

PLANNING OFFICER REPORT AND RECOMMENDATIONS

Application No. 23/01235/B
Applicant : Bushy's Brewery
Proposal Proposed re-development of Commissioners Yard, Workshops & Office including dwelling house to provide a Brewery and associated Tap Room, Eatery & Offices
Site Address Castletown Commissioners' Yard
Milner Terrace
Castletown
Isle Of Man
IM9 1TE

Case Officer : Hamish Laird
Photo Taken : 12.12.2023
Site Visit : 12.12.2023
Expected Decision Level Planning Committee

Recommendation

Recommended Decision: Permitted
Date of Recommendation 17.03.2024

Conditions and Notes for Approval

C : Conditions for approval
N : Notes attached to 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. 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 timer 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.

C 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.

C 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:

- o Designate the three spaces fronting the office for use of Milner Terrace residents, mitigating the loss of parking; and,
- o Secure the use of the three parking spaces gained at the Claddaghs car park for office staff use;

Thereafter these spaces shall be made available for Milner Terrace residents vehicle parking (3 spaces on site opposite Milner Terrace); and, office staff vehicle parking (three spaces gained at the Claddaghs car park) for the lifetime of the development.

Reason: To ensure that adequate vehicles parking provided to serve the occupants of Milner Terrace 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.

C 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.

C 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.

C 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.

C 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.

C 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.

N 1. FOR YOUR INFORMATION

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

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

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

This application has been recommended for approval for the following reason.

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.

Plans/Drawings/Information;

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.

Interested Person Status – Additional Persons

It is recommended that the owners/occupiers of the following properties should be given Interested Person Status as they are considered to have sufficient interest in the subject matter of the application to take part in any subsequent proceedings and are mentioned in Article 4.2:

3 Milner Terrace Castletown

4 Milner Terrace, Castletown

5 Milner Terrace, Castletown

6 Milner Terrace, Castletown

8 Milner terrace, Castletown

9 Milner Terrace, Castletown

11 Milner Terrace, Castletown

13 Milner Terrace, Castletown

3 Athol Terrace, Castletown

10 Athol Terrace, Castletown

S&S Motors limited, Garage, Alexandra Road, Castletown

Little Rascals Nursery, Alexandra Road, Castletown
Paradise Field, Mill Street, Castletown
10 Farrant Park, Castletown (Owner of 8 Paradise Court, Castletown)

as they satisfy all of the requirements of paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).

It is recommended that the owners/occupiers of none of the following properties should be given Interested Person Status as they are considered not to meet the requirement of being located within 20.0m of the site boundary; and, as such do not have sufficient interest in the subject matter of the application to take part in any subsequent proceedings mentioned in Article 4.2:

The Vicarage, Arbory Road, Castletown
5 Paradise Court, Castletown
16 Hope Street, Castletown
25 Hope Street, Castletown

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

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

Flood Management Division (DOI)
Manx Utilities Drainage
Isle of Man Government - Department for Enterprise
DEFA - Planning Policy

Officer's Report

THE APPLICATION IS PRESENTED TO THE PLANNING COMMITTEE DUE TO NUMBER OF OBJECTIONS RECEIVED

1.00 THE SITE

1.1 The site is currently used as Castletown Commissioners' depot for storage, growing of plants (including a polytunnel), parking of vehicles and workshop, and comprises a mix of old, limestone structures and more modern buildings, some of which have utilised the remains of older buildings on the same footprint. On the western side of Mill Street is a stone building which is presently used as a children's nursery with the garden area in front of the Commissioners' building used as play space.

1.2 To the west of the main part of the site is Ellerslie Gardens, a group of nine dwellings. The site is overlooked by the semi-detached houses on plots 7 and 8 although there is an existing tree/shrub which prevents a clear view into the site from the gable of the house on plot 5A. Northcroft Apartments sit on the western side of the entrance onto Alexandra Road and on the eastern side of Mill Street, opposite the site and the nursery, is Milner Terrace - a row of 15 terraced dwellings.

1.3 It is noted that some of the existing buildings - the cottages and the footprint of the modern storage building next to Mill Street, appear on the 1860s County Series maps prior to the development of Milner Terrace and Alexandra Road. The site abuts the Castletown Conservation Area, the boundary of which is marked to the west by the dwellings in Milner Terrace; and, to the south by a pedestrian walkway. This pedestrian walkway runs along part of

the sites southern, walled, boundary and links the junction of Milner Terrace and Hope Street adjoining the site entrance with Malew Street, exiting onto Malew Street between dwellings at Nos. 106 and 108.

1.4 Vehicular access to the site is derived from two points, the first being from the main A5 Alexandra Road immediately to the west of S & S Motors Car Showroom and Petrol Filling Station; and, from the junction of Milner Terrace and Hope Street, Castletown.

2.0 THE PROPOSAL

2.1 The full planning application received on 23rd October, 2023, proposes the re-development of the Commissioners Yard, Workshops and Office including the stone built, 2-storey dwelling house on site at 'Thie Clooae' located adjacent to Paradise Court, and facing gable end onto 1-4 Milner Terrace, to provide a Brewery and associated Tap Room, Eatery & Offices.

2.2 The applicants have provided a Road Safety Audit, Designers Response, and revised site layout plan on 16th January, 2024, in response to comments received from DoI Highways. The application was accompanied by completed application forms; existing and proposed layout plans; existing workshop and house plans; proposed taproom and eatery plans; a Swift Bat Report; Topographical Survey; Transport Statement and a Planning Statement.

2.3 The applicants Planning Statement advises:

"4.0 Proposed use and development of the site.

4.1 It is proposed to use and develop the site for use as a brewery (Class 2.3) with associated hospitality facilities (tap room for the produce created on site - Class 1.3) together with offices associated with the other uses on site. This would involve the erection of a new building on the site of the existing portal framed structure and portacabin on the site. Access into the site would be from Alexandra Road and exit onto Mill Road/Milner Terrace opening up the frontage onto Milner Terrace in front of the new building, removing the existing railings and gate pillars.

4.2 The existing stone buildings on the site would be retained, refurbished and converted to the brewery office and eating and drinking facilities with a new pergola/terrace/glazed extension to the south of the existing buildings to provide outdoor eating and drinking facilities, associated with the brewery with a link extension built to join the two existing stone buildings to provide toilets, storage and kitchen facilities and a small cellar extension on the south western elevation of the larger existing workshop building. A brewery compound will be created to the north west of the new brewery building.

4.3 Pedestrian access will be provided from Milner Terrace, separate from the car parking and vehicular access along the remainder of this frontage of the site.

4.4 18 car parking spaces will be providing to the north west of the buildings with 7 parking spaces for staff and the brewery vehicles immediately in front of the south eastern elevation of the building, off Milner Terrace along with 3 parking spaces for the brewery offices. These spaces will be created through the removal of the roadside gate pillars, dwarf wall and railings.

4.5 The north western elevations of the existing stone buildings to be retained will be changed very little with re-glazing of the existing window and door openings in a more consistent and sympathetic form with the introduction of one additional window in the ground floor of the workshop. The rear elevations will have new windows installed (there is none currently), a new single storey cellar extension added within and conservation style roof lights in the existing workshop building.

4.6 The existing workshop will become the restaurant with up to 90 covers with a further outdoor seating area which could accommodate up to an approximately further 60 persons.

4.7 The office will accommodate approximately 81 sq m of nett floorspace which generates a requirement for two parking spaces.

4.8 The new brewery building will be finished in rendered walling up to a height of 2m with timber cladding above with stone and glazed features in the centre of the south western elevation and a stone castellated feature in the centre of the Milner Terrace elevation and north western elevation. Limestone entrance pillars with decorative metal arched sign will span the space between the proposed offices and new brewery building.

4.9 The applicant has commissioned a Protected Species Ecological Assessment which was undertaken by Island Biodiversity Consultants. This considers the site and its actual and potential habitat provision, together with measures for mitigation of any impact from the development.

4.10 The application also includes a Transport Assessment prepared by Highways Mann."

3.00 PLANNING POLICY

3.1 The applicant has prepared a list of planning policies as contained in the Area Plan for the East 2013; and, the Isle of Man Strategic Development Plan, 2016, both of which are used to guide proposals for new development on the Island. These documents contain policies and planning guidance relevant to the proposed development, and are rehearsed as follows:

"The site is designated as Industry on the Area Plan for the South which was adopted in 2013.

2.2 The site abuts but is outside of the town's Conservation Area (shown green on the above plan). This proximity to the Conservation Area results in the Strategic Plan requiring 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" (Environment Policy 36).

2.3 The importance of employment opportunities is acknowledged in the Plan as follows: "6.3.1 The Isle of Man Strategic Plan recognises the important role that Douglas plays in relation to employment and business. It also seeks to encourage employment opportunities throughout the Island. These must however: be at a scale which is appropriate to the area; have available public transport links; be close to sources of labour; and be serviceable."

2.4 The site is referred to specifically at paragraph 6.7.1 as a "small scale industrial site" and that "Any applications to develop/re-develop these sites will be dealt with through the normal development control process taking into account the particular developments being proposed, any site constraints (including flood risk), any mitigation measures and relevant Isle of Man Strategic Plan Policies and Area Plan Proposals."

2.5 The use of industrial premises or land is controlled by Business Policy 5 of the Strategic Plan as follows: Business Policy 5: On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either: (a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or (b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business; and, in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area.

2.6 Business Policy 6 states that "Where land is zoned in Area Plans for industrial use, the Department will include development briefs which identify any particular local needs" although no such brief was included in the Area Plan for this site.

2.7 There are no Registered Buildings on the site although the cottages are certainly old and have some historical interest as a result and the site is not within the Conservation Area.

2.8 There are no Registered Trees or Registered Tree Areas on the site.

2.9 In terms of flood risk, a small part at the eastern edge of the site is shown as being at high risk of tidal flooding associated with the Silverburn. Other parts of the site are shown as being at some risk of surface water flooding.

2.10 The Strategic Plan presumes against development which would be at risk of or increase flood risk elsewhere (Environment Policies 10 and 13).

2.11 The Strategic Plan has a general policy which is applicable to all development which is consistent with the land use designation (and should be applicable to all development regardless of the land use designation):

General Policy 2: 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.

2.12 Strategic Policy 1 states that: "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(1) and amenity standards; and
- (c) being located so as to utilise existing and planned infrastructure, facilities and services."

2.13 Castletown is identified as a Service Centre in the settlement hierarchy in the Strategic Plan where "Outside Douglas development will be concentrated to provide regeneration and choice of location for housing, employment and services" (Spatial Policy 2).

2.14 Development is generally directed to existing settlements in the interests of sustainable development (Strategic Policies 2 and 10, Spatial Policy 5).

2.15 Development should acknowledge existing settlement character and enhance the environment (Strategic Policies 3, 4 and 5).

2.16 Environment Policy 22: "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."

2.17 There are references within the Strategic Plan to pollution and where further information in the form of an Environmental Impact Assessment will be required with any application:

"Environment Policy 24: 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) ii) to be accompanied by suitable supporting environmental information in all other cases."

Environment Policy 24 [sic]: Pollution-sensitive development will only be allowed to be located close to sources of pollution where appropriate measures can be taken to safeguard amenity.

Business Policy 4 also requires special industrial development to be accompanied by an Environmental Impact Assessment. Special industrial development is described as that which may be particularly offensive by reason of noise, smell, vibration, smoke, soot, ash, dust, grit, or fumes, or dangerous by reason of the storage or use of dangerous or inflammable material, or inimical to public health by reason of vermin or other causes. AS the brewing industrial can sometimes result in impacts through smell and noise, this is classed as something which will in all cases require an Environmental Impact Assessment although it will be demonstrated later in the report why the proposed development should be considered acceptable on this site and that any environmental impacts are acceptable.

2.18 Appendix 6 sets out further information and lists developments which will automatically require an Environmental Impact Assessment, including:

"(g) Food industry...brewing and malting" Environmental Impact Assessment (EIA) is defined at page 117 of the Strategic Plan as:

The means of assessing the impacts (good and bad) of a proposed development on the environment, prepared by, or on behalf of, the developer/applicant. An EIA should aim to ensure that the planning decision is made in the knowledge of all the likely environmental effects of the development, and of the proposals for mitigating adverse effects and enhancing positive effects.

2.19 Strategic Policy 8 states: "Tourist development proposals will generally be permitted where they make use of existing built fabric of interest and quality, where they do not affect adversely environmental, agricultural, or highway interests and where they enable enjoyment of our natural and manmade attractions."

2.20 Car parking is required by Transport Policy 7 to be provided and Transport Policy 4 requires that the existing highway network is capable of accommodating the proposed development. Appendix Seven provides standards which development should satisfy although in some instances, flexibility may be applied where the development: (a) would secure the re-use of a Registered Building or a building of architectural or historic interest; or (b) would result in the preservation of a sensitive streetscape; or (c) is otherwise of benefit to the character of a Conservation Area. (d) 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.

