

Report to Planning Committee

10 March 2021

Application Reference	DC/20/64781
Application Received	28th September 2020.
Application Description	Proposed taproom/bar for the serving of alcohol on Fridays, Saturdays and Sundays and tours of the distillery.
Application Address	Unit 1 153 Powke Lane Rowley Regis B65 0AD
Applicant	Mr Jordan Lunn
Ward	Blackheath
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk

1 Recommendations

1.1 That temporary planning permission is granted subject to:

- (i) Two-year temporary permission.
- (ii) Hours of opening of the taproom/ bar to be 16.00 to 22.30 Fridays, 12.00 to 22.30 Saturdays and 15.00 to 21.00 Sundays.
- (iii) Submission and approval of a revised car parking layout to the rear.
- (iv) No drinking permitted in external areas.




- (v) No amplified live or recorded music shall be played at the premises.
- (vi) Personal permission.
- (vii) No customer access from Alwin Road.
- (viii) The rear car parking area is to be used by staff only.

2 Reasons for Recommendations

- 2.1 Given the number of objections received regarding vehicle parking and noise and disturbance as well as recommendations made by the Head of Highways and the Pollution Control Team (Noise). A temporary approval is recommended to allow highways and the pollution control team to monitor the taproom/ bar use for a two-year period to assess the impact on the amenity of adjacent residential properties and parking/ highways safety.

3 How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy - The redevelopment would provide opportunities for local employment.</p>
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4 Context

- 4.1 This application is being reported to your Planning Committee because the applicant is related to Councillor Downing and 15 individual objections as well as a 46-signature petition against the proposal has been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Unit 1, 153 Powke Lane, Rowley Regis](#)

5 Key Considerations

- 5.1 The site is unallocated within the development plan.



5.2 The material planning considerations which are relevant to this application are:-

Access, highway safety, parking and servicing
Traffic generation
Noise and disturbance from the scheme

6. The Application Site

6.1 The application relates to an industrial unit located on the northern side of Powke Lane, Rowley Regis. The unit is an established historic industrial use and is one of two 2 units on the site. The units are set back into the site by approximately 21 metres from Powke Lane with a tarmacked vehicle parking area being located to the front. The rear of the units are accessed via a small access drive off Alwin Road located between two residential properties. This access leads to a manoeuvring and parking area. The character of the surrounding area is residential in nature with residential properties surrounding the site as well as facing directly onto the front car parking area. The Old Bush Revived public house is located on the opposite side of Powke Lane within proximity of the site.

7. Planning History

7.1 There is no relevant planning history.

8. Application Details

8.1 The applicant is proposing to open a taproom/ bar associated to a distillery. The distillery is a lawful use within the B2 (General Industrial) use class of the property and therefore does not form part of this planning application. The applicant is proposing to open a taproom/ bar on Friday, Saturdays and Sundays only. The application form states the proposed opening times are Friday – 16.00 to 23.00, Saturday 12.00 to 23.00 and Sunday's 12.00 to 22.00. There is a slight discrepancy



between the hours stated in the application form and the supporting information which states the hours would be Friday - 17.00 to 22.30, Saturday 13.00 to 22.30 and Sunday's 15-00 to 21.00. The proposed uses would have 5 full time employees and 3 part time. Included within the opening hours of the taproom/ bar would be distillery tastings, experiences and tours.

8.2 The applicant has provided additional information in the form of a planning statement and proposed trip rates. The statement confirms staff parking, refuse collection and pick up of goods will take place at the rear via Alwin Road while customer parking and the entrance to the taproom/ bar would be from Powke Lane. The bar use would have seating for 25 people with a maximum capacity of 50 people including staff. The applicant has stated the maximum capacity of 50 people including staff has been agreed with West Midlands Fire Service as part of the premises licence. The applicant estimates that they are expecting a maximum customer footfall of up to 30 people.

