


REPORT TO PLANNING COMMITTEE

8 July 2020

Application Reference	DC/20/64149
Application Received	27 March 2020
Application Description	Further temporary approval of micro bar use for one year with external areas to be open to customers between 12:00 to 21:00hrs daily; subsequent to temporary approval of planning application DC/18/61502 (change of use from a convenience store to a micro bar (drinking establishment)).
Application Address	45 - 47 Regent Road Oldbury B69 1TR
Applicant	Mr Delwyn Sharpe
Ward	Tivdale
Contribution towards Vision 2030:	
Contact Officer(s)	Name: Carl Mercer Tel: 0121 569 4048 Email: carl_mercer@sandwell.gov.uk

RECOMMENDATION

That temporary planning permission is granted subject to the following conditions:-

- (i) The use authorised by this permission shall be discontinued at the expiration of a period of one year from the date of this permission;
- (ii) The approved vehicle parking area shall be kept clear at all times for the parking of vehicles and shall remain laid out and in place for the lifetime of the development;
- (iii) The use shall only be open to the public between 12:00 and 23:00 hours Monday to Friday (vacated by 23:30 hours), and 12:00 to 00:00 hours Saturday and Sunday (vacated by 00:30 hours), with no deliveries outside of these hours;
- (iv) External areas of the premises shall only be open to customers between the hours of 12:00 and 21:00 hours each day, except for the purpose of smokers complying with smoke-free legislation. Drinks

shall not be permitted in external areas outside of these hours on any day;

- (v) No amplified live or recorded music shall be played at the premises;
- (vi) There shall be no external plant equipment installed unless first being agreed in writing by the local planning authority;
- (vii) The commercial waste storage area shall be retained as such; and
- (viii) The use hereby approved shall be personal to the applicant only.

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee as three objections have been received.
- 1.2 To assist members with site context, a link to Google Maps is provided below:

[45 - 47 Regent Road, Oldbury](#)

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The site is unallocated in the Local Plan.
- 2.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF);
Planning history;
Access, highway safety, parking and servicing;
Anti-social behaviour/fear of crime; and
Noise and disturbance from the scheme.

3. THE APPLICATION SITE

- 3.1 The application site consists of two former retail units situated on the corner of Regent Road and Elm Terrace, Oldbury. For the past two years, the premises have been trading as a microbrewery called 'Tivi-ale'.

4. PLANNING HISTORY

- 4.1 The previous, temporary approval is relevant to this case. This was approved subject to conditions by Planning Committee for a period of two years and issued on 18 June 2018:
- 4.2 DC/18/61502 Proposed change of use from a convenience store to a micro bar (drinking establishment) - Temporary approval 18.06.2018

- 4.2 The reason for the temporary consent was to allow the Council to monitor and review the impact of the use on highway safety and residential amenity.

5. APPLICATION DETAILS

- 5.1 The applicant is applying for a further temporary consent for one year, and to extend the hours by which patrons can use the external drinking area by one hour. Currently, the area is closed to patrons at 8pm, by way of condition. The applicant wishes to extend this period to 9pm.

6. PUBLICITY

- 6.1 The application has been publicised by neighbour notification letter, with three objections being received.

6.2 Objections

Objections have been received on the following grounds:

- i) Noise;
- ii) Highway matters; and
- iii) Anti-social behaviour/fear of crime.

6.3 Responses to objections

I respond to the objectors' comments in turn;

- (i) Public Health (Noise) has confirmed that they have received no significant complaints regarding noise or disturbance relating to the premises since the two-year temporary permission was granted. However, concerns were raised by the extension of the hours for the external drinking areas. As part of the current application, the applicant originally applied for permanent consent of the use and wanted this area to remain open until 10pm. As the temporary consent was originally issued in order for the Council to monitor the impact of the use on the surrounding area, the use of the external hours beyond 8pm was not part of this initial monitoring. Given the comments from Public Health in regard to noise, I did not think it would have been appropriate to consider a permanent consent for the use of the external areas outside of the hours originally agreed for the temporary consent. Therefore, the applicant has agreed to compromise on a further one-year temporary consent and an extension of the use of the external drinking hours to 9pm. This can be monitored and reviewed should permanent consent be applied for next year.