2.21 The standards applicable to this development are:

General industrial - 1 space per 50 sq m gross floorspace
Offices (in town) - 1 space per 50 sq m nett floorspace
Town centre shops - space for service vehicle use
Neighbourhood shops - space for staff, customers and service vehicle use.

2.22 Retail development is discussed in the Appendix:

"Retail A.7.4 Most shopping facilities in established centres do not have on-site parking provided due to the intensive form of development and their location off the main highway, often in pedestrianised streets (Peel, Castletown, Douglas and Ramsey in particular). 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. 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. It is equally essential that there are available sufficient areas of public car parking either in car parks or on street, and that adequate controls are in place for these spaces to be available to those who need them. Neighbourhood shops to serve new residential areas can be incorporated into estate layouts and should provide spaces for staff, customers, and service vehicles."

2.20 In addition to the above, Government has very recently published a draft Economic Strategy for the Island which contains objectives for the expansion of the population and employment opportunities and "setting the foundations for investment and economic security for the next 10 years and beyond" and where the vision is "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."

2.21 Finally, the loss of publicly valuable open space is presumed against:
Recreation Policy 2: Development which would adversely affect, or result in the loss of Open Space or a recreation facility that is or has the potential to be, of recreational or amenity value to the community will not be permitted except in the following circumstances:

- (a) where alternative provision of equivalent community benefit and of equivalent or better accessibility is made available; and
- (b) where there would be an overall community gain from the development, and the particular loss of the open space or recreation facility would have no significant unacceptable effect on local open space or recreation provision or on the character or amenity of the area.

3.2 In addition to the above, Environment Policy 43 is also of relevance. This reads:
"Environment Policy 43: 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."

4.0 Planning History

4.1 Application site

00/01634/B - extension to storage shed - approved 98/01610/B - erection of eight dwellings - approved.

4.2 Children's nursery site

22/00814/B - increase of the number of children on site from 41 to 56 - pending consideration.

15/01232/B - erection of fencing and use of land as a children's play area - approved (land in front of the site).
15/00613/C - change of use from children's play facility to children's nursery - approved.
12/00581/B - conversion of former showroom and workshop to children's play facility with cafe - approved at appeal.
09/01619/B - erection of car showroom - approved.
99/02083/B - refurbishment of building including raising roof level and installation of upper ground floor for vehicle showroom and workshop below - approved.

4.3 S&S Motors 13/01197/D - relocation of illuminated signage - withdrawn.
09/01619/B - Erection of a car showroom with staff area and storage above - approved.
95/01101/B - installation of car wash - approved
89/00797/B - installation of above-ground diesel storage tank and dispenser - approved
89/00198/B - Erection of canopy over forecourt in Totals colours and erect illuminated pole sign - approved
88/01801/B - Installation of underground petrol tanks and pumps - approved.
84/00575/B - installation of petrol pumps, storage tanks and interceptor - approved.

4.4 Ellerslie Gardens 02/01735/B - erection of an additional dwelling - approved at appeal.

4.5 Northcroft Apartments 08/01075/B - development of 23 apartments - approved.

5.0 REPRESENTATIONS

5.1 DoI Highways - initial response received 3/11/2023 advising that further details would follow.

5.2 DoI Highways comments received 24/11/23 - comments as follows:

Highways Comments:

The application seeks to redevelop the site to provide a brewery with associated workshop and office, as well as a food and drink hospitality service. The primary highway concerns with the application are: egress arrangements onto Milner Terrace; provision of parking facility within the site; and the loss of on-street parking along Miner Terrace.

Access Arrangements

The development proposes a one-way system through the site, accessing off Alexandra Road and exiting onto Milner Terrace. There are no proposed changes to the existing access off Alexandra Road and the width is sufficient to accept larger vehicles such as refuse and brewery vans.

Internally, a running lane of varying width is to be provided between the boundary with the garage and the proposed parking bays, but achieves a minimum of 6m in all places. This width is sufficient to allow for shared use of pedestrian movements alongside one-way vehicular flow. Where the proposed buildings are located, road user separation is provided. A 3.6m vehicle carriageway is bounded by 1.8m pavements to either side. The desirable minimum pedestrian path width is 2m, however, this can be reduced to 1.8m in some instances. 1.8m is still sufficient to allow the passage of wheelchair or mobility impaired users, and the distance needed to travel is reduced due to the visitor entrances being the closest access to the parking bays, and the staff entrance being the closest to the staff parking.

A traffic calming measure / pedestrian crossing facility has been provided in the middle of the internal lane between the two buildings. The calming measure appears to be in the form of a 'table top' crossing. This would indicate that the pavement level is higher than the road level. There is not sufficient detail of the elevation of the road level with regard to how pedestrians transition from open parking bay section onto the segregated pavements.

Upon exit of the site onto Milner Terrace, pedestrians must pass a gated access. The width of the gated access is only 1m, however, this is an acceptable width for instantaneous narrowing and will still allow for the passage of a mobility impaired user.

The proposal includes an upgrade to the pedestrian facilities along the north-western side of Milner Terrace. The footways will extend only across the frontage of the area owed by the applicants, but represents an improvement on the existing pedestrian facilities. Similarly to the beginning of the pavements, there are not sufficient details of how pedestrians are to transition from the pavement to the existing roadway and whether or not this is to be stepped.

Vehicular exit is also onto Milner Terrace. Visibility splays of 2m x 25m have been provided from the exit. Due to the low speed and narrow nature of Milner Terrace, the 2m setback distance is acceptable. The visibility distance of 25m is suitable for speeds up to 20mph, which Milner Terrace is restricted to. Due to the presence of a sharp bend, it is likely that vehicle speeds at this point on the road will be reduced. Full visibility of the bend and oncoming vehicles is achievable from the exit, and vice versa. To the left on exit, visibility has been drawn through the pillar along the boundary wall. This pillar is over the maximum obstruction height within a visibility splay of 1.05m. This has effectively reduced visibility from the exit to approx. 16m. Due to the presence of onstreet parking on the western side of Milner Terrace forcing approaching vehicles to the offside running lane, and the approach to a sharp bend, visibility of such distance to the nearside kerbline may be acceptable, as visibility to the centreline would likely meet the required 25m. However, this will need to be demonstrated in a revised drawing.

In addition to the revised visibility drawing for the main access, splays should also be produced for the parking spaces that directly front onto Milner Terrace. Those spaces adjacent to the access should benefit from the same visibility achievable from the access, however the spaces closer to the boundaries have additional obstructions such as the boundary walls.

The swept path analysis of the site has indicated that access and movement throughout can easily be accommodated. Upon exit, the swept path is tight against the kerbline and footway of the eastern side of Milner Terrace, but is still contained within the permitted area and safe extent.

The proposal includes a number of changes to the exiting highway. These changes will require a Section 109(A) Highway Agreement to be made post planning consent.

Intensification

A number of representations have raised concerns with the intensification of vehicular traffic along Milner Terrace generated from the proposal. The traffic flow generation has been provided as part of the Transport Statement. Due to the smaller scale operation of the typical workday employment development (brewery and office) the trips generated during the AM and PM peak hours are low and will have little negative effect on flows along Milner Terrace and onto Alexandra Road.

Daily two-way trips have been estimated at 117, 59 accessing off Alexandra Road and 58 departing onto Milner Terrace. Due to the nature of the development (food/drink hospitality) arrivals and departures won't be within one time period and are likely to be spread throughout the day, depending on hours of operation. There should be sufficient gaps in traffic flows along Alexandra Road to allow for access to the site without unacceptable effect on movement, especially with the reduced peak hour trips. An estimated 58 departures over an eighteen hour period, equates to 3.2 trips along Milner Terrace every hour. Accounting for an opening time of the Taproom and Restaurant similar to typical establishments (12pm-11pm) and the morning hours seeing predominantly inward access trips for the other site uses, the hourly rate could be increased to approx. 5.3 departures. Whilst the number of traffic movements along Milner Terrace is to increase, and may cause increased disruption to residents, the increase is not likely to cause any significant road safety or highway network efficiency issues.

It is anticipated that the majority of departures from the site will head north on Milner Terrace rather than south towards Hope Street. This means the majority of vehicles will use the junction of Milner Terrace and Alexandra Road. The Transport Statement has stated that visibility splays of 2.4m x 24m can be achieved onto Alexandra Road from this junction. This is below the required visibility for a 30mph primary route. There is scope to request improvement to this visibility distance due to the intensification of use the development would bring. However, the trip rate of approx. 58 daily onto a primary route is not considered significant. In the latest five year period, only one collision has been recorded at this junction, where a single vehicle emerging from Milner Terrace has lost control and collided with a stone wall. There is no other collision history to suggest that there is a road safety concern with vehicle entering the traffic flow at this junction.

Internal Parking

The Transport Statement outlines that 25 parking spaces are to be provided onsite. 18 of these are located along the western boundary of the site, with 7 along the frontage at Milner Terrace. One of the 7 spaces along Milner Terrace is situated directly in front of the loading/delivery door to the brewery. This space would not be useable during the operation of the door, however, these spaces are reserved for use of staff only and management of the space and operating times would ensure safe usability of the space and door can be achieved, therefore the space will be counted.

The proposal consists of 372m² of brewery space, 124m² of Tap Room and Restaurant space and 81m² of office space. The floor space provided has not included any of the outdoor seating or terrace area. Scaled measurements of the outdoor seating areas provided means an additional 170m² of leisure floor space should be added in the calculation of the requirements, a total of 294m².

Using the Strategic Plan parking requirements this equates to recommended minimum provision of 10 spaces for general/light industrial use (a standard of 1 per 40m² has been used as the median between light industrial and general industrial), 20 spaces for the leisure use and 2 for the office use. This totals 32 spaces. In addition to the car parking spaces provided, there is a designated section at the entrance for the parking of motorcycles / two-wheeled vehicles.

The total parking provision shows a shortfall of 7 parking spaces, but has the inclusion of two-wheeled vehicle parking spaces. Appendix A.7.6 of the Strategic Plan lists the circumstances in which the parking standard may be relaxed. These circumstances have been addressed also by the Transport Statement. The site is located within Castletown and has the option of alternative transport methods further to personal vehicle use. The site is accessible by foot from the centre of Castletown via the main town distribution routes. Similarly, cycle access can be gained through these routes and also easily accessible from the Primary route, Alexandra Road. There is frequent bus availability from the centre of Castletown, and also from a shorter distance along Victoria Road. Whilst the frequent and more varied services cannot be accessed directly along Alexandra Road or the A5, the walking distance to other routes (Victoria Road, 300m) is not outside of the maximum recommended walking distances.

The proposal has included three increased size parking spaces which are designated as mobility impaired user spaces. Ideally, these spaces would be located as close as possible to the buildings to avoid mobility impaired users having to travel longer distances on foot. However, these spaces have been placed to best utilise the shape of the site, with the maximum distance from vehicle to door being approx. 40m. The proposal has stated that cycle parking is to be provided on the site to accommodate both short stay and long stay. However, the location and quantity of this parking has not been included in the plans. Due to the central location of the site, cycle travel is a likely option for both staff and visitors. A revised plan will need to show the location of cycle parking to the Manual for Manx Roads requirements for both staff and visitor provided in Appendix C.

In addition to the feasibility of alternative transport options, the nature of the development with the sale and consumption of alcohol would result in patrons seeking to use these alternative modes of transport. For the reasons given above, Highway Services DC accept the shortfall in vehicular parking spaces, provided the cycle parking is confirmed and appropriately located.

External Parking

The creation of the development would result in an overall increase in parking provision in the immediate area. But, the proposed access onto Milner Terrace would see the removal of three on-street parking spaces to the western side of the street. There have been a number of concerns raised by residents and locals about the removal of these spaces and impact on parking availability for such parties.

Parking along the western side of Milner Terrace is frequent as there is no off-street availability for residents. However, these spaces are not designated for residential use only, and no space can be guaranteed at any one time. To lessen the impact of the removal of parking to the residents/locals, the applicants have negotiated the provision of three car parking spaces within 'Claddaghs Car Park'. These spaces would mitigate the loss of all spaces along Milner Terrace. However, the distance between the spaces and the Terrace housing is approx. 150m. There is a likelihood that due to the distance from the dwellings the spaces will be underutilised, especially in inclement weather and if needing to load/unload cars. This may lead to on-street parking in unsafe or obstructing places.

Whilst the distance needed to walk between the spaces and the dwellings is considered too great as to be a useable solution, the distance would be reasonable for employment purposes and would represent a realistic walking distance from space to employment in other towns. A possible solution to ensure resident parking is maintained at a close proximity, and that all current proposed parking levels are maintained would be to designate the negotiated spaces for office staff use, and designate the off-street spaces to the front of the brewery office for residents.

Conclusion

Due to the material change in use of the site for both vehicles and pedestrians, increased access provision for vehicles and pedestrians, and the provision of a pedestrian crossing/ table top speed calming measure in the proposed site, Highway Services request that a Road Safety Audit is completed and submitted with the application.

