highway works as shown on the approved highway works plan DWG 332612563-100-002A shall be implemented before first occupation of the site.*
- 2. The wind screens as shown on the approved highway works plan DWG 332612563-100-002A and DWG (20) 000 P3 PROPOSED SITE PLAN must not exceed opaqueness of 50% for the lifetime of the development.*
- 3. As per Applicant response letter: 'Prior to the commencement of development, the applicant shall submit for agreement detailed proposals for all planting within the scheme boundaries. Such planting proposals shall take account of the effects of microclimate and be positioned taking account of pedestrian safety in and around the development. The agreed planting scheme shall be implemented prior to the first occupation of the development.'*
- 4. All vehicle access, on-site parking, bin storage and secure cycle parking details shown on the approved plans shall be implemented before first occupation of the site and retained thereafter.*

Formal notes to attach to permission:

- 1. All off-site highway works will be completed under a Section 109(a) highway agreement.*
- 2. Adoption of highway will be completed under a Section 4 highway agreement.*
- 3. Objects placed within the highway, such as wind screens and trees, will need to be agreed with Douglas City Council and the Department of Infrastructure and will need licences to place on the adopted highway.*
- 4. The approved Travel Plan should be implemented as outlined within contents of the Plan."*

5.1.2 Public Estates and Housing (DOI) made the following final comments (06.02.2026):

"We refer initially to our Memorandum to the Secretary of the Planning Committee dated 24th July 2025, which sets out the Department's view regarding the application in the context of compliance with Housing Policy HP5. This Policy is included in the 2016 IOM Strategic Plan, and is generally referred to as the applicable Policy when the Department considers applications with residential content.

In the case of this application, the Department noted, inter alia, that the scheme proposal included for 85 apartments, and in accordance with standard practice, the Department requested that in the event that the application was approved, 25% of the total number of dwellings should be Affordable Homes. The Department recognised that the great majority of the dwellings had floor areas which greatly exceed the Department's Design Guide standard for 2B affordable apartments, although at that point there were five dwellings identified which would be acceptable in terms of internal floor area. The applicant had previously stated that it did not wish to provide affordable apartments on the site. This was based upon the desire of the applicant to not provide any AHU's as the concept of this residential development was aimed at a particular category of purchaser and would not be a suitable location for first-time buyers or for Public Sector homes for rent. This was disappointing as there are a number of persons on the First Time Buyer Register seeking a 2B apartment in Douglas.

As summarised in the Memorandum of 24th July 2025, if the Committee accepted this argument by the applicant then the option open to them would be to accept a commuted sum, calculated to be £1,100,750 in lieu of 21.25 affordable units, although it should be emphasised here that the Department would prefer to take a small number of design-compliant affordable apartments with a calculated sum in lieu for the remainder.

Since the publication of the Memorandum, the applicant has submitted a Financial Viability Appraisal Summary in respect of the entire scheme, inclusive of all its proposed uses, with the intention of demonstrating that the development yield, or profit margin, falls below industry norms and any further costs, such as any Commuted Sum, would render the scheme unviable, even in the circumstances where an Island Infrastructure Scheme (IIS) grant was made available.

Following on from this Appraisal, the DOI prepared its own Development Viability Appraisal (DVA), using the services of a local long-established Chartered Quantity Surveying practice (Bell Burton Associates) to obtain an independent opinion on the construction costs for the proposed development, together with all ancillary costs relating to the usual elemental cost analysis for both measured and contingent costs, professional fees for the design team etc. The Department utilised the services of a local commercial estate agent to seek an opinion on the commercial elements of the scheme, and used the Department's own data records of selling prices for residential units in Douglas, particularly comparables from waterside locations and of medium to high quality standards. The commercial and residential selling and letting prices make up the Revenue portion of the Appraisal.

The DOI's DVA was shared with the Case Officer and the Applicant, albeit in draft form, on 26th October 2025. The Applicant challenged much of the data in the Department's Appraisal, and the two parties entered into lengthy discussions, written and oral, in an effort to find a mutually acceptable outcome in terms of a fair assessment of profit margin.

Both parties have made reference to, and sought guidance from, the relevant RICS Research and Practice Papers, a number of which have been published over the last decade or so, as viability has become a critical part of the evidence submissions nationally for Area Plans, Strategic Plans and large individual developments in the UK. Much of what has been published provides guidance only, and it is correct to say that National Planning Policy Framework and Planning Policy Guidance advocate the use of standardised inputs to viability assessments wherever possible. This approach has been tested in the courts regarding the publication or disclosure of viability assessments, where there were concerns expressed by developers that commercially sensitive data would be made available to others. With emerging standardised inputs for Development and Area Plans sites through to individual sites, the data is common to all and only the profit margin is commercially sensitive.

This established methodology is not yet in use on the IOM, and therefore there will always be a difference of opinion between one surveyor or agent and another, and flexibility is required to seek a fair and reasonable solution to the perennial question about what is a reasonable margin.

Lichfields (formerly Nathaniel Lichfield & Partners) is a national Planning Consultancy practice working for UK Government, Government bodies and advisory bodies in other countries, and for large developers. One of the services they offer pro bono to the Development Industry is a national data collective, drawing upon many years' worth of evidence from local plan and Community Infrastructure Levy viability studies from across England and Wales. This particular facility carries the title of 'Robust National

Dataset'. The Department proposed the Lichfields' perspective as a useful starting point for understanding development costs, the resources available for establishing key data, and the current nationwide thinking and use of certain costs such as Contingency, Professional fees, development finance etc.

Bell Burton Associates have been advised by the Department that in order to produce an Elemental Cost Summary for the scheme proposal, complete with all ancillaries, it would be useful to include the Cost Factors contained in the Fine Margins by Lichfield, published in 2021, updated from time to time. We believe that the applicant and the Department can agree on the Lichfields headline Factors, which are attached to this Memorandum for reference, as they are gathered from a wide catchment and may be relied on as a form of average costs for each activity.

DOI Response to the Stantec Planning Statement Section 6 Viability and Planning Obligations which makes direct reference to Black Grace Cowley's Report dated 20th November 2025.

As previously noted, the DOI has requested that BBA carries out a full digital remeasurement of the schematic proposals to ensure that the use areas are accurate for pricing and revenue prediction purposes. In addition to the preparation of all the cost data, BBA have also provided brief details of their practice to demonstrate the degree of experience of the senior partner of the practice and his involvement in local major projects where these can help inform opinions. This is an Independent Cost Report prepared on factual data using BCIS where necessary and utilizing key factor information from the Lichfields paper. A copy of the BBA Cost Report is included with this Memorandum for reference if required. A copy of the DOI's Development Viability Appraisal is also attached to this Memorandum for reference.

The information from the Cost Report is transferred into the Department's Development Viability Appraisal and the Cost and Revenue Sections are set down in a specific format so as to enable the reader to easily identify the costs and income by location or use within the proposed development. We have endeavoured to include explanatory notes where deemed necessary for all the elements of the summary and in some cases we have used Revenue figures drawn from the Black Grace Cowley submission letter dated August 2025 which is on the Planning Portal in a redacted form although we do have access to the full form for reference.

*Stantec's Statement in 6.2.4 makes reference to DEFA Operational Policy 5.4, PPG-009 and RICS Financial Viability in Planning; Conduct and Reporting April 2023 – RICS, noting that possible grant funding is not yet in existence therefore viability cannot be assessed at the point of decision. None of the references quoted appear to support any proposal for a viability review mechanism, they are concerned with other matters such as processes and procedures. The Department could propose that once any grant is confirmed by IIS then viability can be assessed at that point, which would obviously be long before construction activity commenced and a decision could be postponed until the availability and quantum of a grant can be established. **This would enable DOI to conclude an accurate viability assessment and establish what affordable housing or Commuted Sum may result from a financially viable application.***

A Fair Return on (GDV)

There has been considerable discussion regarding a fair anticipated return for a scheme of this type, containing a range of buildings designed for different uses. The Department's view is that this is a residential-led project, evidenced by not only the 85 apartments but car parking dedicated for exclusive use by persons residing in the

apartments, and the large outdoor landscaped areas again for use by residents. Together, these uses constitute 77.60% of the total floor area. This informs the opinion that Developer Profit should be classified as 20% GDV as the target profit margin for housing delivered on the open market. This aligns with the Developer Profit set down in Lichfields Insight Paper when applied to market housing. The Developer Profit for affordable housing is 6%.

This leaves the remainder of the site as non-residential with a possibly different profit margin, as might be expected from commercial investment property development. There is no clear evidence in any RICS or Guidance Notes in PPG regarding developers profit in the case of commercial development. The Operating Policy for Section 13 Agreements from DEFA does not refer to commercial development.

It is noted that BGC's report, page 12, states that the 20% "benchmark is standard for large, multi-phase or grant dependent schemes with significant construction and financing exposure and is fully aligned with best practice in both the UK and the Isle of Man." There is no evidence of this level of return for the schemes described, and the Lichfields' and RICS Papers make no direct mention of mixed use development, only of brownfield, which may require a higher Developer Profit to encourage development. We also note from Lichfields, page 16, that the Developer Profit on affordable housing is 6%. It is unfortunate that the applicant is not prepared to offer any affordable housing. As noted above, the 20% GDV is for market housing, as Lichfields.

Post-construction Review

The applicant proposes a post-completion open book review mechanism. This is not a process followed for the calculation of Developers Profit although the Department understands that it may be used in other scenarios for overview of costs.

The Department has given careful consideration to this proposal and does not support the proposals for the following reasons:

- The process would be cumbersome and unreliable.
- Sales and lettings which form an essential component of Financial Viability Analyses may take years to come to fruition or may be sold/transferred to related parties at sub-market level for other purposes, resulting in inaccurate Developer's Profit and reducing the likelihood of any Commuted Sum.
- Approval of such a mechanism will undoubtedly create precedent for other developments.
- RICS Professional Guidance pub. 2012 entitled *Financial Viability in Planning 1st Edition* notes in Clause 3, 6.4.3 on page 21 that 'from a technical perspective, so-called 'overage' arrangements (post-development appraisals) are not considered appropriate, as development risk at the time of implementation cannot be accounted in respect of the inevitable uncertainty of undertaking a development or industrial phase.
- Clause 6.2.4 in the Stantec Planning Statement states that a viability review mechanism is supported in DEFA Operational Policy 5.4 and PPG-009. Our reading of Clause 5.4 states that 'if a development proposal suggests affordable housing is not viable at the current time, then consideration should be to refusing the application and waiting until such time as it is viable'.
Without IIS support, the scheme is stated be unviable, therefore the application should not be considered until such time as the IIS Grant can be confirmed as being made available, and at what quantum.
- Establishing the veracity of construction costs is always difficult and the same sentiment applies to the Revenue side of the appraisal, particularly when reviewed years after activities were undertaken. A review should be a continuous monitoring

exercise which in the Department's opinion would be unwarranted when the options of agreeing a commuted sum or the provisions of a number of affordable dwellings is available at the planning stage. The Department has constructed its own Viability Appraisal which includes estimated IIS funding at 25% of calculated costs excluding land purchase costs as described in the Island Infrastructure Scheme Policy, and is of the view that with this publicly-funded financial grant support, the project is close to the upper-end of recommended Developer's Profits.

- *In conclusion, from both a professional perspective and practical constraints, post-project reviews are not advisable and are not supported by the Department for the reasons listed."*

5.1.3 Flood Risk Management – DOI makes the following comments (27.05.2025);

"The flood management division of the Department of infrastructure does not object to this application however we would strongly recommend that our preference is always for an integrated system/permeant defence that forms part of the building construction.

Demountable defences have many potential issues, it states the flood components will be stored locally and this will be for each unit. Our concern is who checks these regularly to make sure the seals are still ok and have not perished and that the all the comments are there and are not damaged. It can be many years between tidal floods in which time it is easy for the flood component to become forgot about or moved or removed. Also is the flood defence of one unit dependant on another unit having its flood defences in place?

Demountable defences require a considerable amount of pre-planning to ensure that they can provide an effective defence. If this option goes forward it is essential that the operation resource, storage facilities and the logistics of the deployment are fully appreciated by anyone planning to rely on these types of defence. A skilled erection team is required to ensure that the defence can be safely and securely erected in the limited time that will be available.

The flood warden for each unit FMD have concerns how this would work in reality and another reason why are preference would be an integrated/ permanent solution. As mentioned above our view is that a skilled erection team would be required to ensure that the demountable defences can be safely erected. How is deployment and knowledge of these systems going to be passed on through the developments life time?

The new flood maps are now complete in the public domain. Enclosed is a snip of the new flood outline for the site. The new 1 in 200 plus climate change level for tidal flooding for Douglas is 5.62m AD02 we would recommend that he flood defences have a 300mm freeboard on top of this giving a height of 5.92m AD02. We would also like to confirm that the tidal warning are given 18 to 24hrs before a flood event.

In the Stantec FRA, section 5.4.6 it is mentioned that IOM Government plans to install a strategic flood defence for the Harbour area. This is many years form implementation and it should be noted that properties should not be totally reliant on 3rd party flood defences as their primary defence.

Conditions

If approved, we like a condition added that says only 'Less Vulnerable or Water Compatible' uses are to be situated on the ground floor for the life time of the building. An integrated system/permeant flood defence is installed with a maintenance program."

5.1.4 Register Building Officer (DEFA) made the following final comments (11.12.2025):

"For the avoidance of doubt, these comments relate solely to the potential impact of the scheme on the surrounding heritage assets, and make no assessment of the scheme's compliance with any policies in respect of any other material planning matter.

As the application proposes no physical alterations to the registered buildings and conservation areas concerned, these comments relate to the impact on the settings of these heritage assets.

Report detail

These updated comments relate to the amended scheme and supporting documents published on 28.11.2025.

This application proposes a substantial mixed-use development on the former Bus Station site, sitting between Lord Street, North Quay and Parade Street. The development varies in height, with six, seven, eight and twelve storey elements. At its closest point the proposed buildings of the development would be approximately nine metres from the corner of Old Market Hall (RB 120) and fifteen metres from the former Douglas Hotel (RB 186).

A small portion of the application site is located within the Douglas (North Quay) Conservation Area, although all of the proposed buildings would sit outside of the Conservation Area boundary.

The proposed scale of the works within this application does have the potential to impact the setting of (and views into/out of) other Conservation Areas in Douglas, most notably the Douglas Promenades Conservation Area.

Heritage Assessment

A Heritage Assessment has been submitted with the application. In addition to this, a Historic Environment Settings Assessment has been submitted as additional information. Both assessment documents have been updated to reflect the amended proposals, and use the guidance document 'The Setting of Heritage Assets' (2017) published by Historic England. In the absence of any Isle of Man specific guidance, this approach is judged to be acceptable.

In respect of the Market Halls, at 5.37 the updated assessment states: "the proposed development will affect the setting of the Market Halls, insofar as it will be partially visible in views from their vicinity and will be seen in combination with them in longer range views from the south. It is considered that this will constitute a slight negative change in the setting of the Market Halls resulting in a negligible change to their significance."

In respect of the Douglas Hotel, the updated assessment states the following at 5.44: "The proposed development will not affect the fabric of the former Douglas Hotel; its architectural, illustrative, evidential and historical value will be unaffected. The greater scale of the proposed development will, however, impact the appreciation of the building in views from the south and south west, and hence may slightly reduce its aesthetic value. Aesthetic value makes a limited contribution to the building's significance and consequently this will result in a slight negative impact to its significance."

With regard to the impact on the Douglas (North Quay) Conservation Area, the updated assessment states at 5.28 as follows: "The proposed development will

contrast with the adjacent Conservation Area in terms of its architectural style, proportions and materials and will tend to be experienced as the dominant building at the eastern end of the quay. It will appear in some views from the Conservation Area detracting from its aesthetic value, but leaving its architectural and evidential value unaffected. Whilst it will represent a negative change on views of the Conservation Area; in the affected views the proposed development will replace elements that detract from the appearance of the Conservation Area. It will therefore result in a slight negative impact on the significance of the Conservation Area, whilst preserving its overall character and appearance.”

Market Halls – RB 120

The Butcher’s Market Hall (now Market Hall) opened in May 1900. The Fish and Butter Market (now Legion ‘Old Market Hall’) opened in 1901, and was open sided to provide ventilation over the fish market. Both buildings were designed by Borough Engineer Ernest Prescott, and had (and still have) cast iron frames used in their construction. The open sides of the fish and butter market have since been infilled.

Given the ‘L’ shape plan form of the Old Market Hall, this registered building sits closest to the application site. However, in terms of the buildings’ setting, I would consider the principal views to be those from Market Hill, North Quay and South Quay. Given the form of the buildings around the Market Halls and the relationship with the buildings proposed within this application, I concur with the Heritage Assessment’s conclusion that the impact would constitute a slight negative change to the setting of the Market Halls and only a minor effect (harm) to their significance. The amended proposals include a reduction in height of the elements in the north-west corner of the site, and I consider this to reduce the harm to the Market Halls’ significance when compared to the initially proposed scheme. However, the amended scheme does still cause a degree of harm to the setting of RB 120.

Former Douglas Hotel – RB 186

The former Douglas Hotel has elements above ground dating from 1759, while the vaulted cellars are believed to date from the late 1660s, making them one of the oldest surviving buildings in Douglas. The building also has historic special interest in relation to its links with the ‘running trade’ (smuggling), and as the dwelling house of both Peter John Heywood and the Duke of Athol at separate periods of the building’s life. Historic photographs are included at the end of this submission.

The Douglas Hotel sits fifteen metres away from the proposed building, an elevation of the proposed scheme that would form the rear of a cinema with retail/office space below. During pre-application and post-submission discussions with the applicant’s heritage consultant, it is clear that I consider the aesthetic value of the south elevation of the Douglas Hotel to make a greater contribution to the building’s significance than the consultant does. The amended scheme now submitted proposes a lower height for the elements in the north-west corner of the site than those initially submitted. This reduction in height will, in my judgement, reduce the harm to the setting of the building when compared to the initially proposed scheme. However, the amended scheme remains one of significantly larger scale and massing than the surrounding buildings, and would still result in a degree of harm to the setting of RB 186, which in turn would result in some harm the aesthetic significance.

Douglas (North Quay) Conservation Area

The Douglas (North Quay) Conservation Area stretches from the railway station at its western point, along North Quay (as the names implies) to Harris Lane in the east. The properties along the quayside vary in age and style and use, reflecting the history of this portion of Douglas from its origins as a small fishing port, through Victorian and Edwardian era expansions, and including a number of twentieth and twenty-first

century developments. The historic properties are generally three or four stories in height.

Given the location of the proposed site adjacent to the eastern end of the Conservation Area, I am generally in agreement with the Heritage Assessment where it states that the development "will appear in some views from the Conservation Area detracting from its aesthetic value".

Section 18 of the Act does not include a statutory duty to preserve or enhance the setting of a conservation area. With this in mind, I judge that the application does not fail the statutory test in respect of its impact on the Conservation Area. However, Strategic Policy 4 requires that a conservation area's setting is protected, while Environment Policy 36 states that where development is proposed outside of, but close to, the boundary of a Conservation Area, this will only be permitted where it will not detrimentally affect important views into and out of the Conservation Area. Given the location of the proposals adjacent to the eastern end of the Conservation Area, and the proposed scale, form and massing of the amended scheme, I judge that there would still be a degree of harm to the setting of the Conservation Area, resulting in a negative impact to its aesthetic significance.

Impact on the wider Historic Environment

The scale, form and massing of the proposed development is such that it is likely to impact some views into and out of the Athol Street Victoria Street Conservation Area and the Douglas Promenades Conservation Area. At 12 stories high, the tallest part of the proposed development will be visible in many views looking south along the Promenade, and indeed in longer-distance views of lower Douglas including numerous views into and out of the other Douglas Conservation Areas. Given this potential impact as a result of the proposal's height and scale, following my request a Historic Environment Settings Assessment was submitted as additional information. This assessment has been amended to reflect the amended scheme and its reduction in maximum height from fourteen to twelve stories. In terms of the potential impact of the proposals on the setting of the historic assets within the Douglas Promenades Conservation Area, I agree with the assessment's conclusions that the proposed development would not detract from direct views of the historic buildings along the Promenades; the proposed development would appear behind the non-historic buildings at the southern end of the promenade rather than the historic buildings further north along Loch Promenade. With regard to the potential impact of the proposals on the setting of the Douglas (North Quay) Conservation Area, I agree with the assessment that the proposed development would not impinge upon direct views of the conservation area from Douglas Head, as from this angle the development would appear to the side rather than in front of the historic buildings within the conservation area. From this viewpoint, I also judge that the height of the development is less apparent, given that the twelve-storey element is seen in front of an urban backdrop of lower Douglas.

In assessing the initially submitted scheme, I raised concerns that the height, scale and unchanged form of floors eight to thirteen would result in the tower portion of the proposals appearing as a prominent element significantly higher than any of the existing buildings in the locality, and breaking the headland backdrop as viewed from the promenade. The amended scheme includes a reduction in the tower portion from fourteen to twelve storeys. The updated settings assessment is useful in demonstrating the impact of this amendment on views out of the Douglas Promenades Conservation Area. The tower element of the scheme will remain visible in many of the views looking south from the Conservation Area towards the headland beyond. I agree with the statement within the updated settings assessment that the initially proposed scheme "would have been a notable visible intrusion into these southerly views." Although I still consider the tower to form a visible intrusion, I agree

with the updated settings assessment that the reduction in height would make a marked difference in the degree of impact of this element. I do remain of the view that the tower element will have a detrimental effect on an important view out of the Douglas Promenades Conservation Area (that towards Douglas Head). However, the degree of this harm is reduced by the amended scheme. Furthermore, although the proposed reduction in height of the tower would clearly reduce the scheme's wider impact, as per my previous comments I would like to emphasise that any introduction of rooftop plant or machinery would increase the negative impact. I recommend that if the application is approved then a condition be included to prevent any such rooftop plant being installed without further consent.

Conclusion

Following submission of amended proposals, I remain of the opinion that the scheme would result in a negative impact on the significance of the Douglas (North Quay) Conservation Area, the Market Halls (RB120) and the former Douglas Hotel (RB186). This harm has been noted by the applicant's heritage consultants. The amended proposals have reduced the negative impact on the setting of the former Douglas Hotel, although not removed this harm entirely. In respect of the degree of harm, I judge this to be less than substantial as I do not consider that the adverse impact would seriously affect a key element of the special architectural or historic interest of these historic assets. (Note – see policy section for explanation of the use of the term substantial harm).

Given the height, scale and form of the twelve-storey element and its impact on the backdrop of Douglas Head and hillside to the west, I remain of the view that the amended scheme would have a detrimental effect on the view south from the Douglas Promenades Conservation Area. The reduction in height of the scheme as compared to that originally proposed does lessen the potential impact. Given the collection of modern buildings in this part of the Conservation Area that would appear in front of the proposed tower, this impact would not harm the historic significance of the Douglas Promenades Conservation Area.

The potential harm to the settings of these heritage assets should be factored in by the case officer when assessing the overall planning balance of the application."

5.1.5 Inland Fisheries (DEFA) makes the following comments (23.12.2025);

"DEFA Ecosystems Policy & Fisheries Division provided a scoping consultation response on 30th August 2024 requesting that "a statement is provided which acknowledges Douglas Bay MNR and makes an appropriate assessment of the potential for significant impacts on the MNR, and therefore whether it should or should not be considered further in the EIA. Details of the preventative and mitigation measures that will be put in place during construction and operation to prevent damage to the MNR from pollution, runoff and drainage should also be provided."

Noting the revised Planning Statement of November 2025, Section: 5.5.14 Douglas Bay MNR

5.5.16 Potential for indirect effects on the MNR

The potential for indirect effects on the MNR exists by reference to potential pathways between the site and the MNR during construction and operation of the proposed development. In both cases the potential is related to the likelihood of untreated wastewater or surface water runoff reaching the MNR.

5.5.17 The prevention of construction stage effects will be controlled via a Construction Environmental Management Plan (CEMP). This plan will recognise the

sensitivity of the MNR and put in place measures to contain and treat surface water and wastewater before discharging via the agreed public wastewater and sewage network. It is anticipated that the requirement for a CEMP will be set out as a planning condition and require agreement before construction commences. The interests of the MNR are protected in this manner.

5.5.18 During the operational phase as noted under item 4 above, the agreed drainage strategy requires a connection to the public surface water and foul sewer systems, noting that runoff to the public highway is an offence. The public highway sits between the application site and the MNR. As the development is prohibited from discharging any runoff to the public highway, taken in conjunction with the added assurance of the agreed drainage strategy, this breaks any potential linkage with the MNR.

5.5.19 Accordingly, it is not considered that there is a likelihood of significant effects on the MNR. This is in accordance with the EIA scoping request and subsequent Opinion issued by DEFA, which concluded that ecology and biodiversity could be scoped out of the EIA.

Noting 5.5.17 (above)

DEFA fisheries understands that the Applicant's proposal of a CEMP is not enforceable as a planning condition, and/or that DEFA Planning do not typically accept them as conditions. As such it is not an appropriate mechanism to protect the interests of the MNR, unless the developers voluntarily choose to implement it.

Fisheries Division (DEFA) is therefore not requesting a condition for a Construction Environmental Management Plan (CEMP) or equivalent, but instead requests that the applicant submits such a document, and with due consideration of MNR impacts, to DEFA Fisheries Division for comment and discussion/agreement as appropriate, prior to construction and preparatory works taking place. This will enable compliance with the Wildlife Act 1990, associated Marine Nature Reserves legislation, and thereby ensure that the interest of the MNR are protected."

5.1.6 Ecosystem Policy Officer (DEFA) comments (18.02.2026) that there only comments would have been in relation to the MNR, but will leave that with the Inland Fisheries Team (DEFA) to comment on. They are supportive of the inclusive of landscaping on a site which is currently devoid of vegetation.

5.1.7 IOM Constabulary makes the following comments (02.09.2025);

"I am writing with reference to the proposed plans for the Lord Street site, the former bus station. This report and comments within have been drafted following the plans being made available online. As a Design Out Crime Officer and a consultee within certain planning developments, on this occasion I have been missed but have made the following observations.

I have read the Design and Access Statements and note in part 2 that there are just two sentences referencing security. For such a development consisting of dwelling apartments, shops, restaurants and cinema's I had expected more on crime prevention, site safety and security for such a public venue in our city centre.

I would like to make the following observations on the plans so far –

I note the inclusion of PAS 24 doors and windows at street level. This should be a consideration for all doors and windows through the development which could be susceptible to crime.

What, if any, access control measures are in place for the dwellings, the public and office spaces, the cinemas and shops/restaurants. Are doors being suitable protected from unauthorised access?

CCTV – for the detection and prevention of crime in all areas of this development, what CCTV is being put in place? Who will take overall responsibility for the development or will individual parties control their site within the development. Communal areas within the development, especially the dwelling could attract anti-social behaviour and so CCTV will assist the police but allow those using the space to feel safe and secure.

Lighting – some of the pictures of the plans (and I appreciate they are pictures) show little light where expected pedestrian footfall is expected. The bus station area for example, is on the main road and in winter this is a dark space. Lighting for those using public transport, especially at night and in the hours of darkness will add a feeling of being safe and secure in our city centre.

Street furniture can play a crucial role in the feel of a development and should be considered carefully. Having seating available for genuine use is expected but should be carefully managed to avoid anti-social behaviour and unwanted attention to the area, especially for those living in the accommodation, using the facilities, shops and restaurants.

The Bus Station facilities will be a welcome addition to the development and city centre and provide a safe space for those using the services. Will this be a monitored facility? In inclement weather it will provide a space for non-service users to stay warm and dry and could attract anti-social behaviour. What security will be in place for this area? Will it be locked overnight? Will there be CCTV and lighting?

The shops and restaurants – will their security plans be separate to the rest of the building? Will they have an individual alarm? Will they have shutters and/or shock sensors on the windows? Is their access control measures if they are connecting units?

The cinema's – what safety and security measures are in place for the facility to ensure a safe space for those attending? Access control measures, alarms, CCTV, lighting, are all safety and security considerations for the development and for the Isle of Man Constabulary to ensure it is a safe space for all involved.

These are just initial observations as I was not initially listed as a consultee and should have been. I would be more than happy to open a conversation with the developer, should they wish to discuss this further."

5.1.8 IOM Fire and Rescue Service makes the following comments (05.12.2025);

"This department has previously reviewed the submitted plans and highlighted several areas of non-compliance.

When the development gets to the building control stage, we expect to receive updated and more detailed drawings and will be able to provide further comment at that time.

For clarity and the avoidance of doubt we have not signed off the plans to date."

- 5.1.9 The following Government/Statutory consultees were consulted, but to date no comments have been received;
- Business Agency (DfE)
 - Planning Policy (Cabinet Office)
 - Environmental Health (DEFA)
 - Manx Utilities (Drainage, Electricity & Water)
 - Manx National Heritage

5.2 Other Consultees

- 5.2.1 Douglas Borough Council makes the following final comments (22.01.2026);

"The above planning application was considered by Douglas City Council's Environmental Services Committee at meeting held on the 19/01/26 when the Committee resolved to support the application subject to the following being conditional upon any approval granted:

1. Storage of residual waste and recycling, the size of each storage area must be of sufficient size for the correct number of storage receptacles to meet the needs of both the residential and commercial/retail elements of the development and that this must be agreed with Douglas City Council's waste management team.

The Committee also considered the viability of the development and accepts the proposal put forward by the applicant in relation to commuted sums for Public Open Space. The Committee is prepared to accept a commuted sum payment in lieu of the provision of Public Open Space by way of entering into a Section 13 Agreement upon completion of the development after an "open book review" has been undertaken as proposed by the applicant."

5.3 Other Representations – Please note all comments are in relation to Amended scheme (26.11.2025) scheme unless stated otherwise;

- 5.3.1 The following private representations have been received from the following addresses who have objected to the application, and which were received since the Planning Committee Agenda was originally published (30.05.2025) and following the more recent consultation (28.11.2025) following amended plans being received.