- (ii) Highways have received no complaints or comments during the temporary permission in relation to highways grounds. However, they ask that the parking area should be kept clear at all times. Given the nature of the objectors' comments with regards to highway matters (i.e. the blocking of driveways/visibility), these issues can be monitored further during the temporary period; however, residents should report such instances to the relevant Council departments when they occur.
- (iii) West Midlands Police has no objection to the proposal. Whilst I acknowledge that the fear of crime is a valid consideration, I have been presented with no evidence that alleged increases in anti-social behaviour or crime emanate from the premises.

7. STATUTORY CONSULTATION

7.1 **Highways** – No objection subject to conditions.

7.2 **Public Health (Air Pollution and Noise)** – No objection subject to conditions (as above).

7.3 **West Midlands Police** – No objection.

8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY

8.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

9. LOCAL PLANNING POLICY

9.1 None relevant.

10. MATERIAL CONSIDERATIONS

10.1 The material considerations relating to Government Policy (NPPF) and proposals within the local plan have been referred to above in Sections 8 and 9. With regards to the other considerations these are highlighted below:-

10.2 Planning history

Given that no significant concerns were reported to Council departments during the two-year temporary consent period, I am of the opinion that, whilst there are clearly some issues as reported by objectors, these are not appreciable enough to recommend refusal of the application.

However, I am conscious that the initial temporary consent did not permit the external drinking area to function beyond 8pm, and for that reason, a further temporary consent to allow the external area to operate until 9pm is recommended to allow further review.

10.3 Access, highway safety, parking and servicing

Again, as no issues were reported to Highways during the temporary period, and Highways raise no objection, in my opinion, refusal on highway grounds would not be defensible.

10.4 Anti-social behaviour/fear of crime

Despite the concerns of objectors, my opinion on this matter is very much swayed by the lack of objection from West Midlands Police. However, any significant matters can be reported to the Police or raised with Licensing. I am of the opinion that there is insufficient weight to refuse the application on this consideration.

10.5 Noise and disturbance from the scheme

As discussed in paragraph 10.2, whilst I am of the opinion that these matters are not significant enough to refuse the application, further consideration to the extended hours for the external drinking area during the one year period is required. Issues can also be raised with Licensing.

11. IMPLICATIONS FOR SANDWELL'S VISION

- 11.1 Ambition 8 – Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 On balance, taking into account the matters discussed above, I consider it just to all parties concerned to recommend a further temporary consent of one year subject to conditions.

13. STRATEGIC RESOURCE IMPLICATIONS

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.