Highways Development Control request the following information to be submitted in order to complete the assessment of the application:

- Detail of the road and pavement levels to the front of the buildings and onto Milner Terrace, and how pedestrians transition from one to the other;
- Revised and additional drawings of the visibility splays achievable from the access onto Milner Terrace and the parking bays directly accessing Milner Terrace. All obstructions within the splays should be a maximum height of 1.05m;
- Clarification of the cycle parking arrangements for both long and short stay;
- Consideration of the parking arrangements designating the spaces fronting the brewery office for residents, and the Claddagh's parking for office staff; and
- Submission of a Road Safety Audit for the proposed development.

Recommendation: Request further information / revisions.

5.3 DoI Highways comments received 24/11/23 - comments as follows:

Highways Comments:

Previous Highways response dated 24/11/2023 requested a number of alterations and additional information to be provided for the application. All information requested and suggestions made by HDC have been provided or accepted by the application.

The amendments have been accompanied by a road safety audit, prepared by approved auditors. The audit produced a number of recommendations that were all accepted by the applicants. The recommendations and designers' alterations following the audit are appropriate to benefit the safety and movement throughout the application site, such as signing and lining proposals, and are acceptable to Highways.

Following the comments made by Highways, the proposal has been altered. Pedestrian mobility has further been improved within and onto the site. Ramped transitions and dropped kerb provision has been increased, providing continuous pedestrian movement throughout.

Visibility onto Milner Terrace has been improved. Any obstruction within the visibility splay for the main site exit has been lowered to a max. height of 1.05m. The dividing wall between the pedestrian entrance to the southwest of the site and the car parking fronting the brewery office is to be reduced to a max. height of 600mm for the first two metres from the pavement in order to achieve pedestrian visibility. Visibility to the left on exit may still be impeded for vehicles exiting the spaces on the brewery forecourt. However, it is accepted that this situation is not significantly worse than existing or that of adjacent accesses.

Clarification and increased provision of cycle parking has been provided in the amendments. There is now provision of twelve short stay visitor spaces split between two areas on the site, and three long stay staff spaces provided next to the brewery providing separation between the two types.

The applicant has accepted the proposal to designate the three spaces fronting the office for use of residents, mitigating the loss of parking, and use those gained at the Claddaghs car park for office staff use. A suitable parking management plan should be enforced to ensure each set of spaces are used appropriately.

The proposal raises no significant road safety or highway network efficiency issues. Accordingly, Highway Services Development Control raises no objection to the proposal subject to all vehicular access arrangements to accord to Drawing No. 4I. The Applicant is advised that a S109(A) Highway Agreement is needed after the grant of planning consent.

Recommendation: DNOC

Code definition DNO - Do not oppose

5.4 The Ecosystem Policy Team can confirm that the Islands Biodiversity Consultants' Protected Species Ecological Assessment for the Commissioners' Yard, dated September 2023 is all in order. However, a suitable level of assessment has not yet been undertaken and so we currently object to this application.

The Ecosystem Policy Team do not object to the principle of development of this site, with the re-utilisation of the existing buildings. However, not enough survey information has yet been obtained in order to determine how the proposed works will impact upon protected species - nesting birds and roosting bats -and therefore the required mitigation, which could include the reconfiguration of the proposed layout, in order to ensure that there is no net loss for biodiversity on site.

The Islands Biodiversity Consultants' identified the following wildlife on site during a walkover assessment in September 2023:

At least 3 Swift nest sites on multiple elevations (Wildlife Act 1990 Schedule 1, and red listed on the UK Birds of Conservation Concern);

Multiple probable nest sites of House Sparrows on multiple elevations and on multiple buildings (Wildlife Act 1990 Schedule 1, red listed on the UK Birds of Conservation Concern, and Amber listed on the Isle of Man Birds of Conservation Concern);

Multiple possible nest sites of Starlings on multiple elevations and on multiple buildings (Wildlife Act 1990 Schedule 1, red listed on the UK Birds of Conservation Concern, and Amber listed on the Isle of Man Birds of Conservation Concern);

At least 2 swallow nest sites in the steel frame shed (Amber listed on the Isle of Man Birds of Conservation Concern);

At least 2 house martin nest sites on the house (Red listed on the UK Birds of Conservation Concern, and Amber listed on the Isle of Man Birds of Conservation Concern);

An abundance of holes around the building which may be being used by roosting bats, and a bat dropping on top of a filing cabinet in the current workshop. - To note, we don't believe that an assessment of potential roost features was undertaken for the roof of building B (the house) and neither could the loft space be accessed, so contrary to the report we do not believe that the potential for brown long-eared bats can be ruled out.

However, the walk over assessment was undertaken too late in the year - after the nesting season, and outside of the emergence survey period for bats, and so exact numbers and locations of nesting/roosting sites could not be obtained.

Additionally, though the Islands Biodiversity Consultants recommend a number of avoidance and mitigation measures in their survey report, which included the retention of nesting holes around the buildings by leaving areas un-pointed, and the erection of nest bricks/boxes, none of their recommendations are included any of the drawings. E.g. The Proposed Elevations make reference to all of the buildings being re-pointed with lime mortar but make no reference to the retention of nesting holes, and none of the drawings show where nesting provision for swallows is going to be created. Therefore, we do not have confidence at the moment that appropriate avoidance and mitigation measures will be included on site.

In order to comply with Environment Policy 4 and 5 of the Isle of Man Strategic Plan and the Wildlife Act 1990, the Ecosystem Policy Team request that breeding bird surveys and bat emergence surveys across the site are undertaken by a suitably qualified ecological consultancy.

A report detailing the findings alongside appropriate avoidance and mitigation measures, to ensure that breeding birds and roosting bats are protected during and after development, should be submitted to Planning prior to determination of the application. Breeding bird surveys must be undertaken between May - July to take into account swifts.

Bird surveys are required to identify the species of bird utilising the property, where they are in the property, and their abundance and this will determine the mitigation required.

Bat emergence surveys must be undertaken between May - August.

Bat surveys are required to identify the species of bat utilising the property, where they are in the property, their abundance and whether they are breeding and this will determine the mitigation required. This should include an inspection of the loft space of Building B.

Bat surveys should be undertaken in accordance with the Bat Conservation Trusts Bat Surveys for Professional Ecologists - Good Practice Guidelines (4th Edition 2023).

The mitigation hierarchy of avoid/minimise >mitigate>compensate, should be applied, meaning that priority should be given to the retention and protection of existing nesting and roosting

sites. As stated above, this may need to include a re-configuration of the proposed layout in order to avoid impacts.

There is guidance on the mitigation hierarchy in section 6 of the CIEEM Guidelines for Ecological Impact Assessments (2018), which states:

6.2 Negative impacts should always be avoided where possible, for example by deciding not to locate a project in a particular area or making a change to scheme layout to ensure no negative impacts.

6.5 Compensation describes measures taken to offset residual effects resulting in the loss of, or permanent damage to, ecological features despite mitigation..... Compensation should always be seen as a last resort, when all other mitigation options have been exhausted. Survey reports should be submitted prior to determination of this application, in line with best practise, which is referred to in Section 9.2.4 of the British Standard Biodiversity - Code of Best Practise for Planning and Development (BS 42020:2013). Which states:

The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances, such as where original survey work will need to be repeated because the survey data might be out of date before commencement of development, etc.

All wild birds, their nests, eggs and young are protected and it is an offence to:

- o intentionally or recklessly kill, injure or take any wild bird
- o intentionally or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally or recklessly take or destroy the egg of any wild bird intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine up to £10,000.

Bats are listed on Schedule 5 of the Wildlife Act 1990; they are protected by law and it is an offence to:

- o intentionally or recklessly kill, injure or take a bat;
- o intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which bats use for shelter or protection;
- o intentionally or recklessly disturbs any bat while it is occupying a structure or place which it uses for that purpose.

The maximum penalty that can be imposed is a fine up to 10,000 pounds. The Ecosystem Policy Team also request that a sensitive low level lighting plan, following best practise, as detailed in the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/23 - Bats and Artificial Lighting (2023) is provided. Lighting should be low level, directional and avoided on any nest or roost sites, vegetation or bat flight lines. Any lighting on site must then be undertaken as per this approved plan. This should either be secured via a condition on approval, or alternatively the applicant may wish to submit this prior to determination of the application.

Once this additional information has been provided, the Ecosystem Policy Team should be re-consulted on the application in order to ensure that we are content with the level of assessment

that has been undertaken and the mitigation that is proposed, and so we can request a number of conditions on approval.

Should Planning be minded to determine this application without the above requested information, the Ecosystem Policy Team should be re-consulted on the application in order to request a number of conditions on approval.

Further comments received from the Ecosystems Policy Team (15/3/24) are as follows:

"As requested, here are the Ecosystem Policy Team condition requests.

Ecological Survey

Prior to the commencement of development, including repointing, the following schedule of survey work shall be carried out and inform an Ecological Mitigation Plan required to be submitted by condition x. 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.

Ecological Mitigation Plan

Prior to the commencement of development, including repointing, an ecological mitigation plan written by a suitably qualified ecological consultancy, informed by the surveys secured by condition x, 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 compensations measures. Details should include the location of nesting and roosting sites that are 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

Question - at the moment the proposed elevation drawings do not contain details of where nest sites are to be retained and where new bricks or other features are to be incorporated. Therefore, can we request a specific condition for updated proposed elevation drawings, incorporating avoidance and mitigation measures for wildlife, be provided prior to works, or can we integrate this request into the ecological mitigation plan?

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

External lighting

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 xxx has been submitted to Planning and approved in writing. All works must then 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.

We would prefer this because there may be lighting requirements identified during the surveys (e.g. lighting avoidance in certain areas) which may not be adequately picked up by a more general lighting plan.

We would just end by highlighting how important the surveys before repointing are, since the holes around the building is where the majority of the definitely nesting swifts and house sparrows were found. Repointing without mitigation in place will lead to a net loss for biodiversity because of how nest site faithful swifts are and because they do not take very well to boxes."

5.5 Manx Utilities Authority (MUA) comments (2/1/24) as follows:

"A public surface water crosses through the middle of the development site, (see plan below) entering from Ellerslie Gardens and exiting onto Milner Terrace. Whilst the development proposals will not directly interfere with the sewer, any alterations to the existing ground levels across the development may require existing public manhole covers to be altered or reset. The applicant is advised to make contact with Manx Utilities to discuss its requirements prior to any work commencing."

A copy of their plan was provided with these comments.

5.6 Isle of Man Government - Department for Enterprise (25/1/24) comments as follows:

"This comment has been provided by Officers from within the Agency and as such, should be considered as Officer comment only and, therefore, not the view or official position of the Business Agency Board, or political members of the Department for Enterprise.

The following comments on the scheme proposals, are made in the light of the Isle of Man Economic Strategy: November 2022, which strengthens Government's economic drivers to 'develop a strong and diverse economy' by "investing in our people, in our economy, our island and our public services to secure 5,000 new jobs and a £10bn economy with infrastructure that can support 100,000 island residents over the next fifteen years, with appropriate incentives / disincentives to achieve targeted and sustainable population growth".

Initiatives aimed at growing the Food and Drink Production Sector are entirely aligned with the specific objectives detailed in the Economic Strategy, which include creating "A more diverse economy, with growth in established and new sectors". Producing is cited as a key sector that the Government should seek to maintain or grow and is considered a sector that needs "Protecting, nurturing and developing". Genuine diversity, such as that which growing the Food and Drink Production Sector will provide, will also result in a more vibrant economy, attractive to a broad range of economically active individuals. As per the most recent (Sept 23) Quarterly Economic and Statistical Update, published by Statistics Isle of Man, the Food and Drink Manufacturing Sector employs over 1,400 people, evidencing that businesses operating within the sector can offer significant employment opportunities.

The Business Agency's Programme for 2024 specifically mentions an expanded food and drink Development Group that includes businesses whose primary focus is import substitution. These proposals, based around the brewing of beer on site, will form a vital part of the import substitution the Agency is looking to promote. In addition, the benefit of the associated Taproom and Eatery will provide much needed diversification of food and drink offering in Castletown, providing a further destination and helping to draw people into the town during the day time and providing an addition to the night time economy offer. This distinctive hospitality venue will complement the Island's visitor offering and contribute to attracting tourists to Castletown.

Given the strength and international reputation of the Bushey's brand, as well as the quality of their products, the new brewery will also provide the company with an export proposition. While import substitution will be an immediate focus area following the completion of the new development, the facility will also provide the potential for product export and therefore additional economic growth and diversification.

We note that the site is allocated for Industrial on Map 5 Castletown forming part of the Area Plan for the South, Approved by Tynwald on 20th February 2013 and came into operation on 1st March 2013.

Given the nature of the proposals, we have considered the scheme against the basis of Business Policy 5 of the Strategic Plan.

"On land zoned for industrial use, permission will only be given for industrial development or for storage and distribution; retailing will not be permitted except where either:

- (a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or
- (b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business; and,

in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area."