- 4 Park Avenue, Douglas (31.07.2025)
- 2 Glen View South Cape, Laxey (24.07.2025)
- 139 King Edward Road, Onchan (22.07.2025)
- 15 Highfield Crescent, Onchan (17.07.2025)
- 11 Hilary Road, Douglas (23.07.2025 & 12.08.2025)
- C/O Royal Academy Of Arts, Burlington House (29.08.2025)
- 2 Willow Court, Willow Terrace, Douglas (21.07.2025 & 12.08.2025)
- SAVE Mann's Heritage, 49 Derby Square, Douglas (24.08.2025)
- Lhergy Moar Farm, Eairy (12.08.2025)
- 9 Fort William, Douglas (10.07.2025, 12.09.2025 & 04.12.2025)
- The Society For The Preservation Of The Manx Countryside And The Environment, First Avenue, Douglas (27.08.2025)
- Ballaqueeney Lodge, Ballaquayle Road, Douglas (11.12.2025)

- Caardee, Dreemskerry Hill, Maughold (17.07.2025)
- The Oaks, 53 Brunswick Road, Douglas (23.09.2025 & 20.12.2025)
- 6 Taubman Terrace, Douglas (17.06.2025)
- Gull Cottage, Beach Road, Baldrine (29.07.2025)
- 27 Alberta Drive, Onchan (21.07.2025)

5.3.2 In relation to the more recent amend plans, the following summarised comments have been received;

- Overdevelopment of the site/too dense;
- The Development is out of character for the historic site and does not enhance or add to the historic character of its surrounding;
- The building is too tall and will overshadow and be overbearing to the historical buildings that surround it;
- Due to its height it will be seen for miles around and will be a unsightly blot on the landscape;
- The reduction in stories from 14 to 12 is insufficient;
- The development should not be higher than surrounding existing buildings. The entire promenade has no building more than 5 stories and a roof, including recent developments in the proximity of the southern end of the promenade and Victoria Street;
- Any higher than the existing buildings creates a precedent which will cause an irreversible blighting of the skyline for future generations to regret;
- Excessive size and mass of buildings and intensity of land use, reducing from 14 storeys to 12 has no material impact on our objection;
- Detrimental impact on important views, the Stantec Report notes they are intended solely to have an impact from the Promenade and not from other directions;
- Following objections are not addressed; absence of Wintergarden and visual appearance. Concerns of the wind microclimate and we suggest both a full public consultation relating to the application and an independent health & safety assessment of the location, the application and the plans are justified and necessary before any further consideration is given to the application;
- There will now be 94 private spaces for 85 residential units versus the 91 before. This 3% increase is immaterial and has no impact on our previous objections;
- Not only is the developer of an 85 residential unit development failing to provide any affordable housing but they are seeking seemingly to transfer any risk to the Isle of Man Government which in reality means the Isle of Man Taxpayer. This is through seeking a substantial though highly speculative IIS grant of £16 Million and secondly avoiding any contribution to affordable housing until a demanding 20% return is met – and then only to the extent of any excess;
- The viability report prepared by Black Grace Cowley acknowledges the speculative nature of the appraisal on the four grounds that: the IIS grant is not approved; the Applicant does not presently meet the published IIS criteria; the programme is technically closed; and there is no confirmed quantum or timetable for any funding decision;
- Is this project really, as is claimed, in the public interest?
- Although redevelopment is needed, the submitted scheme is architecturally insensitive, with a bulky, monolithic appearance that does not reflect the character, materials, or proportions of neighbouring properties or the traditional waterfront context. The harbour is one of the town's most visible and valued areas. Any new development here should enhance the visual environment, not detract from it. This proposal lacks the refinement, articulation and maritime contextual design expected for such a landmark site;

- Due to its height and proximity to nearby properties, the development would cause significant overshadowing, reducing daylight to neighbouring buildings and outdoor amenity spaces, loss of privacy, with overlooking from flats, offices and shared areas and increased noise and activity, given the combination of cinema, offices and residential uses concentrated in a single structure;
- A building on the quayside should be designed to, respect important view corridors, respond to the scale of surrounding maritime buildings, complement rather than dominate the waterfront, enhance public realm and pedestrian experience. This proposal does none of these things. Instead, it imposes a heavy, inward-looking block that treats the harbour as a backdrop rather than a defining design influence;
- the revised plans do not meaningfully address the substantial concerns raised previously. The same fundamental issues, scale, design character, visual dominance, parking provision and amenity impacts, remain largely unchanged;

5.3.3 Regarding representations received from previous consultations periods the following summarised comments/statements have been received;

- Sheer ugliness and crass insensitivity to existing surrounding architecture in regard to size, design, appearance, cultural and historical importance;
- The apartment tower-block, whilst amplifying all of the above horrors, would inevitably encourage the building of similar structures in the future;
- Is the Manx taxpayer to be on the hook for any of this completely dreadful proposal? If so, the planning decisions must reflect the importance of these objections and insist on a new scheme being drawn up to address them;
- The proposals in this application fly in the face of Spatial Policy 1, Environmental Policy 42 and Planning Policy CA/2 and we are at a loss to understand how the Senior Registered Buildings Officer can state the proposals "would result in minor adverse and permanent effect to the Douglas (North Quay) Conservation Area", when the section of new build on North Quay stands as a solid block dominating the buildings in the Conservation Area on a permanent basis;
- The 'Elevation to North Quay' show that the proposed block planned for the area between Harris Lane and Parade Street does not, by any stretch of the imagination, respect the scale, form or design of the rest of North Quay from one end to the other. The Senior Registered Buildings Officer said - "it wouldn't result in minor adverse and permanent effects to the Douglas (North Quay) Conservation Area, but this is blatantly incorrect - it certainly will;
- Traditional external wall finishes for Douglas properties is cement render and painted, not facing brick;
- The series of photographs submitted, taken in progression along Douglas Promenade to illustrate the effect of the tower block goes well to show how out of place the tower block would be. The height of properties along Loch Promenade including the new Villiers block (Lloyd's Bank) and the properties in Victoria Street are all of the same roofline. The proposed tower block stands out for being incongruous like an orange box stood on end. It does not respect the surroundings in terms of scale or form, contrary to the requirements of Spatial Policy 1;
- The architectural design with a tower 13 storeys or 10/11 double decker buses high above ground level is totally out of keeping in Douglas by virtue of its overwhelming presence and being twice as high as any other building. The design does not relate in any way to that shown or advocated in adjacent Conservation Areas; it does not relate to the harbour, quay riverside or marina;
- The design, in particular the tower, will destroy the initial impression that visitors arriving by boat have of the Isle of Man, Douglas Harbour being a strategic entry point to the Isle of Man;
- The exclusion of public car parking in the design will adversely impact on the development of other sites in the town centre;

- The layout of the building is poor with respect to the public transport facilities it has sought to provide;
- the evidence in cellars in nearby Duke Street Chapel Row and Harris Terrace of the original street level of properties should make archaeological assessment and excavation compulsory;
- Contrary to General Policy 2 (b) , 2 (c) 2(g), Environment Policy 36;
- While the proposal will be the back drop to the more modern development of the Villiers, its sheer size punctuating the skyline behind the Promenade will completely detract from the view of the promenades and sweep of the bay that is obtained not only for over a mile along the promenade but also from the island's boats which come across the bay 364 days of the year and cruise ships over 6 months of the year some of which anchor in the bay;
- The design will adversely impact on the amenity of properties facing eastwards onto the site, some of which have residential accommodation at least in their upper levels;
- While the site is judged in the application statement to have only a minor impact on the North Quay Conservation Area, the design of the proposed development does not appear to pay much attention to this statement. There appears to be no design concept of relating the site to the nearby North Quay including the marina to the south and south-west respectively and the harbour to the east;
- The layout does not appear to be totally logical. Why does the cinema need such a wide street frontage? More importantly why does a bus waiting room area have no visibility of the bus stands other than through the doors? It surely needs a wider frontage to Lord Street to enable passengers to see the five bus stands;
- Regardless of the existence of public transport and the incorporation of public transport facilities in the proposal it is clear that the town centre is unable already to cope with all the demand for public car parking and the loss of spaces coupled with the demand that the current proposal may generate should not be considered acceptable;
- The proposed building is a featureless series of slabs of the kind dropped in recent years into city centres all over the British Isles. I can see no reference in its design to any Manx architectural tradition, nor any relevance to its essentially maritime surroundings;
- Added to its essential lack of grace or character must be the fact that its dimensions are quite grotesquely out of scale with all the surrounding buildings in the Conservation Area. Different parts of the proposed development appear to have differing heights, but all dwarf the nearest older quayside building;
- For comparison, look at King's Court, built after much of south Ramsey was demolished in the 1960s and still towering awkwardly over its surroundings. King's Court is only eight storeys high; a fourteen-storey building in lower Douglas doesn't bear thinking about;
- The proposal appears similar to other schemes the architects have designed and it may work in London but what is proposed for Lord Street is just one of their blocks transposed to the Isle of Man; utterly irrelevant, without any recognition of the surroundings or the architectural heritage of the Island;
- You only have to look along Douglas Promenade to see what our heritage is. The Victorians and Edwardians built boarding houses rich in decoration which are a pleasure to look at and are pleasing to the eye. It's not that I am suggesting this is copied or pastiche, but surely the idea of decoration could have been developed or referenced for this proposed block - which is huge. It makes an enormous statement in the landscape. It will be with us for generations. It is totally out of character with anything on the Isle of Man. It is a piece of architecture transplanted from London. It is irrelevant to our culture, our history and our architectural tradition;
- The proposed building will cast a very large shadow on the surrounding area which will affect businesses, including the neighbouring Marina, and result in loss of revenue;

- The building design is out of character for Douglas and the Isle of Man. The architects have shown little imagination and sympathy for the island's architectural mix and appear merely to have adapted bulk-standard designs which they have used in Greater London. Even in the images created to show what the building will look like (screenshot from the Aros website below image) the colour scheme is dull, looks grubby and fails to impress;
- Contrary to Policy P/TLR/P7 of the Local Plan, the proposed development ranges from three to fourteen storeys and is inconsistent with the above Policy as it fails to respect the "design, height, scale and massing" of the adjacent North Quay Conservation Area. This proposal is twice the height of the previously approved and already overpowering application 18/00846/B;
- Is it really the Government's desire to effect the transformation by replacing four-storey buildings with fourteen-storey ones thereby converting downtown Douglas into a mini version of downtown Manhattan? Doing so, far from attracting visitors, would wholly destroy the remaining aesthetic attractions of the town centre to the visitors and do untold damage to the visitor economy;
- Contrary to Environment Policy 36, given its size and mass, the proposed development manifestly fails this test as the applicant's own Historic Environment Settings Assessment fully confirms. All of the sight lines relating to the North Quay Conservation Area from every aspect including from Douglas Head (which continues to be considered for conservation area designation itself) would be adversely affected due to the excessive size, mass and height of the proposed development;
- Some 15% of the centre of the panoramic view from Douglas Head will be taken up by the proposed building;
- Proposal 52 of the Central Douglas Masterplan proposed a Wintergarden space as part of the Lord Street, this is absent in the application with no proposed alternative or mitigation;
- Unfortunately, the visual renderings of the project make clear that the mass, design and materials of the proposed development are wholly inappropriate for Douglas. The height is more than twice that of any other buildings and would wholly dominate downtown Douglas being visible from all directions. It would brutalise the harbour and the harbour aesthetic. The brick cladding pays scant respect to natural Manx materials. Brick is not a local material;
- The elevations facing Lord Street are overpowering and unappealing – and are more suited to an urban project in a large city such as London or Manchester than to Douglas. The six-storey façade of the proposed flats facing the inner harbour are sufficiently anodyne to be anyplace – except Douglas. Douglas deserves and should demand far better, especially in such an important, high-profile and sensitive location;
- The wind microclimate CFD study by Windtech makes clear that this massive new building at the east end of the Inner Harbour would have an adverse impact on people. The problem would be especially felt towards the southeast including on the other side of the harbour on South Quay rendering conditions "unsafe" at times (according to the Lawson criteria). This is not a trivial matter in a city intent on catering to its pedestrian population. Windtech has made recommendations for mitigation but these seem to have been only partially adopted in the design;
- Contrary to Local Plan it states Policy P/TLR/PT which is a straightforward and easy to follow planning requirement but the application completely ignores these requirements and should be refused. North Quay comprises several different styles of architecture and the use of differing finishes: local stone on the former Clinch's Brewery and the former Corlett, Sons and Cowley tall warehouse together with St Matthews Church, true half timbering on the British Hotel, render and painted finish on many of the buildings, local stone with lime stone quoins and features on the former power station. These are all traditional and indigenous finishes which are appropriate to the size of the buildings and apart from the Armitage Rigby designed British Hotel in arts and

crafts style with red tiled roof, all have a Welsh slate roof including both the cast iron and brick built market buildings;

- The flat roof is alien to traditional building design on North Quay and indeed to most of the Island;
- The section proposed on North Quay is six storeys high and well and truly visible from South Quay , Douglas Head Road , Taubman Terrace and Fort William. The proposed block is six storeys in height and stands well above the adjoining Barbary Coast and former Douglas Hotel properties ; a total imbalance of height that can be overcome by not being approved. The dark reproduction stone on the top floor emphasises the over balanced height. The proposed block overshadows the Conservation Area rather than respects it;'
- The only open space is roof gardens which are trapped like enclaves between the built mass and these fail to provide a breathing space for the general public in what is otherwise a labyrinth of brick walls covering the whole site. The density of the proposed development is far too great;
- The use of dog tooth parking for buses into bays usually results in the buses having to back out into the traffic to then go forward. There does not appear to be any details provided as to these parking bays which do not appear to all be the same size;
- It's clear that a building of 14 storeys is still being requested, and in my view no amount of colour palate softening, choice of materials nor lighting changes can materially influence the detrimental and ugly effect of this tower on large swathes of Douglas and its hinterland;
- No current residential building in Douglas - or indeed the island - even comes close to 14 stories. I feel the 8-storey Kings Court apartments in Ramsey, attractive as they are internally, are a blight on the town, compare it to relatively unspoiled Peel & Castletown. 14 is a larger number than 8, so imagine the ugliness this would impose on our capital's skyline for decades to come;
- The size and height of the buildings are completely disproportionate to the surrounding areas, in fact to the whole of the Douglas townscape;
- The seemingly brutalist design bears no sympathetic relation to any of the existing historic buildings in the area. It is quite incongruous with its surrounding;
- The proposed building will include yet more office space and retail/ commercial units. It does not take great effort to look around Douglas currently to spot both vacant office and retail/commercial units. Is there a justification for more;
- The proposal also includes a multiscreen cinema complex. I do not recall seeing many full houses on a regular basis in our existing three cinemas. Therefore is there a need to have more cinema screens;
- There is a loss of 180 public parking spaces and the new parking included in the development is private, it does not attempt to replace the loss of the existing parking spaces. Where will be cinema users, employees of the businesses, diners at the potential restaurants etc park. There is already a shortage of parking in the capital which I believe has been exacerbated by the ongoing redevelopment the Promenade;
- While not expecting a modern building to take onboard our Victorian heritage in the design, it does seem particularly insensitive to suggest that a 14 storey tower block in a prominent position would complement the surroundings;
- The suggested design gives the impression of having been plucked from a standard portfolio of city centre developments, with little or no consideration to its situation on a still mostly traditional quayside, an area which in recent times has been improved by pedestrianisation and has retained some of the "feel" of its history. A 14 storey tower looming over it will enhance nothing, and who thinks a mini "New York skyline" would blend in;
- Combining modern architecture with existing will always be difficult, especially when the design is such a basic "tower block ", the proposed cladding is unimaginative and dull. If we must have such buildings, then less height and maybe vertical gardens would help break up the basic box shape;

- Residents will have to live with this for many years, but also we feel that some visitors on disembarking our ferry will be disappointed to be greeted by an example of city 'architecture' that they have maybe just escaped, we do not want to join the race to make everywhere look the same;
- It is a very special place with a character of its own so why is such a mediocre and soulless proposal more suitable for some generic provincial development in the UK even being considered. A hopelessly uninspiring block fourteen storeys high will ruin the architectural integrity of Douglas and the overall concept is just plain wrong. Once an oversize building is allowed to be built there is bound to be more which will be a catastrophe for Douglas. It emphatically must not be allowed to happen;
- Site needs redeveloping but not at any price;
- It is appalling in size and design. Too large and bulky for the area and detrimental to the historic nature of the Quayside. It looks as if the architect has transferred an existing plan for London and 'dropped' it. Or instructed AI to make a plan with large cuboids which when constructed would be large enough and ugly enough to dominate the entire area;

5.3.4 Summary of Third-Party representations

The main concerns received relate to the proposed scale, height, and overall design of the proposal, namely the tower section and the subsequent visual impacts on the adjacent historic character of the Conservation Area and the wider landscape/street scenes and therefore contrary to the relevant planning policies. Further, a number of representatives refer to the design been found in many UK cities but not being appropriate for Douglas or the IOM. Furthermore, concerns of inadequate parking provision for existing car users of the area, but also the proposed additional users to the cinema and restaurant will bring additional parking demand which can't be accommodated. Concerns of lack of affordable housing and public funding through the Island Infrastructure Scheme (IIS) are raised. Overall, the representations suggest that the proposal is perceived as out of character and/or contrary to policy.

6.0 ASSESSMENT

6.1 Key Issues

6.1.1 It is considered that the main issues in the determining of this application are as set out below. The application includes an Environmental Impact Assessment (EIA), and Transport Assessment, which, amongst other things, considers all of these matters in detail. In this regard it is considered to comply with IOMSP policy EP24 (Section 7.18).

6.1.2 Issues relating to the principle of the proposal are as follows:

- Principle of Development (IOMSP Strategic Policies 1,2,6,7 & 9, SP1, GP 2, HP1 & 4, BP1, 8, 9 & 10 and APE Mixed Use Area 5 and Mixed Use Proposal 5)
- Potential impacts upon the visual amenities of the street scenes (StP5, GP2, 42 & 43 & Urban Environment Proposal 3, Landscape Proposal 8)
- Potential impacts upon Conservation Areas / Registered Building/s (StP4(a), EP35, EP36 & Policy CA/2 & CA/4)
- Impact on Archaeology (StP4(a) & EP40, EP41 and Mixed Use Area 5)
- Affordable housing provision (GP4, HP5 and Our Island Plan)
- Impact on Neighbouring Properties (EP22, GP2(g) and Residential Design Guide)
- Traffic Impacts / parking provision (StP10, GP2, TP 1, 2, 4, 6, 7 & 8, Active Travel Plan and Manual for Manx Roads)
- Flood Risk (GP2(I) & EP10 &13 and Flood Risk Management Act)
- Designing Out Crime (CP7)
- Open Space provision (GP4, RP3 & RP4)
- Fire Risk (CP10 & 11)

- Public Transport Provision (GP4, TP 1 & 2, and Mixed Use Proposal 5)
- Connectivity through the site (StP10, TP 1, 2 & 4, and MUA 5 APE)
- Contaminated Land (EP26)
- Ecology (EP22)
- Wind Management Design

6.2 Principle of Development (Local Plan land use allocation, StP 1,2,6,7,8 & 9, SP1, GP 2, HP1, HP4, BP1, 9, 10 & 11, TF4 DMP and MUA 5 APE);

- 6.2.1 The site is within an area designated as mixed use under the APE. The proposal is for a multiscreen cinema; office space; 12 commercial units; bus information centre; public toilets; bus driver welfare area; 5 bus stands on Lord Street with associated waiting areas; 85 residential apartments and private parking facilities for the residents of the apartments only.
- 6.2.2 Mixed Use Proposal 5 (MUP5) outlines that there will be a presumption in favour of developments on the site which include tourism/hotel, leisure, entertainment and food and drink uses. This proposal includes such uses with the exception of tourism/hotel uses. It should be noted that since the adoption of the Area Plan for the East in 2020, there have been a number of planning approvals for new hotel development in close proximity to the site;
- 24/00572/B – Conversion of Royalty House, Walpole Avenue to a 64 bed hotel;
 - 23/00616/B - The Former Salvation Army Citadel, Lord Street – New build 33 bed hotel; and
 - 23/01223/B - Villiers Square, Fort Street - New build 80 bed hotel.

Accordingly, provisions for tourist/hotel have been recently approved and with applications 23/01223/B and 23/00616/B currently being implemented. The conversion of the Royalty House is also within the same land use designated (MUP5) as the application site.

- 6.2.3 MUP5 also requires that office and residential accommodation be located at first floor and above. The proposed residential units are located at the upper levels. The proposals current also includes the option of the majority of ground floor commercial units to be used as office accommodation which would be contrary to this policy. It is considered such use would lead to a loss of active frontages. This could be sufficient reason to refuse the application being contrary to MUP5. However, it is considered that, should the Planning Committee be minded to approval the application, this issue could be addressed via a condition that Use Class 2.1 is excluded from the ground floor commercial units. There is no concern with the office use at the first-floor level, and the other remaining uses proposed are acceptable.
- 6.2.4 In terms of floor areas of the proposals, the total gross internal floor area of the building is 18,783sqm with the residential proposals making up a floor area of 10,827sqm which is approximately 58% of the total gross internal floor area of the building. If the private multi storey car park (used by residents only – set over three floors) is also included given it forms part of the residential element/use, then the percentage of overall residential development/residential car park equates to approximately 77% (total area 14,578sqm) of the total floor area of the building. Accordingly, the proposal is clear a residential led development. The applicants argue that the residential element is the more viable and without this level of residential development the overall development would not be undertaken (the argument made by the applicants that the scheme is not viable is considered separately). However, from a pure land use designation there must be questioned that whether the proposal meets the requirements of Mixed Use Proposal 5 (MUP5). This requires that tourism/hotel should be provided and this is not proposed. However, leisure (cinema)

and entertainment, food and drink are provided mainly all at the ground floor commercial units (subject to no office development being permitted).

6.2.5 MUP5 also seeks to ensure a multi-storey car park is provided, and as proposed by the applicants with the original approved scheme (18/00846/B) which included a multi storey car park with 186 parking spaces, 142 where public spaces, 26 spaces for residents of the apartments and 30 spaces for the hotel use. Whilst the current proposal includes a multi storey car park and so could be considered to technically comply with this requirement, it is likely the aim of MUP5 was a car parking being available for both users of the site and also members of the public, especially given the leisure/restaurants/food & drink uses on the site. Accordingly, it could be considered that the current application fails to meet this element of MUP5 also. The proposal does meet the public transport element, with the provision of 5 bus stands along Lord Street and a Drivers' welfare, public WC's, internal public bus seating area and travel/tourist information centre (138sqm) within commercial unit 2 which has direct accessed from Lord Street and opposite the bus stands. What is not shown on the submitted drawings is how the facilities within this commercial unit are split i.e. the amount of public seating against the area of the driver's welfare area which would be separate. On balance, the proposal is considered to meet MUP5. Should the Planning Committee be minded to approve the application, it would be appropriate to attach a condition to control the layout of the unit.

6.2.6 For information, the previously approved scheme (taken from applicant's previous planning statement for PA 18/00846/B) provided a much greater level of "mixed development" with a seven screen cinema (circa 2,374 sqm); 80-bedroom hotel (circa 3,001 sqm); 20 residential apartments, comprising 14 two-bedroom apartments and six three-bedroom apartments; three restaurant units (891 sqm); four retail units (460 sqm); Information Centre (56 sqm); Public toilets (10 sqm); Drivers welfare (47 sqm); Multi storey car park containing 186 standard car parking spaces, 12 disabled parking spaces and 16 motorcycle parking spaces; and provision of five bus stances on Lord Street with associated waiting areas. It could be considered this approved scheme was more aligned compared to the current proposal (albeit APE was not adopted at that time), given it provided all uses as sought by Mixed Use Proposal 5 and had a greater mixture of uses in terms of areas.

6.2.7 In support of the principle of the current proposal the applicant's comment;

"The need for new, high-quality commercial development proposals is a key aspect of linking regeneration of the built environment to the wider aspirations of the housing strategy, the leisure sector and the ability to deliver economic growth. In tandem with the commercial elements there is a need to deliver high-quality homes throughout the Island, and particularly in sustainable town centre location such as this where an attractive residential environment can be created. Commercial development is also identified as playing a key role in boosting the economy, by providing a range of employment opportunities and ensuring the Isle of Man becomes 'a sustainable place to live, work and visit'."

6.2.8 There is an argument that the proposal may not be "mixed use" given the proportion of residential development and associated private car parking that makes up the majority of the floor area of the development. It could be considered that the proposed level of residential is far too great and fails to meet the aims of the MUP5, which outlines its three main uses of the site as being; tourist/hotel, leisure and entertainment food and drink. However, the policy indicates that there is a; *"presumption in favour of large or comprehensive development schemes for uses in the following categories..."* rather than a requirement, albeit it also does also indicated that; *"...Uses which conflict with those stated in this Proposal will generally not be*

supported...". The wording of this policy therefore gives some scope for alternatives. Furthermore, the policy does allow residential/office uses at upper floors, which is proposed. It is therefore considered the proposals are not uses that "conflict" with the other uses proposed. The question is whether the level of such uses, (i.e. residential) is acceptable or not. It is important to note that the majority of the ground floor units along Lord Street, Parade Street and North Quay are commercial units (retail, restaurant & leisure (inc. cinema entrance) and the information/bus waiting unit) which have their active frontages facing these streets. Therefore, from a ground floor perspective and what most members of the public will observe, the proposal would potentially provide this "Mixed Use" development. It is also noted that the proposal has a greater level of active street frontage compared to the previously approved scheme, especially in relation to the Lord Street elevation, where approximately half the elevation of the building was made up of the multi storey car park. Therefore, from a ground level perspective along Lord Street this current proposal is a betterment in relation to having active frontages and uses.

- 6.2.9 The applicants also address in their submission; "boosting the economy" and while the proposed commercial units will bring employment benefits, arguable a major argument for the level of the residential development (85 apartments) is the amount of residents that would live at the site and in turn would introduce a large number of additional people living in the Centre of Douglas. While this also provides arguably the most sustainable development on the Island, it can only bring potential customers to existing business in the area, namely along the North Quay, Promenade and Stand Street.
- 6.2.10 Representations have been received that the Douglas Master Plan sought a public Winter garden running through the site. It should be noted that the Master Plan was taken into account when the Area of Plan for the East was prepared. However, as can be seen in MUP5, there is no requirement or mention of such space. The previously approved scheme also did not include such provision and so it is considered it would be difficult to refuse the application on this ground.
- 6.2.11 It is considered while the proposal is clearly more of a residential led development and a reasonable question could be asked to whether the proportion of this residential element is too great. However; for the reasons outlined previously, it is considered the uses (leisure, restaurants, retail, public transport accommodation/stands, residential and office) proposed are all acceptable for this site and in line with the overall aims of Mixed Use Proposal 5, subject to the office uses not being approved (conditioned) at ground floor level and weigh in favour of the application. The lack of any tourist/hotel use weighs against the proposal; albeit it is considered the lack of such provision in this case is not significant, especially given other permissions in the area for new hotel accommodation has been approved and have been implemented. The lack of public parking spaces in the form of a multi storey car park does weigh negatively against the scheme and the parking provisions/implications will be considered in the transport section of the report. The proposal has the potential to be a betterment over the previously approved scheme, in terms of public transport provision with the five-bus stand being provided (as before) but also with a waiting room/information centre for members of the public to use (details of layout should be conditioned). Therefore, this element weighs in favour of the development.
- 6.2.12 In light of the above, the proposal is considered to comply with the relevant IOMSP Policies and the APE and therefore the proposal in terms of the principle of development is considered acceptable.

6.3 Potential impacts upon the visual amenities of the street scenes (STP5, GP2, EP36, 42 & 43, urban environment proposal 3 and landscape proposal 8)

- 6.3.1 Arguably this is one of the main issues with the proposal given its significant overall scale, prominent locations and design approach.
- 6.3.2 There are considered to be a number of potential locations where the development would be apparent from public views, and these are identified within the submitted Townscape and Visual Impact Assessment (Technical Appendix 10.1 - 26th November 2025) and the Historic Environment Assessment (Technical Appendix 11.1, 11.2 & 11.3 - 26th November 2025).
- 6.3.3 The Townscape and Visual Impact Assessment identifies 23 Viewpoints which include the northern most point being at Onchan Park, southern-most point being from Douglas Head and westerly most point from Peel Road (Brown Bobby petrol station). This assessment considers the effects upon the townscape character which are the impacts upon discrete character areas comprising features with a particular quality or merit i.e. focuses on identifying and assessing the effects on the unique identity of a place rather than just its general surroundings. Furthermore, the assessment considered the visual context which the assessment explains as being; *"Visual effects relate to changes that arise in the composition of available views as a result of changes to the landscape or townscape, to people's responses to the changes and to the overall effects with respect to visual amenity."*
- 6.3.4 The detailed assessment in terms of the effect of the development upon the townscape character concludes;

"The magnitude of change upon townscape character within the study area is considered to be medium, as the proposed development would result in a partial change that would be reasonably noticeable within the vicinity, not greatly influencing the character of the surrounding area. The overall low sensitivity of the townscape would therefore yield a minor beneficial and permanent level of effect, which is not significant."

With consideration of medium sensitivity townscape receptors, namely the North Quay environs, the proposed development would result in a partial change, albeit with reduced intervisibility with the site due to intervening built form, resulting in a medium magnitude of change. The overall medium sensitivity of the North Quay environs would therefore yield a moderate/minor beneficial and permanent level of effect, which is not significant."

From more distant areas, e.g., Onchan Head and Onchan Park, the uniform townscape that exists would not be fundamentally changed by the proposals, even with the elements of the proposal being taller than that which exists, and is visible, currently. The changing landscape of the town, as demonstrated by the cumulative schemes in close proximity, will also provide a more relevant and consistent context into which the proposals will logically fit."

- 6.3.5 In relation to the effect on visual amenity the assessment considered the impact from all 23 Viewpoints identified (Table EDP 6.1) during the construction and Year 1 of operation noting the "Magnitude" of change of that particular viewpoint, and a level of effect ranging from "Negligible" to "Server Adverse" with seven additional ratings in between. Most of the receptors (Viewpoints) listed fall within the middling of the range "Moderate/minor adverse" to "Moderate/minor beneficial". These are defined in more detail in the applicant's assessment; however, a "Moderate Adverse" impact is a

noticeable or temporary decline in the visual quality of the view while a "Minor Adverse" impact is essentially a slight, temporary deterioration that could be mitigated effectively. "Moderate Beneficial" is a noticeable or temporary improvement in the view while a "Minor Beneficial" is regarded as a slight, temporary improvement in the existing view. Where there are beneficial effects outlined, these occur for some medium/high-sensitivity receivers where the new development improves the townscape, namely; Bridge Street (opposite Quay West Apartments), North Quay (St Matthews Church), South Quay (east of Swing Bridge) and Battery Pier.

- 6.3.6 As outlined above, the assessment does identify "Moderate Adverse" and "Moderate/Minor Adverse" effects these being to the north-western corner of the site along Lord Street and to Fort Street to the north of the site, as the new building for both viewpoints would block views of Douglas Head/headline.
- 6.3.7 Considering the submitted assessments and visiting the site/area, the following main public viewpoints are key when considering the potential impact of the development upon the site, street scenes and the landscape, these being:
- North Quay/South Quay
 - Lord Street
 - Parade Street/Bath Place/Sea Terminal
 - Douglas Promenade
 - Douglas Head
 - Onchan Head/Port Soderick
 - Richmond Hill
 - Mount Murray Back Road
- 6.3.8 Each of the above viewpoints is considered in more detail below. The potential impacts upon the adjacent Conservation Areas will be considered later in this report.

North Quay/South Quay

- 6.3.9 The southern elevation of the proposed building is the aspect that is the most prominent elevation apparent from the quayside views, albeit the tower section would be a prominent feature sitting behind the southern elevation of the building. This section of the building would accommodate the restaurant/bars at ground floor levels and apartments would be located at the upper floors. While the majority of the building which fronts onto North Quay is six storeys, this does reduce to three storeys where it wraps around the corner section of the building, onto the Parade Street section of the building. This approach reduces the overall mass of this section of the building and gives a different design approach to this section of the building compared to the proposed buildings on Parade Street and Lord Street. Views from South Quay and Bridge Street (Quay West apartments) will observe the tower section more prominently, than views along North Quay given; the orientation of North Quay with the site, the position and height of the building which directly fronts onto North Quay and position of existing buildings along North Quay. This proposed new building fronting onto North Quay (southern elevation) is a six-storey building and its western gable elevation would face towards the adjacent Douglas Hotel/Barbary Coast building, which are four storey buildings. Between the site and this neighbour building is Harris Lane which would create a separation between the two.
- 6.3.10 The proposal in terms of scale/height while taller than the Douglas Hotel/Barbary Coast building, does create a stepped approach, which continues to the Parade Street section of the building which is eight storeys in height, with the additional tower section towards the corner section of the building (easterly section/tower section) being twelve storeys. This approach to the North Quay building is considered acceptable, which is also helped with the top floor of the building being finished in a grey reconstituted stone/pigments concrete finish which differs from the below floors

being finished in a buff brick finish with glazed brown tiles at ground floor level. Further, the replication of the gable end feature to each gable end gives a nod to the neighbouring building and other properties in the area. The vertically proportion windows also follow the approach of properties along North Quay.

- 6.3.11 There was initially some concern raised of the height of the proposed building on Lord Street (mainly Cinema section) as the rear elevation of this section of the building could be considered having a dominating impact upon the Douglas Hotel/Barbary Coast building, especially when viewing the site from South Quay. This was a concern of the previously approved application. However, unlikely the previously approved application, the applicants have responded to this and reduced the building which fronts onto Lord Street by one storey, which in turn reduces the height of the building when viewed from South Quay and potentially not being apparent from South Quay views. This impact could be further reduced with the colour of buff brickwork proposed by use of a darker colour (condition attached), given the Douglas Hotel/Barbary Coast building are finished in a light coloured painted render (more stark) and the darker colour finish would reduce the impact of any part of the upper section of the proposal being apparent, potentially helping draw the eye away from these upper section.
- 6.3.12 Overall, it is considered the design approach, massing, scale and finishes proposed of the building which fronts onto North Quay would fit well within the street scenes and would add to the mixture of design approaches found in the area, mainly along North Quay which has a range of built designs, forms and finishes.
- 6.3.13 It is also important to note that the ground floor which as outlined is proposed to have commercial units (restaurant/retail) is made up of larger amounts of glazing to give an active frontage onto North Quay. Furthermore, there is space for external seating areas and tree planting which are clear benefits over the current situation both in terms of visual impacts and use. It may be considered that the unit which fronts onto North Quay be restricted to a restaurant/bar use rather than retail use, given outside seating provision (would unlikely be used if unit was a retail/shop) and such uses would be more in keeping with the North Quay which is made up of similar uses.

Lord Street

- 6.3.14 The northern elevation of the proposed building front directly onto Lord Street and outlined by the applicants own assessment which have one of the greatest impacts, namely going from a cleared open site with little development, to potentially built development which varies from four storeys (cinema part of building – north-western part of site) to seven storeys and then turn on the corner of the site at the roundabout with Lord Street and Parade Street to the twelve storey tower section. This will clearly dramatically change the appearance and character of the area and will enclose Lord Street from an open area with views of Douglas Head to the sizeable proposed built form. It should be noted that with the exception of the tower section, the proposal along Lord Street is similar in size and scale as the previously approved scheme. It is therefore not considered the loss of openness is a reason to refuse the application as any development on this site would likely result in such impact.
- 6.3.15 As mentioned early in this report the ground floor being made up of commercial units has a greater active frontage compared to the previously scheme which was largely made up of car parking. Again, the overall design approach differs to the North Quay building and this building along Lord Street has two distinct sections, the Cinema part of the building (western section) and the eastern section which is made up of commercial units at ground floor and six floors of residential apartments above. These elevations are finishes in a mixture of shades of buff brickwork to main facade, brown brick to inset wall of balconies, brown metal frames and balustrades to

balconies/windows, glazed brown tiles, cream brick and grey & natural white reconstituted stone/pigments concrete finishes to the main façade of the Lord Street elevation.

- 6.3.16 The cinema element (which includes retail units at ground floor and some office use at first floor) of the proposal by its very nature and operational requirements does result in large elements of blank facades. Again, this was to a larger extent observed on the original approved scheme which also had cinemas buildings along Lord Street, as well as a multi storey car park which both resulted in large sections of blank facades. However, in this case the blanked elevations (less than original application) have been carefully considered and split by a larger central glazed section (void space above cinema entrance) and with the inclusion of the office accommodation at first floor level and the commercial unit at fourth floor, both of which have windows to the Lord Street elevation, which creates a slight offset of the blank facades. These elevations are finished with a grey reconstituted stone/pigments concrete finish (also found at top level of North Quay elevation). The building along this Lord Street elevation is also not flat, but sections are staggered of each other or splayed given the orientation of Lord Street towards Parade Street. The overall design approach and the elements mentioned above, help reduce the massing of the building in parts, albeit mainly adds to the interest of the street scene which the building is seen. The height of the building again includes a stepped approach which gradually increase from the Cinema building up to the tower section on the corner of Lord Street and Parade Street.
- 6.3.17 The overall design and finished is contemporary in design and certainly different to the other buildings along Lord Street. However, it is noted that there are a variety of design types, styles and finishes currently, which have evolved over a number of decades. In the immediate street scene along Lord Street some of these are 'Art Deco', Victorian of various styles, more modern three storey residential terraced properties and the former four storey police station building. Accordingly, in terms of the overall design approach of the Lord Street elevation of this proposal, it is considered this would successfully be part of continued evolution of design in the area.
- 6.3.18 The overall design approach will be striking and unique to the area, and the IOM, which in relation to this proposal is considered to be acceptable, as it will result in a new design approach and one for current times. Furthermore, the ground floor all being commercial units (including the bus waiting rooms and new bus stands) increases the level of active frontages along this section of Lord Street and will have a dramatic improvement both in terms of the visual appearance of the area but also again the use of the site/area.

Parade Street/Bath Place/Sea Terminal

- 6.3.19 Arguably, the easterly elevation of the building will have the greatest visual impact to the visual amenities of the area/street scenes outlined, namely given the tower section of the development would likely be most apparent with its northern facade forming part of the main façade of the building. The towers eastern and southern elevations are set back from the main façade of the building which runs along Parade Street which is made up with an eight-storey building.
- 6.3.20 The finishes of the building are similar to the Lord Street elevation (outlined in par 6.3.8), although the tower section is proposed to be finished in a lighter coloured buff brick colour, whereas the eight-storey building is proposed to be finishes in a dark buff brick colour to create a distinction between the two built forms.

