

# Report to Planning Committee

**30 March 2022**

<b>Application Reference</b>	DC/21/66194
<b>Application Received</b>	15 October 2021
<b>Application Description</b>	Proposed change of use of the former Jolly Collier Public House to a convenience store (Use Class E(a)) to include external alterations, extensions to side, front and rear, new car park layout, new bin store, cycle store, landscaping and other associated works.
<b>Application Address</b>	The Jolly Collier, 29 Leabrook Rd, Tipton.
<b>Applicant</b>	Mr Julian Sutton.
<b>Ward</b>	Wednesbury South
<b>Contact Officer</b>	Mr Anjan Dey <a href="mailto:anjan_dey@sandwell.gov.uk">anjan_dey@sandwell.gov.uk</a>

## 1 Recommendations

1.1 That planning permission is granted to the following conditions:-


- (i) External Materials;
- (ii) Details of acoustic fence & implementation thereafter;
- (iii) Details External lighting;
- (iv) Details of external plant;
- (v) Electric vehicle charging points;
- (vi) Contaminated Land;
- (vii) Details of privacy zones (ATM);



- (viii) Restriction on hours of opening;
- (ix) Restriction on hours of deliveries.

## 2 Reasons for Recommendations

- 2.1 The proposal would be in compliance with the authority's adopted Centre Policies in that a retail use in this location is considered to be appropriate.
  
- 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy – the proposal complies with aspirations to create a strong economy and create local job opportunities.
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## 4 Context

- 4.1 This application is being reported to your Planning Committee as it has generated 3 material planning objections following the neighbour consultation period.
  
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[The Jolly Collier, 29 Leabrook Road, Tipton.](#)

## 5 Key Considerations

- 5.1 The site is unallocated in the development plan.
  
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF);  
Local Policy;  
Public Visual Amenity;



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

## 6. The Application Site

- 6.1 This application relates to a vacant drinking establishment (Sui Generis) known as 'The Jolly Collier' located on the northern side of Leabrook Road, Tipton at the junction with Bagnall Street.
- 6.2 The area is residential in character particular to north, east and west with industrial units located at the southern side of Leabrook Road.

## 7. Planning History

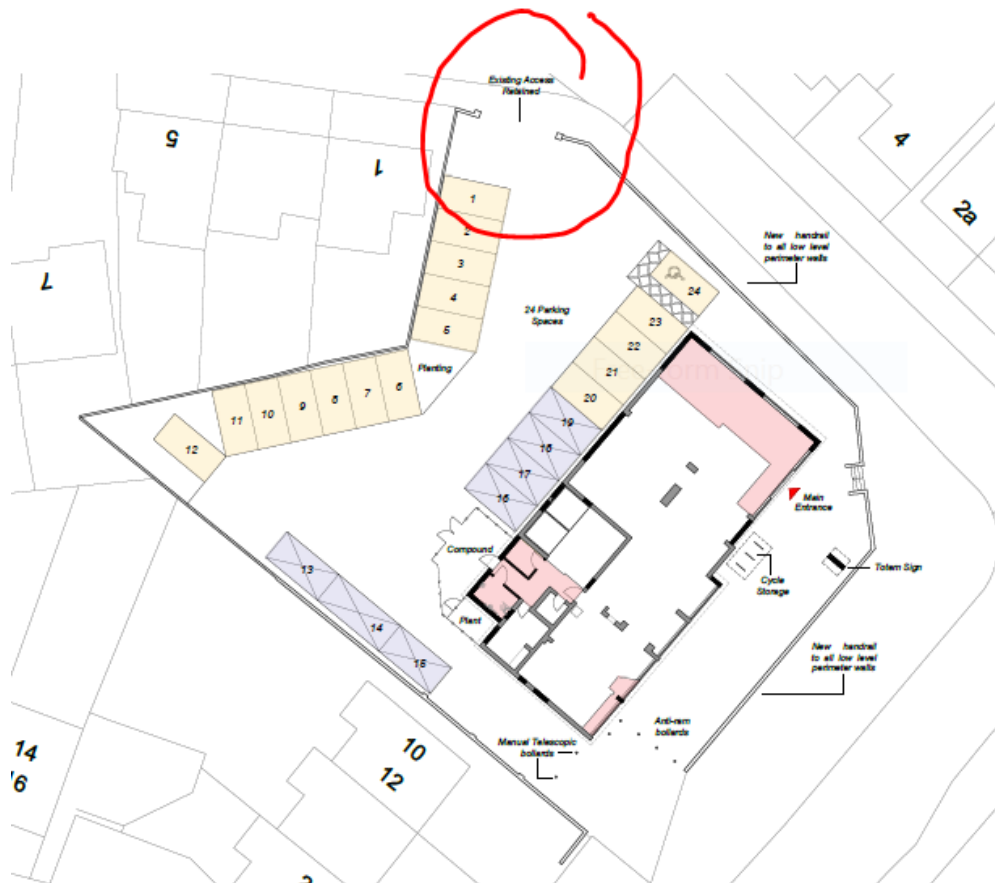
- 7.1 The property was subject to a planning application in 2015 for change of use to retail convenience store including an extension, ATM machine and access.
- 7.2 Relevant planning applications are as follows;