Having done so, we consider that the proposed re-development of the Commissioners Yard, Workshops & Office including dwelling house to provide a Brewery and associated Tap Room, Eatery & Offices would appear to accord with the premise of Business Policy 5 and corresponds with the industrial designation of the site.

We note the Planning Statement identifies that 'the proposed use will involve 14 staff (4 brewers, 2 office, 8 taproom) and up to 150 customers (36 ground floor, 54 first floor and 60 outside) many of whom will come to the site on foot given the sustainable and accessible nature and location of the site'. It is our understanding that these are new jobs to the industry.

The Business Agency considers that the proposals represent much needed investment in Castletown and with it the Island's economy which, would also play an important part in supporting the development of a strong and diverse economy which, would also play an important part in supporting the development of a strong and diverse economy, which is sustainable, ambitious and built on firm foundations to provide economic success, rewarding career opportunities and prosperity which positively impacts on all residents of the Isle of Man. I am grateful for this opportunity to offer the Business Agency's support for this scheme and trust you find these comments of use."

5.7 DEFA Environmental Protection (19/3/24) m- comments: "I have reviewed the application 23/01235/B and the development is advising they will connect to the Manx Utilities foul and surface water sewer so EPU do not have any concerns with it."

5.8 Planning policy Team (22/3/24) comments:

Planning Policy Comments

The relevant statutory development plan is the Area Plan for the South (2013). The site is inside the settlement boundary, surrounding by residential development to the east, south and west and allocated as 'Industrial'. The zoning served to reflect the uses on site at the time of Plan's approval and also to retain that area for employment land during the plan period. I would draw your attention however to paragraph 6.7.1 of the Plan as the site of the application relates to the '...premises on Alexandra Road' referred to in that paragraph.

"Industrial Uses within Existing Settlements

6.7.1 In addition to industrial uses occurring within the 'Mixed Use' areas, there are a number of small scale industrial sites such as that within Castletown for example at Qualtrough's Yard and premises on Alexandra Road (see Map 5). Any applications to develop/re-develop these sites will be dealt with through the normal development control process taking into account the particular developments being proposed, any site constraints (including flood risk), any mitigation measures and relevant Isle of Man Strategic Plan Policies and Area Plan Proposals." While not a policy, paragraph 6.7.1 did set out how applications to redevelop the site should be considered.

In terms of the zoning of the site, it is 'industrial'. The plan does not distinguish on any industrial site in the plan area whether it is 'light' industrial, 'general' or 'special'. In hindsight I can see this could be confusing. The only specific references on the maps in respect of industrial sites are 'business park uses' for Strategic Reserve Site 2 and 'Freeport' north of the airport carpark.

Taking the zoning and paragraph 6.7.1 into account, the Policy view is that the spirit of the 'policy approach' was for decision makers, when considering development/redevelopment proposals to take into account: how compatible the proposed development is with the zoning, the current activities on the site, the impact of any 'loss' of employment land, the location of the site and implications for surrounding land uses and whether any proposed non-industrial uses can be justified. I see that the proposed tap room and office are part of the overall brewery proposal and associated with it.

If you require any further information on the plan's development or specific proposals, please let me know."

5.10 DEFA Environmental Health - Comments awaited at the Report Drafting stage. Any comments received will be reported at the Committee meeting.

REPRESENTATIONS ON BEHALF OF THE APPLICANT

5.11 In an email dated 20/3/24, in response to a request for details of any flue extract equipment being provided to serve the new Brewery Building and the Eatery/Kitchen, the applicant advises as follows:

"With regard extraction from the proposals I note that the Brewery process plant has no extraction odour discharge. The process is described in 5.5.10 of the Planning Statement (see below):

Odour

5.5.10 With regards Odour Discharge Control in relation to the proposed brewing process, by installing a condensing flue, the evaporation discharged from the boiling coppers will pass through a condenser which will condense the vapour to into liquid which will then be discharged

directly to the foul sewer thus removing the vapour odour from discharging to the atmosphere. This method of odour control is commonly used in new brewery facilities.

With regard the proposed Eatery kitchen extraction, the exact details of this will be determined when the kitchen appliance specification is determined and will be submitted as a separate application if necessary. However, it will be suitably specified to incorporate appropriate filters to negate odour discharge and be designed to be as discreet as possible and located on the south east end of the proposed taproom/eatery building. No noise will be emitted as the motor will be inline and located inside the building.

I have attached a revised drawing showing how such extraction cowl would appear, but note that exact details will be submitted for your approval when the kitchen appliances have been agreed. We would be happy to accept any such condition relating to this matter requesting further details be submitted for your approval prior to commencement of works."

5.12 The drawing referred to has been added to the application file and is available to view online.

THIRD PARTY REPRESENTATIONS.

5.8 At the Report drafting stage, representations had been received from 23 individuals, with one being from the 'Little Rascals Nursery'. 9 representations came from occupants of 4 addresses in Milner Terrace.

5.9 The representations made raise objection to the proposed development as follows:

8 Milner terrace, Castletown: "I strongly object to the plans for this."

Relationship to site: Immediately adjacent to the site

The Vicarage, Arbory Road, Castletown:

"Although I live only 5 minutes walk from the site, my concern is from the feedback from a number of people in the community, some who live opposite the site. They are extremely worried that the small road they live on will have increased traffic from commercial vehicles as well as patrons of the business. Parking may not be sufficient which could mean a loss of space outside their own homes and deliveries both too and from the site will see larger vehicles regularly parked around and creating a disturbance. They also suggested that the more successful the business is the more late night noise and activity there will be. Patrons leaving the drinking establishment are likely to cause a nuisance. Having been a licensee running a public house care should always be given to local residents but where there is a licensed premises that wasn't that before there should be serious concern for unavoidable late night disruption to the lives of those who have lived relatively peacefully for many years. I hope I can offer a voice for those residents."

Relationship to site: Close to the site

11 Paradise Field, Mill Street, Castletown:

"The entrance to my property is immediately the other side of the guinnal/lane. I am going to assume that the planning submissions and analysis will be determined having due regard to the resident wildlife, road usage onto Milner Terrace and any parking requirements. I want to support the application as I see it being in the interests of Castletown as a community to reinstate a brewery in the town with its supporting bar restaurant facilities. I think the town has made great strides over the last few years enhancing it as a place to want to live and work and I feel this project will just add to that progress."

Relationship to site: Immediately adjacent to the site

10 Farrant Park, Castletown (Owner of 8 Paradise Court, Castletown) - précised comments.

The use of the site is currently as a low use facility.

The proposed staff parking takes away green space and reduces on street parking availability. Parking will be pushed to Hope Street and Mill Street where there are already issues. This will be compounded by existing traffic going to and from Qualtrough's Builders Merchants.

Air pollution from on-site brewing use from fumes and exhaust gases;

Large quantities of water will be released into the sewer systems or water courses and may not have been cleaned.

The hospitality facilities are massive features for Castletown and there may not be the demand for them.

Noise and disturbance from delivery wagons, workers and customers cars plus music on site to entertain people.

Staff will not cycle to work, or use the bus but drive there.

The location is in a residential area and should not be used for industrial purposes. Whilst the site is the Commissioners Yard and is next to a Petrol Station and garage, this is solely accessed from Alexander Road and does not affect the streets around the gasworks site. The Commissioners Yard usage is very low key. Siting a brewery here will significantly change the aspects of residential living and cause parking issues and noise pollution. Adding Bushey's Brewery and associated facilities to the traffic already caused by Qualtrough's Builders Yard would cause much disruption to the area and make parking a nightmare.

Relationship to site: Close to the site

25 Hope Street, Castletown:

I live nearby on Hope St. The application suggests space for over 175 seated customers but less than 20 car parking spaces. Parking in the area is already at a premium and this number of potential visiting vehicles is unsustainable. The proposal will reduce residents parking on Milner Terrace in favour of Brewery staff parking. Milner Terrace is too narrow for vehicles exiting the site. The corner of Mill St, Hope St & Milner Terrace is already hazardous, any number of new visitors will make this much worse. Most visitors would probably exit from Milner Terrace onto the bypass, which is a junction with limited visibility. Others, going south will find Mill St. & Hope St. to be narrow and congested, a further hazard to traffic, cyclists and pedestrians. Potential noise pollution and nuisance is most likely to the residents of Milner Terrace and Paradise Field but may well spill over into the neighbouring environs. I have no objection to the brewery moving to this site but the hospitality side of the Brewery Tap is excessive and impractical.

Relationship to site: Close to the site.

9 Milner Terrace, Castletown:

"As residents of Milner Terrace which is situated directly opposite the site of the proposed brewery and tap room as cited in the above planning application, my husband and I are opposed to the application on a number of bases.

1. Noise levels from patrons of the tap room. Although it is stated in the application that signage will be installed around the site asking patrons to be mindful of the adjacent residential area, in practice this is likely to be ignored once people have consumed alcohol. This will negatively impact the residents of what is a usually quiet street.
2. Loss of open space. As residents we use the garden area opposite our terrace for BBQs and other opportunities to socialise with our neighbours especially in the summer months. This area of land is designated for use by the residents of Milner Terrace and we will lose the use of this. At no point were we consulted on this point.
3. Light pollution from the site. We are already negatively affected by the lights from the car wash at S&S Motors at night. This does not mean we are content to be blighted by yet further light pollution originating from the brewery and tap room in the evenings.
4. As both the site and Milner Terrace abuts a flood plain, the garden area opposite affords us some protection from flooding. This will be curtailed if removed and could significantly affect our property values as a result, not to mention making property insurance more difficult and expensive.
5. Waste water from the brewery could potentially cause flooding in the Mill Race on account of the badly maintained water systems over recent years. Waste water could also have a negative affect on the river environment, ecosystems and habitats. Whilst the site is zoned for industrial use no consideration has been given to the large residential area which now surrounds it and residents are being railroaded by the personality behind the applicant.

Relationship to site: Immediately adjacent to the site

3 Milner Terrace Castletown

Currently there is a significant amount of traffic already using Milner Terrace which causes daily congestion with HGV and commercial vehicles coming from Qualtrough & Co Ltd. We feel that the proposed development would further add to an already congested area with customer traffic and goods traffic associated with the brewery.

The location of the exit is a concern, leaving the premises would require turning directly adjacent from the front of the house sharply. This is concerning as it significantly increases the risk of a vehicle inadvertently mounting the pavement or contacting the front wall of our property. The widening of the street is insufficient to resolve these concerns as the road currently functions as a single-track road at any given time. The proposed visibility sightline does not consider the blind corner from Mill Court, or cover the current on-road parking on the Alexandra Road side of Milner Terrace. The proposal looks to add 3 parking bays reserved for Brewery Office parking as well as a Forecourt. This will negatively affect the already lacking, on-road parking by straining on the existing on-road parking. The development of a brewery would impact the local environment by producing significant smell during operation, this is impactful as currently there is no noticeable source of odour in the area. The taproom and Brewery would generate significant amounts of noise during hours of operation, which for the taproom would be in the evening when we are in the property. We feel this would be detrimental. The outdoor seating area increases the chance of customers and staff having a direct line of sight into our property via the front windows, this impacts our privacy in the living room and main bedroom. Additionally, our front door would also be in direct line of sight as we exit directly onto the pavement adjacent to the proposed site. We feel that this is a significant reduction in our privacy."

Relationship to site: Immediately adjacent to the site.

3 Milner Terrace Castletown

Reviewing the amended documentation, I do not believe that my previous concerns were addressed regarding loss of privacy for main living areas directly adjacent to the site, or the affect on the local environment with increased noise, light and smells produced by the proposal. The proposed location would significantly increase the noise of the local area and produce unpleasant smells resulting from the brewing process. This is a primarily residential area, and the proposed development would negatively impact the local environment with usual operations as well as the increase footfall in the area. The location of the outdoor taproom and soft play area will significantly reduce the privacy of the residents as many of the properties directly look out onto this area of the development, the privacy concerns have not been addressed in the amendment or the original proposal. The road audit was taken at a particularly quiet time due to the weather and the time of year. Additional measurements should be taken a peak time which are beginning and end of workday as well as during warmer months. The road safety audit doesn't account for the additional traffic present on Milner Tce caused by the proposed development which is already precarious on the junction of Mill Ct, Mill St and Milner Tce, this is a blind corner from all angles and adding more traffic to this area is likely to be detrimental. I don't feel that the proposal adequately addresses this concern with the posed additional signage. The egress is a concern, as it would require turning directly adjacent from the front of the house sharply. This significantly increases the risk of a vehicle inadvertently mounting the pavement or contacting the front wall of the adjacent properties. The widening of the street is insufficient. The road currently functions as a single-track road at any given time and the increased traffic on the road will only worsen this problem.

Relationship to site: Immediately adjacent to the site

S&S Motors limited, Garage, Alexandra Road, Castletown

We, S&S Motors limited, would like to submit our views to planning application 23/01235/B for the redevelopment of the Commissioners yard.