14. LEGAL AND GOVERNANCE CONSIDERATIONS

14.1 This application is submitted under the Town and Country Planning Act 1990.

15. EQUALITY IMPACT ASSESSMENT

15.1 There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.

16. DATA PROTECTION IMPACT ASSESSMENT

16.1 The planning application and accompanying documentation is a public document.

17. CRIME AND DISORDER AND RISK ASSESSMENT

17.1 There are no significant crime and disorder issues with this application.

18. SUSTAINABILITY OF PROPOSALS

18.1 Refer to the National Planning Policy Framework (8), Local Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

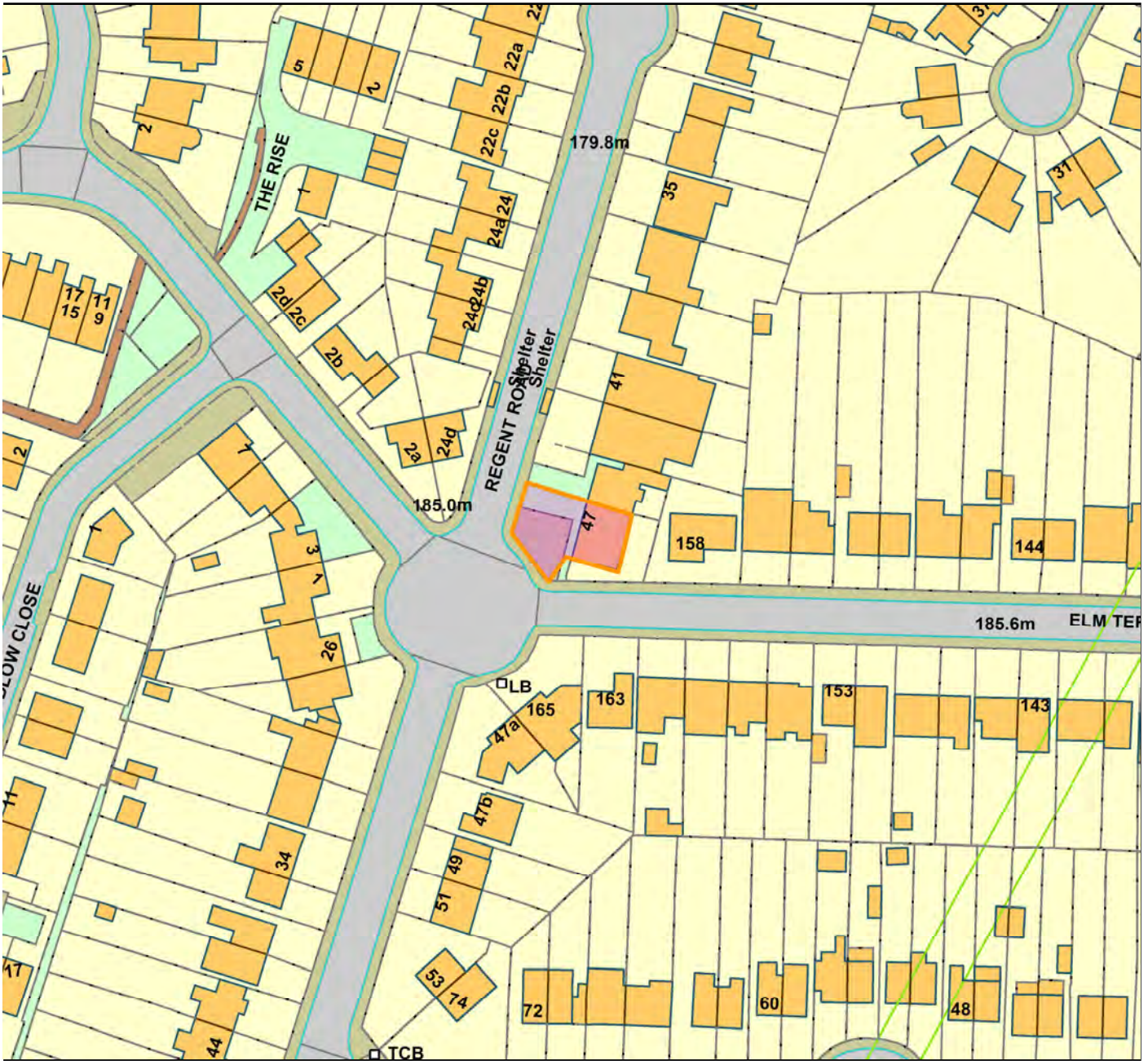
20.1 There will be no impact.