9. Publicity

9.1 The application has been publicised by neighbour notification letter and site notice with 15 individual objections and a 46-signature petition against the proposal has been received. Councillor Carmichael has also raised an objection to the application.

9.2 Objections

Objections have been received on the following grounds:

- (i) Highways concerns. Car parking on the site is limited and visitors may park vehicles on adjacent roads resulting in congestion, noise and nuisance. A traffic problem already exists on Powke Lane and the proposal would add to this issue.
- (ii) Do highways have any plans to improve visibility from the existing entrance/ exit of the site?
- (iii) Noise concerns from deliveries to and people using the premises.



- (iv) Concerns regarding drunk people causing a nuisance in terms of loitering and swearing as well potential for drugs to be taken and anti-social behaviour.
- (v) If a beer garden is proposed, it will cause noise nuisance to adjacent residential dwellings.
- (vi) The hours of operation proposed (7am to 10pm), 7 days a week is unacceptable due to noise pollution.
- (vii) The car parking plan says, “possible removal of garage”, this means anything could go in its place.
- (viii) Concerns regarding the access to unit not being ramped. If a ramp was added it would affect the layout of the front.
- (ix) Gin spikes are not sustainable businesses and won’t create jobs.
- (x) Has the police licencing department been notified?
- (xi) Concerns with regards to the publicity of the application.
- (xii) Concerns regarding the storage of flammable liquids in close proximity to residential dwellings.
- (xiii) Concerns regarding polluted water discharge, carbon dioxide from the distilling process as well hazardous materials.
- (xiv) Why is distilling equipment being installed when planning approval has not been granted?

Immaterial objections have been raised regarding loss of value to resident’s properties, competition and impact on licences to other public house establishments and the existing building having an asbestos roof and the structural safety of the building. The applicant has advised verbally the property owner is in the process of undertaking improvements to the property including repairs to the wall.

9.3 Responses to objections

I respond to the objector’s comments in turn:

- (i) The Head of Highways has reviewed the submitted information and recommended a temporary permission be granted. This will allow Highways to monitor the site and any parking complaints



- received by surrounding residents during the temporary period to review the impacts on car parking and highway safety.
- (ii) Highways have not requested improvements to visibility.
 - (iii) The Pollution Control Team (Noise) have recommended a temporary approval to allow the use to be monitored in terms of noise and disturbance to adjacent residential dwellings. Further recommendations include no live music events and amplified sound and the restriction of drinking of alcohol outside. A condition to restrict hours of use of the bar/ taproom has also been recommended.
 - (iv) I appreciate the concerns raised by objectors in terms of anti-social behaviour, however, there is no evidence to suggest this would take place. Furthermore, West Midlands Police have raised no objections to the application.
 - (v) No beer garden is proposed. A condition to prevent the drinking of alcohol outside of the premises has been included within the recommendation.
 - (vi) The applicant has provided additional information confirming the distillery use would operate between 8.00 to 18.00 (although this element does not form part of the application and could not be conditioned). The Pollution Control Team (Noise) have reviewed the proposal for the tap room/bar and recommended opening hours of 16.00 to 22.30 Fridays, 12.00 to 22.30 Saturdays and 15.00 to 21.00 Sundays. These can be conditioned.
 - (vii) Should a structure be constructed in this location, further planning approval would be required.
 - (viii) Should a ramped access be installed, a further planning approval would be required.
 - (ix) The applicant has stated 5 full time and 3 part time jobs would be created.
 - (x) The premises would require a licence to sell alcohol. Alcohol licences are dealt with by Sandwell MBC Licensing department. West Midlands Police have been consulted on this application and raised no objections.
 - (xi) With reference to the application publicity. The application has been publicised by both neighbour notification letter and site



notice. Neighbour letters were sent to 20 properties within proximity to the site. The local authority is required to advertise the application by either site notice or neighbour notification letter. In this instance both methods have been used and the application has therefore been publicised correctly.

- (xii) The distillery use does not form part of this application.
- (xiii) The distillery use does not form part of this application.
- (xiv) The distillery use does not form part of this application.