- 6.3.21 Again, the ground floor being made up of commercial units allows active frontages along Parade Street and apartments within the eight storey and the tower section of the building. Again, the overall design approach differs to the North Quay building and the building along Lord Street. This section and the tower section have splayed elevations due to the shape of the site. This with the inclusion of inset balconies which are also at an angle (rather than running parallel with front facade) would result in added interest and have less of a flat elevation. As mentioned in paragraph 6.3.10, the eight-storey element southern gable end wall slightly adjoins the three-storey element of the North Quay building, which then increase to six storeys in height along the majority of the North Quay elevation. This creates a stepped approach which again helps reduce the massing of the development when viewed from Parade Street and to the south (Swing Bridge) and South Quay. The southern gable elevation of the eight-storey building also has a differing design approach with balconies setback from the main elevation throughout, which have views of the Quayside and the ground floor landscaped area on the corner of North Quay and Parade Street and the residents shared landscaped garden above the three-storey building (flat roofed garden) on North Quay.
- 6.3.22 Arguable this elevation, and especially the tower section is the element of the proposal which raises greatest concern and representations received raise serious reservations regarding the design approach and height of this element of the proposal. It is noted that the Department did raise concern of the height of the tower section and the applicants responding by lowering it by two storeys. This has certainly eased some concern in relation to the potential impacts upon the viewpoint mentioned, especially Bath Place/Sea Terminal which are prominent views and potentially one of the first views visitors see when arriving to Douglas.
- 6.3.23 There are some concerns of the palette of material proposed, namely in relation to the darker coloured buff brick and other brown finishes, what this may not be appropriate and appear too dark. It is understood the design approach is to have a different shade of brick between the eight-storey building and the tower section; although it is not considered at this point to be totally successful, especially as the majority of the day this elevation will have little in the way of direct sunlight (east facing) so any material will appear darker than it is. This is a matter (materials) could be conditioned and explored further, so it is not considered necessary a reason to refuse the application.

Douglas Promenade

- 6.3.24 As outlined previously, concerns of the height of the tower were raised with the applicants, this also and mainly related concerns of the visual impact the tower element would have upon views from various location along Douglas Promenade, namely when walking along the Promenade walkway between the Gaiety Theatre and Villers Square, due to the potential of the tower section breaking the headland (Douglas Head) by projecting above it. Landscape Proposal 8 of the APE indicates that; "The open, expansive headlands of Douglas and Onchan shall be protected from visual intrusion."
- 6.3.25 In response to the above, the applicants reduced the height of the tower section by two storeys. This does reduce the potential concern. It is difficult to fully advise whether the tower section would project above the headland at some point. The applicants have usefully provided updated images of the proposal on various locations along the promenade. Viewpoint 3 (Historic Environment Setting Assessment V3) from the promenade walkway opposite the Sefton Hotel clearly shows the tower is below the headland. This wasn't the case of the original taller proposal. A further Viewpoint 4 opposite Villers Square is also provided which demonstrate that the

building is screened from view given the existing buildings (i.e. Lloyds Bank offices and currently under construction Villers Square buildings). It should also be noted at this point; these existing buildings also screen views of the Douglas headland. Accordingly, the loss of the headland from the promenade is an existing situation. The difference being this proposed scheme has the potential to result in the loss of partial view of the headland sooner when travelling along the promenade/walkway. The visual impact of this would be greater when walking along the walkway, as a person would be travelling at a slower speed and this gradual projection of the tower above the headland could be observed over a few minutes, rather than a few seconds if travelling along the promenade in a vehicle. Further, the tower section would be seen as an isolated feature in this section of the landscape. It is acknowledged that there are existing built forms which project about the headline; namely Douglas Head Apartments, Manx Radio, The Point Apartments and three Telecommunication masts. This proposal would be located in between these existing built forms.

6.3.26 It is considered this element of the proposal has the potential to be contrary to Landscape Proposal 8 (Douglas Bay) which seeks the open, expansive headland being protected from visual intrusion. The impact of the tower section projecting about the headland and being seen in isolation, weighs significantly against the proposed scheme and maybe considered sufficient to warrant a refuse of the application on this issue alone.

6.3.27 From other viewpoints along the Promenade i.e. further north than those outlined above, it is considered while the tower section will be apparent the visual impact is less, given the headland/cliff face would form the backdrop to the tower and the tower section while being the tallest building in Douglas, would form part of the existing built form, including be read in places against the existing buildings (terraces and large detached office building/dwellings) which run along Douglas Head Road/Fort Anne. There are views along the Promenade where again the tower section projects above the existing fairly uniform height of the existing built form of the Victorian Terraces along the Promenade and again could be consider sitting in isolation; although not as obvious given the backdrop of Douglas Head behind.

Douglas Head

6.3.28 The section of Douglas Head where the proposal would be most apparent would likely be from the large area of public open space (below Manx Radio and Douglas Head apartments). "Viewpoint 11" demonstrates how the proposed building would be seen from this area. It is clear the proposal would be clearly seen in full, albeit given the backdrop being made up of the existing built-up form of Douglas the proposal would likely merge into the existing built form and would not raise any significant concerns.

Onchan Head/Port Soderick

6.3.29 Views would be distant views (2km+) and the upper floors of the tower section would be visible although, but for similar reasons outlined in paragraph 6.3.27, it is not considered the visual impact of the development would result in a significant impact.

Richmond Hill/Cooil Road/ Mount Murray Back Road/Whitebridge Road

6.3.30 Due to the topography of central Douglas and namely the application site, which is just above sea level, there are a number of identified routes (above) which have the potential to obtain views of the tower section at various distant views when travelling into Douglas. These routes are generally located at a higher ground and therefore views towards and downwards towards Douglas can be achieved. They are also likely to be intermitted given landscaping in places and also topography which raises and

lowers in places. The applicant's submission does not identify these; albeit this submission, nor this report, can consider every single potential viewpoints from every public view. However, considering the potential visual impact from the main routes into Douglas it is considered the visual impacts would not be so significant. There are points where the tower section will be partially apparent, albeit there likely to be read with the existing buildings making up Douglas. While there is the potential for the tower section being more noticeable given its height, it isn't totally uncommon occurrence as there are existing features in and around Douglas which are more noticeable than the majority of buildings in Douglas, for example; Pulrose Power Station Chimney, Energy for Waste Plant, Grandstand and Church Spires.

Conclusion

6.3.31 The proposed development represents a major but arguably appropriate addition to the Douglas townscape. The greatest change to the various street scenes and their character is those which immediately surround the site (Lord Street, North Quay and Parade Street) which would change from a fairly open feel to the area, to one which would become far more built up and enclosed, given the scale, mass and siting of the development. However, for the reasons outlined in this report it is considered the built form and uses along each of these street scenes would be appropriate and would have a significant benefit to this area, both for residents of the new apartments but more so for the majority of people visiting the site and area which for many years the site has had a negative impact both in terms of use and visual impacts.

6.3.32 The applicants conclude on this matter;

"Based on this assessment of likely townscape and visual effects it can be concluded that the Site is a logical location for the size and type of development proposed, and the scale and mass of the proposals are considered appropriate for its location. The Proposed Development would promote urban regeneration and the re-use of a largely redundant site."

6.3.33 It is clear from the representations received that the tower section raises the greatest concerns, which is understandable given it would be the tallest building in Douglas (certainly central Douglas) and as identified in this report there are still concerns (even after being reduced in height); namely from closer Promenade viewpoints and these weigh against the proposal. In relation to the design approach to the elevations which front onto North Quay, Lord Street & Parade Street, it is considered the proposal considers the various differing contexts of each elevation of the buildings and results in a well thought-out design approach, which would all sit well within the various street scenes, which also include larger amounts of active frontages at ground floor level.

6.3.34 It is considered the finished of the building, particularly in relation to the colour of the brickwork/mortar needs additional consideration and a condition should be attached to any approval to consider the finishes in greater detail as the Department is not necessarily convinced at this stage with the brick colour pallet currently proposed.

6.3.35 Overall, it is considered the proposals replaces unattractive and underutilised land with a high-quality building suitable for a capital city centre, complying with the relevant planning policies outlined.

6.4 Impact upon conservation area/neighbouring registered building (STP4(a), EP35, EP36 & Policy CA/2 & CA/4, TCPA S.16/18)

6.4.1 A small section of the application site which includes Harris Lane is within North Quay Conservation Area. However, this is a very small section and the proposal in relation

to this element retain as a lane) has no adverse impact. It is therefore considered to preserve the character of the Conservation Area in accordance with Section 18(4) of the TCPA and Environment Policy 35 of the IOMSP.

- 6.4.2 The main consideration in relation to the Conservation Area is on the basis that the site is immediately adjacent to North Quay Conservation Area and near to Douglas Promenades Conservation Area to the east of the site. EP36 requires that development will only be permitted where it will not detrimentally affect important views into and out of the Conservation Area.
- 6.4.3 The applicants have produced Historic Environment Assessment (Technical Appendix 11.1, 11.2 & 11.3 - 26th November 2025) which assessment the potential harm of the development upon the various Conservation Areas.

Conservation Area – North Quay

- 6.4.4 In relation to the North Quay, paragraphs 6.3.9 to 6.3.13 of this report which outlined what parts of the development will be seen and to what extent are relevant in terms of the consideration of the impact upon the Conservation Area. But essentially the proposed development will be apparent from the majority of viewpoints within the area, with the North Quay elevation (six storeys) and the tower section (twelve storeys) being the most seen elevation of the development.
- 6.4.5 Significant consideration also needs to be had of the current situation. It is considered that the existing site's appearance and previous use as a car park has a detrimental impact on the important views into and out of the Conservation Area, especially when stood immediately adjacent to the site looking towards North Quay. Historically, as can be seen within the photographs included within the submission and the Registered Building Officers representation, the site has been previously developed and has had a number of individual buildings on the site which were subsequently demolished in 1932-34 and the site was then occupied by Douglas Bus Station until the bus station was demolished in 2002 and remained undeveloped since. The heritage assessment described this well, commenting;
- "...The parked cars in the Site detract somewhat from the aesthetic appreciation of these views as there is no 'bookend' to the quayside frontage; the built form comes to a sudden and undesigned end terminating at a carpark, resulting in a distinct impression of incompleteness and dislocation. This is exacerbated by the exposed backs of the buildings to the north."*
- 6.4.6 The applicants conclude that;

"The Proposed Development would contrast with the adjacent North Quay Conservation Area in terms of its architectural style, proportions and materials and would tend to be experienced as the dominant building at the eastern end of the quay. It would appear in some views from the Conservation Area detracting from its aesthetic value but leaving its architectural and evidential value unaffected. In views of the Conservation Area, including long views of the area from Douglas Head, it would represent a slight negative change on account of current conditions. Although the Proposed Development would replace elements that detract from the appearance of the Conservation Area, its overall massing would detract slightly from an appreciation of buildings at the eastern end of the Conservation Area, particularly in longer views from the south and south west. It would therefore result in a Slight loss of the Conservation Area's significance whilst preserving its overall character and appearance. This would constitute a minor magnitude of change and it is considered that this would represent a Minor level of effect and would be adverse and permanent. It would be Not Significant."

- 6.4.7 The Registered Building Officer generally agrees with these conclusions (please see section 5.1.3 of this report) noting that the submitted heritage statements do identify that the development from some views would be “detracting from its aesthetic value” and that the scheme would have a negative impact (as identified by applicants heritage consultant), but judged to be “less than substantial” as the officer does not consider that the adverse impact would seriously affect a key element of the special architectural or historic interest of the area.
- 6.4.8 This section of the Conservation Area has a mixture of buildings in terms, of design, finished, scales and mass. For instance, there is the four-storey traditional Douglas Hotel building, then the single storey Manx Legion and Market Hall (also registered Building), The British Pub which has an “Arts and Craft” styled; a four storey Victorian terrace with orate detailing and then the Manx Stone finishes St Mathews Church. What is clear is that all these buildings are different in almost all respects. Accordingly, when the new development is viewed in the context of these properties i.e. the ones closest to the site; it is considered the new development would be read as the continuation of quality built development along this section of the North Quay, especially in relation to the North Quay elevation which will likely be read most with these nearby Conservation Area properties. The proposal will be read as a more contemporary designed building rather than a pastiche/replica of traditional built form, which given the context of the Conservation Area which as identified is made up of various of built forms/heights/designs, it is considered an acceptable approach. The tower section of the proposal again is the element which potentially has the greatest impact upon views from within the Conservation Area along North Quay, but as identified earlier within this report given the existing built form along North Quay and orientation of the highway (public views obtained) and given the tower section is sited behind the North Quay elevation, the tower section is unlikely to be fully seen when viewed from North Quay.
- 6.4.9 Views looking from South Quay and Bridge Street will observe the tower section most and also the overall development in its context with the North Quay Conservation Area. While the development will clearly be a new built development of significant form and mass, arguably it would appear as a “bookend” of North Quay development, located at the most easterly end of North Quay on a corner plot. The proposal would also be read as a gradual step upwards of built form, from the existing Douglas Hotel building to the North Quay elevation to the Parade Street elevation (which includes the eight-storey building) to the tower section which would be the furthest part of the development away from North Quay. It is not unique to find such buildings of greater mass and scale to corner plots and/or at the end of streets/terraces. It is also considered perhaps this site is one of the few in Douglas which can accommodate a building of such scale/height. Overall, while the proposal will clearly increase built development on the site and therefore be seen from a number of locations in and out of the North Quay Conservation Area, it is not considered to detrimentally affect upon important views into and out of the North Quay Conservation Area to such an extent to warrant a refusal.

Conservation Area – Douglas Promenade

- 6.4.10 Regarding the Douglas Promenade, paragraphs 6.3.19 to 6.3.27 of this report which outlined what parts of the development will be seen and to what extent are relevant in terms of the consideration of the impact upon this Conservation Area. This Conservation Area runs from the northern most point where the former Summerland site/ MER Depot are located, along the entire Promenade to the southernmost point of the Sea Terminal front car park and Bath Place. The proposed development will be apparent from the majority of viewpoints within the area, with the North Quay elevation (six storeys) and the tower section (twelve storeys) being the most seen elevation of the development.

- 6.4.11 In relation to the proposed impact of the development upon this Conservation Area, the applicants conclude that;

"The Proposed Development would be visible in long views from the Douglas Promenades Conservation Area. Four visualisations prepared as part of this application (and presented in Appendix 11.3) show views from within the Douglas Promenades Conservation Area. The two northernmost viewpoints, Viewpoints 1 and 2, have demonstrated that the taller elements of the proposed development – principally the tallest south eastern block – will be visible from the northern areas of the Douglas Promenades Conservation Area. However, because of the curve of the bay, these views will be across the waters of the bay and will not affect an appreciation of the historic elements of the Conservation Area. Indeed, the proposed development will be visible above the more modern and much less coherent group of buildings that dominate the southern end of the Conservation Area. Viewpoint 3, located close to the southern end of Harris Promenade takes in the view southwards along Loch Promenade. From here the proposed development is more prominent, but does not break the skyline, and again is visible in amongst modern buildings. Viewpoint 4 demonstrated what from the southern end of Loch promenade the proposed development will almost be hidden by the large modern buildings in the southernmost area of the Conservation Area. In none of the Viewpoints considered does the proposed development impinge on the views towards the historic buildings on Douglas Head. Instead, it is largely obscured by a mix of modern buildings, whilst the only visible element – the elevated south eastern corner - is visible against the backdrop of the slopes of Douglas Head. Whilst the proposed Development will be visible from all four locations, it will be seen in southerly views against a backdrop largely comprising disparate and unsympathetic modern developments. these views do not contribute positively to the significance of the Conservation Area. Consequently, it is considered this would constitute as neutral magnitude of change, and that this would represent an effect of no change. This would be Not Significant."

- 6.4.12 The Registered Building Officer (section 5.1.3 of this report) agrees with the submitted heritage assessment that the development would not detract from direct views of the historic buildings along the Promenade, being set behind them. The officer does conclude that the development in relation to the impact upon this Conservation Area would have a; *"detrimental effect on the view south from the Douglas Promenades Conservation Area"*, noting the reduction in the height of the tower does reduce this potential impact compared to the original submitted scheme; however, there is still concern that the tower will have a detrimental effect on an important view out of the Promenade Conservation Area. The officer also notes that the collection of modern buildings in this part of the Conservation Area that would appear in front of the proposed tower, and therefore the proposal would not harm the historic significance of the Douglas Promenades Conservation Area.

- 6.4.13 It is considered the impact of the proposal is solely related to the tower section of the proposal which from larger parts of this Conservation Area would be apparent and would essentially form as a backdrop for the existing built form along the Promenade, which is generally characterised of substantial Victoria terraces. It is accepted that the proposal being set behind the existing built form along the Promenade that the development does not impact these properties directly. The upper three/four floors of the tower would be seen above the existing built form, but potentially important to note the existing Villers (Lloyds Bank/office) building which is the most contemporary designed building along the Promenade would be seen in front of the tower section. The currently under constructed Villers Square development would also appear to be in front of the tower section. Accordingly, as identified above the proposal would be

read against more modern buildings in this area rather than historical Victoria Terraces.

- 6.4.14 Whether the height and scale of the tower section would have an impact upon the headland (Douglas Head) by projecting above it and whether this would detrimentally affect important views out of the Conservation Area is a further issue to consider. The comments of the Registered Building Officer are agreed that there is a detrimental impact and comments outlined previously in this report in relation to the impact of this section of the proposal upon the headland are again relevant to consider, which identify the main areas of concerns relate to viewpoints along the Promenade walkway between the Gaiety Theatre and Villers Square. However, in terms of the character of quality of the Douglas Promenades Conservation Area, it is not considered the proposal would detrimentally affect important views into and out of the Conservation Area, which is characterised within the Character Appraisal for the Conservation Area as;

"The continuous edge of built form which make up the Douglas Promenades is one of the most distinguished and notable elements of townscape in the Island and elegantly defines the margin where town meets the sea. This is also the first impression of the island offered many thousands of visitors to our shores and is justly deserving protection and enhancement.

Whilst there are local variations in character within the area, the architectural concept and form of the Promenades owes much to the Victorian period, with some of the earlier elements retaining their original Late-Georgian and Regency elegance. The buildings of the Promenade share many similarities with other residential parts of the town being built at the same time, but they do have special characteristics particularly attributable to their location on the seafront. Their original function, which was usually to provide accommodation for short-term visitors to the Island, produced a particularly high building form which strongly contrasted the most attractive frontages facing the sea with their rear outlets, which are often squeezed tightly up against the foot of the cliff. The contrast between these structures and those of the town behind them is also particularly marked. The scale is characteristic and particularly appropriate in terms of the extensive length of the promenade and provides a striking façade, which can be viewed to advantage along its entire frontage."

- 6.4.15 It is considered what makes the Douglas Promenade would not be significantly harmed by the development as its character outlined in the Character Appraisal would remain. The existing buildings most likely to be affected are those of a modern built (Villers site existing and under construction) form rather than the traditional Victorian terraces which would be more sensitive to the proposed development. It is noted that built development acting as a back drop behind the existing built form along the Promenade is seen from more distance views along the Promenade, where a large number of buildings within Douglas raise above (given topography of Douglas and heights of builds) the buildings along the Promenade. Therefore, the appearance of built form above the building along the Promenade is not necessarily an uncommon feature to the Conservation Area/landscape. Accordingly, it is considered while there is an impact by the development, it would not be so detrimental to affect important views into and out of the Conservation Area.

- 6.4.16 One of the other main viewpoints of the proposal and one which will change the character of that particular area of the Conservation Area is when viewing the site from outside the Steam Packet Offices on Bath Place to the east of the site. From this position the full northeast/east elevations which include the eight storey and twelve storey tower parts of the development will be in full view. This will have a marked and significant change from the current open nature of the site currently. However,

while the change will be significant, it is considered the change represents an improvement over the current situation which cannot be said to have positive impact upon the views out of this section of the Conservation Area.

- 6.4.17 There are potential other Conservation Areas in Douglas (Athol Street/Victoria Street Conservation Area) where the development may be apparent. However, it is considered such impacts would not be so detrimental to affect important views into and out of the Conservation Area, namely given they would likely be limited/ glimpses of the proposal between existing built development, for example the junction of Athol Street and Church Street) may observe views of the development.
- 6.4.18 It is noted that a consultation has recently commenced (ends 3rd March) in relation to a proposed Douglas Head Conservation Area. However, this is only at an initial stage and therefore no material consideration can be attached to this.

Registered Buildings

- 6.4.19 There are no Registered Building on the site. There are a number of Registered Building in proximity to the site, these being Market Hall (RB 120), Former Douglas Hotel (RB 186) to the east of the site and Harbour Swing Bridge Tower (RB 115) to the south. Attached to the Former Douglas Hotel building is the now Barbary Coast Restaurant building, which is fairly new traditional four storey building. This replaced the former The Former Farmers Retail Unit & The Clarendon Hotel, neither of which were Registered Buildings. IOMSP StP4(a) protects the settings of Registered Buildings, and EP42 requires proposal to have regard to their wider context.

Former Douglas Hotel

- 6.4.20 In relation to the Former Douglas Hotel, it is acknowledged that the size and scale of the site and how it wraps around the north and east boundaries of the Registered Building site, will result in having an impact, any development would. Furthermore, the consequent scale and mass of the new development, will also have an impact.

- 6.4.21 The applicant's heritage assessment comments;
"The proposed development will stand approximately 15m to the north of the building, and will be seen in combination with the former Douglas Hotel in oblique views from the North Quay. The frontage of the proposed development is likely to distract from the building as a result of its greater scale. This may slightly affect the aesthetic appreciation of the building.

The proposed development will be seen in combination with the former Douglas Hotel frontage from the South Quay (Townscape and Visual Impact Assessment Figure 10.3, Viewpoint 3). It will be separated by the adjacent modern buildings and Harris Lane. The proposed development will appear noticeably taller than these buildings. This will not affect the legibility of the building's relationship with the quayside, but will affect its aesthetic appreciation.

The proposed development will not affect the fabric of the former Douglas Hotel; its architectural, illustrative, evidential and historical value will be unaffected. The greater scale of the proposed development will, however, impact the appreciation of the building in views from the south and south west, and hence may slightly reduce its aesthetic value. Aesthetic value makes a limited contribution to the building's significance and consequently this will result in a slight negative impact to its significance."

- 6.4.22 The amended scheme to reduce the tower section, but also the section of the proposed building which would run along Lord Street, overcomes an original concern

of the Registered Building Officer, who had raised concerns that the upper floor of this section of the building would project above the Former Douglas Hotel when viewed from South Quay. The officer has now confirmed that; *"This reduction in height will, in my judgement, reduce the harm to the setting of the building when compared to the initially proposed scheme."* There still remains concern of the officer that the proposal is significantly larger in scale and massing compared to the surrounding buildings, and in turn there would still be a degree of harm to the setting of the Registered Building and in turn would result in some harm in the aesthetic significance.

- 6.4.23 This was a concerns of the previously approved scheme (PA 18/00846/B), with the rear element of building which ran along Lord Street (again a cinema building) could result in a dominating feature over the Douglas Hotel. However, at that time it was considered the harm was limited to views directly to the south of the site when viewed from South Quay (not within a Conservation Area). Further the aspect which would have been most noticeable was the upper section of the cinema building which was finished in a dark grey colour, compared to the Douglas Hotel which is painted a light colour and therefore while the proposed building would have projected above the Former Douglas Hotel, the darker colour would have reduced the impact and the lighter coloured building (i.e. Douglas Hotel) would likely have stood out more. In relation to the current application the proposal has a reduce height/mass compared the previously approved scheme and the images submitted demonstrate that the visual impact upon the Douglas Hotel is less than what was approved previously
- 6.4.24 It is also noted that from North Quay (Conservation Area), the rear section of the proposed cinema building would not be especially noticeable in relation to the front elevation of the Former Douglas Hotel, given existing built development along the quayside which would likely block views of the cinema aspect of the building, as well as the Former Douglas Hotel itself.
- 6.4.25 Overall, while the proposed development has an accepted impact upon the Former Douglas Hotel, namely given its scale, mass and proximity and while the comments of the Registered Building Officer are acknowledged and agreed; it is considered the impact would not be so significant adverse upon the fabric and setting of the Registered Building to warrant a refusal, especially when taking the overall benefits of the overall scheme into account and as the views of Former Douglas Hotel in context with the proposed scheme, which would in the main be unaffected by the development and it is not considered it would have a detrimentally affect its character as a building of special architectural and historical interest (both reasons why it was registered in 2001).

Market Hall (namely The Legion)

- 6.4.26 Both Market Halls (occupied by The Legion & Noa Bakehouse Café/Santander Cafe) are Registered Buildings. However, this assessment centres on the Market Hall which is closest to the development and most potentially affected by the development, that being the Market Hall building occupied by The Legion. There may be some views of the rear section of the cinema building when stood along Chapel Row outside adjacent to the side elevation (north) of the Market Hall building; however, such views are not considered to adversely affect the Registered Building to warrant a refusal. It is noted that the Registered Building Officer concurs with the applicant's heritage assessment that; *"...the impact would constitute a slight negative change to the setting of the Market Halls and only a minor effect (harm) to their significance."* although accepted there is a degree of harm. It is not considered the development would have a detrimental effect upon its character as a building of special architectural interest (reason why it was registered in 1989) in the main.

Harbour Swing Bridge Tower and Mechanism

6.4.27 The Swing Bridge Tower (and internal mechanisms) all registered in 1989 is located to the south of the site to the opposite side of the harbour and located on South Quay, adjacent to the modern "swing bridge" which provided vehicle/pedestrian access across the River Douglas.

6.4.28 The heritage assessment concludes that;

"The proposed development will be visible from the top of the tower and its immediate environs at street level. This will not affect the legibility of the relationship between the tower and the river crossing. It will, however, introduce a new substantial built form in views to the north, beyond the bridge. These views do not, however, contribute to the significance of the tower. It is concluded that the proposed development will result in a neutral change in the setting of the tower, leaving its significance unchanged."

6.4.29 Given the position of the proposal to the north of the Swing Bridge and distance away, while the proposal will reduce the visual appearance of this Registered Building to some extent from Lord Street/Parade Street views; it is not considered the proposed development would have such a significant adverse impact upon the fabric and setting of the Registered Building to warrant a refusal for the reason outlined.

Registered Building Impact Overall

6.4.30 In light of the above assessment whilst there may be minor adverse harm to the setting of Market Halls and the Douglas Hotel, it is considered that, overall, this impact is considered to be so minor as to mean that the development will preserve the settings of the above mentioned Registered Buildings in accordance with Section 16(3) of the Town and Country Planning Act (1999) and Strategic Policy 4(a) of the IOMSP.

6.5 Impact on Archaeology (StP4(a), EP40 & EP41)

6.5.1 The applicants' EIA indicates that their assessment is on the basis of archaeological desk-based assessment, the results of archaeological monitoring and a Ground Penetrating Radar Survey. The EIA identifies the site lies within the historical core of Douglas and these studies have established that the remains of Post-Medieval buildings and associated structures survive within the site. In addition, there is potential for remains dating to earlier periods to be present, though such remains are likely to have suffered extensive disturbance as a result of later activity.

6.5.2 The EIA does confirm that these could be partially removed during the construction period, however, as the proposed development will utilise pile foundations and there is the potential for archaeological to be preserved in situ. Where this is not possible, the physical loss of the remains may be completely offset by a programme of archaeological works that would allow their appropriate recording and analysis. The EIA concludes that there would be no residual effect on archaeological on the site.

6.5.3 A condition should be attached to any approval which seeks a programme of archaeological work outlining the process of how archeologically findings will be reported to the Department and Manx National Heritage and how much findings will be recorded. It should be noted no objection/comments have been received by Manx National Heritage. This approach was also accepted when the previous application was approved.

6.6 Affordable Housing Provision (GP4, HP 5)

- 6.6.1 Housing Policy 5 requires 25% of provision to be made up of Affordable Housing (AFH) to developments of 8 dwellings or more. In this case there are 85 apartments and therefore 21.25 units should be affordable.
- 6.6.2 In the first instance the Department seeks such AFH to be provided on site. If this is not possible/required, then potential part provision on site and commuted sum payment in lieu of the shortfall. If again this is not possible/required, then full commuted sum payment is an option. Estates and Housing (DOI) have identified prior to the application being amended that the majority of the apartments proposed exceeded the Departments Design Guide standard for 2bed affordable apartments, although they had identified that there were five apartments that would be acceptable in terms of floor area and design standards. However, they have indicated that the applicant did not wish to provide any physical AFH on the site. This view would appear to be supported, given the Department had indicated to the applicants that in the first instance AFH should be provided fully on site, especially the development was of a size to provide such units, even if the currently internal layout would have to be altered to accommodate smaller unit to meet the Estate and Housing Design Guide. However, no changes were made to the amended scheme to accommodate any AFH. This could be a sufficient reason to refusal the application on this ground, especially as Estate and Housing indicated that there (as of July 2025) 292 persons on the general Public sector waiting list for affordable housing to rent (albeit the greater proportion seek houses not apartments) and 108 persons (with 103 in a position to purchases a home in the next 12-24 months) on the DOI First Time Buyers Register seeking to purchase a first home in Douglas and the East of the Island.
- 6.6.3 Estates and Housing have outlined that should no AFH be physically provided on site, then a commuted sum payment in lieu of AFH would be required of £1,100,750 for the 21.25 AFH units which would be used to other affordable housing schemes on the Island.
- 6.6.4 In this case the applicants consider the scheme is unviable to provide any AFH and/or commuted sum payment in lieu of AFH. Instead, they propose the following;

"Given the exceptional nature of the Lord Street regeneration project, the applicant proposes that any potential affordable housing contribution be addressed through an open-book post-completion review mechanism, rather than through a fixed pre-construction payment or assumption. Section 6 of this planning statement provides a fuller treatment of the open book review mechanism and justification for its use in this instance. As regards conformity with development plan policy, this approach is both reasonable and necessary in light of the unique factual circumstances of the case:

- *The project is demonstrably unviable on current evidence, with delivery dependent upon confirmation of the Island Infrastructure Scheme (IIS) grant and the alignment of senior funding;*
- *The grant itself is not yet approved or contractually secured, and the timing and structure of drawdown therefore remain uncertain; and*
- *The scheme's construction period, estimated at over two years- is materially longer than a typical residential development, amplifying exposure to market and cost volatility."*

- 6.6.5 This "open book approach" whether acceptable or not and the question/evidence of the viability of the scheme, will all be considered in more detail in Section 7.0 of this report. However, should the development be concluded to be viable and/or the "open book approach" not being acceptable mechanism; then the proposal would be contrary to Housing Policy 5 due to lack of Affordable Housing Provision on the site and is a sufficient reason to refusal the application.

6.7 Impact on neighbouring residential properties (EP22, GP2(G))

- 6.7.1 The main property likely to be affected by the development would be the Albert Hotel (public house) which is to the west of the site, with its gable end facing directly towards the western edge of the site. Planning permission was approved for the conversion of second and third floors into two self-contained apartments (10/00424/B). It is unknown whether the works were undertaken and no objection has been received by the owner/occupier of the Albert Hotel. However, the application will be considered on the grounds that these works were undertaken, as the approved application would have a greater level of impact to it. It should be noted this issue was previously considered (18/00846/B), but considered the impact was not sufficient to warrant a refusal.
- 6.7.2 It is noted that a total of eight windows exists within the gable elevation of the Albert Hotel. The proposals western elevation would be between 5.5m and 11.5m from the gable elevation of the Albert Hotel. The window at ground floor serves as a secondary window for the bar and does not serve a habitable room or the primary source of light/outlook. Therefore, the impact on this window is not considered sufficient to warrant a refusal. The first, second and third floor windows (as approved) all served bedrooms, which are habitable rooms, but not primary habitable rooms. Accordingly, while there will be an impact upon light and outlook (any development of this site would likely have an impact) it is not considered so significant to warrant a refusal.
- 6.7.3 In terms of neighbouring properties to the south along Douglas Head Road/Fort Anne Road, it is not considered there would be any significant impacts to warrant a refusal, namely given their raised ground levels above the site, but also the distance between the site and these properties. The closest property Nr 25 Douglas Head Road being approximately 130metres away from the southern boundary of the site. While the proposals scale and height will introduce a sizeable built form which currently does not exist and would be viewable from the majority of these properties, it is not considered the proposal would lead to significant impact upon residential amenities namely; loss of light, overlooking and/or overbearing impact upon outlooks. Loss of a view is not a material planning consideration.
- 6.7.4 Overall, it is considered the proposal would comply with General Policy 2 from this respect.

6.8 Traffic Impacts / parking provision (StP10, GP2, TP 1, 2, 4, 6, 7 & 8)

- 6.8.1 As part of a submission a full Transport Impact Assessment has been included in the submission which also includes Road Safety Audits, tracking of vehicles, surveys and additional information relating to this matter.
- 6.8.2 As per the representation of this report, Highway Services have considered the application in detail in terms of a number of highway related matters including (additional issues commented on in their submissions); including traffic generation, parking provisions, access to and from the site, highway safety matters, tracking of all relevant vehicle types, pedestrian footpath widths/crossing points around the site, pedestrian users around the bus stands/stops, pedestrian visibility, cars in the multi storey car park and other vehicles manoeuvring in and out of laybys around the site. Full details of highway Services comments can be seen online (initially raised concerns/questions) and their final comments within this report where they raised no objection to the proposal subject to a number of conditions. Significant material planning weight is attached to their comments namely in relation to highway safety/usability for all users of the public highway/private car park.

- 6.8.3 It should also be noted the 'Reform Of The Planning System' was published by the Council of Ministers (previous administration – albeit has not be withdrawn or superseded), which included a policy which stated; *"In order to continue to incentivise and support site redevelopment and the associated economic development, Planning Approval should not normally be given for brownfield sites to be used as temporary car parks."* This was to ensure faster brownfield site redevelopment and encourage socio-economic development. This sites previously permitted use was for the demolition of the bus station and use as a temporary car park (approximately 180 spaces – pay and display) for a two year period expiring on the 8th March 2004. No further approvals (either full detailed planning application and/or Certified of Lawfulness) where submitted for such car park use since that time. The site has also been fenced off last year to prevent any use of the site as a car park. Therefore, the site does not have a current lawful planning used at this time, essential having a nil use. This means that the loss of the existing parking should not be a material planning consideration and a reason to refuse the application, as any parking on it today would likely be an unlawful use.