DC/15/58633	Proposed extension and external alterations to facilitate change of use to convenience store (Class E), including an ATM, access reconfiguration, associated servicing, refuse, plant and parking areas.	Grant Permission subject to conditions: 19.11.2015.
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## 8. Application Details



- 8.1 It is proposed to change the use of the vacant public house to a 'Spar' convenience store (Class E) with an extension and external alterations proposed to facilitate the conversion to retail. Furthermore, a new ATM machine is to be installed with re-configured access, associated servicing, refuse, cycle store, plant and parking areas.
- 8.2 The submitted site layout plan shows that existing access from The Coppice is to be retained with 24 parking spaces to be provided at the rear of the site. See drawing below:-



Parking bays 13 to 19 will not be accessible to customers during delivery times. The main extension would be at the north-eastern side of the building, with a smaller extension at the rear at the south-western side. Anti-ram bollards are to be installed at the front of the store with cycle storage to be provided, also at the main frontage.





8.3 Proposed hours of opening are 0600 to 2300, 7 days a week and a total of 21 staff would be employed; 3 on a full-time basis and 18 on a part-time basis.

8.4 Dimensions for the proposed side extension are 10.1m wide by 13.3m deep by 3.1m high to the maximum height of the flat roof.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letter with 2 objections and 1 representation received from occupiers of The Coppice, Charter Road and Bagnall Street. The occupier of Coppice Street supports the conversion to retail but has expressed concerns.

Objections/representations have been received on the following grounds:-

- (i) The level of parking provision may be inadequate resulting in parking issues on surrounding streets;
- (ii) Clarification is sought regarding the delivery vehicle schedule – frequency and possible disturbance to residents;
- (iii) Concerns relating to anti-social behaviour;
- (iv) Concerns relating loss of privacy/overlooking particularly from the rear car park.

### 9.2 Response to objections

I respond to the objectors in turn;

- (i) Highway Engineers raised no concerns in regard to the level of parking provision being provided. The site layout plan has been amended in line with comments provided by Highways. A few spaces have been omitted at the request of Highways to allow adequate manoeuvrability for delivery trucks.
- (ii) Deliveries to the site are to be managed outside of peak shopping times and Public Health (Air Pollution & Noise) has requested that



hours of delivery be restricted to between the hours of 0700 to 2300 hours. In view of this, hours of delivery can be restricted by way of condition.