10. Consultee responses

10.1 **Planning Policy** – No objections.

10.2 Highways

The Head of Highways has recommended a temporary permission. This will allow the applicant an opportunity to operate the business as they have detailed in the further information submitted. Highways can monitor the site and any parking complaints received by surrounding residents during the temporary period. A condition for a revised car parking layout to the rear has also been recommended.

10.3 Public Health (Air Pollution and Noise)

There is potential for the proposed bar to cause disturbance to residents situated nearby. The proposed bar shares a boundary with 146 Powke Lane and the front car park area with 153 Powke Lane. There are also properties to the rear in Alwin Road which may be affected.

The premises can hold up to 50 persons, including approximately 5 staff members. There will be 25 seats inside and it is assumed that at any one time up to 35 customers could be standing, a proportion of customers will probably wish to migrate outside. As well as the above, there is potential for disturbance associated with any outside smoking area. The car park spaces are immediately outside residential



accommodation and there is potential for residents to be disturbed by customers leaving the bar in the evening/night time hours.

In view of the above committee may want to consider granting temporary permission for a period of no more than 2 years to assess the impact on the local area. Any approval should be restricted to the applicant.

The following conditions are also recommended.

- The applicant has recommended the following opening hours:
17.00 hours to 22.30 hours Monday to Friday
13.00 hours to 22.30 hours Saturday
15.00 hours to 21.00 hours Sunday
- Prohibition of live music events and amplified sound.
- Prohibition on drinking alcohol outside.
- The smoking area is located where disturbance to residents is minimised and where it can be monitored.
- There are two deliveries programmed each month, it is recommended these are undertaken during normal working hours.

There appears to be artificial lighting situated on the front of the building, adjacent to residential property. Any artificial lighting associated with the proposed bar should be installed and maintained in accordance with current guidance issued by the Institute of Lighting Engineers.

10.4 West Midlands Police

No objections. Recommendations for site security including CCTV, alarm system and LED lights with daylight sensors to the external wall of buildings in particular at entry and exits have been made. In response to these comments, as the recommendation to the committee is for a



temporary approval, I am of the opinion it would be onerous on the applicant to provide CCTV and alarm systems via a condition. Lighting is already provided to the frontage. The applicant has been made aware of these comments.

11. National Planning Policy

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

12. Local Planning Policy

12.1 None relevant.

13. Material Considerations

13.1 The material considerations relating to government policy (NPPF) and proposals within the Development Plan have been referred to above in Sections 11 and 12. With regards to the other considerations these are highlighted below:

13.2 Highways

It is appreciated that residents are concerned about parking associated with this proposal and the increase traffic generation associated with the use. The Head of Highways has reviewed the proposal and recommend a temporary permission be granted to allow Highways to monitor the site and any parking complaints received by surrounding residents during the temporary period. At the expiration of the temporary consent the applicant would be required to submit a further planning application for the bar/ taproom at which time, any concerns regarding parking and traffic generation would be reviewed.



13.3 Noise Nuisance

The Pollution Control Team (Noise) has reviewed the proposal and recommended a two year temporary approval be granted to allow them to assess the impact of the proposal on the local area. The proposed noise mitigation measures recommended to protect the residential amenity of neighbouring residential properties has been included within the recommendation. This includes hours of use, no amplified or live music and no drinking outside of the premises. The recommendation regarding delivery times is noted, however, this would be unenforceable given the unrestricted established commercial nature of the existing unit. Given the sensitive nature of the site and the specific details provided by the applicant regarding how the business operates. It is recommended the permission should be for the benefit of the applicant only. As the unit has an unrestricted established industrial use, in my opinion it would be unreasonable to refuse the application on noise grounds without first granting a temporary approval to assess the impact on residential amenity given the types of uses which could operate from the building without requiring planning approval. Furthermore, drinking establishments are not uncommon occurrences within residential areas.