We have been an established family run business in its current site for nearly 40 years.

As an adjoining site we would like to express our concerns. Our main concern would be parking. It is anticipated that the proposed use will employ 14 staff members and up to 150 customers.

There are only 7 spaces allocated on the plan for staff members, which will accommodate only half their employees. Will the company have vehicles left on site for delivery proposed etc? Will these take away from the allocated staff spaces, potentially reducing the number of available staff spaces further?

In the planning statement it states that the strategic plan parking standards would require 8 spaces for the brewery and two for the office. That is 10 spaces, does that mean there are only 15 spaces for customers?

There are 18 customer parking spaces on the plan. I understand that it is anticipated 'a large number of patrons and staff alike will access the site via modes other than cars'. With 150 covers, the site is only showing parking for 1/8th of their customers (if in individual cars). Have any surveys etc been carried out to support the number of customers expected to walk, or use public transport?

Parking is already difficult in the area surrounding this site. Has this been surveyed? Where are the customers who can't park on the proposed site going to park? Has alternative parking been considered? Our worry is that they will park on our already busy site. We will have to constantly police who is parking in our spaces, taking up valuable time and resources. Obviously if the Brewery's customers park in our spaces our customers will have no place to park, and this will

have a negative impact on our business and we will lose footfall and therefore revenue. As our site will be quieter in the evening, we also worry about the Brewery customer's parking on our site and then leaving their cars overnight, to be collected the next day. This again will have a huge impact on our trading the following morning. We understand that there is potential for this to happen at any time but opening a venue which hopes to have 164 people at any one time with only 25 parking spaces is going to create parking issues on our site and in the surrounding area. Especially as there is very little alternative parking nearby.

We also have concerns about an increase in crime and nuisance on our site. With a bar being located directly behind our building.

The proposal is being submitted stating it will have a 'positive impact on the economy of Castletown'. Has a socio-economic study been carried out to show this? What is this statement based on?

The proposal concludes that 'the development will not result in any nuisance to nearby properties through noise or smell'. Where is the evidence to show this? The planning statement only explains how they plan to reduce noise and smell.

Lastly we would like to highlight the proposed entrance. The transport statement submitted states 'The site will be accessed by vehicles via the existing simple priority T-junction with Alexandra Road on the site's northern boundary'. Is the proposed existing entrance classed as a priority T-junction with Alexandra road? The proposed entrance is directly next to S&S Motors exit, has consideration been made as to how this will work at busy times, with cars going in one entrance and out another, cars queuing on the road and taking the traffic lights at the end of the road into consideration. If the increased traffic causes queuing on the roads or causes our customers to have issues gaining access to or from our forecourt, this could negatively affect our business.

Have sufficient studies been carried out on this area by highways? The transport statement submitted states -

If the proposed access arrangements and internal roads are designed with due consideration to road safety, with appropriate highway design features incorporated into the detailed design, then the proposals should not have a detrimental road safety impact on the local highway network and should not adversely affect the safety of other road users.

Relationship to site: Immediately adjacent to the site

13 Milner Terrace, Castletown

Comment' I am a resident of Milner terrace who will be considerably impacted by the proposed development. My main concern is the loss of valuable roadside parking, which will negatively impact our quality of life. It's already very difficult to park nearby, adding undue stress to daily life. The current plans suggest all traffic will exit the site via Milner Terrace, massively increasing congestion on an already busy, narrow, residential street. This could be addressed by having no egress at all into Milner Terrace. Access for transit vans to the Brewery could be through roller doors on the side of the proposed building, as is the current layout of the site, rather than have them drive straight at the houses on Milner Terrace. I'm also forced to question whether the impact on increased traffic at the junction between Milner Terrace and the bypass has been considered. At busy times it's impossible to pass through the junction, with traffic backing up down the full length of the terrace, and down the bypass to the roundabout and beyond.

I'm not completely against the development in theory, and I appreciate the fact that attempts have been made to assuage the parking situation, however no reasonable solution has been suggested. The removal of the three roadside spaces may seem trivial, however it will have a huge negative impact. As the site is zoned for industrial use, it seems perhaps suited to the Brewery side of the development, but not the taproom / restaurant side, especially given that the onsite parking provision appears to be inadequate for proposed brewery staff let alone for the staff required to operate the taproom and restaurant, this is without mentioning guest parking. Should this go ahead I would suggest that all surrounding areas be changed to residential parking only with a permit system in place to prevent staff and guests utilising the free roadside parking. The residents of Milner Terrace already face an unpleasant time with the HGVs from Qualtrough's yard using the narrow road, frequently mounting the pavements. Additional traffic would only add to these issues, and put further strain on the lay-by parking on Victoria road. I realise that the site is zoned for industrial use, which is one of the reasons I'm not completely opposed to the idea, however the current plans, and the current scale of the intended operation seems to already outstrip the possibilities for the site. In addition to the above I also echo the concerns of other petitioners regarding the impact on wildlife, particularly nesting starlings, other birds, and protected bat species.

Relationship to site: Immediately adjacent to the site

16 Hope Street, Castletown - précised comments.

Objects strongly to the development. The use of the site, which is allocated for industrial uses, as a Tap Room and Eatery is not appropriate.

There would be increased traffic along Hope Street and Milner Terrace where there is considerable competition for residents in nearby Mill Street and Malew Street as well as from visitors to the Town. Hope Street is already used as a short cut for cars between Castle Street/Bank Street and the bypass.

The addition of licensed premises will increase the likelihood of noise and disturbance for dwellings in the immediate vicinity of the premises and for residents further away. Music from the Secret Pizza restaurant is already an issue. A new licensed premises would additionally increase the likelihood of anti-social behaviour along Hope Street, Milner Terrace and Mill Street.

A new food and beverage operation in this town is unnecessary, on a site bordered on three sides by dwellings is unnecessary. There are already six pubs most of which also offer food in the town.

Relationship to site: Close to the site

6 Milner Terrace, Castletown

Couple of years ago me and my family moved into Milner Terrace in Castletown its beautiful terrace house in nice quiet area. Even the house is small we love it. In front of the house lovely little area with few benches, which residence can use for BBQ and relax specially during the summer residence can sit outside. Because most of these houses have no backyard or front yard. Just the building. And also children from the nursery used this area to play. This garden area belongs to Castletown community, I have seen teachers are taking these nursery children for a walk sometimes, this road has less traffic and safer. We parked our car opposite the house across the road. Parking spaces are not sufficient but we manage, people are generally happy.

Sorry to say that it's all about to change now, there is a plan for new brewery. Three car parking spaces have been taken and garden area has been taken to brewery. Increased traffic congestion. Noise, disturbance and bad odour not good condition for decent living. This could lead to stress, unhappy etc.

So this is how it is going affect me my family Neighbours and many more people. There for I wish to object strongly to this project. Hopefully government authorities will take all these points to account and take a right decision!

We are not against new projects. New project will bring employment opportunities and development of the city. This will be best in Castletown square. Close to the bus station car park etc.

Relationship to site: Immediately adjacent to the site.

3 Athol Terrace, Castletown

Parking is already a problem with issues for residents with not enough on street parking to support existing households. There is not enough dedicated parking for this application.

Relationship to site: Close to the site

5 Milner Terrace, Castletown

I would like to respond to the Road Safety Audit Stage 1 for planning application 23/01235B Castletown Commissioners Work Yard.

1.1.10 - the site visit took place at a quieter part of the day.

1.3.2 - parking on site is limited & inadequate for the proposed development - off site is for 3 employee spaces - this will impact already difficult parking near the site & further afield.

3.13 - problem 3 -Alexandra Road is a route to the local primary school - having increased vehicular activity at this point would increase the risk of an accident .

3.14 - problem 4 - with this being gas related I would imagine that 24/7 access would be required so losing 3 parking spaces - the temporary coning measure for pre-planned visits will impact the already inadequate parking.

In addition to the above due to the increased level of traffic using Milner Terrace which operates in a one way direction either way at any given time, there is the increased likelihood of vehicles mounting the kerb to squeeze past each other. This does already happen on occasion which is very dangerous & given that all residents' front doors are directly onto said pavement.

There is also issues with being able to open windows when there is standing traffic waiting to exit on to Alexandra Road causing car fumes & engine noise.

Relationship to site: Immediately adjacent to the site

11 Milner Terrace, Castletown

We object to the above Planning Application for the following reasons:

The proposed development of Bushy's in the Commissioner's Yard, is surrounded on 3 sides by the Conservation Area, which is residential property i.e. Milner Terrace, Mill Street, Hope Street, Ellerslie Gardens. There are basic issues with the junction of the above named roads. No-one has considered the extra traffic being added to existing traffic. We live on Milner Terrace and know how many wagons and vans, not forgetting cars, go up and down every day to/from Qualtrough's Timber Yard and other local businesses and residences. The extra traffic in the evenings if this goes ahead will lead to more risk of an accident coming from the Hope Street area (it is a blind spot with traffic coming down Milner Terrace not far from the proposed exit of the Brewery site). People in Milner Terrace will have lost 3 car parking spaces plus an area which was allocated for people to go and sit in and which in recent years was being used by the future generation of children at the Nursery (yes, there was nothing in writing about this land, but it's a shoddy way to treat ratepayers without even coming to see them to discuss the plans). Agreed, we have been allocated 3 car park spaces on the harbour, but have yet to get this in writing, which we should.

Other points that we wish to raise are:

1. What concerns us and other residents, is the amount of asbestos which has been there, in the Redacted building earmarked for demolition, for such a long time. What measures are going to be taken to ensure the safety of residents and the attached nursery?
2. The noise from the Taproom and Restaurant, late in the evening, 7 days a week, in an otherwise very quiet area
3. The volume of cars leaving the area, with headlights glaring into people's homes, banging of car doors etc.
4. Bushy's are relocating the Brewery from where they are now, but have no pub or restaurant currently. Now they are adding extras; that is surely not relocating, it is starting afresh. The Commissioner's Yard is zoned as 'light industrial'. What about a restaurant/taproom is industrial?
5. Not so long ago, Tesco was refused an alcohol license due to the number of licences in Castletown. Currently there are about 11 on/off licences in the Town. Is there a need for any more, particularly with the upcoming opening of the Wine Bar (owned by the same people as Bushy's)? The current license-holding businesses will already be struggling with the cost of living crisis; and will be put under more pressure with the addition of more competition.

We strongly object to this planning application and wish to register as an Interested Party, due to how near the proposed site is to my home.

Relationship to site: Immediately adjacent to the site.

4 Milner Terrace, Castletown - received 6/11/23.

Further to the above Planning Application, as residents of Number 4 Milner Terrace, we would like to object for the following reasons:

Environmental Policy 22 includes a provision whereby development would not be permitted where it would unacceptably harm the environment/or the amenity of nearby properties in terms of vibration, odour, noise or light pollution. This development, with its proposed Brewery, Restaurant and Tap Room will likely prove to have all of the above; vibration from machinery, odour from the Restaurant, noise from increased vehicular and pedestrian traffic (in addition to the general operation of the businesses) and light pollution. As one of us works from home we can attest that, currently, with the exception of traffic (which mostly is related to Qualtrough's), the loudest sound that can be heard in the daytime is the laughter of the children playing on

the grassed area across the road (which would be lost if this proposal goes ahead). At night there is at present very little noise at all.

The Applicant's Planning Statement refers to the Site as a 'small scale industrial site' (as per the Strategic Plan). We would question whether the proposed development is suited to such a site, due both to the intended scale and usage. To our knowledge, the planned Restaurant and Tap Room would be the largest of its type in the Castletown area, on a site surrounded by residential property. 150 covers is not small scale and with one of us having a degree in Hospitality Management, we would question whether this is the right place to put such an operation. It is not near enough to town to generate trade for other businesses and would become a destination in and of itself whilst simultaneously causing difficulties for neighbouring residents and other local businesses. Furthermore, hospitality does not fit under the auspices of 'Industrial' and therefore only the Brewery would be correctly zoned within the site. Referring to Business Policy 5 of the Strategic Plan, the proposed development does not meet the criteria for expansion into retail as a) the items for sale can be sold in a town centre location and b) although produced onsite, the beer can be and indeed is, sold across the Island currently. The Restaurant will not be producing food from the site and therefore is entirely outwith the scope of the zoning allocated in the Strategic Plan.

In terms of General Policy 2 of the Strategic Plan, referenced in the Applicant's Planning Statement, we are of the opinion that the proposed development fails to meet the following provisions: b), c), g), h), i), m) & n). We can go into more detail on this in further correspondence, should this be necessary.