Parking provision/access

- 6.8.4 The access to the resident's car parking within the site and the delivery/servicing laybys of the commercial units are via Harris Lane/Chapel Row to the west of the site (area to the rear of existing Barbary Coast restaurant) or alternatively from North Quay, turning into Harris Lane to the site.
- 6.8.5 As outlined previously, only car parking for the residents of the apartments (94 spaces) is proposed. This would be sufficient to provide at least one space per apartment (85 apartments). This should be conditioned. This is still a under provision of parking spaces. The IOMSP parking standards (Appendix 7) indicated that for the proposed 2, 3 & 4 bed apartments a total of 170 parking spaces would be required i.e. two spaces per apartment.
- 6.8.6 For the leisure uses which also include the Cinema (inc café/bar at third floor of cinema) but also three ground floor units (447sqm) along Lord Street (the latter could also be used for retail purposes), parking provision of 1 space per 15 square metres gross floor space is sought. In this case a total of 111 spaces (1670sqm/15) for the cinema would be required and 30 spaces (447/15) for the three ground floor leisure units (if used for leisure purposes).
- 6.8.7 The office use (excluding offices within commercial units at ground floor) a requirement of 1 space for every 50 square metres of nett floor space is needed and therefore a total of 7 spaces (350/50).
- 6.8.8 The retail uses proposed within the commercial units (including restaurant uses) there is no requirement for parking provision and this is outlined by paragraph A.7.4 of the IOMSP which highlights that, most shopping facilities in established centres do not have onsite parking provided due to the intensive form of development and their location off the main highway and in most of these cases, provision is made for servicing outside trading hours from relaxation of the access regulations and the use of de-mountable bollards and rear access lanes. Furthermore, this paragraph indicates that it is impracticable to require on site car parking for either staff or customers in such locations although it must be feasible for retail developments to be serviced and also they are sufficient areas of public car parking and be available. This is considered to be the case later in this report.
- 6.8.9 The overall development has a parking requirement of approximately 318 parking spaces, therefore a shortfall of 224 parking spaces.

- 6.8.10 The parking standards do indicated that these standards maybe relaxed where the development is within a reasonable distance of an existing or proposed bus route and it can be demonstrated a reduced level of parking will not result in unacceptable on street parking in the locality. Further, for Town Centre and Brownfield sites the standards also indicate a relaxation in accordance with paragraph A.7.1 of the IOMSP which indicates that in the case of town centre and previously developed sites a reduction can be made depending on the location of the housing relative to public transport, employment, and public amenities; and also the impact on the character and appearance of the surrounding area.
- 6.8.11 The site being located centrally in Douglas, which is the main settlement on the Island, and immediately adjacent to the main bus transport link, within closes proximity to the main shopping area and employment on the Island, certainly would meet the aims of the IOMSP and certainly a relaxation of parking standards. There is a strong argument that the site is the most sustainable site or at least one of the most sustainable sites on the entire Island.
- 6.8.12 It should also be noted that the proposal includes a total of 136 cycle spaces throughout the site, with a total of 86 being for residential use and 50 short stay spaces (16 for office use and 34 for any other users).
- 6.8.13 From a residential perspective the Department has accepted that the principle of one space per apartment is an appropriate level of parking provision, especially in sustainable areas and with cycle provision (one space per apartment). Accordingly, the parking provision for the residential element is considered acceptable in this case.
- 6.8.14 The remainder of majority of the shortfalls relates to the cinema/leisure uses (141 spaces), with a small amount for the office use (7 spaces).
- 6.8.15 A Douglas Town Centre Parking Survey_(prepared by DOI) report from 2013 confirmed that Saturday daytime occupants of car parking in the Centre of Douglas, Loch Promenade and Lower Douglas is around 45% occupancy, with a total of 1,043 space available. While this is not a recent survey and changes have occurred (reduction on Promenade parking for example), it is noted that this survey had a plan period of 15 years up to 2027. Douglas City Council also advise that in April 2025 they undertook a two-day ground survey during peak times in key public car parks (Shaw's Brow, Drumgold Street Chester Street, Bottleneck & Parade Street) across Douglas, and they observed that on average there were more than 258 spaces available during weekday (Thursday) lunchtime and 503 during lunchtime on a Saturday.
- 6.8.16 The applicants Transport Consultants also undertook their own assessment (Non-Residential Parking Assessment – 09.Jun.2025) which considered the amount of parking generated for each use (cinema, retail/restaurant/leisure & office) and when parking was generated throughout the day/night. This determined that when combining all uses, the maximum parking demand would occur between 7 pm and 8pm with a total of 131 spaces on a weekday. On a Saturday (excluding office use) the maximum parking demand would occur between 5 pm and 6pm with a total of 122 spaces. These figures are on the basis that all uses (excluding office) would be at 100% capacity. Also no account of linked trips (i.e. visiting a restaurant and then going to cinema) between the various uses has been taken into account and they indicate this would reduce the parking requirement significant.
- 6.8.17 The applicants also undertook their own parking survey of car parks near to the cite (Parade Street 174 spaces, Bottleneck 86 spaces & Shaws Brow 273 spaces) and again undertook a survey during the weekday. During the maximum parking demand

of the development between 7 pm and 8pm (where 131 spaces are needed) the survey results suggest that there is a total of approximate 391 spaces available in the car parks surveyed during this period, given there is only 27% spaces being used at this time. For Saturdays, during the maximum parking demand of the development between 5pm and 6pm (where 122 spaces are needed) the survey results suggest that there is a total of approximate 335 spaces available in the car parks surveyed during this period, given there is only 37% spaces being used at this time. It should also be noted that from 1600hrs to 2000hrs (when survey was taken) there were between 287 and 390 spaces available.

6.8.18 Highway Services have considered these assessments and have raised no objection to their findings. The results would also tie in with the findings of the previous report/survey, albeit the parking survey undertaken by the applicants concentrate namely in the evening periods (after 1600hrs) given that is when the demand for the proposed uses is greatest, whereas Douglas City Council survey was undertaken at a lunchtime (1300 – 1345hrs). However, all the information before the Department clearly shows there is sufficient public parking space available throughout the day and especially during evening periods when the majority of the non-residential uses on the site are likely to be busiest.

6.8.19 For these reasons and with not countering evidence, it is considered the proposal, which is located in a sustainable area within Douglas centre, would comply with the IOMSP policies relating to parking.

Off-site works – as shown on DWG 332612563-100-002A PROPOSED HIGHWAYS WORKS - 01.08.25;

6.8.20 EV charging stations are proposed to be installed to existing parking bays, located on the south side of North Quay opposite the site frontage. None are provided within the multi storey car park as the applicants advise that due to the required fire protection, spaces would need to be 2m apart and cost this would result in the amount of parking being reduced to "significantly below one space per residential unit". There is no planning policy which requires the provision for EV charging points.

6.8.21 Pedestrian crossing points along North Street, Parade Street & Harris Lane, footpaths/kerb alterations, removal of parking lay-by along North Quay are some of the changes and indicated on the above drawing reference.

6.8.22 All these works fall outside the application site (red line) but a Grampian style condition could be attached which requires no apartment/commercial unit/cinema be occupied till the relevant off site works are completed.

Traffic generation

6.8.23 In relation to traffic generation, the submitted Transport Assessment indicates that the maximum number of cars entering or exiting the car park would be 13 cars which occurs at 5pm to 6pm. This equates to, on average, one car every 4 minutes entering or exiting the car park, which will result in minimal conflict within the car park. Furthermore, it advises that the traditional morning (8am to 9am) peak hour, the conflict will be even less, with only eight cars entering or exiting the car park. This equates to, on average, one car every eight minutes entering or exiting the car park. In light of this, it is not considered the traffic generated by the development, namely the residential element only would not result in sufficient traffic generation.

6.8.24 There would clearly be additional traffic/visitors to the site given the proposed uses (other than residential use); albeit no objection has been received from Highway Services in relation to the traffic generated to the highway network.

Conclusion of highway impacts

- 6.8.25 Accordingly, given these comments and no objection being received from Highway Services, it is considered the proposal from a traffic, highway safety perspective and parking perspective is acceptable and therefore all complies with the relevant policies of the IOMSP.

6.9 Flood Risk (GP2(L) & EP10 &13)

- 6.9.1 The southern and western parts of the site are within a "Flood Risk – Tidal High Likelihood" and the entire site is within a "Tidal Low Likelihood" and "Tidal Medium Likelihood" flood risks. Further parts of the northeast section of the site are within a "Flood Risk – Surface Water" as outlined by the online Flood Risk map (DOI).

- 6.9.2 The applicants have prepared a detailed Flood Risk Assessment.

- 6.9.3 Following modelling flood data being undertaken, it has been determined that the flood level is 5.62 (1 in 200 (0.5%) annual probability plus climate change) for the vast majority of the site, with the exception of the south west corner of the site (junction of Harris Lane and North Quay) where the flood level is approximately 4.60, which therefore indicates that in a 1 in 200 flood event the depth of flood water would be 1m in this area.

- 6.9.4 The critical design level for flood protection has been agreed with Manx Utilities as 5.92 to include a 300mm freeboard on top of the 1 in 200 (0.5%) annual probability of flooding. This means whether the finished floor levels at ground floor are set at this or above this or the top of the flood defences need to be at this height. In terms of the current proposal the applicants are proposing demountable flood defences to deal with this issue. The finished floor level of the building range between 4.69 (southwest corner – residential lobby – other access/exits available at 3rd floor) to 5.56 (east section – Unit 02). Accordingly, all of the finished floor levels of the building are below the 1 in 200 flood event level of 5.62. The Flood Risk Assessment indicates that;

"Lord Street to the north-west of the Site is located above of the 1 in 200 (0.5%) Annual Probability plus climate change tidal flood level of 5.62 mAD02 and as such, safe egress can be achieved from the buildings in this area, or via the car parking area. However, when including the 300 mm freeboard for the development, and assuming standing water may be to this level, there is the potential that the development could be surrounded by water."

- 6.9.5 Therefore, the applicant is proposing a mixture of integrated and de-mountable style flood defences which would be integrated system as part of the building. The majority of doors (exception refuse store) are flood doors which are integrated systems which are designed to a higher specification to provide protection from flood waters. The demountable flood defences (sliding screens) would be used to all ground floor commercial units, cycle store, car park entrance/exit and main residential entrance (northeast of site). This was a similar arrangement proposed and approved by the previous scheme. The details of these flood defences have not been provided and therefore any approval will require a condition for such information and potentially a note recommending the applicants provide details for an evacuation plan, which should be provided to each owner/occupier of the building.
- 6.9.6 As the potential flooding events are tidal, this gives advanced notice (18 to 24 hours' notice) to the occupiers of the building and therefore they/owners are able to install the de-mountable style flood defences as proposed. This would seem to be acceptable approach and one which Flood Management Division has not objected to,

albeit they have outlined they would prefer; *"integrated system/permeant defence that forms part of the building construction."* As they highlight potential issue that de-mountable style flood defences have, for example need to be stored locally, regular maintenance and require pre-planning in terms of installation, logistics and installed correctly and in a timely manner.

- 6.9.7 It is also noted that only less vulnerable uses will be situated on the ground floor, i.e. there are no residential properties located at ground floor level. The applicants have indicated that a Flood Warning and Evacuation Plan (similar to fire plans) should be provided to all users of the building. They do also advise that in the event that safe access cannot be achieved, safe refuge for any person can be provided in the upper floors of the development, which would likely only be for a few hours as the extreme storm surge will only affect the development during the highest phases of tidal cycles, but that this may be for several tidal cycles, depending on the phase of the storm surge.
- 6.9.8 In relation to surface water flooding a small section of highway within Lord Street adjacent to the northeast boundary of the site (area of Lord Street opposite former Police Station) is within a 1 in 100 (1%) surface water flood event. It should be noted that the proposal includes attenuation tanks to ensure the surface water from the site (drains, roofs, green roof garden) would be restricted to discharge limit of 27 l/s to the satisfaction of Manx Utilities. This would need a condition for such details, including location of attenuation tanks. Overall, it is not considered from the information provided and the area of the surface water flood risk (main adjacent to site) that there is any significant surface water flood risk.
- 6.9.9 Overall, with an appropriately worded conditions in place, which gives more details of the de-mountable style flood defences and attention details for surface water all being submitted before works commence, this would overcome the potential issue of flooding of the site. With a planning condition restricting the ground floor units being attached to any approval, this would then require a change of use application to change these uses. Therefore, it is not considered a planning condition as suggest by the Flood Management Division restricting uses is required.

6.10 Designing out crime (CP7)

- 6.10.1 The test is whether the new development pay due regard to existing best practice so as to help prevent criminal and anti-social behaviour as far as reasonable possible. It is noted that the IOM Constabulary make comments and offer a number of possible suggestions to help prevent crime. It is considered these matters fall outside the planning remit (cctv / type of door security for example) but are matters the application should take into account. In terms of external lighting of the building and also the bus stands, these could be conditioned. In terms of street lighting this is not a planning matter as the Local Authority is responsible for street lighting.
- 6.10.2 The existing site which has little in the way of lighting and fenced off does not give person/s in the area or adjacent bus stops late at night/early in the morning particular comfort. The re-development of the site in a manner which provides overlooking of the bus stops, together with the improvement of the existing routes to the west of the site and the potential for increased evening activity on the quay side suggest that the development will contribute to an overall reduction of fear of crime.

6.11 Open space provision (GP4, RP3 & RP4)

6.11.1 As the development proposes more than 10 residential units (i.e. 85 apartments) an Open Space provision is required. Using the figures within Appendix 6 of the IOMSP the proposal would require the following amounts of Public Open Space;

- Formal (81 + 2520 + 648) = 3249sqm
- Children's (27 + 840 + 216) = 1083sqm
- Amenity (36 + 1120 + 288) = 1444sqm

Total = 5,776sqm (0.57 hectares).

6.11.2 It should be noted that the application site is approximately 0.57 hectares in area and therefore the POS requirement is essentially the size of the application site. Given the proposed development on a brownfield site within the centre of Douglas and close to existing areas of Public Open Space (Douglas Promenade), it is considered the principle of seeking commuted sum payment in lieu of POS is appropriate on this site, which is not an uncommon occurrence of town centre sites.

6.11.3 Douglas City Council who would receive any POS commuted sum payment have advised that they have calculated that a commuted sum payment, based on the amended scheme of £473,175.30 should be payable via a Section 13 Legal Agreement, should be provided.

6.11.4 In terms of payment of this commuted sum, as per the comments within the affordable housing section of this report, the applicants consider the overall development is unviable with the payment of such amount. This is considered in greater detail in section 7.0 of this report. However, should such commuted sum not be provided, then the proposal would be contrary to Recreation Policy 3 and is sufficient reason to refusal the application.

6.12 Fire Risk (CP10 & 11)

6.12.1 The IOM Fire and Rescue Service have highlighted a number of non-compliance issues with the proposal once a Building Regulations application is submitted which the applicants are fully aware of.

6.12.2 The applicants on the matter of fire safety have indicated;

"The building will primarily meet the criteria as set out in Approved Document B (2019 edition incorporating 2020 amendments), to satisfy Schedule 1 Part B of the Isle of Man Building Regulations 2014. Where it is not practicable to meet the guidance in Approved Document B, a fire engineered solution has been proposed. All residential areas will be fitted with a residential sprinkler system to BS 9251. The commercial areas and car park which adjoin the residential towers will be provided with an automatic water mist system to BS EN 14972, which will offer an equal level of protection to that of sprinklers. Any unsprinklered non-residential areas will be limited to a compartment size of less than 5000m³.

All layouts have been developed with the fire consultant and include firefighting shafts (where appropriate) which will serve: the cinema plot, and the 12-storey residential tower. Firefighting lifts will also be provided where necessary. The 12-storey residential tower has also been developed to include 2 x stair cores, with separate escape routes at ground floor. Evacuation lifts for non- ambulant occupants will also be considered further at the detailed design stage. Further details on fire safety are provided in the Fire Solutions Document prepared by Innovation Fire Engineering as part of the planning application"

6.12.3 The matters highlighted by the Fire and Rescue are matters which would require a Building Regulations Application to be made and issues relating to fire would be considered at this detailed stage by the relevant Authorities (Douglas City Council Building Control and Fire and Rescue Service). Due to this and no fundamental objections have been received in terms of; "...as far as is reasonable and practicable, pay due regard to best practice such as to prevent the outbreak and spread of fire" (CP11) or on the grounds that there isn't "...proper access for fire-fighting vehicles and adequate supplies of water for fire-fighting purposes." (CP10), it is considered the proposal complies with CP10 & 11.

6.13 Public transport provision (GP4, TP 1 & 2, TF4 DMP & MUA 5 APE)

6.13.1 The applicants have been in discussion with the DOI (including Bus Vannin) and it has been agreed that the current proposal to provide five bus stands and realignment of the bus stops is acceptable, and the applicants will provide these. It is proposals considered the proposal to be an improvement over the existing (previous application proposed a similar arrangement) with improved facilities, safety pick up & drop off for passengers and new bus shelters which are located parallel with the highway edge (Lord Street) rather than having the public footpath running in between. Furthermore, an information centre is located along Lord Street (opposite bus stand B) which will also include internal seating area and public toilets.

6.13.2 It needs to be noted that the land use designation for this site is not for an entirely new bus station. The current land-use designation is; "Mixed Use". The Mixed Use Proposal 5 of the APE in fact comments that; *"There will be a presumption in favour of large or comprehensive development schemes for uses in the following categories: Tourism/hotel; Leisure; Entertainment; and Food and drink"*.

6.13.3 The Policy does comment that; *"Provision must be made for public transport and a multi-storey car park within the area."* In relation to public transport, it is considered the proposal meets this requirement for the above reason.

6.13.4 The Douglas Master Plan, which as mentioned previously informed the APE, also discusses this topic (Recommendation TF4) by stating: *"...The bus station for Douglas is also to remain on Lord Street"*. Again, the proposal would meet this aim.

6.13.5 On balance, it is considered the proposal from this respect meets MUP5 and the relevant policies within the IOMSP.

6.14 Connectivity through the site (STP10, TP 1,2 & 4, TF4 DMP & MUA 5 APE)

6.14.1 Part of the Douglas Master Plan TF5, it was recommended that any re development of this site and neighbouring sites to the north should have a pedestrian linkages running through them, which perhaps could lead to Fort Street potentially becoming pedestrianised and consequent link into Stand Street. This would then extend the retail circuit across the town. Ideally, this current scheme could have had a pedestrian footpath running through the centre of the site. However, while this is not proposed; nor approved with the previously application, the existing footpath which runs along the western boundary of the site would be retained and the opportunity still exists for this footpath to be upgraded (within the application site so a condition for additional details could be sought). It is noted that regeneration of the highway has been completed along Market Hill and Chapel Row to the west of the site has been undertaken since the approval of the previous application. Ideally, once any development on Lord Street has been completed, then the area to the rear of Barbary Coast and Harris Lane could also be improved, but these fall outside the application

site and are within the remit of the DOI. This proposal would not prevent such works from taking place.

- 6.14.2 Accordingly, this aim of the master plan could still be achieved, albeit perhaps not as a "grand plan" as proposed which include a "Wintergarden" running through the centre of the site also. The APE is silent on this overall proposal of improving pedestrian connections from the area to Duke Street/Stand Street. It is also acknowledged that in recent times planning approval (18/00889/B) was granted and works completed recently for "Street paving and associated regeneration works" which included Market Hill, Chapel Row and a section of Lord Street/Duke Street (area where pedestrian crossing is located), which critically would improve the area, improve pedestrian movement and connectively from North Quay to Duke Street. Therefore, while the Douglas Master Plan suggests a possible solution, to improve connectivity; arguably, with this recently approved completed schemes and with existing footpaths retained (between Albert Hotel and site), it is considered the overall aims of the Douglas Master Plan would still be met, albeit it would in a different way. It should be also acknowledged that the Douglas Master Plan was a aspiration and gave indicative way of regenerating Douglas in a number of ways, albeit not set in stone or as policies. The Area Plan for the East and namely MUP5 does not require a "Wintergarden" on the site and so it is not considered a refusal on this ground could be upheld.

6.15 Contaminated land (EP26)

- 6.15.1 The redevelopment of previously developed land can raise concerns about how contamination will be addressed, both in terms of the wider environment and for the safety of future users of the site. The identification of risk and identification of suitable mitigation measures has been identified within the EIA and so it is considered that the proposal complies with the policy.

6.16 Ecology (EP22)

- 6.16.1 Since the approval of the previous application the nearby Douglas Harbour/Marina has been adopted as; "of Douglas Bay Marine Nature Reserve" (MNR), which is a statutorily designated Nature Conservation Area. The site is approximately 20 metres to the north of the Harbour, with North Quay highway and parking areas running between the site and the harbour.
- 6.16.2 On this matter, Inland Fisheries (DEFA) have provided comments raising no objection, but raising the potential issue of the likelihood of untreated wastewater or surface water runoff reaching the MNR. They note that once the development is operational, all foul and surface water runs into the existing public sewer systems in the area and therefore any potential runoff from the site to the MNR is prevented. Accordingly, they have no objection to the development. They do seek that the applicants discuss/agree with them prior to construction and preparatory works taking place to ensure compliance with the Wildlife Act 1990, associated Marine Nature Reserves legislation, and thereby ensure that the interest of the MNR are protected. Given other Legislation deals with this matter this falls outside the planning remit.
- 6.16.3 As noted all foul and surface water runs into the existing public sewer systems in the area. No objection has been received to this.
- 6.16.4 No additional comment in relation to ecology have been raised.

6.17 Wind Management Design

- 6.17.1 Comments received have been received in terms of concerns of safety concerns due to the buildings impact upon wind. As part of the submission the applicants have submitted wind testing information undertaken by specialist in this field. This identifies some localised areas where mitigation has been proposed (in the way of screens of varies heights and designs, landscaping and fabric canopies) and these have been incorporated into the scheme.

7.0 SECTION 13 LEGAL AGREEMENTS

- 7.1 As noted within this report there are two matters which generally require a Section 13 Legal Agreement. The first relates to Public Open Space in lieu of the shortfall of onsite provision, which a figure of £473,175.30 which has been calculated by Douglas City Council. The applicants have not disputed this POS sum; albeit due to viability concerns have suggested an "open book review mechanism". This review mechanism is also proposed in relation to the commuted sum payment in lieu of affordable housing which has been calculated to be £1,100,750 million. Again, the applicants have not disputed this Affordable Housing sum.

Estate and Housing Viability Assessment

- 7.2 Estate and Housing (DOI) comments can be read in full in the representation section of this report and online (dated 10 Feb 2026 – CON PUBLIC ESTATES 06.02.2026 & DEVELOPMENT VIABILITY APPRAISAL LORD STREET 23 FEB 26), the latter also includes full details of the Estate and Housing submission which included a Development Viability Appraisal (DVA). In terms of the details and process of this appraisal, Estate and Housing comment;

"Following on from this Appraisal, the DOI prepared its own Development Viability Appraisal (DVA), using the services of a local long-established Chartered Quantity Surveying practice (Bell Burton Associates) to obtain an independent opinion on the construction costs for the proposed development, together with all ancillary costs relating to the usual elemental cost analysis for both measured and contingent costs, professional fees for the design team etc. The Department utilised the services of a local commercial estate agent to seek an opinion on the commercial elements of the scheme, and used the Department's own data records of selling prices for residential units in Douglas, particularly comparables from waterside locations and of medium to high quality standards. The commercial and residential selling and letting prices make up the Revenue portion of the Appraisal."

- 7.3 These detailed assessments submitted by Estate and Housing which utilised the findings of the calculated Construction Costs and also the Total Development Cost all prepared by Bell Burton Associates, who consider;

- Construction Costs = £47,930,600
- Total Development Cost = £61,969,050

The Total Development Cost figures includes (but not limited to); 5% Design & Contingency cost, Professional Fees, Site Acquisition & Costs and Financial Costs, all being the other main costs giving the Total Development Cost.

- 7.4 The Bell Buton Associates do comment that the Total Development Cost is similar to applicant's submission (below) of £64,190,450 and the difference is assumed to comprise includes a 10% contingency (instead of the 5% included in the Bell Buton assessment) and therefore they conclude that this would account for the majority of the difference of the Total Development Cost figures. If a 10% contingency was calculated this would give a Total Development Cost of £64,369,050 (i.e. an extra 5% equates to an additional of approximately £2.4 million).

- 7.5 As outlined in section 7.0.2, taking the figures from the Bell Buton assessment, Estate and Housing have sought comments from utilised a local commercial estate agent and also from the Government Valuer for the commercial date and their own data records of residential selling prices namely in Douglas, to determine the Gross Development Value (i.e. rental values of commercial units and selling price of apartments). These figures are listed separately in the DVA for each development element; however, in terms calculating the year rental figure (and Capitalised Value i.e. this is estimated current worth of an income-producing asset) of all the commercial units this would equate to;
- Restaurant/Retail/Office/Cinema = £705,141 (£7,183,048)
- 7.6 For the selling value of the apartments the figure would equate to;
- 78 Apartments lower levels 1-7 floors = £43,688,300
 - 7 Apartments tower floors 8-11 floors = £10,462,800
- Included in the Capitalised Value is the Ancillary and Bus Information Centre (£575,000) which is based on an agreement whereby the DOI pays the applicant the full amount for the provision of the Bus Terminal including bus stands and all associated interior facilities, and Residential Ground lease portfolio (yearly ground rent income £25,415 - Capitalised Value £462,091).
- 7.7 The Island Infrastructure Scheme Grant (DfE) is also included, based on the total costs of the development (excluding land cost and associate costs) up to 25% of this total cost which has been calculated as £15,667,909. The DOI used the IIS Scheme Guidance and the Tynwald Policy for reference and assessed the percentage and Profit figure is based on the Island Infrastructure Scheme Grant contribution of 25% of overall qualifying costs and that without this Grant, the scheme is approximately cost and GDV neutral; that would mean that the scheme would not be viable.
- 7.8 Estate and Housing conclude that the Gross Development Value (i.e. value of a development once construction has been completed, or the total sum of the sales values for the finished development) of the development is;
- Gross Development Value = £79,475,182
- 7.09 They conclude that when the Total Development Cost is taken away from the Gross Development Value, this would result in a Developers Return/Profit of;
- Developers Return/Profit = £15,706,444
- 7.10 This return equates to a Gross Development Value profit percentage of **19.75%.**
- 7.11 Estate and Housing have also included into the Development Costs the Affordable Housing and Public Open Space contributions (commuted sums) and equated to a Gross Development Value profit percentage of **17.12%.**

Applicants Viability Appraisal

- 7.12 The applicants have submitted a Viability Appraisal for the amended scheme prepared by Black Grace Cowley, which includes Chartered Surveyors and development professionals with experience in large scale mixed-use and residential-led regeneration projects. This appraisal is viewable online dated "26th Nov 2025" titled; "Viability appraisal Part 01 & 02".

- 7.13 This Viability Appraisal does not provided any breakdown or “workings” on how the costs have been determined. Accordingly, the only figures outlined are essentially the final Total Development Cost (TDC), Market Gross Development Value (GDV), Developer’s Profit/Loss, Profit as % of Gross Development Value. This is unlike the Estate and Housing submission which includes more details in terms of figures and calculations. The applicants Viability Appraisal gives two sets of figures only, the first without the Island Infrastructure Scheme (IIS – see section 4.4.15 of this report) which is a grant and/or loan, towards development projects of up to 25% of eligible expenditure, and the second figures with the IIS included.

Without IIS

• Market Gross Development Value	= £60,198,986
• Total Development Cost	= £64,190,450
• Developer’s Profit/Loss	= £3,991,464
• Profit as % of Gross Development Value	= -6.6%

With IIS

• Market Gross Development Value	= £60,198,986
• Potential IIS Grant	= £16,000,000
• Total Gross Development Value	= £76,198,986
• Total Development Cost	= £64,190,450
• Developer’s Profit/Loss	= £12,008,536
• Profit as % of Gross Development Value	= <u>15.8%</u>

- 7.14 The applicants argue that even with the IIS the scheme return of 15.8% is below the 20% Gross Development Value benchmark which is identified as best practice in both the UK and the IOM. They also highlight that the IIS is not currently approved, the applicant does not presently meet the published IIS criteria, the programme is technically closed; and there is no confirmation quantum or timetable for any funding decision.

- 7.15 In conclusion their Viability Appraisal comments;
“...In our opinion, consistent with DEFA’s Section 13 Operational Policy §5.4, Planning Practice Guidance on Viability and the RICS FVP (2023) requirements, the only appropriate and robust route is to:
 • *recognise the scheme as unviable on present-day facts, and*
 • *secure any future affordable-housing and open-space contributions solely through a post-completion open-book review mechanism, under which any surplus above the agreed 20% GDV benchmark is first applied to the affordable-housing commuted sum and then to openspace.”*

- 7.0.16 Further, they consider a benchmark of 20% of GDV is the minimum defensible position as it;
- aligns with DEFA policy,
 - aligns with RICS and national PPG,
 - reflects the position taken in discussion with DoI Housing (Brett Woods),
 - is supported by empirical evidence in Lichfields’ Fine Margins, and
 - correctly calibrates the risk profile of a large, single-phase, mixed-use regeneration scheme in a small island market.

Conclusion

- 7.0.17 The main crux of the argument from the applicant is that a Profit as % of Gross Development Value of 15.8% is insufficient and makes the scheme unviable to be able to provide Affordable Housing or Public Open Space, either physically on site and/or a commuted sum payment. If it is accepted that commuted sum are allowable, then total commuted sum in lieu of Affordable Housing (£1,100,750) and Public Open

Space (£473,175.30) totals £1,573,925.30. This equates to a Total Development Cost of £65,342,663 and therefore the give a Profit as % of Gross Development Value of 17.78% (profit of £14,132,519). It is noted that Estate and Housing have a greater POS contribution of (£491,631) which was an earlier figure that Douglas City Council sought before the latest amendments. Estate and Housing considered that a Profit as % of Gross Development Value of 19.75% is a sufficient to make the scheme viable, given the proposal is a residential-led project, constitute 77.60% of the total floor area. Therefore, this informs Estate and Housing that a Developer Profit should be classified as 20% GDV as the target profit margin for housing delivered on the open market is a reasonable and fair approach. They do also highlight that the Developer Profit for Affordable Housing is 6%. Estates and Housing note there is no evidential benchmark (GDV) for "mixed use" developments mentioned within the relevant guidance/Papers used to judge an acceptable rate of return, only that brownfield may require a higher developer profit to encourage development.

7.0.18 It is noted that DEFA's Operational Policy of Section 13 Agreements comments;

"In relation to viability assessments, it is noted that the Royal Institution of Chartered Surveyors publishes guidance which may be relevant, as does the Ministry of Housing, Communities and Local Government. Given the complexity of such assessments there may be points which are not covered by this Operational Policy and only in such circumstances may it be appropriate to use guidance from other parts of the British Isles (see paragraph 1.6.1 of the Strategic Plan). Such guidance may be relevant as far as it relates to points about which this Operational Policy is silent. However, in the case of any discrepancies, this Operational Policy should take precedence."

7.0.19 Furthermore, the Policy includes commentary of; "A reason return to the developer", where it states;

"This is in part a reward for taking the risk to carry out the development and so will take into account both site specific and wider market risks. This will take into account the market at the time of the decision and the availability of finance, and any anticipated changes to these over the life of the build. A scheme with a secure end-user (for example affordable housing) may therefore represent a lower level of risk. Emerging UK guidance suggests 6-20% of Gross Development Value is a suitable return for housing built for sale, depending on the type of scheme and the level of risk."

7.20 Further, the Operational Policy considered "unviable development" and indicates;

"The Development Plan sets out policy requirements – including general requirements in terms of affordable housing and public open space, or site-specific requirements within a development brief. If a development is unable to comply with these (including due to viability issues) it is unlikely to be supported. However, the Development Plan is not the only material consideration in the determination of planning applications. There may be cases where a proposal does not comply with the development plan but can demonstrate 'other material considerations' which may include that there is an overriding and immediate need for the development and it is rendered unviable by the policy requirements."

7.21 Considering Guidance/Papers from UK, the Planning Policy Guidance (PPG) and Royal Institution of Chartered Surveyors (RICS) both assume 15-20% is a suitable return for developers in order to establish the viability of plan policies (i.e. comply with the policies and make suitable contributions as and when required). It also comments that a lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and

reduces risk. They do also suggest that other returns according to the type, scales and risk profile of the development could be considered, albeit do not go into further detail.

- 7.22 In relation to the remainder of the mixed use (i.e. commercial units) as mentioned there is no clearly identified benchmark. However, it is note that the applicants Viability Assessment comments that;

"A total of 85 high -quality apartments are provided, across 3 residential blocks on Lord Street, Parade Street and North Quay, compromising of a unit mix of 1 beds,, 2 beds, 3 beds and 4 beds, with restaurant / café spaces at ground floor level, much needed commercial spaces across the scheme."

- 7.23 It would appear to be accepted that the remaining of the "commercial space" is in demand, which in turn reduces the risk to the developer. Given 77% of the development is made up of residential development which falls within the generally accepted 15 to 20% range of acceptable rate of returns (including the AFH & POS), which includes the Operational Policy which takes precedence.

- 7.24 It is agreed by both parties (Applicants/Estate and Housing) that without the Island Infrastructure Scheme the development is not viable and potentially a loss-making development according to applicants Viability Assessment, in the region of a loss of £4million. Accordingly, without the grant the development would not likely be undertaken. Therefore, when considering the viability assessments, the inclusion of the Island Infrastructure Scheme Grant in the calculations is considered fair and reasonable.

- 7.25 It should be noted that the following schemes have benefited from the Island Infrastructure Scheme (varying amounts & and payable on completion of developments) and still provided the relevant AFH and POS contributions;

- 22-28 North Quay, Douglas (two planning applications)-
 - Erection and conversion of eight apartments and two retail units - 22-26 North Quay - 25/90441/B - AFH commuted sum £140,994 agreed.
 - Conversion of No.27 to form one retail unit and one apartment, and demolition and replacement of No.28 with one retail unit and one townhouse - 27-28 North Quay - 25/90789/GB - AFH commuted sum of £140,994 and POS commuted sum of £52,732 agreed.
- 42-50 Duke Street, Douglas - mixed use development with ground floor retail units and residential apartments - 20/00679/B – AFH commuted sum of £185,346 and POS commuted sum of £12,960 agreed.
- Lake Road, Douglas – Residential Development Comprised of 109 Apartments and Associated Infrastructure - 24/00310/B – 6 no. affordable 2-bedroom apartments for First Time Buyers and AFH commuted sum of £1,100,750 and POS commuted sum of £64,154.50 agreed.
- Ocean Castle Hotel, Port Erin - 38no Apartments and associated Landscaping, Drainage and Car Parking - 23/01348/B - AFH commuted sum of £442,168 and POS commuted sum of £15,000 agreed.

