



Kelly-Lewthwaite Building Design Limited  
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23 Market Street  
Douglas  
Isle of Man  
IM1 2PA

## **TOWN AND COUNTRY PLANNING ACT 1999**

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

In pursuance of powers granted under the above Act and Order the Department of Environment, Food and Agriculture determined to **APPROVE** an application by Bushy's Brewery, Ref **23/01235/B**, for the **Proposed re-development of Commissioners Yard, Workshops & Office including dwelling house to provide a Brewery and associated Tap Room, Eatery & Offices at Castletown Commissioners' Yard Milner Terrace Castletown Isle Of Man IM9 1TE .**

Any conditions or notes which apply to the approval are set out below. This approval is subject to compliance with any conditions listed and may not be implemented until it becomes final (see guidance notes).

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.

2. Prior to the commencement of development on the site area including any works of demolition, precise details and samples of the construction materials proposed to be used for the external surfaces of the new Brewery building as outlined on Drawing No. WL/23/1574 - 3A; and the conversion of the existing workshop, dwelling, link extension and garden terrace as outlined on Drawing No. WL/23/1574 - 2; shall be submitted to and approved in writing by DEFA Planning. Thereafter, the development shall be carried out in accordance with these approved details. The details shall include samples of natural roof slate, dressed limestone, vertical timber cladding and colour finish; details of the lime mortar and mortar mix to be used; details of rendering; window and door frames; guttering and downpipes; and Velux conservation type rooflights.

Reason: In the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

3. The car parking layout including the provision of 3 No. parking disabled spaces; spaces for motorcycle parking; and, all facilities for the secure storage of cycles shall be provided in accordance with the details shown on Drawing No. WL/23/1574 - 4I - stamped

received on 16th January, 2024, shall be laid out and made available for parking purposes prior to the first use of the development, hereby permitted, thereafter these spaces and facilities shall be made available for vehicle and motorcycle parking, and secure cycle storage for the lifetime of the development.

Reason: To ensure that adequate vehicles and motorcycle parking and secure cycle storage facilities are provided to serve the development in the interests of highway and pedestrian safety.

4. Prior to the commencement of the development hereby approved, and in conjunction with the requirements of condition 3 for the implementation of the approved car parking layout as shown on Drawing No. WL/23/1574 - 4I - stamped received on 16th January, 2024, of this planning permission, a Parking Management Plan shall be submitted to and approved in writing by DEFA Planning. Such plan shall:

- Designate the three spaces fronting the office for use as public parking mitigating the loss of on-street parking; and,
- Secure the use of three additional off-site parking spaces for office staff use;

Thereafter these spaces shall be made available for public vehicle parking (3 spaces on site opposite Milner Terrace). In addition, three spaces for office staff vehicles must be available in addition to the parking spaces within the site, at all times, details of which must be approved by the Department.

Reason: To ensure that adequate public vehicle parking is provided to serve both the development and local demand and to provide suitable parking spaces within easy walking distance for Office Staff working in the Brewery development in the interests of highway and pedestrian safety.

5. Prior to the first occupation of the development, hereby approved, a Landscaping Strategy shall be submitted to and approved in writing by DEFA Planning. The Landscaping Strategy shall include details of all planting and sowing, including size, species and numbers of trees and plants, ground preparation, management and maintenance, as well as methods to eradicate any invasive species that may be present (Japanese Knotweed). All planting, seeding, and earth works comprised in the approved details of landscaping shall be carried out in the first planting and season (November - March) following the substantial completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to secure a high quality form of development that would readily assimilate into its surroundings.

6. Prior to the commencement of development, including any repointing, the following schedule of survey work shall be carried out and inform an Ecological Mitigation Plan required to be submitted by condition 7 of this planning permission. Such survey work shall include:

Breeding bird surveys;  
Bat emergence surveys;

All of which need to be undertaken following UK best practise guidelines, in the right seasons and by a suitably qualified ecology consultancy.

Bat surveys are required to identify the species of bat utilising the property, their abundance and whether they are breeding and this will determine the mitigation required. Bird surveys are required to identify the species of birds utilising the property, their abundance and their nest entry point/s and this will determine the mitigation required.

Reason: To identify and safeguard legally protected species, and their places of shelter and protection, or nesting spaces.

7. Prior to the commencement of development, including any repointing, an ecological mitigation plan written by a suitably qualified ecological consultancy, informed by the surveys secured by condition 6 of this planning permission, shall be submitted to and approved in writing by DEFA Planning and the development then carried out in accordance with these details.

The ecological mitigation plan must contain measures for the avoidance and minimisation of impacts on wildlife, as well as compensation measures. Details should include the location of all existing nesting and roosting sites; and, those that are proposed to be retained and protected, the number, type, specification and location of new bat and bird bricks, hedging species, lighting requirements, work timings, Ecologist supervision as well as other measures required by the ecological surveys.

Thereafter, these features shall be permanently retained and maintained

Reason: For the protection of legally protected and high conservation concern species.

8. No works to commence until a sensitive low level lighting plan, following best practise as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8/23 on Bats and Artificial Lighting (2023) and recommendations within the Ecological Mitigation Plan required by Condition 7 of this planning permission has been submitted to Planning and approved in writing. All works must be undertaken in full accordance with this plan.