14 Alternative Options

14.1 Refusal of the application is an option given the concerns of residents, however, in my opinion a temporary consent would allow the local planning authority to assess any harm to residential amenity and highways safety. A further option would be to grant full permission with conditions.

15 Implications

Resources	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.
Legal and Governance	This application is submitted under the Town and Country Planning Act 1990.



Risk	None.
Equality	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing	None.
Social Value	None.

16. Appendices

Site Plan

Context Plan

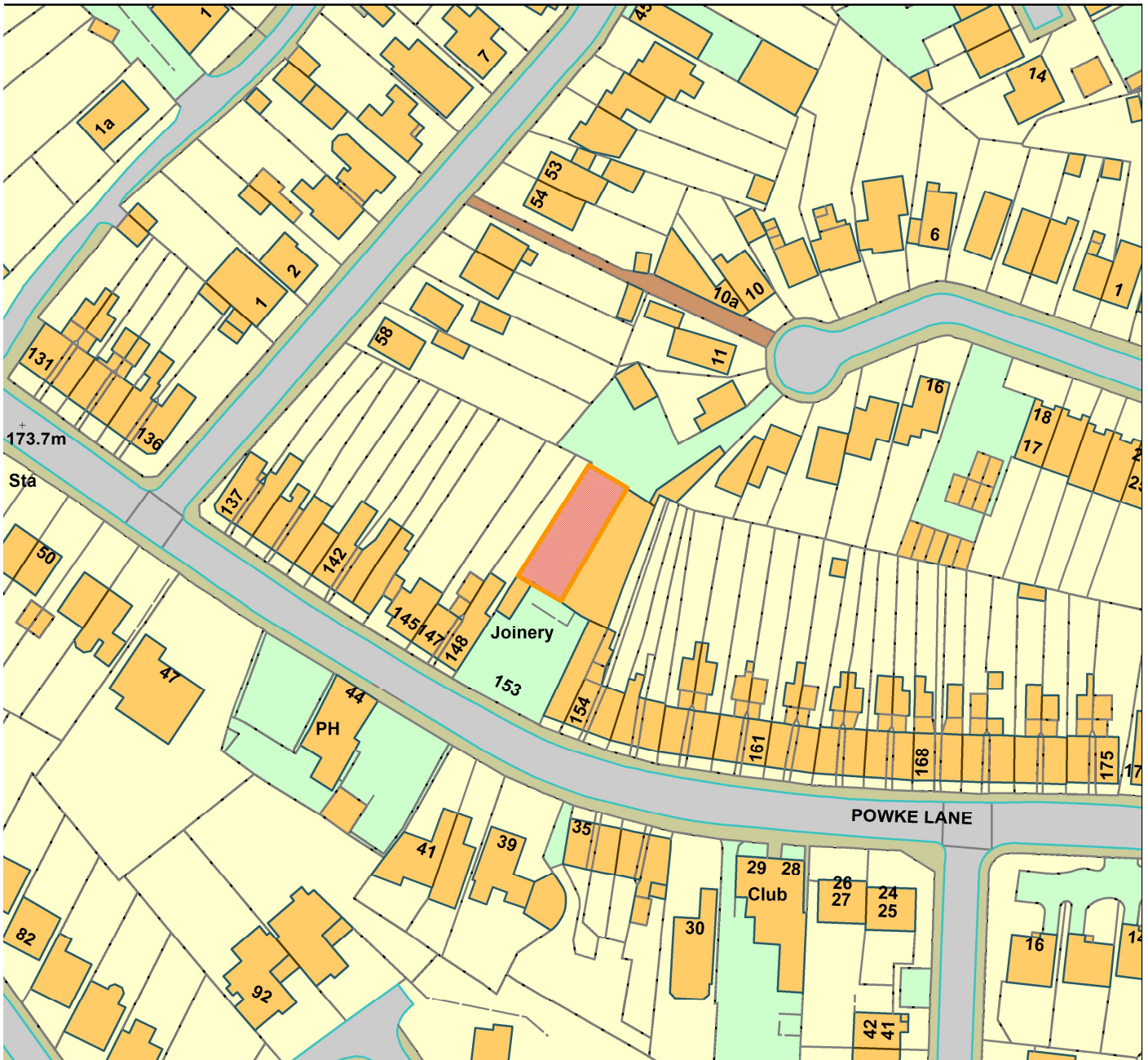
02 – Proposed floor plan.