- 7.26 It should be noted that in relation to Affordable Housing that Housing Policy 5 states;
"...the Department will normally require that 25% of provision should be made up of affordable housing...". It is not an absolute figure, only "normally require". This is also highlighted within the Operation Policy which comments;

"...25% requirement for affordable housing will 'normally' be sought, however this may vary (either up or down) depending on a number of considerations, including the viability of the scheme. Where a scheme can be demonstrated to be unviable it may therefore be appropriate to consider reducing the affordable housing provision. In such circumstances it will be necessary to understand the implications of this in terms of meeting local demand for affordable housing."

7.27 While it is accepted that in majority (if not all) of applications where Affordable Housing is required, the figure of 25% is sought and normally is provided by applicants, there is the potential for flexibility. The applicants have not sought any flexibility on this figure or been open to any negotiation of it. Furthermore, the applicants should have been aware of the required Affordable Housing and Public Open Space requirements/contributions when purchasing the land and take account of these when purchasing the site. As outlined previously, these policy requirements came into force in 2007 well before the applicants had any interests in the site and before they purchased the site. Accordingly, they are not costs which are unexpected.

7.28 What is now proposed by the applicant is a "Review Mechanism" and proposes this would be undertaken by the following process;
"Three months after Practical Completion, an independent chartered surveyor/accountant will conduct a full open-book review of:

- actual construction costs*
- actual professional fees*
- actual financing costs*
- actual sales values / rental values*
- audited project accounts*

If the completed project produces a surplus above the 20% GDV benchmark, that surplus will be applied:

- 1. First to the affordable-housing commuted sum (approx. £1.1m)*
- 2. Then to the open-space contribution (approx. £480k)*

If no surplus arises, no payment is due, ensuring the scheme remains deliverable. This structure provides maximum transparency, maximum fairness, and full policy compliance while avoiding assumptions that cannot lawfully be made at decision stage."

7.29 It is noted that Douglas City Council have accepted the applicant's proposal for the "Review Mechanism" as outlined earlier within this report, however they have not set out any technical assessment/explanation of their position.

7.30 The proposed approach has not been used on the IOM previously. The Department has concerns (shared by Estate and Housing) of how practical and whether such a process would work. Estate and Housing have clearly outlined that they do not support such an approach within their representation (section 5 of this report) where they have outlined a number of fundamental issues. The Department since the adoption of the previous IOM Strategic Plan in 2007 has successfully been seeking and obtaining Affordable Housing & Public Open Space either physically on development sites or commuted sum payments. Accordingly, there is concerns with this new approach and would potentially open the door for similar approach being used for other sites which may impact the deliverable of Affordable Housing and Public Open Space, which has to date been working successfully for almost 20 years. Significant material planning weight is attached to the representations made by of the Estate and Housing Division on all the matters outlined given their expertise in these matters and independent data sought from the relevant consultees.

- 7.31 As noted earlier in this report, both the IOMSP and the Operational Policy on Section 13s highlight that where detailed Manx policy or guidance is not available, regard may be had to practice elsewhere. It is noted that the revised National Planning Policy Framework for England Viability Planning Practice Guidance sets out an expectation that reduced contributions should be justified by a full (and public) viability assessment and that the role of review mechanisms is to ensure that, where an initial lower contribution is justified, this does not preclude later policy compliance should circumstances change (see 4.6.1).
- 7.32 The IOM legislative and policy context is different to that in England, and consideration of English practice should therefore be done cautiously. Regard is not normally had to the NPPF or practice guides as most matters are covered by Manx policies and guidance. This is to some extent true of the approach to legal agreements. However, what the above does illustrate is that reliance on a review mechanism without first providing a robust viability assessment is not a normal approach elsewhere.
- 7.33 Overall, from the information submitted and representations received, the Department considers the proposed development is viable, being within the Departments Operational Policy which suggests 6% - 20% of Gross Development Value is a suitable return for housing built for sale, which is especially relevant in this development, given 77% of the total floor area of the development is residential or connected to the residential element of the proposal (i.e. car parking and residents shared gardens). Furthermore, the applicants have confirmed in their own submission that there is; *"...much needed commercial spaces across the scheme"* for the remainder of the floor area of the development and therefore this can only reduce the risk of this element of the proposal.
- 7.34 It is considered that Affordable Housing and Public Open space provision should be made at this stage via a Section 13 Legal Agreement. Due to this, it is not considered the "Review Mechanism" proposed is either required or appropriate. Therefore, it is considered the application is contrary to Housing Policy 5 and Recreation Policy 3 of the IOMSP. This weighs significant against the proposed development and is sufficient sole reason to refuse the application.

Other S13 matters

- 7.35 Should the application be approved, a Section 13 Legal Agreement should ensure all the elements relating to the; drivers' welfare, public WC's, internal public bus seating area and travel/tourist information centre and provision of five bus stands on Lord Street with associated waiting areas/bus laybys are provided prior to the development becoming into operation or within an agreed timescale.

8.0 CONCLUSION

- 8.1 Overall, it is considered the development proposed would result represent a significant development of one of the more prominent sites within Douglas, which has lay underutilised for many decades. The uses proposed would generally comply with the APE, (subject to condition attached restricted some uses to the ground floor commercial units), IOMSP and Douglas Master Plan and therefore the proposal in terms of the principle of development is considered acceptable.
- 8.2 It is acknowledged that the design may not be to everyone's tastes, and the tower section of the proposal at 12 storeys tall will have a significant visual impact from certain identified locations as well as having a significant change to the character and openness of the adjacent street scenes. Notwithstanding this, it is considered the proposal would represent a contemporary designed development in proportion, form

and finishes which would be beneficial to the existing variation of design styles in the area currently and be the continued evaluation of the built form in the area. This included a condition for further details/discussion of the finishes, namely the colour. The mass, size and scale of the buildings are substantial, and there should be no doubt that the building would become a prominent feature from a number of locations identified in this report. However, it is considered this site is a size and on a prominent corner plot which can accommodate the size, scale and mass of development and site well within the various street scenes. There are concerns of the potential impact upon the landscape character of Douglas Head/headland by the potential for the tower section to project above and this weighs against the proposal.

- 8.3 The site is not within a Conservation Area, albeit adjoins/close to two Conservation Areas and near to Registered Buildings. However, while it is acknowledged that given the new buildings size, mass and scale it is substantial, it is not considered the proposal would detrimentally affect important views into and out of the Conservation Area nor adversely affect the settings of the Registered Buildings. There are considered benefits to the area/views into and out of the Conservation Area through the redevelopment which would represent an improvement to such views, which currently is a large unattractive car park which has a negative visual impact upon the Conservation Areas and the setting of the Registered Building. Furthermore, it is noted that the North Quay is made up of a variety of building designs (Arts & Craft, Victorian, Gothic Revival, Georgian & 18th- 20th century Industrial), finishes and scales and this would just continue this evolution of development in the area.
- 8.4 In terms of parking provisions and highway safety issues, no objection has been made from Highway Services, it is considered the proposal, which is located in a sustainable area within Douglas centre, would comply with the IOMSP policies relating to parking and have no adverse impacts upon the highways to warrant a refusal.
- 8.5 The provision of bus stands, waiting room, drivers' welfare and associated facilities all weight in favour of the development and would have clear benefits to user of the bus services.
- 8.6 The main outstanding concern with the proposal relates to the lack of provision for Affordable Housing and Public Open Space contributions. It is considered from the detailed evidence provided and representations received from Estates and Housing that the proposal is a viable development and one which could provide Affordable Housing and Public Open space provision either physically on site or as a commuted sum. It is not considered the suggested "Review Mechanism" is an appropriate alternative mechanism. Therefore, it is considered the application is contrary to Housing Policy 5 and Recreation Policy 3 of the IOMSP.
- 8.7 All other matters covered within this report are considered acceptable and comply with the relevant policies outlined.
- 8.8 While the proposal has a number of benefits, namely redeveloping a site which has remained undeveloped for a number of decades, it is considered the non-provision of Affordable Housing and Public Open Space are too great of a departure from established planning policies to approve. Accordingly, it is considered the application would not comply with Housing Policy 5 and Recreation Policy 3 of the IOMSP and therefore the application is recommended for a REFUSAL.

9.0 RIGHT TO APPEAL AND RIGHT TO GIVE EVIDENCE

- 9.1 The Town and Country Planning (Development Procedure) Order 2019 sets

out the process for determining planning applications (including appeals). It sets out a Right to Appeal (i.e. to submit an appeal against a planning decision) and a Right to Give Evidence at Appeals (i.e. to participate in an appeal if one is submitted).

9.2 Article A10 sets out that the right to appeal is available to:

- applicant (in all cases);
- a Local Authority; Government Department; Manx Utilities; and Manx National Heritage that submit a relevant objection; and
- any other person who has made an objection that meets specified criteria.

9.3 Article 8(2)(a) requires that in determining an application, the Department must decide who has a right to appeal, in accordance with the criteria set out in article A10.

9.4 The Order automatically affords the Right to Give Evidence to the following (no determination is required):

- any appellant or potential appellant (which includes the applicant);
- the Department of Environment, Food and Agriculture, the Department of Infrastructure and the local authority for the area;
- any other person who has submitted written representations (this can include other Government Departments and Local Authorities); and
- in the case of a petition, a single representative.

9.5 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 the Right to Appeal.

PLANNING AUTHORITY AGENDA FOR 2nd March 2026

Item 5.2

Proposal : Erection of two semi-detached dwellings
Site Address : Plot Of Land / Site Adjacent To
56 Glenfaba Road
Peel
Isle Of Man

Applicant : Mrs Louisa Bawden
Application No. : [23/00985/B](#) - click to view
Planning Officer : Lucy Kinrade

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. All new windows to the front elevation shall be installed with vertical sliding sash and shall be retained as such thereafter.

Reason: In the interest of character and appearance, to ensure traditional window opening method in keeping with the surrounding conservation area.

C 3. The external walls shall be finished in painted render as detailed on the approved plans and retained as such thereafter.

Reason: in the interest of visual amenity.

C 4. With exception to the rooflights hereby approved the roof shall be finished in slate or slate effect tiles and retained as such thereafter.

Reason: in the interest of visual amenity.

C 5. Prior to the occupation of any dwelling hereby approved both chimney stacks as shown on drawing number 23/3195/02 B shall be finished in full accordance with the details approved and retained as such thereafter.

Reason: in the interest of character and appearance of the site and conservation area.

C 6. Prior to the occupation of any dwelling hereby approved details of the render band at eaves level shall be submitted to and approved in writing by the Department. The render works approved shall be full installed with the details approved prior to occupation of any dwelling.

Reason: in the interest of character and appearance of the site and consideration area.

C 7. The stone boundary wall along the frontage shall be finished in naturally laid stone in full accordance with those details shown on drawing number 23/3195/02 B within 6 months of any dwelling first being occupied.

Reason: in the interest of character and appearance of the site and conservation area.

C 8. The front door hereby approved shall be installed in a four panel design as shown on drawing number 23/3195/02 B and retained as such thereafter.

Reason: In the interest of character and appearance of the site and conservation area.

C 9. The finished floor levels, eaves and ridge height of the development hereby approved must be finished in full accordance with those details shown and approved on drawing number 23/3195/01C and 23/3195/02B and retained as such thereafter.

Reason: the application has been considered on this basis in the interest of character and appearance of the site and surrounding area and neighbouring amenity.

Reason for approval:

The proposal is considered to have an acceptable impact on the character and appearance of the site and surrounding conservation area in line with Environment Policy 35 and Section 18 of The Act 1999 and suitably worded conditions will ensure the external elevations will be finished in accordance with the plans in line with GP2 (b, c, g). By reason of its design, distance and relationship with the neighbours is not considered to result in any significant adverse impacts on neighbouring amenity or living conditions in line with GP2 (b, c, g). Concerns have been expressed in respect of highway safety matters, however on assessment of the information provided it is considered that on-street parking demand of the two dwellings could be accommodated in the area without adverse road safety or network efficiency effects in line with GP2 (h and i). It would be unreasonable as part of this application to restrict on street parking with double yellow lines, and such restrictions would be a matter to be considered outside of the planning process.

Interested Person Status

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

- o MU 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):

- o No. 2 Cronk Reayrt, Glenfaba Park, Peel

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):

- o Braesde, Glenfaba, Peel - as they do not refer to the relevant issues in accordance with paragraph 2C of the Policy and 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.

- o Representative of the IOM Victorian Society - is 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

THE APPLICATION IS BEFORE THE COMMITTEE AS THE LOCAL AUTHORITY HAVE OBJECTED AND THE APPLICATION IS RECOMMENDED FOR APPROVAL.

0.0 PREAMBLE

0.1 This report was included in the agenda for the 16.02.26 committee meeting and deferred to enable the applicant to attend. The report is otherwise unchanged.

1.0 THE SITE

1.1 The site relates to a plot towards the top end of Glenfaba Road, Peel located between No.56 and No. 58 Glenfaba.

1.2 The site is within the Conservation Area.

2.0 THE PROPOSAL

2.1 Proposed is the erection of a pair of semi-detached dwellings.

2.2 The key points of reference:

- o two storey with additional accommodation in the roof
- o Peaked dormers to the rear (serving attic living space)
- o Frontage = 12.3m wide
- o Side elevation gables = 6.7m deep
- o Eaves = 6.3m high
- o Central ridge = 9.2m high
- o Two gable chimney stacks 2.5m wide and top of chimneys = 10m
- o Rear single storey pitched roof extension (half for each proposed dwelling)

2.3 Across the front elevations each dwelling has the following arrangement (mirrored):

- o Ground floor
- o 1 x Front door, 2 x sliding sash windows and 1 x small window
- o First floor
- o 2 x sliding sash windows (one aligned above front door and one middle aligned above ground floor window)
- o Roof = 4 x rooflight

2.4 At the rear they have:

- o 1 x window ground floor
- o 1 x window first floor
- o Dormer and rooflight
- o Attached rear outrigger with back door and window on side elevation

2.5 The dwellings are to be finished in painted render throughout and with slate or slate effect tiles to the roof. Windows and doors are to be upvc/composite. String course detail is proposed at eaves level.

2.6 The front stone boundary wall is to be removed as part of the construction works and rebuilt n completion to the same level with some modifications to accommodate pedestrian gate and pillars for each dwelling.

2.7 Existing road level is indicated to be 100.00 (TBM) and the proposed FFL Ground floor is to be 100.200.

2.8 The application also seeks removal of an ash tree towards the rear of the site, and a willow towards the front of the site, along with removal of holly.

3.0 PLANNING HISTORY

3.1 No's 54 and 56 Glenfaba once had mirroring side gardens and both which have been subject to previous planning applications the dwelling nows erected on the side garden of No. 54 were approved in 2014.

3.2 The first application dates back to 2010, this was for three storey dwelling including front peaked dormer mimicking the design of No. 52. The height of the pair was akin to No. 54/56. In 2013 No. 54 then submitted an application for a duplicate set of dwellings within their garden, and this was approved at appeal. Neither of these applications were implemented. Then in 2014 another application was submitted by No. 54, this time their design was changed to two storey dwellings with integrated stacks, sliding sash and traditional render and slate materials. The case officer considered the revisions to offer an improvement to the streetscene. All three of these applications are considered relevant in this case, and particularly the 2014 application.

- o PA 10/01002/B Erection of a pair of semi-detached dwellings, Plot of Land Adjacent To 54 Glenfaba Road Peel Isle of Man - approved
- o PA 13/00686/B Erection of a pair of semi-detached dwellings - approved at appeal
- o PA 14/00258/B Erection of a pair of two storey semi-detached dwellings, Plot of Land Adjacent To 54 Glenfaba Road Peel Isle of Man

4.0 PLANNING POLICY

4.1 The site is designated on the Peel Local Plan 1989 as 'predominantly residential'. The site is within Peel Conservation Area. The site is not recognised as being at risk of flood and there are no registered trees on the site. The following policies are considered relevant in the assessment:

- o Strategic Policy 1 - development making best use of sites and existing infrastructure
- o Strategic Policy 2 - development directed to existing towns and villages
- o Strategic Policy 3 - development to take account individual character and identity.
- o Strategic Policy 4 - protect and enhance landscape and nature conservation value
- o Strategic Policy 5 - new development (including individual buildings) should be designed so as to make a positive contribution to the environment (and in some cases a Design Statement will be required)
- o Spatial Policy 2 - Peel recognised as service centre
- o General Policy 2 - general development standards
- o Environment Policy 35 - preserve or enhance conservation area
- o Environment Policy 42 - respects locality
- o Transport Policies 2 and 7 - parking standards
- o Community Policy 7 - designing out crime
- o Community Policy 11 - prevention of outbreak and spread of fire
- o Infrastructure Policy 5 - water conservation and management measures
- o Appendix - parking standards and where relaxation can be made.

4.2 Reference any relevant PPS or NPD

- o PPS 1/01 - Heritage

5.0 OTHER MATERIAL CONSIDERATIONS

5.1 Legislation

- o Section 18(4) of the Town and Country Planning Act (1999) states, "(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".

5.2 Policy/Strategy/Guidance

- o Manual for Manx Roads - parking standards
- o Residential Design Guide - local distinctiveness and sections 4, 5 and 7 - form and proportion of development, architectural details and impact on neighbouring amenity.

6.0 REPRESENTATIONS

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

6.1 Peel Town Commissioners - objection (10/10/2023) - parking provision does not meet the Area or Strategic Plan requirements.

6.2 Department of Infrastructure Highway Services - request for further information (14/11/2025).

- Four comments from DOI Highways have been received and have found the proposal to be broadly acceptable and without off-street parking being provided.
- Bus Vannin have no raised concern and request no-waiting restrictions on Glenfaba Road near the development to ensure buses can pass, as parking issues in other Peel developments have previously disrupted services.
- Currently, an undeveloped gap allows vehicles to pass, but without formal restrictions there's no guarantee it will remain unobstructed. Highways DC agrees restrictions would help maintain traffic flow.
- Introducing around 20m of parking restrictions would remove about four on-street spaces. Surveys suggest roughly 10 spaces exist locally; removing four leaves six spaces available and which can still meet the development's requirement for four spaces, though capacity becomes tight.
- Despite added pressure on parking, Highways DC considers the impact acceptable because the site is close to sustainable transport options and the formal passing space benefits larger vehicles.
- Highways DC therefore asks the applicant to fund double yellow lines, starting at the boundary of 54/56 and extending 20m south, which would also help large vehicles navigate the nearby junction.

6.3 Manx Utilities - Drainage - no objection subject to condition (11/01/2024) -There must be no discharge of surface water (directly or indirectly) from this proposed development to any foul drainage system(s) so as to comply with the requirements of Manx Utilities and the Sewerage Act 1999. The proposed dwelling must be connected to the public sewer(s) in a manner acceptable to Manx Utilities. All drainage works must conform to the requirements of "Manx Sewers for Adoption", any necessary CCTV surveys are to be carried out at the developer's expense.

6.4 DEFA Ecosystems - comments (31/08/2023) -Content for the inclusion of 2 bat boxes and 2 bird boxes on the new properties. We would request, however, would prefer integrated bricks for such as they are much longer lasting, will have reduced maintenance and will integrate better into the design of the building.

6.5 DOI - Public Transport - concerns (27/10/2025). Concerns over the potential impact of up to another 6 cars parked at this location on Glenfaba Road. Presently, at this location there is minimal car parking which provides a passing place for large vehicles (lorries and buses) travelling in each direction. The parking of cars outside the proposed housing will remove this passing opportunity. Can a 20m section of the road in the centre of this stretch of high be marked as no parking ("double yellow lines"). Development of houses on a

different street in Peel has led to bus service changes to avoid the area but in this instance, there is no alternative.

6.6 The following were also consulted but no response received as of 02/02/2025:

- o Manx National Heritage
- o DEFA Registered Buildings Officer

6.7 Comments received from neighbouring properties.

6.7.1 The owners of Braeside, Glenfaba - comments (16/09/2023) - they make reference to the inaccuracies on the original submitted drawings which incorrectly details the dwellings right of No. 54/56. The dwellings approved under 14/00258/B are lower than 56 and 54 Glenfaba road and only 2 storeys high, have no dormers or skylights. They felt the inaccuracies to be a major error in the application drawings, and it is extremely miss leading for any person, planning officer, or committee considering the drawings.

6.7.2 The owners of No. 2 Cronk Reayrt - Objection (12/09/2023, 20/09/2023, 18/03/2024 and 11/11/2025) - they raised a number of concerns and including parking surveys and photographs as part of their submission (summarised below and viewable online in full), they feel the proposals to be oppressive, overbearing, intrusive, visually imposing and out of character and raising a number of highway concerns:

- o Loss of light to the detriment of residential amenity - The proposed building height will affect natural daylight levels and will have a detrimental effect on the light enjoyed within their property and their mental health
- o Overshadowing/loss of outlook - Due to the proposed building height the dwellings will be an overbearing building structure within the existing street scene. As a result, their property will be dominated and oppressed by the proposed dwellings
- o Overlooking and loss of privacy - The proposed dwellings will have a detrimental effect on their mental health and result in an invasion of their private time and private space and result in a feeling of being watched.
- o Highway issues - Inadequate on-street parking facilities to accommodate the two additional dwellings and associated potential vehicles. The result of this would be long rows of vehicles along Glenfaba Road with no spaces to allow cars to pass causing an unnecessary obstruction to the flow of traffic on the main road coming into Peel from the South. There is also the potential damage that can be caused to vehicles and possible road traffic collisions
- o Layout and density of building design, visual appearance and finishing materials - The proposed building height will have an adverse effect on the existing street scene and doesn't integrate well with the properties to the South which are small Manx stone cottages built in the 1840s

6.7.3 Representative of the IOM Victorian Society - comments (25/08/2023) - raise comments in respect of window detailing and request sliding sash be conditioned as part of any approval.

7.0 ASSESSMENT

7.1 The land is designated for residential use and so the principle falls within that land use zoning and is accepted. The key tests in the assessment of the application fall to the planning history of the site, proposed works and their impact on character and appearance of the site and surrounding Conservation Area, whether there is any amenity impact on the neighbours, highway safety impact, and any other matters.

7.2 Planning History

7.2.1 A fundamental factor to consider in the case of this application is the planning history of the site and adjacent site (as per section 3.0 of this report). Initial drawings submitted for this application duplicated exactly the previous 2013 approval for a three storey dwelling with front peaked dormer. However, a notable change since then is the two storey dwellings now

built on the adjacent site next to No. 54 approved under 14/00258/B and their two storey design considered to be an improvement. The agent submitted amended drawing reflect the streetscene in relation to those dwellings built under 14/00258/B (dwg no. 23/3195/02/B).

7.2.2 These changes overtime were expressed to the applicant/agent and that duplicating the previous three storey design would be unacceptable, not having an improvement and their design now being out of keeping with the overall streetscene.

7.3 Impact on Character and Appearance

7.3.1 The officer for the 2014 discussed the infilling of the gap site. While on one hand its infill may result in the loss of a welcomed break in an otherwise continuous run of terraced properties, but on the other, its infill and resulting smaller gaps helping to improve the integrity of the terrace. These views are somewhat concurred. The large gap/garden sites either side are somewhat at odds with this side of Glenfaba where there are no other side gardens, and so the infill would not be unacceptable in principle.

7.3.2 Amended drawings were received and circulated Nov 2025 in seeking to overcome the concerns raised. These modifications sought to refine its front elevation by altering and reducing the window and door arrangements and omitting the front elevation dormer. The integrated stacks are now suitably proportionate in their size and detailing added below eaves helps to breakdown the render massing about the first-floor windows. All of these frontage changes cumulatively present an overall front elevation appearance that is more respectful to those traditional dwellings in the area, and their inclusion is an important factor weighing in favour of the proposal.

7.3.3 There has been a reluctance from the agent/applicant to reduce the overall height of the proposals to create a more comfortable step between No. 58 and seeking to maintain No. 54/56 as the prominent parent buildings and this is a factor that weighs against the proposal.

7.3.4 The key aspect and views contributing to the streetscene and Conservation Area are those of the front elevations of Glenfaba and resulting from the mix of traditional dwellings fronting directly onto the road with their form, massing, proportion, use of traditional materials and solid to void ratios contributing positively to the character of the area. At the rear views are achievable from the lower industrial area and from distance views along the quayside and Peel Hill, the form, massing and rooflines with their integrated stacks contributing to the traditional character, although its clear the rear has a mixed approach to rear extensions and alterations and presenting a flexibility in accommodating the proposed rear works without any significant harm or detracting from the already varied rear elevations.

7.3.5 The proposed dwelling is to be finished externally in painted render, sliding sash windows, four panel door, and slate effect roof. These materials are considered to respect the character of the area and acceptable. Conditions to secure the external finishes is considered appropriate including the below eaves detailing.

7.3.6 Highway safety matters will be addressed in full later in this report, however in terms of character and appearance of the site providing off road car parking along this side of the road is not typical and the continuation of such would remain in keeping with that character. The retention of a naturally laid stone wall along the highway boundary helps to maintain some of the traditional character and materials and like the other semi-detached dwellings here a suitable and in keeping boundary treatment. A condition ensuring its completion is necessary.

7.3.7 By reason of the overall form, massing, frontage design and selected materials, the proposed works are considered to fit within the overall character of the streetscene in this area noting the newer builds from 2014 and the overall appearance of the proposed dwellings reflecting traditional features found in the area including sliding sash windows and integrated

stacks. The proposal is considered to preserve the overall character and appearance of the Conservation Area in line with Environment Policy 35 and Section 18 of The Act 1999.

7.4 Neighbouring Amenity Impact

7.4.1 The site sits adjacent the rear of No's 2 and 4 Cronk Reayrt between which runs Glenfaba Road measuring approx. 8m wide. Just north-east of the site also sits the junction of Creggans Avenue which measures approx. 11m wide. No. 2 Cronk Reayrt sits on the corner plot with fairly open aspect due to the road widths and junction.

7.4.2 The proposed new dwellings will undoubtedly be noticeable from the rear of No. 2 and 4 Cronk Reayrt by infilling the currently empty gap site. This infilling will take away some of the views those properties currently achieve, however right to a view is not a material planning consideration, and loss of view is not an issue in this case. Although the proposed development will be two storey with living space in the roof, the distance between No. 2 and 4 Cronk Reayrt help to mitigate any overbearing impacts and which is further mitigated by the level changes and the open aspect of the junction at Creggans Avenue.

7.4.3 In terms of overlooking and privacy impact, the distance and level changes also help to mitigate significant impact, furthermore the density of development in this area is typical of similar distances and relationships between dwellings with a degree of intervisibility between them and this proposal would not be out of keeping.

7.5 Highway Safety Impact

7.5.1 Appendix 7 of the IOM Strategic Plan 2016 requires two car parking spaces per dwelling. Retention of the front boundary wall means that no off street parking is provided and so both dwellings relying solely on on-street parking in the immediate area. Comments from DOI Highway Services indicate that parking surveys have been provided by applicant and objector and thus DOI have taken an average between the results and this concluding that sufficient capacity remains in the area to cope with the demand for both dwellings.

7.5.2 The existing site frontage measures approx. 23m long. During the site visit this 23m was available and capable for on street parking without restriction. This area is available for on street parking by local residents presently and the proposal will not take this on-street parking away and will similarly be available for use by the new dwellings. Recent comments have been received from the Direct of Public Transport highlighting that the parking of cars outside the proposed housing will remove passing opportunity along the road and 20m of double yellow lines should be actioned in order to safeguard bus routes. However this area is not restricted at present and so cars can park here unrestricted now, and while the proposal may introduce two new dwellings to the area and they may park here or within other on-street locations (or within the car park nearby) it would be unreasonable to condition the need for double yellow lines as part of this application. It must also be noted that the Department of Infrastructure are the body responsible for enforcing traffic regulations and understood that such prohibition of on street parking could be considered now outside of the planning process.

8.0 CONCLUSION

8.1 The proposal is considered to have an acceptable impact on the character and appearance of the site and surrounding conservation area in line with Environment Policy 35 and Section 18 of The Act 1999 and suitably worded conditions will ensure the external elevations will be finished in accordance with the plans. By reason of its design, distance and relationship with the neighbours is not considered to result in any significant adverse impacts on neighbouring amenity or living conditions. Concerns have been expressed in respect of highway safety matters, however on assessment of the information provided it is considered that on-street parking demand of the two dwellings could be accommodated in the area without adverse road safety or network efficiency effects. Furthermore, in relation to this specific application and circumstances, it is considered it would be unreasonable as part of

this application to restrict on street parking with double yellow lines, and such restrictions would be a matter to be considered outside of the planning process.

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 consider 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 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.

Item 5.3

Proposal : Erection of a detached building to be used as a garage for the existing dwelling and residential annexe of self-contained living accommodation

Site Address : Orchard Cottage
Oatlands Road
Andreas
Isle Of Man
IM7 4ET

Applicant : Mr David Bashforth

Application No. : [25/90768/B](#) - click to view

Planning Officer : Lucy Kinrade

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 living accommodation hereby approved shall only be used/occupied for purposes incidental to the use of main dwelling house 'Orchard Cottage'. There shall be no separation or separate curtilage formed, and the living accommodation shall not be used as an independent dwellinghouse nor for any tourist or commercial use at any time.

Reason: To ensure proper control of the development which has been assessed only in terms of this restricted incidental use to the main dwellinghouse only, and in the interest of character, amenity and highway safety.

C 3. The development hereby approved shall be carried out in full accordance with the approved floor plan and elevation details on Drawing No. 100 Rev B and shall be retained as such thereafter.

Reason: To ensure the development is implemented in accordance with the approved details as assessed in the interest of character, appearance and overall permitted use.

C 4. The garage hereby approved shall only be used for purposes of parking and storage by the main dwellinghouse 'Orchard Cottage' and retained as such at all times. The garage shall not be used to provide any ancillary living or sleeping accommodation.

Reason: In the interest of character and appearance of the site as 'Orchard Cottage' was originally approved with conditions revoking any separate structures such as garaging which may have adverse visual impact on the rural setting.

C 5. All external stone cladding as shown on drawings 100 Rev B shall be installed in naturally laid stone and retained as such thereafter.

Reason: For the avoidance of doubt and in the interest of character and appearance.

C 6. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2025 (or any Order revoking and/or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the structure hereby approved shall be undertaken nor any means of enclosure or separate structures shall be constructed within the application site.

Reason: In the interests of the character and appearance from any external works or modifications, and to prevent any fences, walls or gates that might subdivide the site.

C 7. No site clearance, preparatory work or development shall take place until the tree protection measures as detailed on drawing number 002 Rev D are first installed in full accordance with the details shown. The development must be carried out in full accordance with the approved details. No alterations or variations to the approved tree protection scheme or working methods shall be made without prior written consent of the Department. The tree protection may only be removed once the development has been completed.

Reason: in the interest of visual amenity to ensure that all trees to be retained are adequately protected from damage to health and stability throughout the construction period in the interest of appearance and character of the site and locality.

C 8. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent from the Department. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and of native species and retained thereafter.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality

C 9. The development hereby approved must be carried out in full accordance with the approved replanting plan details as shown on drawing number 002 Rev D in the first available planting season prior to the first use of the development approved. Any trees or plants which, within a period of 5 years from their first planting, are removed, or, in the opinion of the Department, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Department gives written consent to any variation.

Reason: in the interests of visual amenity and to ensure the development is appropriately landscaped to be in-keeping with its surroundings and locality.

Reason for approval:

Given the information provided there is absence of harm to trees, ecology, drainage, highways and neighbouring amenity and suitably worded conditions will be added to ensure compliance with details as submitted. In terms of the proposed annex and garage, its subservient scale and design including selected palette of materials helps to reinforce its secondary appearance compared to the size and prominence of the main host dwelling Orchard Cottage and having an acceptable impact on character and appearance of the site and surrounding area. The physically attached garage and the close passing traffic in front of the annex both result in adverse amenity harm to occupants contrary to GP2g and EP22,

however this adverse impact is only accepted on the basis of the occupants being family members only, and this goes for the highway safety impacts too as the narrow shared lane is not suitable for any shared separate use. The final factor taken into consideration as part of this application is the geographical location of the site physically adjoining an established designated residential area and being connected to key infrastructure and bus routes in Andreas. For these reasons the proposal is considered on an exceptional basis to be acceptable subject to conditions relating to its use being linked with the main house only and not for any separate independent dwelling.

Right to Appeal

It is recommended that the following organisations should NOT be given the Right to Appeal:

- o DOI Highway Services - no objection subject to conditions which have been added

It is recommended that the owners/occupiers of the following properties should NOT be given the Right to Appeal:

- o Representative of National Annexe Planning Consultancy (NAPC), Watermoor Point Cirencester - no objection
 - o Representative of Society for the Preservation of the Manx Countryside and Environment - in Support
-

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE COMMITTEE AS IT COULD BE REGARDED A DEPARTURE FROM THE DEVELOPMENT PLAN AND IS RECOMMENDED FOR APPROVAL

THE SITE

1.1 The application relates to existing dwelling 'Orchard Cottage', Oatlands Road, Andreas. An existing dwelling approved as a replacement in 2008. The existing dwelling is detached, 2-storey, double fronted dwelling with a centrally located, flat roof neo-Georgian style front porch. The dwelling is finished in white painted render, with slate roof and two prominent integrated stacks on each gable end.

1.2 The site is located within a 1.35 acre site set back from the Oatlands Road and visible beyond the roadside open fields. The dwelling is accessed via a shared private lane off Oatlands Road. A registered tree belt provides a back drop to the dwelling RA0420, and within the site and behind the main house is registered tree RT1235.

1.3 Planning was recently refused for a detached garage/annex under PA 24/00217/B.
g

THE PROPOSAL

2.1 Proposed now is a revised scheme for a similar detached garage and annex.

2.2 The proposed building is to comprise a two-bedroom annex with bathroom, kitchen and living area. A single attached garage extends from the rear.

2.3 The front elevation is finished in stone and includes a window either side of the proposed front door. The side gables and rear elevation are to be rendered and include windows and doors throughout including the garage door on the rear extension.

2.4 Overall external footprint of the two bed annex measures 9.75m x 7.43m (72.4sq m), and the attached garage measures 4.08m x 6.39m (26sq m). Both are finished with pitched slate roof.

PLANNING HISTORY

3.1 The site has been subject to a number of previous applications - most relevant in this specific case:

- o PA 02/00902/B - replacement dwelling - permitted 7/11/2002
- o PA 08/00653/B - detached garage block - permitted 19/6/08 - now expired.
- o PA 24/00217/B - Erection of a detached building to be used as a garage for the existing dwelling and residential annex of additional accommodation - refused 08/05/2025

3.2 02/00902/B was approved with a number of conditions relating to the need for landscaping and trees, all plumbing stacks to be installed internally and one condition which revoked PD rights:

- o C5. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 1983 (or any order revoking or re-enacting that order) no greenhouse, walls, gates, fences, garden sheds, garages or tanks for the storage of oil for domestic heating shall be erected (other than those expressly authorised by this approval).