21. APPENDICES:

Site Plan
Context Plan
SK01
2
Photographs

DC/20/64149

45 - 47 Regent Street, Oldbury, B69 1TR

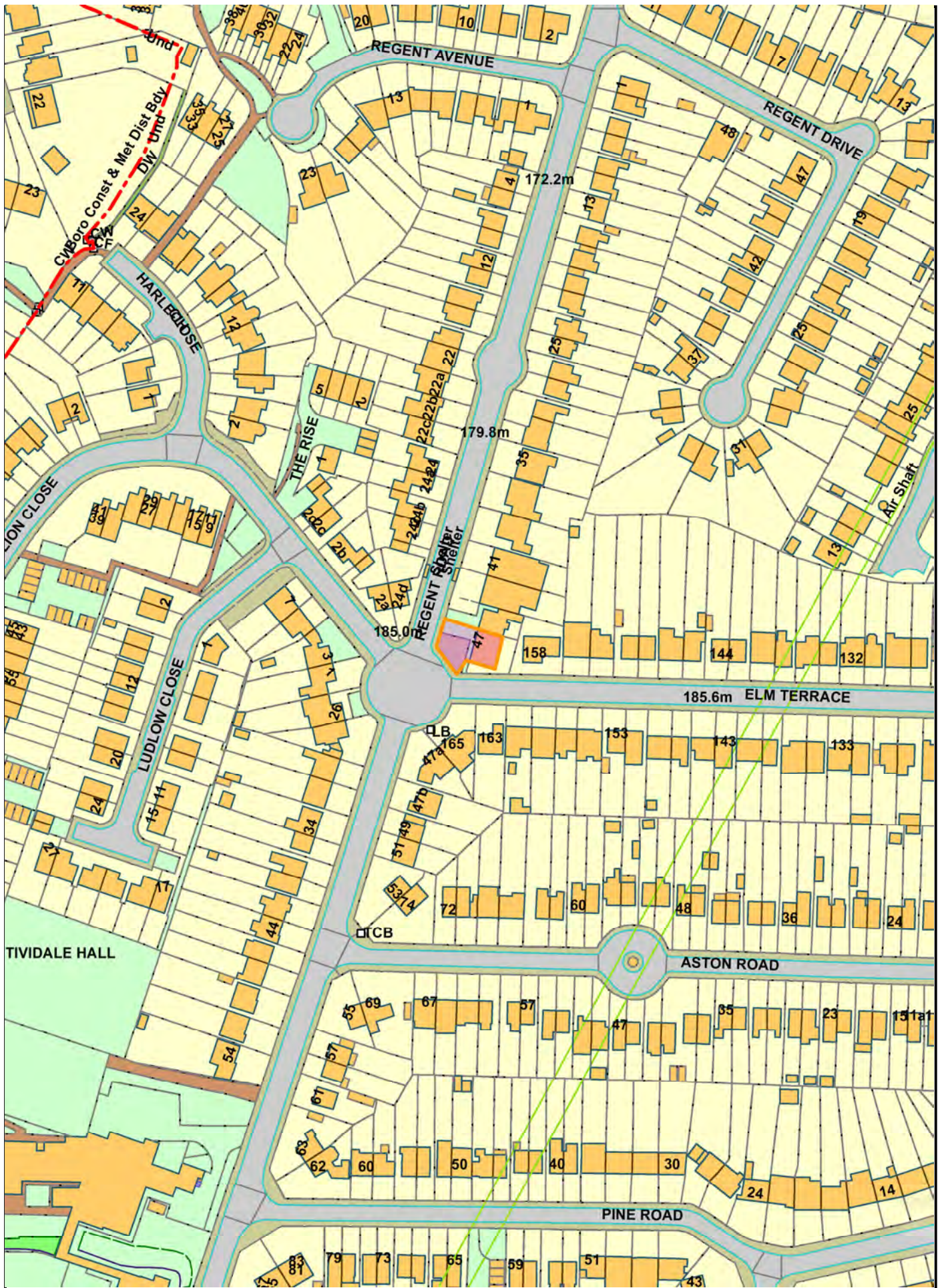


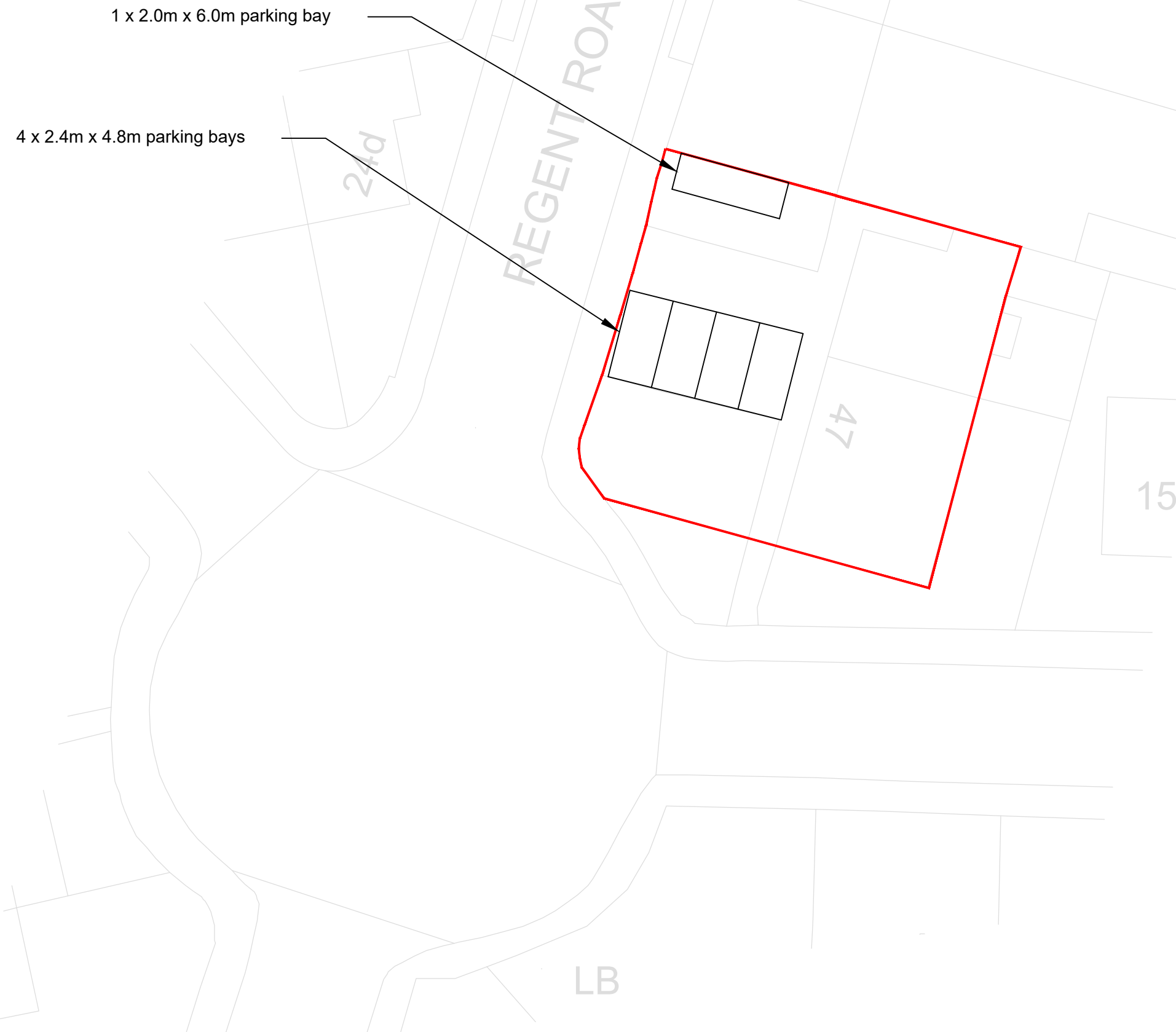
Legend



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	25 June 2020





Notes:



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Drawing Title:
Proposed Parking Layout