The current traffic flow on Milner Terrace would not appear to have been adequately addressed by the Applicant's Traffic report. Any increase in traffic will have a considerable impact on an already overcrowded street. Daily large truck deliveries to and from Qualtrough's Timber Yard, along with customers to/from the facility, with other local business traffic and residents parking, already causes issues. In the past there have been incidents where trucks have damaged vehicles (our own included) and scaffolding has Redacted been hit. Adding more traffic to this mix will only exacerbate the problem. The road surface itself is damaged, as is the pavement (from trucks mounting the curb during passing manoeuvres). As referred to above, the Strategic Plan states that any development would need to have safe and convenient access, parking and manoeuvring space and not have an unacceptable effect on road safety or traffic flows. The proposed Brewery development could be strongly contested on this basis.

The proposal states that 25 parking spaces are to be provided, of which 7 are for staff. Having reviewed the Site drawings, there appear to be only 19 car parking spaces, 12 of which are for patrons. This is clearly insufficient for a 150 cover venue.

We feel it is important to state that there will be 3 car parking spaces removed from Milner Terrace, not 2 as stated in the Applicant's Planning Statement. The proposed exit points for the Brewery vans and general traffic are both directly in front of our house and will produce disturbance during the hours of darkness due to headlights shining into our home. As such we would be grateful to be allocated Interested Party Status.

Having reviewed the plans, there do not appear to be any environmentally friendly heating or energy solutions planned (such as solar panels or heat pumps). Given the climate crisis there surely should be?

Finally, the Application supporting documents make the point that historically, brewing took place in settlement areas. It no longer does, due to improved water supply to non-residential areas and better transport links. We believe it would be a retrograde step to put a Brewery so close to a residential area again. Thank you for your time in considering our comments.

Relationship to site: Immediately adjacent to the site

4 Milner Terrace, Castletown - received 25/11/23.

Further to the above application, I would like to take the opportunity to answer the Agent's Response of 21 November as follows:

1. Parking/Loss of spaces

As can be seen from the attached photographs, 3 vehicles currently park in the spaces that will be removed by the proposed development. Reference to the Highway Standards/Manual for Manx Roads may be applicable for marked parking bays, but not on street parking in a town where it is at a premium. Quite often the vehicles that park in these spaces drive into them and therefore do not need to parallel park. Also, please be assured that residents of Milner Terrace are aware that the spaces are not solely for their use, but as they are on the road where they live, they are an important facility for them. I would reiterate that on a count of parking spaces on the plans submitted, there are only 19 car parking spaces visible (of which 7 are for staff).

2. Increase in traffic movements/damage to roads

The site is designated as light industrial currently and itself produces only minimal traffic during the day. No traffic is generated during the evenings. The proposals made by the Applicant change this significantly. I would also point out that the Planning and Transport Statement only makes reference to the traffic generated by the proposed site not the addition of this traffic to the already heavy (both in volume and weight) traffic that already use Milner Terrace due to the proximity of Qualtrough's Timber Yard. It should be remembered that Milner Terrace is the only route that Qualtrough's use for all their goods in/out and customer traffic.

3. Increase in noise

I would contend that it is not only the residents of Ellerslie Gardens that will be impacted by the noise from the Brewery, Restaurant and Tap Room. All traffic will be exiting the site onto Milner Terrace and will have a direct impact upon residents there. None of the proposed mitigations would appear to satisfactorily address the potential noise or light pollution. The petrol station/garage to the North of the Site does not have a deleterious effect upon myself and my husband as nearby residents, in fact the noise is barely noticeable.

4. Bad Smells

The smells from the Brewery section of the proposed site is not the only concern for residents. The Restaurant will also produce odours.

5. Asbestos Noted.

6. Alcohol Sales

The Garage's alcohol off-license is not comparable with a Restaurant/Tap Room on license.

7. Drainage System

This is still of concern to residents given that drainage in the area has not been good.

8. Grass area/use of green space

The landscaped open area on the Proposed Site plan is neither in size, nor type, a replacement for the green space that the development would take away. The current grassed area is the only one of its type in the locality. The proposed landscaped area is located on the corner of the site, immediately adjacent to the road, with no visible fencing to separate from traffic and is split by the main pedestrian footpath to/from the site. It is therefore of limited use to local residents and of no practical use at all to the Nursery children who are the main users of the current green space.

9. Increased number of alcohol licences

It is indeed the case that some licensed premises have closed down in Castletown over recent years but that would indicate against the presumed viability of the proposed venue, rather than support it.

10. Green Energy

I would have expected that this would have been addressed at the outset, but the Agent's Response would appear to indicate only that it may be considered at some stage in the future, which is disappointing.

11. Site Zoning

The Town Clerk's petition to the DoI was rejected on the basis that the 'Department has considered the petition and concluded that it has been presented prematurely and therefore hasn't approved the petition.' (quotation from an email to me from the DoI). This being the case it would not be advisable to rely upon it. To answer the points made however, there is currently a surplus of job vacancies on the Island and the proposed Site is sufficiently far from Castletown Centre for any anticipated increased footfall to be very low.

12. Biodiversity

I would echo the concerns raised by other correspondents, in particular the Consultation from DEFA's Ecosystem Policy Officer.

Relationship to site: Immediately adjacent to the site

4 Milner Terrace, Castletown - received 12/2/24.

Further to the additional information published on this application, we would like to comment as follows:

The Road Safety Audit addresses a number of 'problems' but does not, in our view, address the major issue, which is the volume and flow of traffic onto Milner Terrace. As things currently stand, when a vehicle enters the Alexandra Road end of Milner Terrace and another vehicle is coming up from the Mill Street end, one of them has to reverse and wait for the other to pass before they can continue. Add into this further traffic from the middle of Milner Terrace (the proposed exit for the Brewery and Tap Room/Eatery) and there are a number of reasonably foreseeable possible issues, none of which have been addressed.

We would also like to respond to the Department of Enterprise's Consultation of 25 January, in particular their interpretation of Business Policy 5 of the Strategic Plan, where they would appear to have taken a view that the proposal would be 'in accord with Business Policy 5 and the (sic) corresponds with the Industrial designation of the site.' We believe that this requires clarification, as on one hand they state that the proposals correspond with 'Industrial designation' whilst on the other hand they support the proposal which includes Retail on the Site.

The proposals, in our view, do not meet the criteria in Business Policy 5 for retail to be allowed on the site as:

1. The items can be sold from a town centre location (as they are currently)
2. Not all of the items to be sold onsite will be produced there
3. Those items that are to be produced onsite can reasonably be severed from the overall business (as they are currently)
4. There has been no demonstration that the retail sales will not detract from the vitality/viability of the Town Centre. It could reasonably be argued that the sales of beer/merchandise from the Brewery/Tap Room would indeed detract from Castletown Centre as

people wishing to purchase such goods would go straight to the Site and then home again without visiting the Town Centre at all.

Relationship to site: Immediately adjacent to the site

Little Rascals Nursery, Alexandra Road, Castletown

I am writing to express our profound concerns regarding planning application 23/01235/B, which pertains to the proposed redevelopment of the Commissioners Yard in Castletown. We are the proprietors of Little Rascals Nursery, an establishment situated adjacent to the work yard in Castletown, and we have served the local community for 19 years. Throughout our history, we have provided invaluable support to numerous local families. However, we harbour significant apprehensions concerning the outlined development plans for the site.

Our first and foremost concern revolves around the anticipated increase in traffic that this redevelopment could bring to Mill Road and Milner Terrace. At present, these roads already witness a considerable volume of traffic due to the presence of Qualtrough's timber yard. According to the proposed plans, an additional 100 customers per day, not accounting for deliveries associated with the proposed site, would further strain the road network. Milner Terrace, in its current state, lacks the necessary infrastructure to support such a substantial increase in traffic. This raises concerns about road safety and the convenience of both businesses and residents in the area.

Additionally, we are deeply concerned about the potential damage that this development could inflict upon the reputation of our well-established and thriving nursery. The proposed addition of a 100-person "tap room" serving alcohol in close proximity to a children's nursery raises significant worries. The presence of an alcohol serving establishment in such close proximity to our facility could harm our business's reputation and the safety of the children under our care, particularly if it leads to intoxicated individuals in the vicinity.

Noise pollution is another aspect of the proposed development that concerns us. Breweries often involve noisy operations, especially during production and delivery phases, which could disrupt the peaceful environment necessary for a nursery setting. Odours and emissions resulting from the brewing process may also affect air quality in the vicinity, posing potential health risks to our staff and the children.

Furthermore, we have observed a disparity in the support provided by the Castletown Commissioners. It appears that they predominantly favour alcohol-based businesses in the town, while businesses like ours, which have been an integral part of the community for many years, receive limited support. This inequality is a matter of concern to us.

Lastly, we would like to mention our attempts to acquire the public grassland outside the nursery over the past eight years. Despite our interest in purchasing the land on Milner Terrace, we have been repeatedly discouraged by the commissioners, who expressed a lack of interest in our proposal.

The commissioners have stated their intention to bring footfall into the town. However, we fail to see how a brewery, situated outside the town centre, would contribute to this goal. Instead, it may have the opposite effect, potentially reducing footfall in the area.

In light of these concerns, we urge the planning authorities to carefully consider the potential consequences of the proposed development on road safety, our nursery's reputation, air quality, and the well-being of our children and staff. We hope for a fair and comprehensive evaluation of our objections to planning application 23/01235/B.

Relationship to site: Immediately adjacent to the site

5 Milner Terrace, Castletown

I write regarding the recent planning application 23/01235/B

Due to the proposed development of the commissioner's yard & workshop into a brewery/tap room/eatery & offices that this would have a detrimental impact on me being a resident homeowner on Milner Terrace.

The reasons are as follows:-

The brewery vehicles are intending to drive out directly towards my property which means creating an opening for vehicles onto Milner Terrace which in turn means traffic noise & headlights glaring into my home. Milner Terrace is a narrow side road in a conservation area.

In addition to this there will be a loss of 3 vital parking spaces which are very much needed & are crucial in being able to park near home especially for those less able bodied, when unloading shopping & reducing the risk of criminal damage to vehicles when not parked in view of home which has happened to a previous vehicle I owned when it was parked near the harbour.

There would be the loss of the much used enclosed green space which is in front of the proposed brewery & is currently used by the nursery & residents.

The building which currently stands on the site of the proposed brewery is somewhat lower than the building which is to replace it & will have a big change on the current vista.

I do not wish to smell food/beer brewing or any associated noise from these operations.

There is also the concern of how the current drainage system will cope. There would be an increase of vehicles/noise/customers & staff coming & going throughout the day & night.

There would also be customers & staff being dropped off/picked up by taxis/family/friends at the footpath entrance on Milner Terrace which is on a blind corner.

Milner Terrace is a quiet residential area with general daytime noise & movement however, from late afternoon, evening & weekends there is little to no noise, traffic or pedestrians so is extremely quiet.

I feel that if this development is approved that it will have a serious detrimental effect on my current living conditions.

A brewery/tap room/restaurant/offices would be an unwarranted development on this site as the surrounding area is predominantly residential.

Any such benefits would be very much outweighed by the negative aspects of the proposal due to increased activity in an otherwise quiet location, introduction of noise/light/activity/vehicles all becoming very intrusive.

I would like to be considered for interested person status.

Relationship to site: Immediately adjacent to the site

5 Paradise Court, Castletown

I strongly object to the proposed redevelopment for the following reasons,

1. Milner terrace access point is a narrow road with limited parking for residents.
 2. The redevelopment does not appear to have enough parking spaces for the proposed use, tap room eatery etc.
 3. Overflow parking will probably spill onto Mill Street and Hope Street giving restricted access for emergency services should it be required.
 4. Residents in the area will be disturbed in the late evening by increased movements of customers and vehicles.
 5. Increase in illegal parking on residents property in area.
 6. Increase in damage to roads and pavements in the area due to increase in traffic.
- Relationship to site: Immediately adjacent to the site.

Relationship to site: Close to the site.

10 Athol Terrace, Castletown

I write in relation to the proposed development 23/01235/B (Castletown Commissioner's Work Yard) and the "Swift-Bat Report" from Island Biodiversity Consultants. This appears to pose 3 challenges for those responsible for the construction and operation of the project.

The eminent consultants suggest that the first challenge would be for those seeking to seal open stonework where swifts, sparrows, and possibly bats and starlings may nest. There is some evidence that much of the existing open stonework has been used by nesting pairs in recent times.

The second challenge is likely to arise during the construction phase, and it has been suggested that further surveys may be necessary as the original report was done outside of the breeding season(s). Confirmation will be needed of where the birds are nesting, plus their entry and exit points. Decisions will also need to be made both during and after construction as to the provision of swift bricks etc. It has been strongly suggested by Elizabeth Charter and Tim Earl that construction work should not be undertaken during breeding season(s).

The third challenge will occur during the operation of the businesses, particularly the Restaurant/Tap Room. These however, may be greatly reduced once the behaviour and breeding habits of the resident birds has been established. It is essential that some form of external monitoring is set up at the earliest opportunity. Initially this would be to ensure that there are opportunities for secure nesting and that no nesting pairs are disturbed, and that there should be seasonal monitoring thereafter.