3.3 24/00217/B was refused with one refusal reason:

- o R1. There are no issues in respect of the principle and intended garage and annex use connected to the use of the main house, nor for the removal and impact on trees and ecology and no issues in respect of highway safety subject to conditions, however, by reason of the length of the proposed structure, its siting and proximity to the main house and its overall design and external finish including large areas of painted render and windows increasing its visual prominence that it is considered inappropriate and having an unacceptable adverse visual impact and prominence within the site which detracts from the character and appearance of the main house, the streetscene and wider landscape. The proposal fails Strategic Policy 5, Environment Policies 1 and 2, General Policy 2 (b, c, g). the principles of Housing Policy 15 and Planning Circular 3/91, and to undermine Environment Policy 13 in respect of surface water flood risk on or off the site.

3.4 In addition to those listed above, there are other applications for garage and annex structures considered relevant;

- o PA 24/91323/B - demolition of stable block and adjacent buildings and construction of annexe - Refused at appeal.
- o The detached annexe was proposed to be two bedroom with an open plan living kitchen area and small front porch with a total footprint measuring 70sq m.
- o The Inspector considered the central issue to be whether the building could genuinely be classed as ancillary to the main house; its scale, layout and independence suggested it could function as a standalone dwelling and was judged to exceed what is reasonable for ancillary accommodation.
- o Its detached siting and the potential for a separate curtilage or future independent access raised concerns about future severance from the main house and that planning must consider future scenarios, not just current intentions.
- o The level of care required for the intended occupant did not justify a building of this size; a smaller, more dependent annex would meet the stated needs.
- o As the proposal effectively amounted to a new dwelling in the countryside, it conflicted with multiple policies aimed at directing development to existing settlements and protecting rural areas.
- o PA's 24/00675/B, 23/01331/B, 21/00873/B, 23/00130/B
- o These applications sought approval for garage and annexe buildings, in each case the living space was provided above the garage element.

PLANNING POLICY

4.1 The site lies within an area designated on the 1982 Development Plan as 'Private woodland/parkland'. The site is not within any conservation area. Part of the site is recognised as being at some surface water flood risk (the area running the southeast boundary away from the existing dwelling and proposed structure. A registered tree area bound the northern side of the site and a registered tree sits behind the main house.

4.2 LOCAL PLAN / AREA PLAN -

o none

4.3 ISLE OF MAN STRATEGIC PLAN 2016:

- o Strategic Policy 1 - make best and efficient use of sites and utilising existing infrastructure
- o Strategic Policy 2 - new development directed to towns and villages
- o Strategic Policy 4(b) - Protection of built heritage and landscape conservation
- o Strategic Policy 5 - promotes good design
- o Strategic Policy 10 - sustainable transport
- o General Policy 2 - general development standards including visual and amenity
- o General Policy 3 - development exceptions in the countryside
- o Environment Policy 1 - protection of countryside for its own sake
- o Environment Policy 3 - protection of woodland areas
- o Environment Policy 4 - protection of habitats
- o Environment Policy 10 - flood risk
- o Environment Policy 13 - no increase to flood risk on or off site
- o Environment Policy 42 - Designed to take into account local character and identity
- o Community Policy 7 - designed to prevent criminal and antisocial behaviour;
- o Community Policies 10 & 11 - implement best practice so as to reduce the outbreak and spread of fire
- o Transport Policy 1 - best located close to existing transport links
- o Transport Policy 4 - Highway safety
- o Transport Policy 7 - Appendix 7 - parking standards
- o Infrastructure Policy 5 - methods for water conservation
- o Paragraph 4.3.11 of the Strategic Plan states, "Merely arguing that a new building cannot be seen in public views is not a justification for the relaxation of other policies relating to the location of new development".

4.5 Reference any relevant PPS or NPD

o none

5.0 OTHER MATERIAL CONSIDERATIONS

5.1 Legislation

- o Section 143 of the Equality Act (2017) places a duty on public bodies to promote equality, eliminate discrimination, advance equality of opportunity and foster good relations.
- o Section 68 of the Flood Risk Management Act (2013) indicates that any published Flood Risk Management Plan and the extent to which the proposed development creates an additional flood risk are material considerations.

5.2 Policy/Strategy/Guidance

- o Manual for Manx Roads
- o Residential Design Guide - local distinctiveness, architectural details and neighbouring amenity
- o Planning Circular 3/91 - houses in the countryside
- o Landscape Character Appraisal 2008 - F3 indicates "Several isolated farmsteads and individual houses also pepper the landscape. Traditional farm buildings characteristically exhibit white walls (which often provide a bright contrast to the muted upland backdrop to the north) and grey roofs. Alongside these traditional buildings, modern agricultural sheds and warehouses are sometimes visually intrusive.". The key Landscape Strategy "The overall

strategy should be to conserve and enhance the character, quality and distinctiveness of this rural area including the scattered settlement pattern, relatively strong field pattern delineated by a mixture of stone walls and relatively tall Manx hedge-banks and its network of enclosed minor rural roads."

6.0 REPRESENTATIONS

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

6.1 DOI Highway Services - do not oppose subject to condition (12/08/2025) - no significant negative impact upon highway safety, network functionality and/or parking as the existing access is suitable for the proposals, subject to accommodation remaining ancillary to the main dwelling due to the width of the access and internal road.

6.2 DEFA Ecosystems - no objection subject to conditions (19/08/2025) removal of 5 trees is required but all have ash dieback disease and therefore no objection to their removal. Tree 5612 has cavities throughout, meaning that it has potential as a bat roost and should be soft felled to reduce bat impact as per guidance. Replacement bat roosting space will also need to be provided. A condition should be secured for the native landscaping to be undertaken as per the Proposed Site Plan (drawing No 002 Rev C).

6.3 DEFA Forestry - No objection subject to conditions (09/01/2026) further tree information was provided following initial concerns and objection by forestry, conditions are now sought to ensure the tree protection is installed, and that the replacement tree planting is undertaken in accordance with the details submitted to ensure suitable mitigation of those trees being removed.

6.5 The following were consulted but no response received at the time of writing the report 18/02/2026:

- o Andreas Parish Commissioners

6.6 Third party comments have also been received from the following:

6.6.1 Representative of Society for the Preservation of the Manx Countryside and Environment - in support (18/08/2025)

6.6.2 Representative of National Annexe Planning Consultancy (NAPC), Watermoor Point Cirencester - in support (19/08/2025)

- o Ancillary residential annexes make efficient use of existing residential plots, support flexible living arrangements including multigenerational households, and offer a sustainable response to housing and care pressures without necessitating large-scale new development. As with all such developments, it is important to ensure that the scale, layout, and access arrangements are appropriate and that the annexe is not easily severable from the main dwelling. This helps to maintain its ancillary status and prevents the risk of future unauthorised use as a separate dwelling. The proposal's ancillary nature, remaining closely associated with the main dwelling, aligns with established planning principles and helps ensure that the accommodation remains subordinate and functionally linked to the host property. We note the inclusion of a garage within the detached building, which further reinforces the ancillary purpose of the structure.

7.0 ASSESSMENT

7.1 Previous Applications

7.1.1 The main house was approved under PA 02/00902/B as a replacement to the former Orchard Cottage. a detached garage block measuring 11.7m x 7.4m was subsequently approved under PA 08/00653/B, but never constructed. PA 24/00217/B was recently submitted and through that process concerns were raised about the detached garage annexe structure looking and appearing as a separate two bedroomed bungalow on land not

designated for development and which could be easily subdivided as an independent dwelling in the future given its position within the site. The agent sought to revise the scheme attaching the garage annexe to the main dwelling with a linked arch way, however that design considered to go against PC 3/91 and Housing Policy 15 and being an inappropriate form of extension to a traditionally styled dwelling. The application progressed on basis of a detached structure and was refused:

"R1. There are no issues in respect of the principle and intended garage and annex use connected to the use of the main house, nor for the removal and impact on trees and ecology and no issues in respect of highway safety subject to conditions, however, by reason of the length of the proposed structure, its siting and proximity to the main house and its overall design and external finish including large areas of painted render and windows increasing its visual prominence that it is considered inappropriate and having an unacceptable adverse visual impact and prominence within the site which detracts from the character and appearance of the main house, the streetscene and wider landscape. The proposal fails Strategic Policy 5, Environment Policies 1 and 2, General Policy 2 (b, c, g). the principles of Housing Policy 15 and Planning Circular 3/91, and to undermine Environment Policy 13 in respect of surface water flood risk on or off the site."

7.1.2 A notable change since this refusal is the refusal at appeal of 24/91323/B for a similar sized two bed annexe which was considered of a size and level of accommodation which would constitute a new unjustified dwelling in the countryside undermining the Strategic Objectives and policies of the IMSP.

7.2 24/91323/B Appeal

7.2.1 Annexe and garages are not uncommon and can often be found across various properties around the Island. Just as the Inspector for 24/91323/B makes clear their acceptability falls to whether they are truly 'ancillary' to the main house. Factors to be considered in such assessment often falling to design, scale, layout, access, independence and severability, and this is reiterated in those submitted comments from NAPC. The Inspector for 24/91323/B stated that ancillary means supporting or serving something more important. The word annex means a building added to another. In either case the subservience of one building to another is a common theme and there would normally be expected some sense of dependence of the annex to the main dwelling in respect of providing facilities (not just utility services). In the instance of 24/91323/B the proposal was described as an annex to the main house. However, was located in a detached position on the side garden with clear separation between the main house and the new accommodation. The extent of the accommodation proposed was for two reasonable size double bedrooms both with fitted wardrobes, a shower room and an open plan kitchen dining and lounge area with patio doors and access to garden.

7.2.2 The Inspector for 24/91323/B outlined that the new building would remain in the ownership of the Appellant's and there is no intention at this stage to sever the proposed building either physically or in terms of ownership from the main house. However, the extent of the accommodation went beyond ancillary to the main dwelling, and that the proposed ground floor plan shows a bungalow providing a level of accommodation to support independent living beyond what it would be reasonable to consider as an annex. Its siting within the side garden would allow for the bungalow to be set into a separate curtilage with a separate or shared vehicular access and a future change in circumstances or change in ownership may lead to a desire to create a standalone dwelling. Such a granting of permission for an annex with the level of accommodation as proposed, the Department would be in a difficult position in considering the severance of the building once constructed, when the justification on family care grounds was no longer relevant, or if a condition restricting occupancy was applied to be removed.

7.3 Current Proposal

7.3.1 There are significant similarities in the refused appeal scheme and this proposal. This proposal is for an annex to the main house including garaging and living facilities. Its location is detached and within a side garden area and for two bedrooms with living space and providing self-contained facilities to allow a degree of independent living. All of these factors weigh against the proposal.

7.3.2 Visually the structure has a reduced frontage compared to the previous refusal on this site due to the garage facilities being reduced and relocated to the rear. The reduced length of the building and its single storey height help to retain a physically subordinate appearance compared to the main house and the inclusion of stone helps to mitigate its visual prominence compared to the previous rendered frontage and all of these physical design approach help to create a more acceptable visual impact on the main house, site and surrounding area and this weighs in favour of the scheme.

7.3.3 Orchard Cottage is set back and clustered amongst trees which strengthening its separation from nearby development and reinforcing its setting as a standalone isolated rural dwelling. While the detached nature of the annex brings within it issues in terms of severance, this detached siting, distance from the main dwelling, single storey design and inclusion of stone help to mitigate its impact and in best retaining the prominent visual appearance of the main dwelling from public view and this weighs in favour of the proposal.

7.3.4 Access into the site is via a shared lane where you pass the rear of those gardens belonging to dwellings forming Cool Veg and The Spinney, and in order to access Orchard Cottage you would have to pass directly in front of the proposed annex. Traffic movements and proximity to the frontage would bring with it adverse impact on the occupants and this would weigh against the proposal. Similarly, the unrestricted use of the garage by the main house would also have significant adverse amenity impact on the occupants of the annex. The existing access is not suitable for two separate uses (as referred in DOI comments) and this would also weigh against the proposal. However, on the basis of the annex occupants being close relatives of the main house only, there is perhaps some level of acceptance of disturbance expected by family members and it is on this basis only that the highway and impact on amenity matters are considered acceptable in this case. DOI request condition to tie the annex to the main house and this should be considered as part of any approval, equally a condition ensuring the garage remains available for use at all times by the occupants of the main house Orchard Cottage at all times ensure its continued link with the main house and prevents any future separation.

7.3.5 Examples from 3.0 outline that garage and annexe structures have been approved previously, but in each case the primary function was as a garage with living space being secondary, often in the roof space above the garage. It is recognised that there are constraints on the site which have dictated somewhat the location of the proposed development and perhaps a preference for ground floor living space given the intended occupancy by elderly relatives (assumed through design development of 24/00217/B). Also noting a taller garage structure here could result in visual change to the site which would need to be judged against the main house and wider public views. However, compared to previous schemes it appears that the primary garage element has been reduced and relocated to the rear and the living space facilities now appearing to take priority and this weighs against the proposal.

7.3.6 A notable difference in the application site and the refused appeal 24/91323/B relates to the location and siting. The appeal site was located in an isolated countryside location and clearly outside of any settlement boundary and considerable distance from any nearby settlement. This site however sits physically adjoining land designated for residential development and linking directly with key infrastructure bus routes serving Andreas which is recognised as a service village.

7.3.7 There remains significant question as to whether the proposed development is truly ancillary. The physical footprint duplicates that which was refused as part of 24/91323/B and so on face value a similar conclusion could be reached, however on the basis of the existing Orchard Cottage remaining the key host dwelling, the subservient physical size and acceptable visual impact of the proposed annex, the physically attached garage and the close passing traffic which results in adverse amenity harm which is only accepted on the basis of the occupants being family members and factoring in the sites geographical location physically adjoining an area of established designated residential development and connected to key infrastructure routes with bus services that in this very specific case an exception can be made, and the proposed garage and annex considered acceptable in this case.

7.4 Trees and Ecology

7.4.1 The registered tree behind the main house is to remain unaffected due to its position away from the site of works. There are no objections from DEFA Forestry in respect trees and conditions are sought to ensure suitable tree protection and that the mitigation tree planting is carried out in accordance with details submitted.

7.4.2 Ecosystems highlight the potential for bats and request soft felling of tree 5612 to ensure any potential bat roosts are protected. However, there is no confirmed evidence, and we must also be mindful that there is separate legislation under the Wildlife Act 1990 that ensures no harm is caused to any protected species including bats. Given this separate legislation, it is not considered necessary to add a condition in this respect, but a note will be added to remind the application of The Wildlife Act 1990. Similarly, no condition will be added for any bat box on the site, and the need for such is not felt to go to the heart of the approval although would be a welcomed addition and so a note will be added in this respect. The replanting mitigation is also secured within the tree condition referred to above.

7.5 Drainage

7.5.1 Part of the site is recognised as being at some surface water flood risk. The proposal indicates that foul waste will connect to existing services while surface water will be to a soakaway within the site, it is not expected that the proposal will result in any increased risk to flooding on or off the site, also noting the large areas of soft landscaping that remain, and it being in the applicants best interest to not increase flood risk to their own property.

7.6 Highways

7.6.1 The site is set back from the main road accessed by a shared access lane which is not having any access altered or changed as a result of the proposal, there is sufficient off road parking within the site to accommodate a number of cars off the road and thus no new or adverse highway impacts are expected in this regard.

7.6.2 The creation of an annex for use by the applicants family brings no significant rise to traffic coming to and from the site, and DOI have accepted that such an 'ancillary' use would be acceptable and so request a condition to tie its use to the main house due to the narrow width of the shared lane not being suitable for increased use as result of a separate dwelling.

7.7 Impact on Neighbours

7.7.1 On the basis of the proposal being for garage and annex use by the main house only, there is considered to be no impacts arising from the proposed development in respect of amenity of neighbouring properties and to accord with GP2 g.

8.0 CONCLUSION

8.1 Garage and annexes are not uncommon, and so overall principle is somewhat accepted, however their acceptability falls to a number of other tests which this report considers in detail. Given the information provided there is absence of harm to trees, ecology, drainage, highways and neighbouring amenity and suitably worded conditions will be added to ensure compliance with details as submitted. In terms of the proposed annex and garage,

its subservient scale and design including selected palette of materials helps to reinforce its secondary appearance compared to the size and prominence of the main host dwelling Orchard Cottage and having an acceptable impact on character and appearance of the site and surrounding area. The physically attached garage and the close passing traffic in front of the annex both result in adverse amenity harm to occupants contrary to GP2g and EP22, however this adverse impact is only accepted on the basis of the occupants being family members only, and this goes for the highway safety impacts too as the narrow shared lane is not suitable for any shared separate use. The final factor taken into consideration as part of this application is the geographical location of the site physically adjoining an established designated residential area and being connected to key infrastructure and bus routes in Andreas. For these reasons the proposal is considered on an exceptional basis to be acceptable subject to conditions relating to its use being linked with the main house only and not for any separate independent dwelling.

9.0 RIGHT TO APPEAL AND RIGHT TO GIVE EVIDENCE

9.1 The Town and Country Planning (Development Procedure) Order 2019 sets out the process for determining planning applications (including appeals). It sets out a Right to Appeal (i.e. to submit an appeal against a planning decision) and a Right to Give Evidence at Appeals (i.e. to participate in an appeal if one is submitted).

9.2 Article A10 sets out that the right to appeal is available to:

- o applicant (in all cases);
- o a Local Authority; Government Department; Manx Utilities; and Manx National Heritage that submit a relevant objection; and
- o any other person who has made an objection that meets specified criteria.

9.3 Article 8(2)(a) requires that in determining an application, the Department must decide who has a right to appeal, in accordance with the criteria set out in article A10.

9.4 The Order automatically affords the Right to Give Evidence to the following (no determination is required):

- o any appellant or potential appellant (which includes the applicant);
- o the Department of Environment, Food and Agriculture, the Department of Infrastructure and the local authority for the area;
- o any other person who has submitted written representations (this can include other Government Departments and Local Authorities); and
- o in the case of a petition, a single representative.

9.5 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 the Right to Appeal.

PLANNING AUTHORITY AGENDA FOR 2nd March 2026

Item 5.4

Proposal : Additional use and extension of time of the TT and Festival of Motorcycling hospitality facility as approved under 14/00170/B for the Food and Drink Festival.

Site Address : Part Of Playing Fields
Nobles Park
Douglas
Isle Of Man

Applicant : Business Agency

Application No. : [25/91202/B](#) - click to view

Principal Planner : Chris Balmer

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 any given calendar year, the marquee shall not be in situ more than 14 days before the first day of practice week for the TT, and shall be removed by the earlier of either: 14 days after the last day of the Food Festival; or the 14th October.

Reason; The application has only been considered on the basis of a temporary use, for the time period proposed and to ensure the area of open space is restored to its original use. Whilst the dates of the TT, Festival of Motorcycling and Food Festival may vary in any given year the application has been assessed on the basis of the Food Festival taking place during September and re-removal following the festival taking up to 14 days.

C 3. In any given calendar year, should the marquee for the Food Festival not occur/not be required it shall be removed 14 days after the last day of the Festival of Motorcycling. The site shall be restored to its former condition within 14 days of the marquee being removed.

Reason; The application has only been considered on the basis of a temporary use, for the time period proposed and to ensure the area of open space is restored to its original use.

C 4. No customers, visitors, guests or patrons shall occupy the marquee in connection with the Food Festival outside the following hours:

Monday to Saturdays - 1000hrs to 2100hrs

Sundays - 1100hrs to 1800hrs

Reason: These are the times proposed and the proposal has been considered on these times only.

Reason for approval:

Overall, it is considered the additional time and use of the temporary marquee building for use for the "Food Festival" would be acceptable for the reasons outlined and would have no significant adverse impacts upon public or private amenities and therefore complies with General Policy 2, Environment Policy 22, Recreation Policy 2, Transport Policy 7 of the IOM Strategic Plan.

Right to Appeal

It is recommended that the following organisations should NOT be given the Right to Appeal:

DOI Highway Services - No Objection

Local Authority - No Objection/no comments received

Planning Officer's Report

THIS APPLICATION IS REFERRED TO THE PLANNING COMMITTEE BECAUSE THE PROPOSAL COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

1.0 THE APPLICATION SITE

1.1 The application site is located at Nobles Park, Douglas. It is situated just to the south side of Glencrutchery Road to the west of the TT Grandstand. The site forms part of the northern side of the park open fields and is relatively flat. It is bounded by Glencrutchery Road on its north side. To the east, the site boundary adjoins the area of the TT Grandstand, public toilets and a number of single storey buildings and the large expanse of hardstanding utilities for a variety of uses, including car parking. To the south of the site are playing fields and beyond is the Nobles Park Pavillion which accommodates a restaurant and function rooms. The application site is accessed from existing roads within Nobels Park.

1.2 To the opposite side of Glencrutchery Road to the north is the cemetery. The nearest residential properties to the proposed building are on Charles Court apartments, to the north side of Glencrutchery Road, approximately 107+ metres from the northwestern corner of the building in question.

2.0 THE PROPOSAL

2.1 The application seeks planning approval for the additional use and extension of time of the TT and Festival of Motorcycling hospitality facility as approved under 14/00170/B for the Food and Drink Festival.

2.2 The application submission indicates;

"The event is to be held at Noble's Park and the Grandstand to benefit from the available on-site parking and existing infrastructure. The site was selected following a consultation for suitable locations within the Douglas area.

The hospitality tent in question will be used to accommodate Food Producers and for the delivery of cooking demonstrations.

The event is proposed to be held on the following dates and times for 2026, for a duration of two (2) days only:

- o Saturday 19th September 2025 (10am - 9pm)
- o Sunday 20th September 2025 (11am - 6pm)

The date of the festival may vary year on year depending on a number of factors; however, the dates would not extend beyond the month of September. The tent would be taken down after the festival has stopped."

2.3 The submission also indicates;

"For the successful set-up and breakdown of the event the intent of the planning application will be in two parts. A request for an extension on the use of the existing Planning application for the use of the Hospitality Tent used during the TT and Motorcycling festival. This would require the tent to remain in situ beyond the permitted 10 days post motor festival event for a total period of 30 days, this number would include the 10 days post Food & Drink event for take-down."

3.0 PLANNING HISTORY

3.1 The following planning applications on the site and nearby sites all within Nobel's Park are considered relevant in the determination of this application:

On application site

3.2 Erection of a hospitality facility for the TT and Festival of Motorcycling, including use for additional events, as detailed in the agent's email of 11th February 2014 - 14/00170/B - APPROVED subject to the following conditions;

"C 3. In any given calendar year, the marquee shall not be in situ more than 14 days before the first day of practice week for the TT, or more than 14 days after the last race day of the Festival of Motorcycling. The site shall be restored to its former condition within 14 days of the marquee being removed.

C 4. Other than the circumstances provided for by condition 5 of this approval, the marquee shall not operate and shall not be occupied by customers, visitors, guests or patrons for more than 14 days each year in connection with the Isle of Man TT event, and for more than 14 days each year in connection with the Festival of Motorcycling event (i.e. a total of 28 days each year). Other than these circumstances, and those provided for by condition 5, the marquee shall not be used. No customers, visitors, guests or patrons shall be served or remain in the marquee outside the following hours: 09:30 to 23:00.

C 5. In addition to the circumstances provided for by condition 4 of this approval, the marquee shall not be operated for more than six annual events, limited to the period between the Isle of Man TT and Festival of Motorcycling events. Each event shall be limited to no more than two consecutive days each.

No customers, visitors, guests or patrons shall occupy the marquee in connection with these events outside the following hours:

Monday to Saturdays - 9:30 to 0:00

Sundays - 9:30 to 18:00

Only one of the two days for each event shall operate outside the hours of 9:30 to 18:00.

These additional events shall not be operated unless at least 14 days written notice has been given to the Planning Authority before each event occurs, including the dates of the event and clarification of which if any of the days is to operate until 0:00 hours, in order that the Planning Authority may monitor the number and type of events provided for by this condition.

The events provided for by condition 5 shall not include private parties, weddings, Christenings or other religious ceremonies, or music events.

C 6. The use of the marquee for the additional events provided for by condition 5 of this approval shall only be permitted to be carried out during the calendar year of 2014. After 2014, these additional events shall not be carried out, condition 5 will cease to have an effect, and the marquee shall only be used in accordance with the provisions of condition 4 of this approval.

C 7. There shall be no amplified music outside the hours of 09:30 and 23:00.

C 8. There shall be no vehicle parking for customers, visitors, guests or patrons of the marquee in connection with the uses provided for by condition 5 of this approval, unless in the area annotated No. 7 on Drawing Number 112 01A received on 24 March 2014."

Nearby sites

3.3 Erection of a temporary building to be used as a bar and hospitality facility during the TT and Festival of Motoring periods - 18/00104/B - APPROVED

3.4 Erection of a temporary 240 bed hotel and marquee for a two week period (Practice and TT Race weeks) on a permanent basis - 13/91530/B - APPROVED

4.0 POLICY

4.1 The Area Plan for the East (APE) identifies the area as being Open Space - Park. The site is not within a Conservation Area.

4.2 The following policies in the Isle of Man Strategic Plan 2016 (IOMSP) are considered relevant:

- General Policy 2 - Development Control considerations
- Environment Policy 22 - prevention of emissions/pollution which would unacceptably harm the environment and/or the amenity of nearby properties.
- Recreation Policy 2 - protected of Open Space and recreation facilities.
- Transport Policy 7 - Parking Standards.

4.3 The following non-planning documents are considered capable of being material considerations in this case:

- Isle of Man Government's Food Matter's Strategy - The Food Matters Strategy is the Isle of Man Government's long term development strategy aimed at growing and supporting the Island's food and drink sector, improving food security, and strengthening the Island's agricultural economy. It was originally launched in 2014 and covers the period 2015-2025. It forms part of a wider set of government strategies relating to agriculture, environment, and economic development.

- Our Island Plan 2025-26 - Although the Island Plan is broad and high level, several sections clearly connect to food, drink, agriculture, and food security. These links come mainly through the Plan's "Secure", "Vibrant", and "Sustainable" themes, as well as its alignment with sector strategies such as Food Matters and Business Isle of Man's Food & Drink programme. The Island Plan incorporates the Government's economic strategy through 2026, which includes support for key industries—food and drink being one of them. The Plan integrates the Economic Strategy with the Island Plan's objectives, providing a shared framework for:

- o Boosting sector productivity
- o Supporting Manx producers
- o Enabling export growth.

5.0 REPRESENTATIONS

5.1 Douglas Borough Council comment (09.02.2026);

"This will be considered by the Council's Executive Committee at a meeting to be held on the 26th February. We will provide you with our comments shortly after this date."

5.2 Highways Division make the following comments (02.02.2026):

"o As the planning application is just for the extension of operation of the hospitality building, this would not be opposed by HDC as the existing layout of the building is acceptable.

o This response does not review any Traffic Management or festival operation and provides no comment on the festival layout or TM for the Food and Drink Festival."

6.0 ASSESSMENT

6.1 In terms of the material planning consideration it is considered the following are relevant in the determination of the application: principle of development; the potential impact upon neighbouring residential amenities; potential impact upon visual amenities of the area; and access and parking.

Principle of development

6.2 Firstly, as indicated previously the site is designated as "Open Space - Park" under the Area Plan for the East, therefore the proposal would not fall within this use. However, it is not considered an automatic reason to refuse the application in this case.

6.3 The proposal essentially is for the additional/continues use of the lawful temporary marquee building which installed prior to the TT and kept in place and used during the Festival of Motorcycling where it is then taken down soon after in line with Conditions attached under 14/00170/B. This year the Festival of Motorcycling last day is Friday 28th August. Accordingly, to comply with the Condition 3, the marquee building is required to be removed from the site 14 days after the last race day of the Festival of Motorcycling, this year that date would be 11th September 2026. The proposal under consideration now seeks to extend the period that the marquee building can be retained to enable the Food Festival (now rebranded to "The Big Manx Feast") to operate. This year the festival takes place on the Saturday 19th September and Sunday 20th September. The applicants have outlined that these dates will change each year; however, the festival is currently planned to be in the month of September only. On the basis of the dates of the festival this year and a 14 day takedown period (as required by Condition 3), then this year the Department would seek the marquee is taken down on the 4th October 2026, which is an additional 23 days.

6.4 The applicants have outlined within their submission that; the proposed event is supported by strong economic and strategic justification, as previous Isle of Man Food & Drink Festivals have demonstrated significant economic benefits by attracting thousands of visitors and generating substantial support for local producers. The festival also aligns with the Isle of Man Government's Food Matters Strategy, which seeks to grow the food and drink sector, enhance food security, and strengthen the Manx brand. Operationally, the use of the existing TT/MGP hospitality tent at Noble's Park provides considerable cost and logistical advantages, offering a weather resilient, accessible structure that minimises additional development. Noble's Park is an established major events venue with existing infrastructure—including parking, toilets, catering facilities, and accessibility features—and its proximity to Douglas town centre and the TT Grandstand further supports visitor accessibility and familiarity. Scheduling the festival immediately after the MGP allows efficient reuse of temporary infrastructure already in place, reducing setup time, environmental impact, and overall disruption. As the park is already designated for temporary event use in connection with TT and MGP activities, it remains a suitable location for short term events of this nature. The event's limited operating hours have been designed to minimise disturbance to nearby residential properties, and the site's close proximity to bus routes supports opportunities for public transport and potential shuttle services, helping to mitigate traffic and congestion impacts.

6.5 The Department would agree with the reasoning for the proposal outlined by the applicants and also why this site has been chosen. Arguably, one of the main issues against the proposal is the loss of a section of the park field which will be unavailable for recreation use. However, it is noted, that this area is not part of the formal football pitches (which are

to the west and have just been upgraded/levelled) or any designated sports pitches. Further the extension of time sought this year would be around 23 days, albeit this period could be longer if the festival was held later in September. There has to be careful consideration when considering each application for this type of development within Nobel's Park that such development does not result in the erosion of the open space which is open to the public.

6.6 However, this section of the park immediately adjacent to the Grandstand arguable creates more benefits to the IOM through the TT and Festival of Motorcycling events with significant cultural and economic importance to the Isle of Man and this currently proposal would only add to this with the Food Festival, which is an important event for local business and provides a much visitor event my IOM residents and potential form further afield. Furthermore, while this section of the park will not be useable, there is still a significance area of Nobels Park which would be unaffected.

6.7 Overall, is felt that a reasonable exception can be made for the loss of open space for the proposed additional period. However, whether the proposal is ultimately acceptable overall should depend upon the consideration of the following planning impacts.

The potential impact upon neighbouring residential amenities

6.8 The nearest residential neighbours are at Charles Court apartments, to the north side of Glencrutchery Road, approximately 107+ metres from the northwestern corner of the building in question. The use of the marquee to accommodate Food Producers and for the delivery of cooking demonstrations would operate between the hours of 10am and 9pm on the Saturday and 11am and 6pm on the Sunday. It is not considered this operation would cause any significant harm to nearby residents given the proposed uses and the hours proposed. It should be noted that the area to the rear of the Grandstand is also to be use for the festival. However, these fall potentially under the Temporary Permitted Development Order (applicants have confirmed this is the case) and therefore the impact caused by these elements are not matters to consider. It is likely that the main impact will be an increase in traffic and people coming and going from the site, rather than the uses of the festival. A condition restricting the hours of operation as outlined by the applicants could be attached to any approval.

6.9 Overall, given the temporary nature of the proposal, its location a distance from neighbouring residential properties and essentially the operation of the site is for two additional days only between the hours of 10am and 9pm on the Saturday and 11am - 6pm on a Sunday, it is considered the proposal would not result in a significant adverse impact upon neighbouring amenities to warrant a refusal.

The effect of the proposal upon the character and appearance of the area

6.10 Nobles Park and the general area changes dramatically during the TT and Festival of Motorcycling events, with the marquee building forming part of these changes. Overall, the retention of the proposed marquee would be proportionate with this change in the character of the area and, in the context of other TT related development and paraphernalia, would be visually acceptable.

Access and parking

6.11 The proposed uses within the marquee (and visitors to the other parts of the festival) would utilise existing parking found within Nobels Park/Grandstand area, namely immensely to the east and south of the Grandstand. The site is also very close to existing bus routes and walking distance to a number of residential properties in Douglas. Highway Services have considered the scheme and raise no objection.

7.0 CONCLUSION

7.1 Overall, it is considered the additional time and use of the temporary marquee building for use for the "Food Festival" would be acceptable for the reasons outlined and

would have no significant adverse impacts upon public or private amenities and therefore complies with General Policy 2, Environment Policy 22, Recreation Policy 2, Transport Policy 7 of the IOM Strategic Plan.

7.2 It is recommended that the application should be approved subject to the conditions listed.

8.0 RIGHT TO APPEAL AND RIGHT TO GIVE EVIDENCE

8.1 The Town and Country Planning (Development Procedure) Order 2019 sets out the process for determining planning applications (including appeals). It sets out a Right to Appeal (i.e. to submit an appeal against a planning decision) and a Right to Give Evidence at Appeals (i.e. to participate in an appeal if one is submitted).

8.2 Article A10 sets out that the right to appeal is available to:

- o applicant (in all cases);
- o a Local Authority; Government Department; Manx Utilities; and Manx National Heritage that submit a relevant objection; and
- o any other person who has made an objection that meets specified criteria.

8.3 Article 8(2)(a) requires that in determining an application, the Department must decide who has a right to appeal, in accordance with the criteria set out in article A10.

8.4 The Order automatically affords the Right to Give Evidence to the following (no determination is required):

- o any appellant or potential appellant (which includes the applicant);
- o the Department of Environment, Food and Agriculture, the Department of Infrastructure and the local authority for the area;
- o any other person who has submitted written representations (this can include other Government Departments and Local Authorities); and
- o in the case of a petition, a single representative.

8.5 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 the Right to Appeal.

PLANNING AUTHORITY AGENDA FOR 2nd March 2026

Item 5.5

Proposal : Change of use of ground floor room to podiatry clinic (Class 1.2 professional services)
Site Address : 125 Royal Park
Ramsey
Isle Of Man
IM8 3UH
Applicant : Edwina Joan Rowland
Application No. : [25/91166/C](#)- 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. The use hereby approved shall only be for the benefit of the resident of the dwelling at 125 Royal Park, Ramsey, and no staff may be employed and/or work at the premises.