Client:
Delwyn Sharp

Project:
45-47 Regent Road, Oldbury

Drawing No: SK01	Revision: C
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Date Drawn: 10.10.18	Issue Date: 10.10.18
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Drawn by: TG	Checked by: MG
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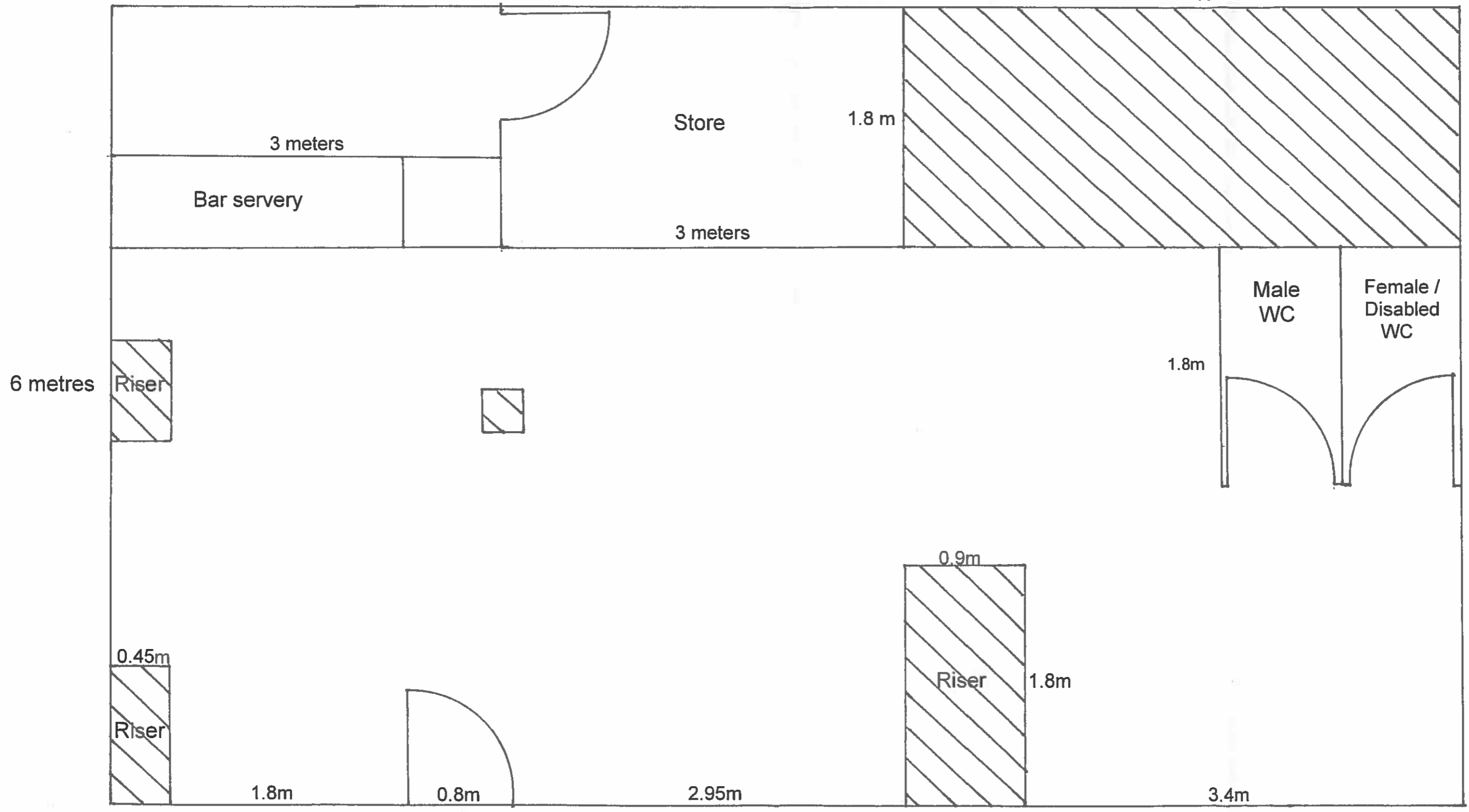
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Drawing Status:
INFORMATION

DC/18/61502
23/2/18

10.3 metres

4.3 metres



Tivi Ale
46-47 Regent Road, Tividale, Oldbury B69 1TL

Scale @ A3: 1 cm:0.3 metres —