3 – Location Plan.

4 – Car parking plan.

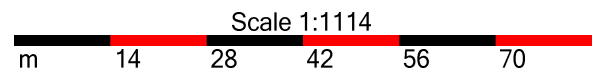


DC/20/64781
Unit 1, 153 Powke Lane



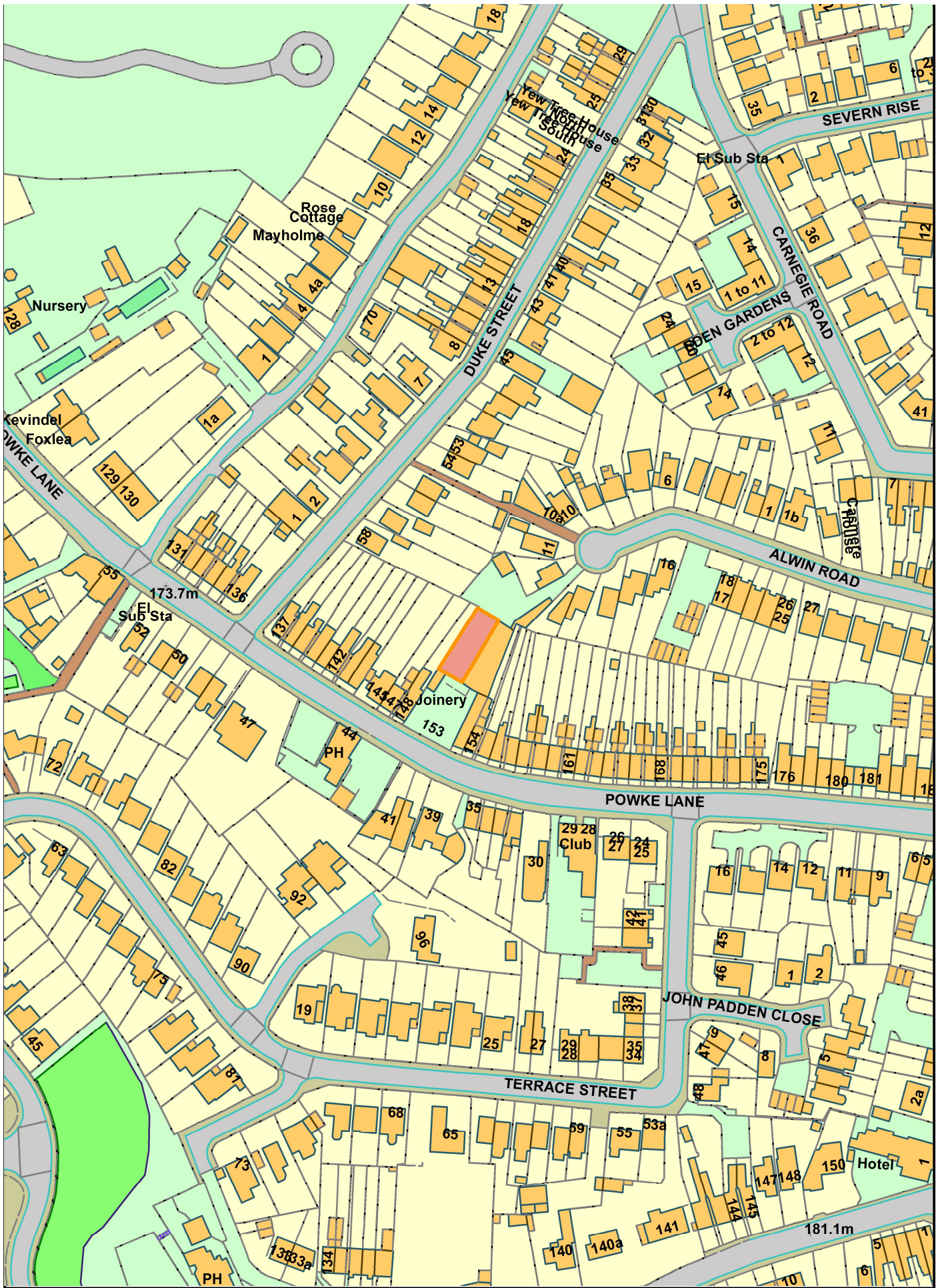
Legend

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	27 January 2021
OS Licence No	