Reason: Although the specific details of this application have been found acceptable, any change to its operation will require fresh assessment.

C 3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 or Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 or any order amending, revoking or re-enacting these Orders, the building hereby approved shall be used only for the purpose hereby approved (podiatry clinic) and shall not be used for any other purpose within Use Class 1.1 without the express grant of planning approval from the Department.

Reason: To enable the Department to consider the implications of any subsequent change of use on the amenities of the area.

C 4. The area of the building to be used for therapy shall be limited to that shown on the Annex C - Proposed Plan, forming part of the application and the use hereby permitted shall not extend into any other part of the premises.

Reason: To minimise the disturbance to adjacent residential occupiers and to protect the residential character of the locality.

C 5. One of the parking areas within the curtilage of the dwelling shall not be used for any other 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 during the business operational hours in the interest of highway safety.

C 6. The business use hereby approved shall not operate outside of the operational hours stipulated in the application.

Opening Hours: Monday to Saturday 9am to 6pm.

Not at all: Sundays, Bank and Public Holidays

Reason: In the interest of protecting neighbouring living conditions.

Reason for approval:

The proposal is acceptable notwithstanding its departure from the local plan, as it would make efficient use of an existing building while retaining the established character of the site. The fully internalised nature of the operations, combined with the absence of external alterations and the provision of adequate parking, ensures that the development would not give rise to unacceptable impacts on visual amenity, neighbouring properties, or highway safety. The proposal therefore complies with General Policy 2, Business Policy 1, and Transport Policy 7 of the Isle of Man Strategic Plan 2016.

Right to Appeal

It is recommended that the following organisations should NOT be given the Right to Appeal:

- o DOI Highway Services - No objection, subject to condition which has been applied.
- o Ramsey Town Commissioners - No objection

Planning Officer's Report

THIS APPLICATION IS BROUGHT BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

1.0 THE SITE

1.1 The site is the residential curtilage of 125 Royal Park, Ramsey which is a modern estate located to the south and west of Vullan Crescent and to the south of Ormly Hall within Ramsey. The site which is situated on the northeastern end of the estate is accessed via the existing Royal Park estate road which runs along the entire eastern boundary of the site and connects with Bride Road to the north.

1.2 The Royal Park estate road joins Vullan Crescent and is the only vehicular access in or out of the whole Royal Park development. The more recently completed Palm Winds development (five dwellings) also utilises the same estate road and junction onto Vullan Crescent as an access.

1.3 The dwelling which is a two-storey dwelling has access to a single garage and two parking spaces in front of the dwelling, with enough space to take an additional car. On street parking is also a feature of the street scene here.

2.0 PROPOSAL

2.1 Planning approval is sought for Change of use of ground floor room to podiatry clinic (Class 1.2 professional services). The proposed development would utilise the existing living room which has a single entrance door and is separated from the dining area for the proposed business use. This room sits next to the entrance door and foyer.

2.2 The applicant has provided a Cover letter which notes that the clinic would be solely operated by the applicant who resides at the property and would be limited to the single designated room adjacent to the front door. The cover letter further states that the primary use of 125 Royal Park would remain as the sole residence of the applicant and joint owners. No other staff would be involved, and the opening hours would be limited to Mondays and Saturdays, 9am to 6pm.

3.0 PLANNING POLICIES

3.1 Site Specific:

3.1.1 The application sites are within an area recognised as being an area of "Proposed Residential" under the Ramsey Local Plan, and the site is not within a Conservation Area. The site is not prone to flood risks.

3.2 In terms of strategic plan policy, the Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this current planning application:

1. Strategic Policy 9 and Business Policy 10 set out that retail provisions are only to be permitted in established town and village centres.
2. Strategic Policy 1 - Development should make the best use of resources by optimising the use of previously developed land, ensure efficient use of sites, taking into account the needs for access, landscaping, open space (1) and amenity standards; and being located so as to utilise existing and planned infrastructure, facilities and services.
3. Business Policy 1 sets out that the growth of employment opportunities throughout the Island will be encouraged.
4. General Policy 2 sets out general 'Development Control' considerations which are arguably relevant even where a proposal is not in accordance with the land-use designation, the wider impact (the amenity of local residents or the character of the locality) and parking/access/highway safety.
5. Community Policy 2 sets out that new community facilities should be located to serve the local population and be accessible to non-car users and should where possible re-use existing vacant or underused buildings.
6. Transport Policy 7 in connection with Appendix 7.6 sets out the requirement for parking standards.

4.0 PLANNING HISTORY

4.1 There are no previous applications in relation to the application site or the broader site area and main dwelling that are considered relevant in the assessment of this application.

5.0 REPRESENTATIONS

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

5.1 Highway Services find the proposal to have no significant negative impact upon highway safety, network functionality and/or parking as there is off-street parking for residents and visitors of the proposals, providing conditions on no staff operating from site and off-street parking space available for customers are attached to permission (20 January 2026).

5.2 Ramsey Town Commissioners have indicated that they have no concerns with the application (23 February 2026).

5.3 No comments have been received from neighbouring properties.

6.0 ASSESSMENT

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

1. The principle of the proposed use;
2. Impacts on neighbouring amenity; and
3. Potential Highway Impacts/Impacts on parking

6.2 PRINCIPLE (T&CP USE CLASSES ORDER 2019, GP 2 & BP 1)

6.2.1 In assessing the principle of the proposed additional use of the detached garage, it is important to consider that the Permitted Development Order (Class 4.2) permits a number of business operations to be run from a dwelling, these including nurseries, holiday schemes, and other out of school provision or creches, and an occupant of a dwelling can operate any business from home (no visitors/staff allowed) via a home office within the property.

6.2.2 In this instance, approval is sought to allow the occupant of the dwelling run a podiatry clinic (Class 1.2 professional services), a use that is not one of those allowed under the order to be run from home, hence the submission of the current application. In considering whether the proposed use is acceptable, it is recognised that decisions regarding the operation of businesses from residential properties have varied across the Island, with permissions both granted and refused.

6.2.3 The application property sits in a predominantly residential area, zoned as Proposed Residential on then Ramsey Local Plan, and as such the change of use of part of the property would not comply with the land use designation. However, the application site will majority stay as a dwellinghouse, and no alterations are proposed to the property, which would result in visual impacts. It is also considered that the scale of the proposed business use would not be such that would alter the character of the site and area, given that only a part of the property will be used with limited facility to accommodate a significant number of clients at the same time. The private nature of the clinic use also places a ceiling on the number of clients that can be seen at the same time, which together with the proposed use area serves to limit attendance concerns. Therefore, it is considered that the proposal would align with General Policy 2 of the Isle of Man Strategic Plan 2016 based on these considerations.

6.2.4 Further to the factors highlighted above, the proposal will allow a small business to be fully developed before relocating to purpose-built facilities in zoned areas or town centre locations, thus aligning with the goals of Business Policy 1 which seeks to encourage the growth of employment opportunities throughout the island.

6.2.5 In considering whether the proposal would impact on the nearby town centre. It is generally presumed that new commercial uses will be directed towards existing commercial areas. However, the impact of a single employee operating in this location is unlikely to draw materially harmful levels of trade away from the town centre. Moreover, such small businesses could enable the growth of a business that would eventually achieve a sufficient turnover as to encourage its moving into larger, more attractive and more appropriate commercial premises in that town centre in due course.

6.2.6 Accordingly, whilst the proposed use does not comply with the land use designation, the principle of the proposed use is considered acceptable for the reasons highlighted above. Notwithstanding, further material planning matters as indicated previously (7.1 of report) need to be considered, to determine if the proposed development would be appropriate for the site.

6.3 NEIGHBOURING AMENITY (GP2)

6.3.1 In terms of potential impacts on neighbouring amenity, it is considered that the potential for the proposal to impact on neighbours is limited, particularly as it relates to noise and general disturbances through people coming and going from the site. This is hinged on the fact that the nature of the use is not such that would attract a high client turnover. Moreover, the restricted use area, and the fact that the dwelling largely stays residential

would serve to place a cap on the number of clients that can be at the property at a particular time.

6.3.2 Further to the above, the fact that only one or two clients can be attended to at a particular time due to the private nature of the service offered would ensure that the turnover of clients would be within acceptable limits as the use would not be considerably different from a situation where people visit neighbouring properties in a normal domestic situation. The closing time which does not go beyond 6pm would also serve to further diminish potential impacts on neighbours.

6.3.3 Given the above, it is not considered that any impacts on neighbouring amenity would be such that would warrant refusal of the application.

6.4 HIGHWAY IMPACTS/IMPACTS ON PARKING (TP 7 & GP2)

6.4.1 With regard to potential impacts on the nearby highways, it is considered that the existing highways are of a standard sufficient to accommodate any increased traffic resulting from the development. Likewise, it is not considered that the proposed scheme would undermine safety for road users visiting the area, as although the proposal would involve conducting commercial activity in property that is mainly for residential use, the traffic and customer behaviour is similar to a typical household visitor when observing from the outside, particularly as the scale of the business is small. As such, it is not considered that the proposed use would dramatically change the existing conditions in terms of highway safety.

6.4.2 Parking is also not considered to be adversely impacted by the proposed business use as the site is afforded four parking spaces (which includes a parking space in the garage), and this provision is more than the two spaces required for the residential use of the property. As such, it is not considered there would be unmanageable pressure on parking at the site and immediate vicinity. Also, the staggered client times due to nature of business would mean that the requirement for more clients to visit the site at a particular time would be significantly diminished.

6.4.3 In addition, DOI Highways have noted in their consultation comments that the proposal would have no significant negative impact upon highway safety, network functionality and/or parking as there is off-street parking for residents and visitors of the proposals, subject to conditions to make the approval personal to the applicants (without any other staff operating from site) and to ensure off-street parking space is available for customers. Therefore, it is judged that the scheme as proposed would comply with General Policy 2 (h and i), and Transport Policy 7 of the Strategic Plan 2016.

7.0 CONCLUSION

7.1 Overall, for the reasons indicated with this report it is concluded the proposals complies with the relevant planning policies of the Isle of Man Strategic Plan and would be aligned with the Ramsey Local Plan. Therefore, it is recommended the application is approved.

8.0 RIGHT TO APPEAL AND RIGHT TO GIVE EVIDENCE

8.1 The Town and Country Planning (Development Procedure) Order 2019 sets out the process for determining planning applications (including appeals). It sets out a Right to Appeal (i.e. to submit an appeal against a planning decision) and a Right to Give Evidence at Appeals (i.e. to participate in an appeal if one is submitted).

8.2 Article A10 sets out that the right to appeal is available to:

- o applicant (in all cases);
- o a Local Authority; Government Department; Manx Utilities; and Manx National Heritage that submit a relevant objection; and
- o any other person who has made an objection that meets specified criteria.

8.3 Article 8(2)(a) requires that in determining an application, the Department must decide who has a right to appeal, in accordance with the criteria set out in article A10.

8.4 The Order automatically affords the Right to Give Evidence to the following (no determination is required):

- o any appellant or potential appellant (which includes the applicant);
- o the Department of Environment, Food and Agriculture, the Department of Infrastructure and the local authority for the area;
- o any other person who has submitted written representations (this can include other Government Departments and Local Authorities); and
- o in the case of a petition, a single representative.

PLANNING AUTHORITY AGENDA FOR 2nd March 2026

Item 5.6

Proposal : Removal of condition 2 of 20/00648/B as amended by 21/00193/MCH
Site Address : Ballakinnag House
Shore Road
Ballaugh
Isle Of Man
IM7 5AZ
Applicant : Mr Julian Wood
Application No. : [25/90916/B](#) - click to view
Planning Officer : Vanessa Porter

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 building shall be used only for the storage of private motor vehicles and items associated with the maintenance and occupation of the site as a whole, including land in the occupants' ownership.

Reason: to accord with the justification provided by the applicant for the building.

C 3. If the use of the garage/workshop hereby approved ceases for period exceeding 12 months, the building and any supporting base shall be removed and the ground restored to its former condition within 3 months of the date of the cessation, unless a time is otherwise approved in writing by the Department.

Reason: The building has been exceptionally approved solely to meet a personal need and its subsequent retention would result in an unwarranted intrusion in the countryside.

C 4. The workshop/garage above hereby approved shall only be used only in association with the main dwelling house "Ballatiki " and for purposes incidental to the use of main dwelling house "Ballatiki" as a single dwelling and not for commercial purposes.

Reason: the dwelling is within a single residential plot within an area not designated for development and has only been considered acceptable for the reasons identified within the application. The application does not propose to create separate units within the site and has not been considered as such.

Reason for approval:

It can be seen through the passage of the planning history that over time the garage/workshop has been moved out of the planning curtilage of Ballakinnag House and moved

into the planning curtilage of Ballatiki, as such whilst there are no Isle of Man Strategic Plan Policies in place for the proposed works, the proposal to remove the tie of the garage/workshop from Ballakinnag House is recommended for approval subject to conditions which attach the garage/ workshop to Ballatiki.

Right to Appeal

It is recommended that the following organisations should NOT be given the Right to Appeal:
Ballaugh Parish Commissioners - No objections
Highway Services - subject to condition, attached

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN BUT RECOMMENDED FOR AN APPROVAL

THE APPLICATION SITE

1.1 The application site is next to both Ballakinnag House and Ballatiki, Shore Road. Both properties are currently within the same ownership. Both properties are situated to the northern end of Shore Road, which is a dead end road leading to Ballaugh Beach.

1.2 Ballakinnag House is a two stories property with dormers and rooms within the roof space and an attached garage and granny annex which has a large side and rear garden. Parking for Ballakinnag House is situated to the front of the existing garage.

1.3 The existing garage approved under PA20/00648/B is accessed via a driveway between Ballakinnag House and Ballatiki.

1.4 Ballatiki is a recently re- built property situated to the North West of Ballakinnag House, of which a recent application removed the existing parking to the front of the garden and the use of the driveway to the garage as the main vehicular access to the property.

THE PROPOSAL

2.1 The current planning application seeks approval for the removal of Condition 2 of PA20/00648/B, of which condition 2 states,

"The workshop/garage above hereby approved shall only be used in association with the main dwelling house "Ballakinnag House" and for the purpose's incidental to the use of main dwelling house "Ballakinnag House" as a single dwelling and not for commercial purposes.

Reason: the dwelling is within a single residential plot within an area not designated for development and has only been considered acceptable for the reasons identified within the application. The application does not propose to create separate units within the site and has not been considered as such."

PLANNING HISTORY

3.1 Below are the applications relevant to Ballakinnag House;

PA21/00712/B - Erection of extension to rear elevation and erection of detached garden room
- Application Withdrawn

PA21/00193/MCH - Minor Change application to PA20/00648/B involving relocation of approved garage (retrospective) - Permitted

PA20/00648/B - Erection of detached garage/ workshop with associated driveway and new vehicular access - Permitted
 PA06/02068/B - Removal of condition 9 of 02/02581/B for the installation of white UPVC windows and doors - Permitted
 PA06/01282/B - Creation of three dormer windows to front elevation and installation of three velux windows to rear elevation - Permitted
 PA02/02581/B - Erection of dwelling with linked garage and granny flat over, to replace dwelling outbuildings and garage - Permitted on Review
 PA02/00079/A - Approval in principle for erection of dwelling with granny annex to replace existing dwelling and outbuildings - Permitted on Review
 PA01/01012/A - Approval in principle for erection of dwelling with granny flat to replace existing dwelling and outbuildings - Refused at Appeal
 PA99/01063/B - Alterations and extension to dwelling - Refused at Appeal
 PA98/02016/B - Alterations and extension to dwelling - Refused
 PA98/00498/B - Installation of two diesel tanks, hardstanding and fencing - Refused
 PA98/00006/B - Extension to dwelling - Refused at Appeal

3.2 The following applications are relevant to Ballatiki;

PA25/90102/B - Changes to wall and roof materials, change to site layout, addition of dormer, removal of one vehicular access (amendment to 23/00739/B) - Approved at Appeal
 PA24/00093/B - Variation of condition 3 of 21/01234/A to allow a further period of two years to submit the reserved matters (other than means of access which were permitted in the approval in principle) relating to this principle - Application Withdrawn
 PA23/00739/B - Erection of dwelling to replace former dwelling "Ballatiki," - Approved at Appeal
 PA22/01404/B - Erection of dwelling to replace former dwelling, Ballatiki - Refused at Appeal
 PA21/01234/A - Approval in principle for the erection of a dwelling to replace former dwelling addressing means of access - Permitted

PL/ANNING POLICY

4.1 The site lies within an area zoned as "not for development" and an "Area of High Landscape Value and Scenic Significance," on the Isle of Man Development Order 1982, North Map. The site is not situated within a Conservation Area nor a Flood Risk Zone.

4.2 STRATEGIC PLAN

4.2.1 Due to the nature of the proposal which is to remove the tie of the garage/workshop, there are no Isle of Man Strategic Plan Policies in place which would be applicable. Whilst this is the case it is relevant to note Environment Policy 1 which seeks that the countryside is protected for its own sake and General Policy 3 which sets out acceptable development in areas not zoned for development.

4.3 DEFINITION OF CURTILAGE

4.3.1 Definition of curtilage is found within Appendix 1 of the Isle of Man Strategic Plan 2016 and states, "The area of land attached to and around a building, used with the building and within which the building is set (e.g. the garden and driveways of a house, the storage yard of a factory). Land used with a building but severed from it by, say, a highway or service land is not part of the curtilage of that building."

4.4 OTHER MATERIAL MATTERS

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

4.4.2 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.

4.5 HISTORIC UK CASE LAW

4.5.1 *Dancey & Co v SoS & Lewes DC* 1980: In *Dancey & Co v SoS & Lewes DC* 1980 the basic premise that curtilage definition is essentially a matter of fact and degree was established. In *Methuen-Campbell v Walters* 1979 a paddock attached to a garden was not considered to be within a curtilage as it was separated by a fence and not therefore intimately associated. The *Methuen-Campbell* case was quoted in *James v SoS & Another* 09/10/1990 where a tennis court had been erected some 100 metres distant from a house beyond an area of undergrowth and rough grass and a partial and indistinct line of trees and shrubs. It was held that an inspector had been correct in deciding that curtilages did not have precise limits and that each situation must be considered according to the facts of each particular case.

4.5.2 In *Attorney-General ex rel Sutcliffe, Rouse & Hughes v Calderdale BC* 1983 the Court of Appeal accepted that three factors had to be taken in determining what constituted a curtilage a) the physical layout of the building and structure, b) ownership past and present, and c) use and function past and present.

4.5.3 In the Court of Appeal in *Sumption v London Borough of Greenwich* 08/04/2008. The court summarised from the authorities the three tests to be used to address the question of curtilage. First, a single ownership is neither necessary nor sufficient to make land a single curtilage. Two, co-occupation of the house and land is not sufficient. Third it is not necessary for the land to be useful, advantageous or necessary to the dwellinghouse for it to be regarded as part of the curtilage. The court also emphasised that it also essential a matter of fact and degree.

4.5.4 In *Barnett v SoS & Another* 23/03/2009 the Court of Appeal had to consider whether one or other of two planning permissions had defined a curtilage and, if so, its extent, as the submitted site plans were inconsistent with each other. Planning permission had been granted in 1995 for the erection of an estate manager's dwelling on agricultural land and in 1998 planning permission was granted for a single-storey extension and alterations to that dwelling. Subsequently, an area outside the site granted planning permission in 1995 but within a red line site plan accompanying the 1998 application was brought into garden use and leisure facilities constructed there. Refusal of retrospective planning permission and subsequent enforcement notices were appealed. The appeal court upheld the high court finding of a distinction between the situation where permission was granted for a new dwelling house, whose curtilage would normally be identified by the site as defined on the site plan, and the situation where permission was sought to alter or extend an existing dwelling which had an existing curtilage. Permission to construct a new dwelling on non-residential land in effect contained a built-in application for change of use to residential purposes and defined the extent of the land so covered. The court concluded that since there had been no application for a change of use as part of the 1998 application, the curtilage could not be extended merely by submitting or subsequently relying on a site plan covering a wider area.

REPRESENTATIONS

5.1 The following representations can be found in full online, below is a short summary;

5.2 Highway Services have considered the application and state the following, "After reviewing this Application, Highway Services HDC finds it to have no significant negative impact upon highway safety, network functionality and/or parking as there is suitable parking for both adjacent dwellings to the garage, providing the garage remains ancillary to the new dwelling and is not commercially operated (due to layout not suitable for a large vehicle at this location). (26.11.25)

5.2 Ballaugh Parish Commissioners have considered the application and state, "After due consideration, Ballaugh parish Commissioners have no objections to this proposal." (15.12.25)

5.3 DEFA Forestry were consulted on the 18th November 2025 of which no consultation has been received at the time of writing this report.

ASSESSMENT

6.1 The main issues to consider in the assessment of this planning application are as follows;

- removal of condition / curtilage definition and acceptability of ancillary use of the building
- conditions

6.2 REMOVAL OF CONDITION / CURTILAGE DEFINITION AND ACCEPTABILITY OF ANCILLARY USE OF THE BUILDING

6.2.1 In the first instance the principle of the garage has already been addressed in previous planning applications, as such the below assessment is for the removal of the condition only.

6.2.2 In most cases, the definition of a curtilage does not cause much controversy. This is because although ownership is not on its own a determining factor, the boundary of a private garden or the extent of the land surrounding business premises is normally defined on the ground by some physical features and by function as a matter of fact and degree.

6.2.3 When looking at the back history of Ballakinnag House and Ballatiki, there is reference in PA20/00648/B, for the garage to the rear of Ballakinnag House, that the owner of Ballakinnag House bought Ballatiki in 2019, of which the supporting information states, "3.2 The neighbouring property of Ballatiki was purchased by BLANK in November 2019."

6.2.4 With the above in mind and moving onto the application for the replacement dwelling at Ballatiki under PA21/01234/A of which the Planning Statement, stated, "It was around this time that my older son informed me that due to the difficult time he had experienced over the last 18 months due to the Covid Pandemic and being away from his family with no support bubble, he had decided to return home and take a job locally. After looking for places to live we decided that the best course of action would be to build a replacement Dormer Bungalow on the Ballatiki site which could be his home for the foreseeable future and where myself and my wife could retire into our old age."

6.2.5 Turning towards the most recent application PA25/90102/B, which was for "Changes to wall and roof materials, change to site layout, addition of dormer, removal of one vehicular access (amendment to 23/00739/B) (retrospective)," of which drawing No.03 B states that the "Existing entrance removed and new pedestrian access with perimeter walling to match existing."

6.2.6 With the above application, the existing front driveway to Ballatiki was removed and the vehicular access was moved to the access used for the garage/workshop only. The application also included a large "turning circle" in front of the existing garage/workshop.

6.2.7 Over the past history of the application, there have been several alterations to the planning curtilage for both Ballakinnag House and Ballatiki, which have changed the character and appearance of the area. Whilst this is the case, there is now a very clear definition of what is the planning curtilage of Ballakinnag House and what is the planning curtilage of Ballatiki which clearly includes the garage/workshop.

6.2.8 With the above in mind, whilst the removal of the garage/workshop from Ballakinnag House could potentially be unavoidable, when following the past history of the site and specifically PA25/90102/B which makes no mention of the removal of existing driveway of Ballatiki and the encompassment of the garage/workshop into the planning curtilage of Ballatiki, the proposal within this application is unavoidable.

6.3 CONDITIONS

6.3.1 Whilst it is unlikely due to the now shared driveway of Ballatiki and the garage/workshop that the garage/ workshop would be separated, due to the nature of the garage/workshop and the residential environment the garage/ workshop is situated within, the garage/ workshop should be attached to Ballatiki (as it was Ballakinnag House) and only for the use of the owners of Ballatiki.

CONCLUSION

7.1 It can be seen through the passage of the planning history that over time the garage/workshop has been moved out of the planning curtilage of Ballakinnag House and moved into the planning curtilage of Ballatiki, as such whilst there are no Isle of Man Strategic Plan Policies in place for the proposed works, the proposal to remove the tie of the garage/workshop from Ballakinnag House is recommended for approval subject to conditions which attach the garage/ workshop to Ballatiki.

7.2 For the above reasons, on balance, the proposal is considered acceptable.

RIGHT TO APPEAL AND RIGHT TO GIVE EVIDENCE

8.1 The Town and Country Planning (Development Procedure) Order 2019 sets out the process for determining planning applications (including appeals). It sets out a Right to Appeal (i.e. to submit an appeal against a planning decision) and a Right to Give Evidence at Appeals (i.e. to participate in an appeal if one is submitted).

8.2 Article A10 sets out that the right to appeal is available to:

- o applicant (in all cases);
- o a Local Authority; Government Department; Manx Utilities; and Manx National Heritage that submit a relevant objection; and
- o any other person who has made an objection that meets specified criteria.

8.3 Article 8(2)(a) requires that in determining an application, the Department must decide who has a right to appeal, in accordance with the criteria set out in article A10.

8.4 The Order automatically affords the Right to Give Evidence to the following (no determination is required):

- o any appellant or potential appellant (which includes the applicant);
- o the Department of Environment, Food and Agriculture, the Department of Infrastructure and the local authority for the area;
- o any other person who has submitted written representations (this can include other Government Departments and Local Authorities); and
- o in the case of a petition, a single representative.

Item 5.7

Proposal : Conversion of offices (Class 2.1) to private medical facility (Classes 3.2 and 4.1) including alterations to public footpath and additional landscaping works

Site Address : Howard Pearson House
Summerhill Business Park
Victoria Road
Douglas
Isle Of Man
IM2 4RP

Applicant : Kingsley Land And Property Ltd

Application No. : [25/90843/B](#) - click to view

Principal Planner : Chris Balmer

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.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2019 (or any Order revoking and/or re-enacting that Order with or without modification), the ground floor and first floors shall only be used as a "medical facility as set out in the application details", a Sui Generis Use comprising a mix of Hospital (part of Class 3.2) and Clinic or Health Centre (Class 4.1). No approval is given for the use of any part of the site as a nursing home or residential institution.

Reason: The Department has assessed the impact of the proposal on the basis of the specific use and any alternative uses within a different Use Class will require further consideration and an application to be made.

C 3. The development hereby approved shall not be occupied or operated until the parking, turning areas and internal footpath improvements within Summerhill Business Park have all been provided in accordance with the approved drawings 20207-PL08 REV 1, 20207-PL09 and 20207-PL10. 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, turning of vehicles and improvements for pedestrian access to the site all in the interests of highway safety

C 4. Prior to the commencement of any works to the public footpath hereby approved an Arboricultural Method Statement (AMS), adhering to the recommendations of BS5837:2012

(Trees in relation to design, demolition and construction - recommendations), shall be submitted to and approved in writing by the Department. The AMS should address;

- (a) Removal of existing structures and hard surfacing
- (b) The installation of temporary ground protection
- (c) The installation of new hard surfacing (materials, design constraints and implications for levels)
- (d) How the project arboriculturist and/or construction manager will carry out arboricultural site monitoring, including a schedule of specific site events requiring input or inspection.

The agreed protection measures and construction methods shall be fully adhered to and the public footpath works shall be completed prior to the occupation/operation of the medical facility hereby approved.

Reason: to provide a level of technical detail sufficient to provide a high level of confidence in the outcome for retained trees on the site and ensuring the proposed improvements to the public footpath are provided.

C 5. All existing trees shall be retained, unless shown on the approved drawing 20207-PL10 as being removed. In the event that a tree dies or is wilfully removed without prior consent it shall be replaced as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Department.

Reason: to ensure the continuity of amenity afforded by existing trees.

N 1. The applicants are recommended to discuss the security of the site with The IOM Constabulary Architectural Liaison Officer as per their comments received.

N 2. A S109 highway agreement will be required for the proposed off-site highway pedestrian improvements.

Reason for approval:

The application is considered to be acceptable and complies with the relevant planning policies having no significant adverse impacts upon public or private amenities.

Right to Appeal

It is recommended that the following organisations should NOT be given the Right to Appeal:

DOI Highway Services - No Objection (subject to conditions which have been applied)
Local Authority - No Objection
Fire and Rescue Service - No Objection
The IOM Constabulary - No Objection

Planning Officer's Report

THE APPLICATION IS TO BE DETERMINED BY THE PLANNING COMMITTEE BECAUSE IT COULD BE CONSIDERED CONTRARY TO THE DEVELOPMENT PLAN (LAND USE DESIGNATION) BUT RECOMMENDED FOR AN APPROVAL

1.0 THE SITE

1.1 The application site comprises Howard Pearson House which is located within the Summerhill Business Park, to the east of Victoria Road in Douglas. It is a two storey detached building with 2,248sqm nett of office floor space. The main entrance to the building is to the southwest elevation. The site is located to the rear (east) of the former Shoprite office building and north of the Former Isle of Man Holiday Camp (the former camp is located on the opposite side of Switzerland Road which runs along the southern boundary of the site). The site also includes a section of public footpath, which runs along the northern side of Switzerland Road, and a thin section of the private estate road to the north west of the main part of the site.

1.2 The site has dedicated car parking to the northeast and southeast of the main building totalling 88 parking spaces. The site also has 24 covered cycle spaces.

1.3 As mentioned the site is located within Summerhill Business Park which is made up of four detached sizeable office buildings (including the application building). To the north is the office building currently occupied by IQ-EQ (Investment company), to the south east is Millennium House where the ground floor is current unoccupied (advertised for rental 252 sqm - Black Grace Cowely) and the first floor appears to be occupied by OAK (financial). The final property is Centre House Snaefell House (former Shoprite offices) to the north east of the site, which is appears unoccupied.

2.0 THE PROPOSAL

2.1 The planning application seeks approval for the conversion of offices (Class 2.1) to private medical facility (Classes 3.2 and 4.1) including alterations to public footpath and additional landscaping works. The proposal contains both Class 4.1 (Clinics or Health Centres) and Class 3.2 (Hospitals, nursing homes and residential institutions) elements and so is considered to be a Sui Generis Use as a medical facility and has been assessed on that basis.

2.2 The applicant's planning statement in support of the application sets out the following points.

3.1 Proposed is the change of use of the building from offices to a private health care facility - (Class 4.1) including overnight accommodation for patients (Class 3.2). The layout shown in the submitted plans which illustrates a typical facility of this type and how it could be accommodated within the building, includes 13 consultation rooms, 15 day beds, 5 reception areas and a number of specialist areas - radiology, X-ray theatre, surgical areas, laboratories etc. This is a typical layout and the actual internal arrangement should permission be granted, may differ in detail but be generally as shown.

3.2 The proposed internal layout would see the ground floor providing medical theatres, consultation and treatment rooms, patient bedrooms, staff facilities including a small cafeteria for those using the premises, and toilets. A small shop is shown to provide items which patients might need as well as a dispensary for patients who are being or who have been treated on site. There are separate entrances/exits for staff and for customers to enhance the privacy of those visiting the facility.

3.3 The first floor will provide further medical facilities including MRI, CT, radiology, X-ray facilities, blood clinic, laboratory, laundry, consultants changing facilities, toilets therapy facilities and further overnight accommodation rooms. Many of the facilities on both floors will be used by those patients who are also staying overnight although some will be used by day patients only.

3.4 Many patients who stay overnight may not arrive and leave in their own vehicles and will be dropped off and collected, depending upon their condition and treatment.

3.5 The site currently has 88 parking spaces within its curtilage and a secure cycle store for staff or customers who wish to cycle to and from the site. Vertical stands will be fitted within the existing store so as to accommodate approximately 24 cycles. Accessible spaces are to be provided which will reduce the overall number to 83. Provision will also be available

for the charging of electric vehicles if required. It is estimated that there would be a maximum of around 31 staff on site at any one time as many of the consultation, therapy and treatment facilities will be used by the same staff with a number of staff covering different responsibilities and may be involved in a number of different treatments in different rooms. The number of customers on site at any one time is likely to be around 35.

3.6 The site is close to a frequent bus service on Victoria Road.

3.7 The submission (after receiving amended plans) includes upgrading of part of the public footpath which runs along Switzerland Road to improve pedestrian access to and from the site to Victoria Road. These works required the removal of 6 existing trees (inc 4 Leyland), but the retention of the majority of mature trees which line Switzerland Road. The creation of additional footpaths are also proposed within the existing estate road by reducing the width of the estate road and painting lines to create the pedestrian footpath from the site to Victoria Road.

3.0 PLANNING HISTORY

3.1 There have been a number of previous planning applications associated with the site/ Summerhill Business Park however only the following are considered relevant in the determination of this application:

3.2 Master plan of business technology park, Little Switzerland, Douglas - 89/01503/B - APPROVED

3.3 Approval in principle to business science park and hotel and associated car parking, Lower and Middle Camp of IOM Holiday Centre, Victoria Road, Douglas - 88/00946/A - APPROVED

4.0 PLANNING POLICIES

4.1 Site Designation

4.1.1 The site is within an area designated as "Business Park" by the Area Plan for the East (APE) - adopted 2020. The site is not specially identified within the Written Statement of the APE. The application site is not within a Conservation Area nor within an area designated as Natural Conservation Zones, Nature Reserves & Sites of Ecological Importance for Conservation. The site is not within a Conservation Areas. Douglas Promenade to the east and Little Switzerland to the north of the site are Conservation Area, albeit they are considered too far to be impacted by the proposed Change of Use application which involves no external works to the building.

4.2 Isle of Man Strategic Plan (IOMSP) - adopted 2016

4.2.1 In light of the above, it is considered the policies from the IOMSP set out below are relevant in the determination of this application;

- Strategic Policy 1 - make best use of resources including underused buildings
- Strategic Policy 2 states - direct development towards existing settlements
- Strategic Policy 10 - integrated transport network
- Spatial Policy 1 - focus development to Douglas
- General Policy 2 - Development Control considerations
- Environment Policy 36 - protect views into and out of Conservation Areas
- Business Policy 1 - employment opportunities
- Transport Policy 1 - direct development to existing public transport facilities and routes
- Transport Policy 4 - highway design
- Transport Policy 7 - parking provisions (references standards in appendix 7)

4.2.2 In particular, Community Policy 6 states:

"New community health care facilities and extensions to existing facilities will be permitted provided that they:

- a) would not result in an over concentration of such uses in a particular area;
 - b) would not have an unacceptable effect on the residential or prevailing character or amenity of the area;
 - c) would be easily accessible; and
 - d) would not have an unacceptable impact on the local highway network.
- Regard should be had also to the parking standards set out in Appendix 7."