Difficulties will obviously arise during construction, due to the narrow margins of opportunity when birds and bats are not nesting, these will be greatly reduced by the provision of extra nest sites - in swift bricks, nest cups for swallows and house martins, and maternity roost boxes for pipistrelle bats, and the report offers excellent professional advice when recommending 'it may be possible to achieve some biodiversity gain, providing they are used, which of course is not guaranteed. Use of expert ecological advice on siting boxes and bricks maximises the likelihood of them being used.'

It is essential to bear in mind that this site is home to at least 6% of the Island's threatened swift population. Can transparent, expert, external monitoring be achieved during this project?

Relationship to site: Close to the site.

6.00 ASSESSMENT

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

- (i) Description of the proposed development
- (ii) Principle of Development (Policies STP2, STP3, STP4, STP8 and Business Policy 5;)
- (iii) Design and Visual Impact and Impact on the character of the adjoining Conservation Area (Policies GP2 b, c; EP36)
- (iv) Impact on residential Neighbours amenities (GP2g and ENV22iii)
- (v) Highway Matters - Access, Traffic Generation, Parking Provision, Pedestrian and Highway Safety (Policies TP4 and TP7)
- (vi) Impact on Ecology and Protected Species (Policies STP4b, EP4b, GP2d;
- (vii) Other matters - Environmental Impact Assessment (EIA)

(i) The Proposed Development

6.2 The site comprises previously developed land in the form of the Castletown Commissioners Depot and Yard, containing workshop and maintenance buildings, a dwelling; and, a polytunnel with adjoining nursery beds. It adjoins a Children's Nursey housed in one of the former depot buildings (previously a motorcycle showroom); the S and S Motors showroom, garage repair workshop, and petrol filling station (PFS). It is also bounded on 3 sides by dwellings located directly opposite it in Milner Terrace to the east; Paradise Court to the south; and, Ellerslie Gardens and Northcroft Apartments to the west. The main vehicular access serving the site is derived from the A5 Alexandra Road between the garage/PFS and Northcroft Apartments. A secondary vehicular access serves the site from the junction of Milner Terrace with Mill Court, and Paradise Court.

6.3 The proposed development involves the relocation of Bushy's Brewery which is presently accommodated in buildings to the rear of The Forge restaurant in Braddan, (which are outdated) to provide a new brewery building with associated hospitality facilities including a Tap room, Eatery and Offices. The new brewery building would be erected on the site of the existing portal framed structure and portacabin on the site. It would be 27.6m long x 13.5m wide x 5.1m high to the eaves and 6.6m to the ridge. Its principal elevation - facing Milner Terrace - would have a centrally located, roller shutter access door approx. 4.0m wide x 4.0m high, and would be sited between and below a stone walled central element which would feature a castellated stone coping approx. 7.0m high. The same detailing would be applied to the rear (North-west elevation) facing in to the main yard area of the site.

6.4 The new brewery building would be finished in rendered walling up to a height of 2m with timber cladding above with stone and glazed features in the centre of the south western elevation and a stone castellated feature in the centre of the Milner Terrace elevation and north western elevation. Limestone entrance pillars with decorative metal arched sign will span the space between the proposed offices and new brewery building. A brewery compound will be created to the north west of the new brewery building.

6.5 A new, exit only, vehicular access onto Milner Terrace would be sited between the new brewery building and the associated Brewery Office (approx. 81m² in floor area) which would be housed in the existing dwelling. This would allow through vehicular access from Alexandra Road (which would be entry only) to Milner Terrace. The existing workshop building to the rear of the dwelling which abuts the rear boundaries of dwellings in Ellerslie Gardens would be converted to provide the proposed Taproom and Eatery with up to 90 covers. An infill extension would be erected between these two structure measuring approx. 39m² to provide staff toilet facilities; storage and part of the Kitchen and Kitchen Store. The land area to the south of the dwelling, presently used as a nursery seed bed and for the Polytunnel, would be landscaped to provide an outdoor garden/seating area/terrace for a further 60 persons; and play area; with glazed pergola running up against the back wall of the site which marks the boundary with 6 and 7 Ellerslie Gardens.

6.6 The applicants anticipate that the proposed use will involve 14 staff (4 Brewers, 2 Office, 8 Taproom) and up to 150 customers (36 ground floor, 54 first floor and 60 outside)

many of whom will come to the site on foot given the sustainable and accessible nature and location of the site.

6.7 Following the receipt of comments from DoI Highways Development Control, the applicants on 16/1/24, submitted a Road Safety Audit and revised proposed site layout plan. The plan shows 2 No. cycle stands - one for 7 cycles; and, one for 5 cycles; 6 motorcycle spaces; and, 18 No. visitors parking spaces (5.5m deep x 2.5m wide); plus 3 No. disabled parking spaces. The brewery compound would provide secure parking for brewery vehicles as well as an outside storage area. There would be 7 No. staff car parking spaces provided facing onto the Milner Street road frontage and a 3 rack staff cycle stand. The Road safety Audit and revised proposed site layout plan, have been commented on separately by DoI Highways Development Control, with comments added to the application file as a public document.

(ii) Principle of Development

6.8 On the Area Plan for the South - Map 5 - Castletown, the site is shown as being allocated for the site (and that of the S and S Motors site and Children's Nursery) is allocated for "Industry/Business Park" uses. In the Isle of Man Strategic Plan 2016, Strategic Policy SP2 indicates that new development will be located primarily within existing towns and villages; Strategic Policy 3 indicates that proposed development must ensure that the individual character of our towns and villages is protected or enhanced by having regard in the design of new development to the use of local materials and character; whilst, Strategic Policy 4 indicates (amongst other things) that Proposals for development must: protect or enhance the setting of Conservations Areas; protect or enhance the landscape quality and nature conservation value of urban areas; and, not cause or lead to unacceptable environmental pollution or disturbance. In terms of the provisions of Strategic Policy SP4, these elements will be examined later in this Report. Business Policy 5, however, advises as follows;

"On land zoned for industrial use, permission will be given only for industrial development or for storage and distribution; retailing will not be permitted except where either:

(a) the items to be sold could not reasonably be sold from a town centre location because of their size or nature; or

(b) the items to be sold are produced on the site and their sale could not reasonably be severed from the overall business;

and, in respect of (a) or (b), where it can be demonstrated that the sales would not detract from the vitality and viability of the appropriate town centre shopping area."

6.9 In this case, it is noted that the provisions of Strategic Plan Policies SP2, Sp3 and SP4; and, that of Business Policy 5 pull in in slightly different directions. The site is allocated for "Industry/Business Park" uses. Clearly, the proposed brewery use is industrial in nature. However, the brewery - as it does at its present site in Braddan, seeks to provide a more integrated offering (and experience) in that it would provide an enhanced industrial use that crosses over into leisure and tourism, whilst promoting Island made produce, to both the leisure and tourism (Southern 100/IoM TT/Manx GP and other motorsport and sporting events) market and at another level, serving the Island's various public houses and providing goods (Beer) for export to the UK and beyond. The development proposed and the use of the site for a new brewery building with associated hospitality facilities including a Tap room, Eatery and Offices, however, the primary use and main driver of the proposals is the re-location of Bushy's Brewery to a more sustainable location, as well as providing a new industrial/tourism/leisure facility for Castletown.

6.10 Overall, it is considered that the proposed development on this previously developed site allocated for "Industry/Business Park" uses, is acceptable and accords with the provisions of Strategic Plan Policies STP2, STP3, STP4 and STP8; and, that of Business Policy 5 in the Isle of Man Strategic Plan 2016.

- (iii) Design and Visual Impact and Impact on the character of the adjoining Conservation Area (Policies GP2 b, c; EP1, EP15)

6.11 The proposals involve the removal of the existing portacabin (approx. 45m² in floor area) and the demolition of the existing portal framed workshop building (approx. 245m² in floor area). These structures, (the workshop building is of stone walls under a profiled, fibre-cement sheet, shallow-pitched, roof) are located to the rear of the Children's Nursery and S and S Motors Garage site, and also front onto Milner Terrace. The new Brewery Building, as described in paragraphs 6.3 and 6.4 above, would be erected in their place. The proposals also cover the refurbishment of the existing dwelling and workshop building, with a new connecting extension between them housing the Kitchen/Toilet/Storage facilities proposed to serve the Taproom and Eatery. This would; be a single storey structure and would complement rather than compete with these two existing structures. The proposals involve the removal of the existing fibre cement slates and roof tiles with a natural slate roof; and, the addition of 4 No. Conservation type rooflights in the south facing roofslope; and, 5 No. such rooflights to the north facing roofslope. These would draw light into the first floor of the Bar/Restaurant area whilst precluding any views out from them owing to their height above internal first floor level.

6.11 The existing window openings would be kept whilst a new opening at first floor level in the SW elevation facing the rear aspects of Nos. 6 and 7 Ellerslie Gardens and Paradise Court would be added to the Bar/Restaurant. All new and existing windows and doors re proposed to be fitted with Accoya Framed, vacuum glazed units, painted with micro-porous paint. The existing stonework would be re-pointed with approved NHL Lime Mortar and new cast iron rainwater goods would be provided to these existing structures. The new, flat roofed ground floor link extension would have vertical timber boarding applied to its walls to reflect that at first floor level applied to the new brewery building; and, a dark grey coloured float roof applied with 5 No. flat, velux rooflights, each raised above roof height and all screened by an upstand perimeter to the exposed side walls of this structure so that they would not be readily visible from external ground floor level. These would be inserted to provide daylight into the kitchen store, cold stores and staff WC.

6.12 It is noted that the site and existing structures, particularly in the area to the south of the site closest to Milner Terrace, abuts the Castletown Conservation Area, the boundary of which is marked by the Milner Terrace dwellings to the west; and, the footpath link running between the sites southern boundary and Paradise Court up to Malew Street approx. 130m away to the south-east. Strategic Plan Policy ENV36 indicates that proposals for new development outside of, but close to, the boundary of a Conservation Area, will only be permitted where they will not detrimentally affect important views into and out of the Conservation Area.

6.13 In terms of the visual impact on the Milner Street and Paradise Court street scenes, which coincide with the Conservation Area boundary, , There would be little by way of change from views of the site from the south (paradise Court) because the nearest building - which are to be retained - would appear as they currently are in terms of bulk, scale and built form and the main difference would be the window inserted at first floor level of the Bar/Restaurants SW elevation and the application of natural slate to the roofs of these buildings; the installation of new, improved windows and doors; and, the application of new cast iron rainwater goods. The outdoor terrace and garden areas, including the glazed terraces adjacent to the western boundary would be screened by the existing boundary wall from views from Paradise Court and Ellerslie Gardens.

6.14 In respect of views from Milner terrace, the main change would be the installation of the new access to provide the vehicular egress from the site; and, the erection of the new Brewery building. This would take the place of the existing steel framed workshop unit. Whilst it would be alter at 7.0m to the top of the castellated end elevation, stone wall, it would be set back

sufficiently from the road edge (by approx. 6.0m) for it to have little visual impact on the character and appearance of the street scene over and above the existing situation.

6.15 Overall, it is considered that the visual impact of the development on the Milner Terrace and Paradise Court aspect of the surroundings, which also represent the adjoining Conservation Area, would be acceptable, and would accord with the provisions of Strategic Plan Policies GEN2 b) and c) and Policy ENV36 relating to the impacts on views into and from the Conservation Area.

6.16 In addition to the above consideration on visual grounds, the visual impact of the development from views from the north from either side of the S and S Motors Garage and the Children's Nursery; and, from the direction of Northcroft Apartments, it is noted that the development would be set away from and behind these neighbouring sites, and views across these sites from the A5 Alexandra Road would be the subject of distance decay as well as being obtained across third party land. Direct views of the development would be available from the Alexandra Road site entrance and the approach into the site, however, it is considered that given the above comments in that the new Brewery building would be a replacement for the existing porta cabin and Workshop; and, that, the retention of the dwelling and workshop to the rear to form the office; Bar/Restaurant and Taproom; and, ground floor link between them effectively re-use the existing buildings, these aspects of the development would also be acceptable on visual grounds and would accord with the provisions of Strategic Plan Policy GEN2 b) and c).

6.17 Overall, the visual impacts of the development are considered to be acceptable.

(iv) Impact on residential Neighbours amenities (GP2g and ENV22iii)

6.18 The concerns raised regarding the development as received from occupants of dwellings directly opposite the site in Milner Terrace; and, Paradise Court, as well as those received from residents of Atholl Terrace (located directly behind Milner Terrace); residents of Hope Street; and, directly adjoining the site in respect of S and S Motors and Little Rascals Children's Nursery, have all been noted. The main concerns relate to the proposed use of the site; hours of operation; noise and disturbance; smells and odours; and, access, traffic generation, increased vehicular movements and associated noise and disturbance, therefrom.

6.19 The site is located on the northern edge of this compact settlement adjacent to a Garage/PFS, Children's Nursery, and residential properties. It is also located close to Qualtrough's Builders Merchants and Timber Yard, which attracts vehicle movements along Milner Terrace and Hope Street, to reach it. The application site is in an industrial use, albeit it is presently underused as the Commissioners Depot. It, and Qualtrough's Yard, are both allocated for Industrial/Business Park uses in the Area Plan for the South 2013.