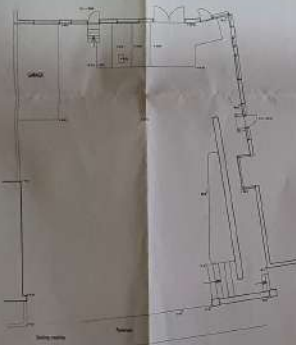




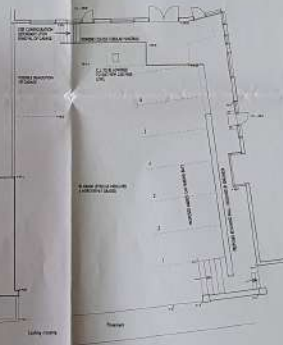
FRONT ELEVATION EXISTING



FRONT ELEVATION PROPOSED



SITE PLAN EXISTING

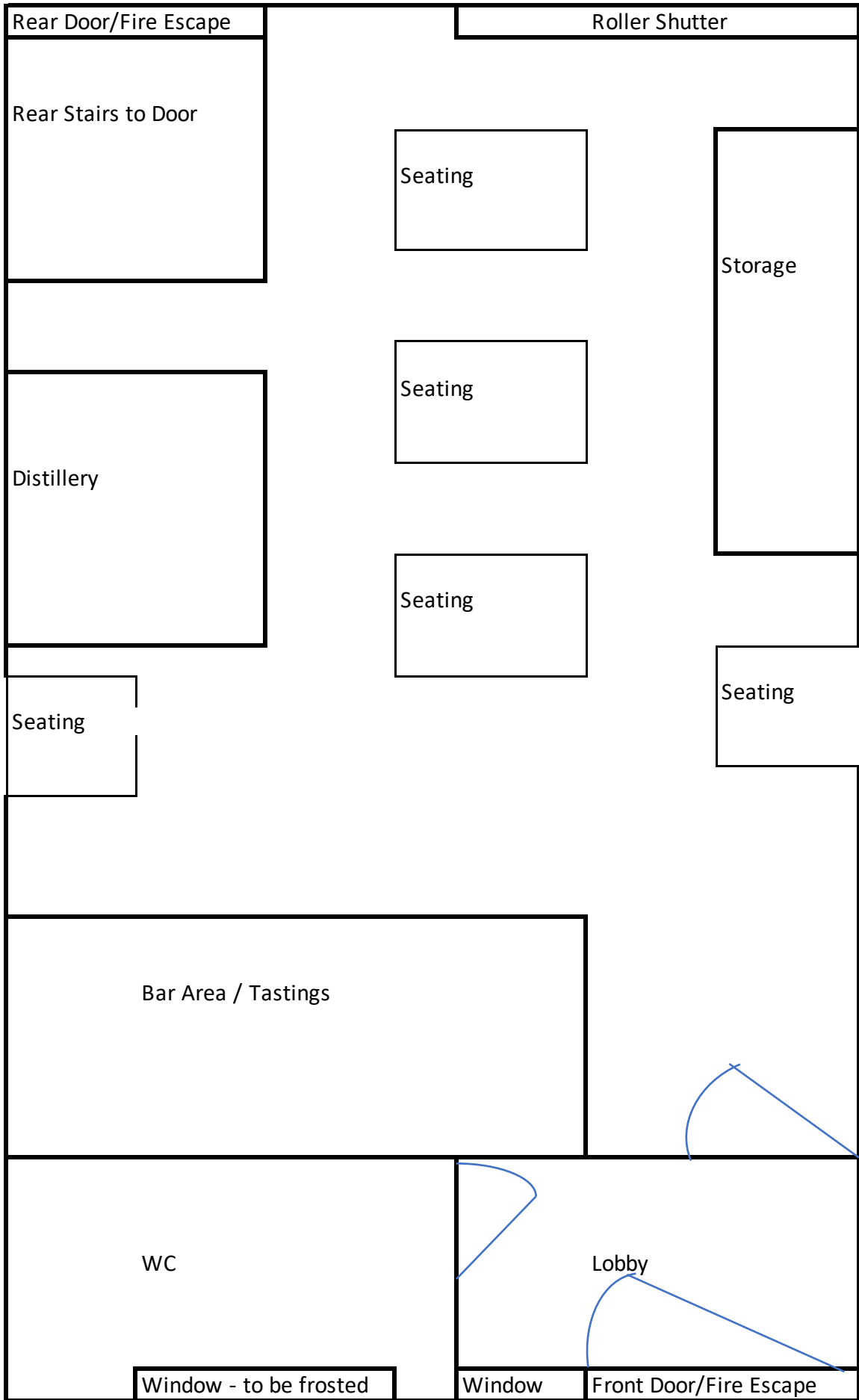


SITE PLAN PROPOSED