4.2.3 It is also noted that Appendix 1 - Definitions and Glossary states; "Business Parks A development encompassing land for light industrial purposes, warehousing, new-technology companies involved in scientific, commercial, or industrial research or development and office accommodation as the corporate headquarters of companies having multiple and diverse interests (but excluding financial/professional services to visiting members of the public); buildings should be set in parkland which should dominate the landscape."

4.3 Area Plan for the East (APE) - Written Statement

4.3.1 Transport Proposal 1 states; "Development proposals must take into account the Active Travel Strategy and any specific actions set out in the Active Travel Action Plan."

4.3.2 In relation to Development in areas of 'mixed use' the plan states:

"9.11.1 There are a number of areas of 'mixed use' outside of Douglas town centre. Some are identified by a site number on the Maps and others are not, for instance Village Walk in Onchan does not have a site number.

9.11.2 Development types within areas of mixed use generally comprise a variety of different but compatible uses. Appropriate new uses may include a mix of shops and some services (financial and professional), food and drink, office and light industry, research and development, tourist and residential uses, and other uses such as clinics or health centres, childcare or education, community facilities, and places of assembly and leisure. Uses which are not compatible with residential development will generally not be supported within the areas of mixed use."

4.3.3 Chapter 11 covers, "Open Space and Recreation, Education, Health and other Community Facilities" and the introduction includes:

"11.1.1 As part of Government's Strategic Objectives under 'An Inclusive and Caring Society' 27 the general aims are to focus on providing public services that are fit for purpose, modern and in the right place, that improve the quality of life for children and young people and help all to lead longer and healthier lives. There is a desire to move more services away from the main Hospital site at Nobles into the community, provide more sports opportunities and to develop an education system that it is responsive and forward thinking. None of these statements are in conflict with the existing Strategic Plan Policies.

11.1.2 Throughout the Plan process, consideration was given to the implications of allocating additional land for development and in terms of open space and recreation needs, education and health service provision and the need for other community services such as needs of the emergency services"

4.20 The desired outcomes of the chapter at 11.4 include,

"... iv. Land for community health facilities, education and other facilities will form part of urban extensions where appropriate with sufficient space to encourage safe pedestrian and bicycle access."

4.21 Open Space and Community Proposal 1 states;

"Areas for residential growth identified in this Plan must take account of the needs for neighbourhood centres which will protect sufficient space for community health services and other social facilities. These could be provided within existing development, identified sites or on Strategic Reserves as part of an overall master planned approach".

5.0 REPRESENTATIONS

5.1 DOI Highways Services initially raised concerns and asked for amendments/additional information (02.10.2025). Following additional information being provided by the applicants Highways Services final comments are (03.02.2026);

" Highway Services HDC have reviewed the updated information for application 25/90843/B dated 29 Jan 2026 online and can comment that the Travel Plan, internal pedestrian route layout/markings and off-site pedestrian highway improvements are welcomed and acceptable to HDC. Therefore, HDC do not oppose (DNOC) the application subject to conditions on the internal pedestrian improvements layout and off-site highway pedestrian improvements to be implemented before first occupation and retain thereafter.

Note to attach to permission: A S109 highway agreement will be required for the proposed off-site highway pedestrian improvements."

5.2 Douglas City Council have no objection (06.10.2025).

5.3 IOM Fire & Rescue Service raise no objection to the application, but comment that a suitable and sufficient fire risk assessment should be undertaken (26.09.2025).

5.4 Business Isle of Man (DfE) comment (05.02.2026) indicates support and notes,

"...Howard Pearson House is a long standing but currently vacant commercial property within Summerhill Business Park. The Planning Statement included within the application notes that the building has been unoccupied for a considerable period despite active marketing and it sits alongside other vacant office premises in the immediate area, contributing to an under utilised section of the Business Park...

The proposal offers a number of clear economic benefits to the Island. The applicant anticipates that the facility would employ around 30-40 staff, with additional cleaning and ancillary personnel forming part of the operating model. Given the nature of the business, this represents a meaningful contribution to local employment within a sector that is both stable and skills based. The presence of this workforce will also generate indirect economic activity by supporting nearby services and facilities.

From a wider economic perspective, the facility will provide additional private healthcare capacity, thereby freeing resources within the public system at Noble's Hospital and reducing the need for residents to travel off island for treatment. The Planning Statement highlights that many Island residents currently seek private medical care in the UK due to limited domestic capacity. The proposed facility would therefore help retain expenditure within the Isle of Man economy, stimulate activity in associated health and support services, and improve local resilience to fluctuating demand.

The applicant also identifies the potential for the development to support the Island's emerging health tourism market, capitalising on the Isle of Man's reputation for safety, accessibility and quality. Although not quantified in the submission, this represents a strategically significant growth opportunity aligned with the sector diversification principles within the Economic Strategy.

The site is sustainably located, close to a large residential catchment and served by regular public transport on Victoria Road. The proposal introduces no external changes to the building and makes effective use of the existing car and cycle parking infrastructure. The anticipated patterns of use, smaller numbers of visitors spread across the day, are likely to have a lower transport and parking impact than the authorised office use.

In terms of the Business Park setting, while private medical facilities are not explicitly listed within the standard business park classifications, Business Parks are intended to support employment generating uses. The proposed development would clearly achieve this, particularly relative to the existing situation in which the premises remain empty.

In conclusion, the proposal is consistent with the Isle of Man Strategic Plan, the Area Plan for the East, and supportive of the ambitions of Our Island Plan and the Economic Strategy, representing a positive contribution to the Island's economic resilience and strategic objectives.

The proposal therefore represents a substantial and positive investment in the Island's economy, bringing a vacant building back into productive use, supporting skilled employment, improving healthcare capacity, and retaining economic value that is currently lost off island. Collectively, these outcomes align with the broader objectives of the Economic Strategy and the Island Plan, particularly in relation to creating a well functioning, resilient economy and supporting the Island's attractiveness as a place to live and work..."

5.5 The IOM Constabulary comment (27.10.2025);

"The security of the building is of paramount importance, given the proposed nature of the business. The safety of those using the facility (staff and visitors) must also be met with the same importance".

5.6 A number of recommendations are made to ensure the buildings are appropriately secured, have adequate access control measures, make use of CCTV, external lighting and alarms. It recommends using a Crime Prevention Through Environmental Design (CPTED) and Secured By Design standards.

5.6 Environmental Protection Unit (DEFA) comment (02.02.2026);

"With regard to PA 25/90843/B the Environmental Protection Unit Water has no concerns to raise as the foul water will discharge into the Manx Utilities mains sewerage networks."

5.7 For information both the Department of Health and Social Care and Manx Care were consulted on the application, but no response was received.

6.0 ASSESSMENT

6.1 Key Issues

6.1.1 The key issues are as follows:

- Principle of Development (APE land use allocation & Sections 9.11, 11.1, 11.4 and Open Space and Community Proposal 1 and IOMSP StP 1, 2, SP1, GP 2, BP1 & CP6);
- Potential impact upon the visual amenities of the street scenes (IOMSP GP2); and
- Traffic Impacts / parking provision (IOMSP GP2, TP 1, 4, 7 and APE TP1).

6.2 Principle of Development

6.2.1 The site is within an area designated as "Business Park" under the APE. The current building last operated as an office for RBS International as their Service Centre. The proposal would not fall within the definition of a "Business Park" as outlined within the IOMSP (paragraph 4.16). Accordingly, the issue to consider is whether the use of this building for none "Business Park", in this case use a private medical facility, is acceptable or not.

6.2.2 It should firstly be noted that the APE does not designate any new land for health related development. Accordingly, unless any potential new health related proposals are reusing existing health facilities on the Island, it is likely they will be on land not necessary designated for that purposes. The APE does indicate that in some Strategic Reserves sites that additional health care facilities (residential care homes) or health care provision should

be provided as part of these overall developments; albeit this would require the applicants to develop or be involved in the development of these site, which as is stands today have not been released. While it is not defined what "health care provision" is, given the context of the development briefs and type of development, it is more likely to be seeking GP surgeries/dental practices i.e. smaller scale, rather than hospitals on the scale of the proposal.

6.2.3 The applicants have advised the property has been advertised for sale (office use); with the applicants agent commenting; the building is presently unoccupied and has been for some time despite having been marketed with numerous estate agencies. Millennium House which sits opposite this site is also presently being offered for rent with Black Grace Cowley amongst many other large offices, some of which are located much more centrally than is the application site. Snaefell and Centre Houses alongside do not appear to be currently in use.

6.2.4 There is a significantly amount of office space available with Douglas centre. Last year when considering the application for the conversion of Royalty House to a Hotel (24/00572/B) in 2024, the then case officer calculated that a very approximate figure of 266,000sqft/24712sqm (36 football pitches) was available in Douglas Centre only. The units available ranged from small units to large buildings. Accordingly, with this very high level search it was clear there is a significant amount of office space of various sizes and types available with Douglas centre. This search did not include this site/area. Visiting the Summerhill Business Park it was clear there are more empty buildings than occupied buildings at this time. Add to this fact and the significant number of empty premises for office/corporate offices/business uses within Douglas centre, it is therefore difficult to argue that there is currently significant need for this building under consideration now, in its current use. Therefore the loss of this office space (corporate) on this site is un-objectionable at this time. This view may change if there was clear demand for such accommodation given the lack of available space, but that does not appear to be the case at this time.

6.2.5 The IOMSP and APE make no specific mention to private health care provision; however, does indicate that "New community health care facilities" (no mention of public or private) within Community Policy 6. Accordingly, it is not considered unreasonable to consider this policy when determining the application. This policy indicates that new community health facilities will be permitted provided that; a) would not result in an over concentration of such uses in a particular area; b) would not have an unacceptable effect on the residential or prevailing character or amenity of the area; c) would be easily accessible; and d) would not have an unacceptable impact on the local highway network. The last two points will be fully considered in the highway section of the assessment. However, in terms of the other two points there are no concerns. The proposal would be the only private medical facility in the area and is not near any residential properties nor would change the character or amenity of the area being within an existing building. The number of staff is proposed to be around 30 to 40 staff (31 maximum at any one time) and around 35 patients at any one time. While it is not known how many staff worked at the building when it was used by RBS International, the building is sizeable and potentially a greater level of staff could have worked at the building previously given its size and open plan nature. The new proposal would involve a number of individual rooms and therefore likely to have a less capacity than an open plan office. For example a common guideline (British Council for Offices) is 10-12sqm per person for open plan office space is provided. On this basis given the nett floor area of Howard Pearson House is 2,248sqm there could be an approximate total of between 187 and 224 staff in the building. As mentioned this is not saying that is the amount worked in the building previously (not known), but it gives an idea on the number it could accommodate. Even if this lower figure is halved ($187/2$) this would result in 93 members of staff in the building (not including cleaning staff/maintenance etc.) which is still more than the proposal which according to the applicants would have a likely total number of people (staff and patients) at any one time of 66. Accordingly, it is not considered the proposal would introduce a use which would adversely change the character or amenity of

the area. Once occupied it will likely appear similar to an office use, with people coming and going.

6.3 Potential impacts upon the visual amenities of the street scenes

6.3.1 From public views, the main vantage point is from Switzerland Road to the south of the site and from the estate road. The proposal does not propose any external alterations to the building and therefore the appearance of the building will remain unchanged. The main changes externally would be the upgrading of the public footpath, removal of six trees and creation of a new footpath within the estate. It is not considered these changes would give rise to any significant change to the character and appearance of the area. Accordingly, the proposal raises no concerns in terms of this respect.

6.4 Traffic Impacts / parking provision

6.4.1 In relation to parking provision the applicants have indicated that they would reduce the parking spaces from 88 to 83 spaces, to accommodate Accessible spaces. They are also retaining the existing 24 covered cycle spaces. The applicants in their Highway Statement have outlined how many parking spaces will be used for each type of room in the building (i.e. consultation/treatment rooms, day beds, theatre, receptionist etc.). They conclude that a total of 66 parking spaces would be needed to accommodate the staff and patients/visitors. They indicated they have taken this approach as the IOMSP parking standards for "Medical / health services" is 3 spaces per consulting room plus staff parking is not in line with how the clinic would operate. It is noted that Highway Services have raised no objection to the approach taken in relation to parking provision. The applicants' approach would appear to be realistic and reasonable and with no evidence to the contrary it is considered the 88 parking spaces provided within the site is a sufficient amount of parking for the proposal.

6.4.2 If calculating the proposal using the IOMSP parking standards the proposal has 13 consulting rooms which require a total of 39 spaces ($13 \times 3 = 39$) and then staff spaces, which in this case would be 40 (maximum number indicated) and therefore a total of 79 spaces would be required. The proposal would accord with this having 88 spaces.

6.4.3 The APE Transport Proposal 1 states; "Development proposals must take into account the Active Travel Strategy and any specific actions set out in the Active Travel Action Plan". Furthermore, the IOMSP Strategic Policy 1 seeks development to be located to utilise existing and planned infrastructure, facilities and services and Strategic Policy 10 seeks new development should be located and designed such as to promote a more integrated transport network with the aim to: (a) minimise journeys, especially by private car; (b) make best use of public transport; (c) not adversely affect highway safety for all users, and (d) encourage pedestrian movement. Further Transport Policy 1 (IOMSP) which seeks that new development should, where possible, be located close to existing public transport facilities and routes, including pedestrian, cycle and rail routes. The preamble to this policy is paragraph 11.2.3 which states that to meet environmental objectives new development should where possible be located and planned so as to reduce the need for travel and encourage means of travel other than by private car, in particular walking, cycling, and public transport use. This proposal would achieve these aims/policies with the upgrading of the existing public footpath and creation of an internal footpath within the estate both connecting to Victoria Road where bus stops are found in the immediate area.

6.4.4 It is noted that Highway Services have considered the application in detail both from a highway safety point of view, pedestrian routes, traffic generation and parking provision standpoint.

6.4.5 Overall, it is considered the proposal would provide sufficient onsite parking spaces, located within the settlement of Douglas, close to public transport links, good sustainable

links, significant cycle provision, and Travel Plan being implemented; it is considered the proposal would meet the overarching aims of the IOMSP which seeks to promote sustainable development and travel which seeks to reduce the need for travel and encourage means of travel other than by private car, in particular walking, cycling, and public transport use and therefore complying with GP2, TP 1, 4 & 7 and TP1 from APE.

6.5 Impact upon trees

6.5.1 Arguable this is the potential main issue with the proposal to ensure the trees proposed to be retained along Switzerland Road are retained as shown on the submitted plans. The main potential impact to the trees relates to the footpath improvements and works involved to achieve this. Currently the footpath is made up of uneven paving slabs which also have steps in various locations due to the slight sloping nature of Switzerland Road which runs upwards towards Victoria Road. Precise details are not known at this stage on how these works will be undertaken. However, it has been agreed between Forestry, Highways and the applicants that there is space to make improvements, while not adversely affecting the trees in question. A condition should be sought which seeks the detailed design of the footpath works prior to the occupation of the building.

7.0 CONCLUSION

7.1 Accordingly, in light of the above analysis, it is recommended the application is acceptable and complies with the relevant planning policies listed having no significant adverse impacts upon public or private amenities and therefore recommended for an approval.

8.0 RIGHT TO APPEAL AND RIGHT TO GIVE EVIDENCE

8.1 The Town and Country Planning (Development Procedure) Order 2019 sets out the process for determining planning applications (including appeals). It sets out a Right to Appeal (i.e. to submit an appeal against a planning decision) and a Right to Give Evidence at Appeals (i.e. to participate in an appeal if one is submitted).

8.2 Article A10 sets out that the right to appeal is available to:

- o applicant (in all cases);
- o a Local Authority; Government Department; Manx Utilities; and Manx National Heritage that submit a relevant objection; and
- o any other person who has made an objection that meets specified criteria.

8.3 Article 8(2)(a) requires that in determining an application, the Department must decide who has a right to appeal, in accordance with the criteria set out in article A10.

8.4 The Order automatically affords the Right to Give Evidence to the following (no determination is required):

- o any appellant or potential appellant (which includes the applicant);
- o the Department of Environment, Food and Agriculture, the Department of Infrastructure and the local authority for the area;
- o any other person who has submitted written representations (this can include other Government Departments and Local Authorities); and
- o in the case of a petition, a single representative.

8.5 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 the Right to Appeal.

Item 5.8

Proposal : Erection of new four storey dwelling
Site Address : 11-12 West Quay
Ramsey
Isle Of Man
IM8 1DW
Applicant : Mr Ian Piercy
Application No. : [25/90689/B](#) - click to view
Planning Officer : Russell Williams

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. No development above damp proof course shall be undertaken until a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including the roof, 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.

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

C 3. The dwellinghouse hereby permitted shall not be occupied until all Flood Mitigation & Design Response recommendations set out in the approved Flood Risk Assessment have been completed.

Reason: To ensure the dwellinghouse is protected in the event of flooding occurring.

C 4. The dwellinghouse hereby permitted shall not be occupied until a Section 69 'Construction of buildings over highways' license has been issued to the developer/owner of the site and a copy of the license has been submitted to and approved in writing by the Department.

Reason: In the interest of highway safety.

C 5. The garage hereby approved shall at all times be made available for the parking of private motor vehicles(s) and shall be retained available for such use.

Reason: To provide adequate off-street parking.

C 6. Notwithstanding the provisions of the Town and Country Planning (Permitted Development) Order 2025 (or any Order revoking and/or re-enacting that Order with or

without modification) no extension, enlargement or other alteration of the dwelling, hereby approved 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.

Reason for approval:

The proposed development comprises a sustainable residential use of the redundant and previously developed site that affords appropriate amenity to future occupants and does not adversely impact upon highway safety or flood risk. The impact upon the character and appearance of the Conservation Area is considered to be low and the benefits of the development outweigh any identified harm. The proposal therefore complies with General Policy 2, Housing Policies 4 and Environment Policies 13 and 35, together with the Residential Design Guide 2021 and the Ramsey Local Plan.

Right to Appeal

It is recommended that the following organisations should be given the Right to Appeal on the basis that they have submitted a relevant objection:

DOI - Highway Services
Objection

It is recommended that the following organisations should NOT be given the Right to Appeal:

DOI - Flood Risk Management
No objection and condition added.

Ramsey Commissioners
Support

Manx Utility Authority
No objection

Planning Officer's Report

THE PLANNING APPLICATION IS BEFORE THE PLANNING COMMITTEE AT THE REQUEST OF THE HEAD OF DEVELOPMENT MANAGEMENT

1.0 THE SITE

1.1 The application site is the curtilage of No's 11-12 West Quay Ramsey. The site is located to the west of the highway and to the south of the Swing Bridge. The site fronts onto highway/pavement.

1.2 No. 13 West Quay sits to the East. It is a 2 storey Manx stone building finished in painted render with retail on the ground floor and presumed residential on the upper floors. This property also features a flat roof to the property. No. 10 to the West is a lean-to single storey structure built off the gable wall of No. 11.

1.3 Formerly the property was an end of terrace three storey Victorian Manx stone constructed building. The building was finished in painted smooth render and a pitch tiled roof. The front façade had a traditional appearance with regularly positioned fenestration to

the first and second floor with four portrait windows in timber sliding sash and extended window cills to the first and second floor. To the ground floor there was a shop front with a large glazed window above a dwarf wall and pedestrian width door way providing access to within. Adjacent to this (south) there is another pedestrian door with fanlight above and an additional larger doorway with concrete threshold to the end of the building. The leading roof edge featured a parapet wall and matched the existing eaves line of the Trafalgar pub hotel (to the south) next door.

1.4 The property has been demolished without approval and the site is currently open and vacant.

2.0 THE PROPOSAL

2.1 The application seeks planning permission for the erection of a 4 storey, 4 bedroom dwelling.

2.2 The proposals comprise habitable accommodation spread over first, second and third floors with garaging, plant and lift room and hallway at ground floor.

2.3 The first floor will comprise open plan living, kitchen and dining space, with three en-suite bedrooms at second floor and a master bedroom with ensuite, dressing room and laundry room at third floor level, within the roof space.

2.4 The building has a traditional design approach, with contemporary features to the windows and balcony. The building will be finished in rendered walls and slate roof with aluminium double glazed windows and doors coloured anthracite. The dwelling will have a pedestrian and garage door at ground floor level fronting West Quay.

3.0 PLANNING POLICY

3.1 In terms of local plan policy, the application site is within an area recognised as being an area of 'Town Centre - Mixed Use', under the Ramsey Local Plan 1998. The site is also within Ramsey Conservation Area. The site is within a High Flood Risk Zone - Tidal as noted on the DOI flood maps.

3.2 The Isle of Man Strategic Plan 2016 contains the following policies that are considered specifically material to the assessment of this application;

Strategic Policy

- 1 Best use of resources
- 2 Priority for new development to identified towns and villages
- 4a Protection of conservation areas / registered buildings
- 10 Integrated transport

Spatial Policy

- 2 Ramsey is identified as a Service Centres for development

General Policy

- 2 General Development Considerations (a-n)

Environment Policy

- 13 Flood risk
- 22 Protection of the wider environment and properties through nuisances
- 35 Preserve or enhancement for Conservation Areas
- 39 Retention of building in Conservation Areas

Housing Policy

4 Location of new housing

Transport Policy

7 Parking provision

4.0 OTHER MATERIAL CONSIDERATIONS

4.1 Section 18(4) of the Town and Country Planning Act (1999) states, "(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".

4.2 Conservation Areas of Planning Policy Statement 1/01 (Policy and Guidance Notes for the Conservation of the Historic Environment of the Isle of Man);
POLICY CA/4 PROPOSALS FOR PRESERVATION AND ENHANCEMENT
POLICY CA/6 DEMOLITION

5.0 PLANNING HISTORY

5.1 The following applications are of material relevance:

5.2 PA 15/00311/B (11-12 West Quay) - Alterations and extensions to property and change of use from retail and residential to retail and office accommodation - permitted

5.3 24/90901/B - Demolition of building (retrospective) - Refused on the following ground;
"R 1. The demolition of a this historic building within the Ramsey Conservation area and the proposal to leave the site derelict would not be seen to preserve or enhance the character of the conservation area and would be contrary to Sp4a, EP35 and EP39 of the IoM Strategic Plan and also SECTION 18(4) of the Town and Country Act (1999)."

5.4 24/00903/CON - Registered Building Consent for demolition of building associated with PA 24/90901/B (retrospective) - Refused on the following ground;
"R 1. The demolition of a this historic building within the Ramsey Conservation area and the proposal to leave the site derelict would not be seen to preserve or enhance the character of the conservation area and would be contrary to Sp4a, EP35 and EP39 of the IoM Strategic Plan and also SECTION 18(4) of the Town and Country Act (1999)."

5.5 The neighbouring the property was granted planning approval under PA 17/00930/B (Nr 10 West Quay) for the conversion of existing building to a distillery.

6.0 REPRESENTATIONS

6.1 The following Statutory Consultees have been consulted and their responses can be summarised as follows:

6.2 Ramsey Commissioners - Ramsey Town Commissioners have no objection to this proposal, however the Board have requested that the following Condition is applied to any planning approval - bin storage.

6.3 Registered Building Officer - This application proposes to replace the existing properties at 11-12 West Quay with a four storey dwelling. The existing building has been partly demolished without the benefit of planning approval or registered building consent - both of which would be required given the site's location within the Ramsey Conservation Area.

The quayside along this portion of Ramsey harbour contains a mix of uses. As such, I judge that the proposed use as a dwelling would be consistent with the character in this vicinity of the conservation area.

I do have several concerns regarding various elements of the proposed scheme in terms of their impact on the character and appearance of the conservation area. Although there are examples of garage/vehicular access doors along the quayside, these examples are generally in industrial or commercial buildings where such a door might reasonably be expected to be present. This application proposes a modern double garage door as the principal opening on the ground floor of the main elevation of the dwelling. I consider that this element is something that fails to preserve or enhance the conservation area's character or appearance. The first and second floor windows are much more substantial than those seen elsewhere along the quayside, and those in the existing building (now demolished). Although these windows do have a consistent rhythm, their scale and proportions in relation to the overall massing of this elevation is, in my view, totally alien to the conservation area and something that fails to preserve the area's character. Finally, I have concerns that the proposed third floor balcony and full height folding/sliding doors are of a scale and proportion that is not consistent with the character or appearance of the conservation area. Although contemporary design can be successful in a historic setting, for the reasons above I judge that this proposal fails to preserve or enhance the conservation area.

Flood Risk Management - FMD suggest that the FRA is conditioned to the application should it be approved.

6.4 DOI Highway Services -

1. The off-street parking, and storage facilities capable to accommodate bins, are acceptable for the proposals being in the sustainable location of Ramsey centre.

2. Overhanging the highway issues - DOI currently has concerns on the overhang of the building with the window frame protruding further than the building overhanging - these could get hit by high sided vehicles particularly with the street being dropped in front of the building. Additionally, the significant overhang compared to other buildings window bays on the street will likely create dark area underneath the building to the detriment of pedestrians. It is requested that that the window frame is no further protruding than the building overhang line, or the building is pushed back if the window frames are needed to be protruding further than the building.

3. A Section 69 Overhanging of the highway license will be required for the overhang of the building over the public highway once permission is granted.

The Applicant should address the above issue 2 for HDC to not oppose the application.

6.5 Manx Utilities - Reviewed the planning application and advises that the applicant should engage directly with Manx Utilities to discuss the proposed foul and surface water drainage connections.

In accordance with the Sewerage Act 1999 and MU policy, surface water discharges into the foul or combined sewer network will not be permitted.

Please also note that a drainage communication fee will be applicable upon completion of the proposed dwelling and its connection to the public wastewater network.

6.6 No representations have been received from members of the public.

7.0 ASSESSMENT

7.1 The key considerations in the determination of the application are:

- o Principle of development
- o Design and impact upon the character and appearance of the Conservation Area
- o Impact on residential amenity
- o Transport and highway safety
- o Flood risk

PRINCIPLE OF DEVELOPMENT

7.2 The application site is centrally located within the contiguous built-up area of Ramsey and is close to the "town centre". The application site is located on land that is designated as a "Mixed Use" which includes options for residential use where it is compatible with other uses in the area.

7.3 In the Adopted Isle of Man Strategic Plan (2016), Strategic Policy 2 prioritises the location of new development within existing towns and villages. Spatial Policy 5 goes on to confirm that "New development will be located within the defined settlements."

7.4 Housing Policy 4 states that: "New housing will be located primarily within our existing towns and villages, or, where appropriate, in sustainable urban extensions of these towns and villages where identified in adopted Area Plans."

7.5 Having regard to the above policies, the application site is located within an accessible and sustainable location where the principle of residential development is supported by both Strategic Plan Policies and the Ramsey Local Plan Order 1998. A residential use of the site would be compatible with the "mixed use" designation and the formation of a new dwelling is a use that would be compatible with adjoining land uses.

7.4 Having regard to the above considerations, and subject to an assessment of material considerations, it is accepted that the principle of development on the site is acceptable and compliant with the aforementioned Strategic Plan and Area Plan policies.

DESIGN AND IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

7.5 The site is not a registered building but is located within the Ramsey Conservation Area. Consideration therefore needs to be given to the impact of the proposed alterations to the external appearance of the building, having regard to Section 18(4) of the Town and Country Planning Act (1999), Environment Policy 35 and General Policy 2.

7.6 The application site is currently a vacant parcel of land following the demolition of the previous building, which houses a shop and flats above. That building was three storey in height with an outrigger to the rear similar in height. The building had off white rendered walls, brown sliding sash windows and doors and a slate roof.

7.7 The comments of the Registered Building Officer have been given due consideration, particularly in regard to the balcony, windows and ground floor garage door. The starting point is assessing the impact of the new building upon the character and appearance of the Conservation Area is to recognise that the starting position is one whereby the applicant must comply with the enforcement notices imposed following demolition. This requires the site to be re-built to reflect the previous building.

7.8 Regarding the design principle, it is pertinent to note that in June 2015 application 15/00311/B was approved for the change of use of the original building, together with works to change the windows and doors and raise the roof at eaves and ridge line by 2.0m in order to create a roof space accommodation, including a glazed balcony with bifold doors.

7.9 At the pre-application stage in early 2025 and following the refusal of applications to demolish the building in its entirety, the applicant was advised by Officers that in order for an

application to be successful, in terms of a replacement building, reverting to a design that would be similar to the 2015 approval would be necessary. The submitted design has broadly followed the advice provided at the time, when regard is had to the scale, materials and general design approach. There are a small number of differences between the 2015 scheme and this, and they are limited to the omission of the shop front in favour of the garage door and pedestrian door, projecting window casements and marginally larger windows to the frontage. Given that the latest application seeks a wholly residential use and not one that includes a ground floor retail unit, which the 2015 application included, excluding the shop front is justified in my view. The acceptability or otherwise of the revised design is assessed below.

7.10 Consideration has been given to the inclusion of the proposed garage door to the road frontage. Whilst it is true that such features are not commonly found within residential buildings in the area, there are examples of larger doorways to dwellings. There is a distinct lack of any common appearance to the buildings along West Quay, with shop fronts, domestic and commercial properties all varying in their frontages and finishes. Immediately to the north and adjoining the application site is a retail property with a single garage/store door as well as a balcony. Whilst the observation of the Registered Building Officer is acknowledged, it is considered that the inclusion of the garage door to what will be a domestic property does not give rise to significant harm to the character or appearance of the building, and would not be an alien feature within the Conservation Area.

7.11 Regarding the window design, it is considered that the apertures being marginally larger than the previous approval is acceptable and whilst they are larger than windows on traditional properties, increasing natural daylight to habitable rooms is an important consideration and one that will reduce the amount of internal lighting use. The immediate setting of the application site is one where nearby buildings have a variety of window sizes and although slightly larger than the traditional aperture, the submitted design does not give rise to any real harm in the context of the site and its setting.

7.12 The proposed balcony is reflective of the 2015 approval which found its inclusion to be an acceptable feature on the building and within the Conservation Area. In terms of the appearance of the new third floor accommodation and balcony, the only aspect the northeast elevation that will be clearly visible would be from a distance within views across the harbour, from the new swimming pool site. Closer views from West Quay will be either oblique or again from a distance. It is unlikely the full extent of the northeast elevation would be apparent from West Quay and even so, there are other balconies in the area and this feature is not considered to be an unacceptable design feature in this instance.

7.13 Having regard to the above considerations, the development takes what is a traditional approach to the design of the dwelling, with the inclusion of a small number of contemporary features, some of which have been permitted previously. Whilst respectful of the Registered Building Officer's comments, it is my opinion that the development is well designed, respectful of its surroundings and will therefore preserve the character and appearance of the area along West Quay. Therefore, I conclude that the development complies with General Policy 2 and Environment Policy 35 and Section 18(4) of the Town and Country Planning Act (1999),

RESIDENTIAL AMENITY

7.14 Regarding residential amenity, Housing Policy 17 states that any apartment needs to have a "pleasant clear outlook, particularly from the principal rooms". The principle rooms look out to the north over West Quay. The outlook provided to principle rooms is considered to be acceptable.

7.15 Residents will not have access to any private amenity space but the site is within an area where access to public open space is plentiful and there are parks, gardens and other

areas in close proximity. Flats are not generally served by private amenity space and so this is not considered to be a reason to object to the proposals.

TRANSPORT AND HIGHWAY SAFETY

7.16 General Policy 2 requires, inter-alia that development will provide safe and convenient access for all road users and that road safety or local traffic flows are not unacceptably effected. Transport Policy 7 sets out the requirement for parking provision associated with new residential development.

7.17 The development includes one parking space within an integral garage, which fall short of the parking requirements laid out in the Strategic Plan. Notwithstanding, there are a number of public car parking spaces in close vicinity, as well as a number on-street parking (Parliament St & Quayside). Also, the site is within the centre of Ramsey, which benefits from public transport links to the whole Island and the site is also within walking distance of the town centre where shops and employment are located. The site is therefore fundamentally sustainable and a location where reduced residential parking provision can be supported.

7.18 The application includes space for bin and cycle storage within the building which is suitable.

7.19 Highway Services have raised issue with the overhanging of the walkway by the upper floor windows. The cill level of the first floor windows will be 3.45m above the pavement level and project beyond the site boundary above the pavement by approximately 1.9m. There are similar features at Trafalgar Hotel and Sea View, some 60-70 metres east of the site. For any high sides vehicle to impact the window frame, a vehicle would have to mount to pavement which, given the presence of parking spaces to the building frontage is considered highly unlikely. Whilst the harm arising is noted, it is not considered to present a reason to resist the planning application. It will be for the Highway Department to determine whether to issue a Section 69 overhanging license which is separate legislation and process to the determination of this application.

7.20 Having regard to the above matters, the highway impact of the development is considered to be acceptable and will not give rise to any significant harm or risk to highway safety in the area.

FLOOD RISK

7.21 The application site is located within High Risk Flood Zone (tidal). Whilst this gives rise to concern over the safety of occupants within residential accommodation, in this instance all sleeping and living accommodation associated to the two flats being proposed is located at first and second floor level and is therefore clear of the flood zone.

7.22 The application is supported by an FRA which sets out a number of flood resilience measures that will be incorporated into the build. Such measures will provide for enhanced protection to the dwelling and its occupants should a flood event occur.

7.23 The Flood Risk Management Team do not object to the proposals and it is considered that based upon the submitted design and FRA, occupants will not be at risk should a flood event occur.

8.0 CONCLUSION

8.1 The proposed development comprises a sustainable residential use of a previously developed plot of land. The provision of new housing will benefit the local community and will also increase the population in the town, albeit marginally, which has the potential to benefit local shops, services and facilities. Such weighs in favour of the development.

8.2 The design has been assessed as being acceptable when regard is had to the setting of the site, the impact of the previous building on the area and the previous 2015 approval. The development will preserve the character and appearance of the Conservation Area.

8.3 The proposed development affords appropriate amenity to future occupants and does not adversely impact upon highway safety or flood risk.

8.4 On balance, the development is considered to be acceptable and it is therefore recommended that the application be approved.

9.0 RIGHT TO APPEAL AND RIGHT TO GIVE EVIDENCE

9.1 The Town and Country Planning (Development Procedure) Order 2019 sets out the process for determining planning applications (including appeals). It sets out a Right to Appeal (i.e. to submit an appeal against a planning decision) and a Right to Give Evidence at Appeals (i.e. to participate in an appeal if one is submitted).

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- o any appellant or potential appellant (which includes the applicant);
- o the Department of Environment, Food and Agriculture, the Department of Infrastructure and the local authority for the area;
- o any other person who has submitted written representations (this can include other Government Departments and Local Authorities); and
- o in the case of a petition, a single representative.

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