6.20 The fundamental element of the proposed development is the relocation of the existing Bushey's Brewery at Braddan, which is an established industry, to the application site, which is also an established industrial site, albeit it is in a more sustainable location. The proposed development on this allocated Industrial/Business Park use site, is considered to be acceptable in principle. The concerns raised by neighbours in relation to the proposed use, particularly smells and odours and also any noise from the brewing process are noted. Modern brewing techniques are based on a closed system where there is little scope for smells and odours permeating the site and surroundings. There may be some odours from stored ingredients, however, this is considered to be unlikely as the brewing process may be harmed through incorrect storage of ingredients which may spoil if exposed to the atmosphere. Similarly, the process would involve sealed drainage systems and connection to the water supply and main foul sewer, and it is unlikely that any unauthorised discharges of effluent would occur in a modern brewing set up. It is also temperature dependent and any heat loss (and noise outbreak) would be sought to be contained through having any windows; and, access doors at

each end open for the minimum required time to facilitate the brewing process. A trip round any modern brewery or distillery would demonstrate how little smells and odours are noticed, and the relative silence in the way which brewing/distilling operations are conducted.

6.21 in terms of noise emanating from the hospitality operations conducted on site from the Taproom, Bar and Eatery/Restaurant. Such occasions are likely to occur when there is noise outbreak. These are more likely to occur on sunny /warm days and evening during the summer/tourist period when events are taking place on the Island. Such instances are no more likely to impact on neighbours residential amenities as they would at the existing 6 Public Houses in Castletown Town Centre. Whilst a condition could be added in respect of hours of operation, this could also impact on the brewing process which is a 24 hours a day operation. As the operation of the Taproom/Eatery, outdoor terrace and garden area are allied to these elements of the proposals, the best way to control any such impacts would be through the licensing process which has more stringent requirements and a more effective enforcement regime compared to recourse via the planning enforcement process should an untoward event or series of events arise.

6.22 The proposed use of part of the premises as a Taproom/Eatery and Offices is considered to be acceptable, as is the proposed Brewery Use in terms of their potential for any adverse impact on neighbours amenities. In this regard, the proposed development would accord with the provisions of Strategic Plan Policies GP2g and ENV22iii)

(v) Highway Matters - Access, Traffic Generation, Parking Provision, Pedestrian and Highway Safety (Policies TP4 and TP7)

6.23 As indicated at paragraph 2.2 of this Report, the applicants have provided a Road Safety Audit, Designers Response, and revised site layout plan on 16th January, 2024, in response to comments received from DoI Highways.

6.24 The submitted site layout plan shows the existing road access onto the A5 Alexandra Road to be an 'ingress only' access; and, the new vehicular access proposed to be sited between buildings onto Milner Terrace to be an 'egress only' access point. The Transport Statement outlines that 25 parking spaces are to be provided onsite. The proposed layout shows 18 of these are located along the western boundary of the site, with 7 along the frontage at Milner Terrace.

6.25 DoI Highways DC in its comments noted that: "The total parking provision shows a shortfall of 7 parking spaces, but has the inclusion of two-wheeled vehicle parking spaces. Appendix A.7.6 of the Strategic Plan lists the circumstances in which the parking standard may be relaxed. These circumstances have been addressed also by the Transport Statement. The site is located within Castletown and has the option of alternative transport methods further to personal vehicle use. The site is accessible by foot from the centre of Castletown via the main town distribution routes. Similarly, cycle access can be gained through these routes and also easily accessible from the Primary route, Alexandra Road. There is frequent bus availability from the centre of Castletown, and also from a shorter distance along Victoria Road. Whilst the frequent and more varied services cannot be accessed directly along Alexandra Road or the A5, the walking distance to other routes (Victoria Road, 300m) is not outside of the maximum recommended walking distances."

6.26 The proposal has included three increased size parking spaces which are designated as mobility impaired user spaces. Ideally, these spaces would be located as close as possible to the buildings to avoid mobility impaired users having to travel longer distances on foot. However, these spaces have been placed to best utilise the shape of the site, with the maximum distance from vehicle to door being approx. 40m. The proposal has stated that cycle parking is to be provided on the site to accommodate both short stay and long stay, and the location and quantity of the spaces provided are considered to be acceptable.

6.27 It is also noted from DoI Highways DC comments that: "In addition to the feasibility of alternative transport options, the nature of the development with the sale and consumption of alcohol would result in patrons seeking to use these alternative modes of transport. For the reasons given above, Highway Services DC accept the shortfall in vehicular parking spaces, provided the cycle parking is confirmed and appropriately located."

6.28 The creation of the development would result in an overall increase in parking provision in the immediate area. But, the proposed access onto Milner Terrace would see the removal of three on-street parking spaces on the western side of the street. There have been a number of concerns raised by residents and locals about the removal of these spaces and impact on parking availability for such parties. Parking along the western side of Milner Terrace is frequent as there is no off-street availability for residents. However, these spaces are not designated for residential use only, and no space can be guaranteed at any one time. To lessen the impact of the removal of parking to the residents/locals, the applicant has negotiated the provision of three car parking spaces within 'Claddaghs Car Park'. However, owing to the distance involved from the terrace (150m), these spaces are likely to be underutilised, especially in inclement weather and if needing to load/unload cars, and as a consequence, have led to on-street parking in unsafe or obstructing places. Subsequently, the applicant has accepted the proposal to designate the three spaces fronting the office for use of residents, mitigating the loss of parking, and use those gained at the Claddaghs car park for office staff use. A suitable parking management plan should be conditioned so that it can be enforced to ensure each set of spaces are used appropriately. Therefore, given these revisions, the proposed parking provision for the development is considered to be acceptable.

6.29 As advised by DoI Highways DC, due to the smaller scale operation of the typical workday employment development (brewery and office) the trips generated during the AM and PM peak hours are low and will have little negative effect on flows along Miner Terrace and onto Alexandra Road. It is also noted that visibility onto Milner Terrace has been improved. Any obstruction within the visibility splay for the main site exit has been lowered to a max. height of 1.05m.

6.30 In terms of noise generation, and the emission of fumes from vehicles visiting the site, it is considered that these arrangements would not have an unacceptable impact on neighbours residential amenities, particularly as in future the use of electrically powered vehicles is likely to increase thereby diminishing the noise and fumes impacts. Consequently, as advised by DoI Highways DC, the proposals are considered to be acceptable in terms of the proposed parking provision; on-site parking arrangements, off-site parking arrangements; access arrangements, cycle parking provision and with regard to pedestrian and highway safety. This accords with the provisions of Strategic Plan Policies SP10; GP2g), h) and i); ENV22iii) and Transport Policies TP4 and TP7.

(vi) Impact on Ecology and Protected Species (Policies STP4b, EP4b, GP2d)

6.31 Comments have been received from both neighbours and the DEFA Ecosystems Policy Team regarding the impacts of the proposals on Protected Species given the ages of the buildings involved, the nooks, gaps and crannies that offer either nesting or roost sites for Bats and birds; and the adverse impacts that demolition, re-building, and refurbishment could potentially give rise to. The main concern is over the lack of a suitable level of assessment through surveys having not been undertaken to inform the application, in order to determine how the proposed works will impact upon protected species - nesting birds and roosting bats.

6.32 The Ecosystem Policy Team has looked into condition requests which are considered acceptable to move the project forward. These have been outlined in the comments received on 15th March, 2024, which have been posted online. The request for conditions requested should be applied to any permission that may be granted. Officers consider that these

suggested conditions are acceptable in that they meet the six tests for planning conditions which are that they are: Necessary; Relevant to the development permitted; Relevant to planning; Enforceable; Precise; and, Reasonable in all other respects.

6.33 In this regard, the development is considered to be acceptable and accord with the provisions of Strategic Plan Policies STP4b, EP4b(i), and GP2d contained in the Isle of Man Strategic Plan 2016.

(vii) Other matters - Environmental Impact Assessment (EIA)

6.34 The question of whether a formal Environmental Impact Assessment (EIA) is required to inform the application is raised. In their Planning Statement, the applicant has provided a section relating to the requirements of an EIA. In it the applicant concluded that an EIA was not required, and provided information at Section 5.4 of their Planning Statement outlining the requirements where an EIA may be required as per Business Policy 4, Paragraph 7.18.2; and, Appendix 5 in the Isle of Man Strategic Plan 2016. Subsequently, the Planning Statement in Sections 5.4 to 5.8, contains sections on the potential impacts on Population and Human Health; Noise Nuisance; Odour; Biodiversity; Land, Water, Soil and Climate; and, Material assets, cultural heritage and the landscape. Paragraph A.5.2 of Appendix 5 indicates that any planning application for, inter alia, "g) Food Industry

o Brewing and malting
"would require EIA in every case".

6.35 Whilst the Planning Statement purports to be/contain an EIA, this should be tested against the standards of an EIA in terms of the UK Regs/practice (which is what we use in the absence of local standards).

6.36 The relevant EIA legislation in the UK is outlined in "The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. UK Statutory Instruments - 2017 No. 571 - SCHEDULE 2". The UK EIA Regulations, under Schedule 2, require EIA at '7 Food Industry' if the area of proposed new floorspace for the proposed Brewery exceeds 1000 sq m (square metres).

The area of floorspace covered by the proposals is as follows:

Brewery building approx. 27.6 m deep x 13.5 wide amounts to approx. 372.6 sq m - Ground floor area only.

Plus mezzanine floor area 27.6m deep x 4.65m wide = 128.34 sq m.

Plus grain hopper at mezzanine level 3.9m x 4.65m = 18.13 sq m.

Total floor area for new Brewery Building = 372.6 + 128.34 + 18.13 = 519.075 sq m.

(Rounded up to 520 sq m).

Separately, the Tap Room, Bar, Eatery, Office conversion of the existing dwelling and the ground floor link extension in terms of their floor area amount to the following:

Ground floor infill extension = approx. 39 sq m;

Former house floor area (Offices) = 13.68m x 7.13m x 2 (floors) = 195.07 sq m;

Former workshop (bar and Eatery) = 17.3 x 7.13 x 2 (floors) = 246.7 sq m

Totals = Brewery 520 + Former house floor area 195 + Former workshop 247 = 962 sq m.

(These figures have been rounded up/down to the nearest square metre).

The total floor area of built structures existing and proposed (excluding pergola) amounts to 962 sq m.

6.37 On this basis, it is considered that the requirement for a formal EIA does not arise and that the information provided by the applicants at Sections 5.4 -to 5.8 is acceptable in providing sufficient information that would otherwise be required by an EIA, to determine the application.

6.38 In respect of EIA and its implications for IPS, there is nothing in Business Policy 4, Paragraphs 7.18.1, 7.18.2; and, Appendix 5 in the Strategic Plan that requires that the normal IPS rules as outlined in Article 4.2 and paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021) - the 20 metre rule - should be waived to include all those persons who have written in on the application regardless of their location relative to the site.

7.00 CONCLUSION

7.01 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 is not EIA development, although aspects of the requirements for an EIA have been submitted in the applicants Planning Statement and considered as part of this proposal. The proposed 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.

And subject to conditions.

8.0 INTERESTED PERSON STATUS

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

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

8.2 The decision maker must determine:

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

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

I can confirm that this decision has been made by the Planning Committee in accordance with the authority afforded to the it by the appropriate DEFA Delegation and that in making this decision the Committee has agreed the recommendation in relation to who should be afforded Interested Person Status.

Decision Made : Permitted Committee Meeting Date: 08.04.2024

Signed : H LAIRD
Presenting Officer

Further to the decision of the Committee an additional report/condition reason was required (included as supplemental paragraph to the officer report).

Signatory to delete as appropriate YES/NO See below

Customer note

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**PLANNING COMMITTEE DECISION
12.04.2024**

Application 23/01235/B

No

Applicant Bushy's Brewery

Proposal Proposed re-development of Commissioners Yard, Workshops & Office including dwelling house to provide a Brewery and associated Tap Room, Eatery & Offices

Site Address Castletown Commissioners' Yard
Milner Terrace
Castletown
Isle Of Man
IM9 1TE

Planning Hamish Laird

Officer

Presenting As above

Officer

Addendum to the Officer Report

At the Planning Committee Meeting on 8th April, 2024, the Committee Members resolved to grant planning permission as per the Case Officer's recommendation with the revision of condition 4 relating to parking provision with the following revised wording:

C4. 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.

In addition, Members resolved to grant the occupants of 13 Milner Terrace, Castletown, IPS on the grounds that whilst they reside just outside the 20 metres range of the site boundary outlined in they would experience the same impacts of other residents of Milner Terrace living within 20m of the site boundary. This is as outlined in Article 4.2, paragraph 2 of the Department's Operational Policy on Interested Person Status (July 2021).