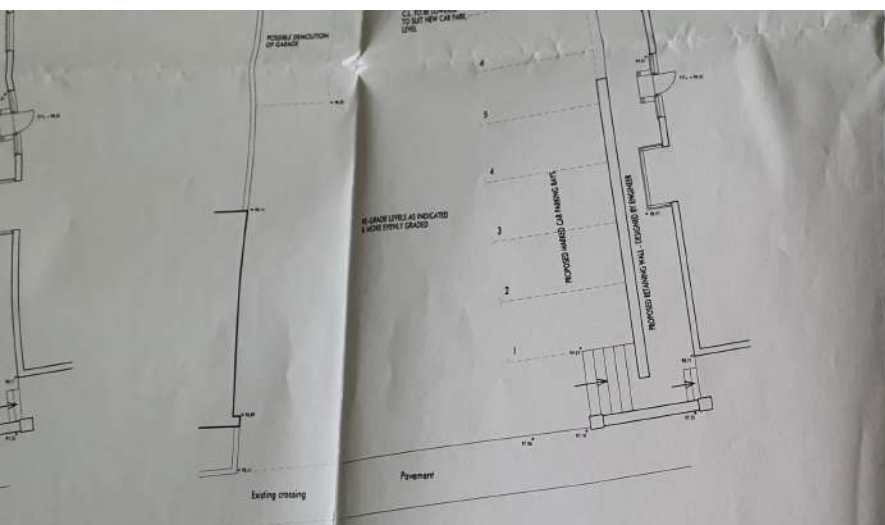
PROPOSED REFURBISHMENT OF UNIT 4 - 153 POWKE LANE - ROWLEY REGIS - For M. FARNELL ESQ.



6m 080mm Width of Unit 1 153 Powke Lane



19m 800m full length



SITE PLAN PROPOSED

Y REGIS - For M. FARNELL ESQ.