Reason: To ensure that the development has an acceptable impact on the environment in respect of Bats which are a protected species.

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

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

The development should be carried out strictly in accordance with the following approved plans, documents and details:

Drawing No. WL/23/1574 - 7B - Location Plan showing site and car spaces in Claddagh's Yard car park edged red;

Drawing No. WL/23/1574 - 6A - Block Plan as proposed;

Drawing No. WL/23/1574 - 2 - Tap Room; Eatery; Office and Ground Floor Link Extension - Floor Plans and Elevations, as proposed;

Drawing No. WL/23/1574 - 3A - Brewery Building - Site Plan; Floorplans; Elevations and Sections, as proposed;

Drawing No. WL/23/1574 - 4I - Site Layout Plan as proposed - stamped received on 16 January, 2024;  
Road Safety Audit by Highways Mann Transport Consultants - stamped received on 16 January, 2024;  
Protected Species Ecological Assessment - by Elizabeth Charter MCIEEM, CEnv and Tim Earl, Island Biodiversity Consultants - September, 2023;  
Planning Statement and Environmental Impact Statement by Sarah Corlett dated 18.10.2023;

all date stamped received on 23 October, 2023, unless otherwise indicated above.

**NOTE FOR YOUR INFORMATION**

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

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

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

This decision has been made for the following reasons(s)

It is considered that this proposal for the re-development of the Commissioners Yard, Workshops & Office including the dwelling house on with the addition of a link extension on the site to a Tap Room; Eatery and Offices; and, for the erection of a Brewery, is acceptable and should be granted. Operational issues arising from the use of the Tap Room, Eatery and Outdoor Terrace and Garden areas can be controlled via a licensing application. Issues such as noise and fumes from the Brewery operation on the site are considered unlikely to arise owing to the modern nature of the equipment and brewing process. It is considered that there would be sufficient vehicle and cycle parking provision made on site and in the vicinity of the site for customers, staff, and neighbours through the conditioning of a suitable parking management plan. In addition, concerns raised in respect of nesting birds and Protected Species can also be covered by conditions requiring (for Bats) relevant surveys to be carried out before any works commence on the site; and, that proposed elevation drawings containing details of where nest sites are to be retained and where new bricks or other features are to be incorporated, should be submitted and approved prior to any development commencing. The development would accord with the provisions of Policies STP2, STP3, STP4b(i) and STP8; SP10; Business Policy 5; SP10; GP2b), C), d), g), h) and i); ENV4b(i), ENV15, ENV22iii), ENV36; and, Transport Policies TP4 and TP7 in the Isle of Man Strategic Plan 2016; and, the provisions of the Area Plan for the South approved by Tynwald on 20 February, 2013.

Date of Issue:  
12th April 2024

J CHANCE

**Director of Planning and  
Building Control**

### Guidance Note

This decision was made by the Planning Committee in accordance with the authority delegated to it.

This decision refers only to that applied for under the Town and Country Planning Act 1999 and its subordinate legislation.

A copy of the Officer's report and any correspondence which led to the assessment and decision is available to view on the Government's website (via Online Services [www.gov.im/Viewapplications](http://www.gov.im/Viewapplications)) or at the Department's offices Murray House, Mount Havelock, Douglas.

### Implementation

The decision does not become final until either

- Any appeal has been concluded; or
- 21 days have passed since the date on this notice and no appeal has been submitted

Development must progress in accordance with the plans approved under, and any conditions attached to this approval (irrespective of any changes that may separately be requested at the Building Control stage or by any other Statutory Authority). This approval does not remove the need to also comply with any other relevant legislation.

Any conditions requiring certain works, submissions etc. prior to commencement of development must be fulfilled prior to work starting on site. Failure to adhere to this approval and meet the requirements of all conditions may invalidate this approval or result in formal enforcement action.

### Appeal

Any appeal must be in writing and submitted to the Department within 21 days of the date of this Notice. The appeal must contain:

- the grounds for making the appeal;
- payment of the planning appeal fee (currently £335); and
- if relevant, confirmation that the appellant wishes to have the appeal determined by means of an inquiry and payment of the additional inquiry fee (currently £125).

Where the appeal is submitted by the applicant they must:

- specify in detail and by reference to material planning considerations the reasons why the appellant disagrees with that determination; and
- Where against a refusal, on the grounds of deficient detail or supporting documentation, set out why they consider the information or documentation forming part of the application was sufficient in the circumstance.

If the appeal is submitted by someone who has interested Person Status but is not listed in Article 4(2) of the Development Procedure Order 2019, that person must relate their grounds for making the appeal to issues which they included in representations made prior to the application being determined.

Failure to meet all of the relevant above requirements will mean that the appeal cannot be validated.

An appeal form and more detailed guidance are available either from Planning & Building Control, Tel 685950, or from the Department's website [www.gov.im/planningappeal](http://www.gov.im/planningappeal)

If this decision becomes final because there is no appeal, the Department's public reference copy (counter copy) of the planning application (should one have been received) may be collected by the applicant or their agent from Murray House. Please note that if the counter copy of the application is not collected within thirty days following the last date on which a planning appeal can be made it will be destroyed without further notice.