Professional Seal

CAPITAL DESIGN PARTNERSHIP

Architectural Technologists
Planning and Building Design Consultants

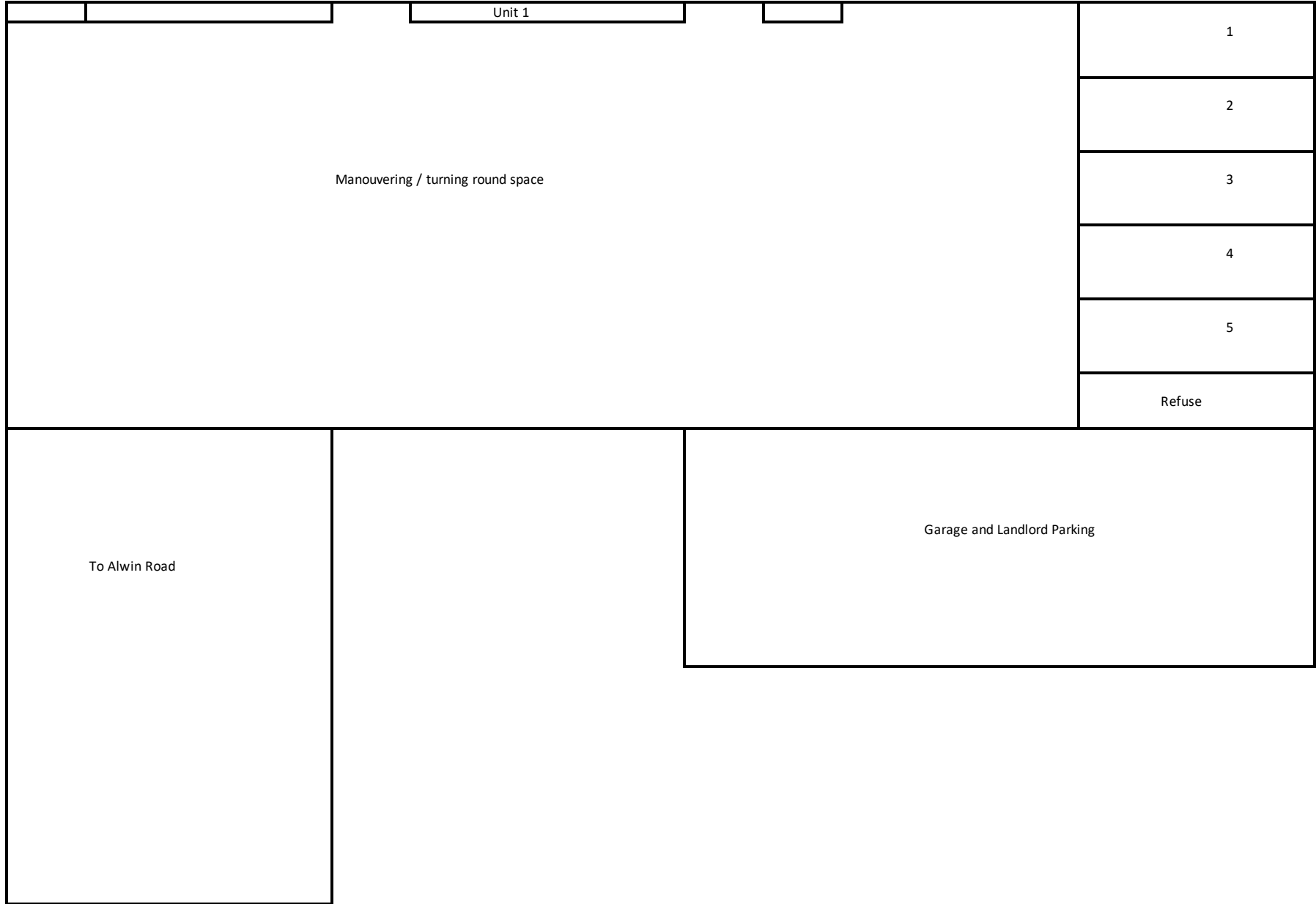
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Use figured dimensions only and
when necessary check on site

Date: 26.04.2006

Scale: 1 : 100

0065179011



Unit 1

Manouvering / turning round space

1

2

3

4

5

Refuse

To Alwin Road

Garage and Landlord Parking