- (iii) It is hoped that incidents of anti-social behaviour will be reduced by the building and site being brought back into use. It is noted that the public house has remained vacant for some time, thereby increasing incidents of loitering and anti-social behaviour and resulting in the site looking unsightly.
- (iv) It is my view that the conversion to retail would not result in any significant loss of privacy to the objectors' properties. Car parking for the previous pub use was at the rear of the site and in this respect the proposed parking arrangement is very similar. Furthermore, it is not envisaged that the customers using the store car park would spend a considerable period of time sitting in their vehicles. New acoustic fencing (height details to be confirmed) across the boundaries to residential dwellings would also improve the current situation.

## 10. Consultee responses

### 10.1 Highways

They raise no objections to parking arrangements, access and egress subject to the imposition of appropriate planning conditions.

### 10.2 Public Health (Noise)

The Noise Team has commented that the use has the potential to impact on nearby residential properties by way of noise and has suggested a condition related to associated plant equipment; it is their view that noise mitigation has not been properly addressed in the submitted Planning Statement. In order to minimise noise disturbance to residential properties that share a boundary with the site, it is recommended that acoustic fencing should be erected. Exact details of acoustic fencing can be dealt with by way of condition.



They have also agreed to the requested opening times of 0600 to 2300 hrs, 7 days a week including public holidays. However, it is recommended that deliveries to the site should not commence until 0700 hrs on any day.

### 10.3 Public Health (Air Quality)

They raise no objections subject to electric vehicle charging points being installed. This matter will be dealt with by way of appropriate condition.

### 10.4 Public Health (Contamination)

Has commented that the potential risk of land contamination is low and has no objections to the proposal. However, in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority.

### 10.5 Planning Policy

They raise no objections to the proposal following consideration of submitted Sequential Test and statement that addresses the potential for impact on local shops. From a Policy perspective there are no issues with the granting of planning permission for the retail development, outside any of the borough's defined centre, in this proposed location.

## 11. National Planning Policy

11.1 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 The following polices of the council's Development Plan are relevant:



ENV3: Design Quality  
SAD EOS9: Urban Design Principles  
ENV8: Air Quality  
CEN7: Controlling Out of Centre Development  
CEN6: Meeting Local Needs for Shopping and Services

- 12.2 With regards to policies ENV3 and EOS9, the proposed design is considered to be acceptable and typical of retail development. The proposal largely involves the conversion of the existing building and the scale of the proposed extensions is appropriate to the curtilage of the site and locality. New glazing/fenestration is proposed at the front and side elevations that is considered appropriate for this type of retail development.
- 12.3 ENV8 refers to mitigation measures to offset air quality issues; in this instance, electric vehicle charging points should be installed within the parking area. The exact details are to be dealt with through condition.
- 12.4 The guidance set out in policy CEN7 outlines a clear presumption in favour of focusing retail development in the borough's centres. The agent has submitted a sequential test which was unable to identify suitable premises in the Tipton centres. The applicant has therefore demonstrated that the development cannot be accommodated in centre, or edge of centre locations.
- 12.5 Supporting information has also been provided to show that the new convenience store would not harm local shops in the locality. The agent has stated that the proposal would not result in the loss of any small convenience shops or similar uses but, would provide an enhanced range of convenience retail availability within walking distance of the local population, and therefore does not undermine Policy CEN6.

### 13. Material Considerations



13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:

### 13.2 **Parking, highway safety & traffic generation**

The Head of Highways has raised no objections subject to the imposition of relevant conditions.

### 13.3 **Noise Disturbance**

It is envisaged that noise disturbance to surrounding residential properties can be minimised by way of appropriate conditions, for example the restriction of opening hours and associated deliveries. Details of associated plant and machinery can also be submitted for approval to the planning authority. This also applies to details of acoustic fencing across the rear boundaries of the site.

### 13.4 **Public Visual Amenity**

It is not anticipated that the proposed development will cause any significant amenity issues to surrounding occupiers. The change of use to retail largely comprises of conversion of the existing building and the proposed scale of the extensions are in keeping with the existing building. Furthermore, any associated advertisements, insignia etc. would be subject to separate advertisement consent.

### 13.5 **Loss of privacy**

The proposal would not result in any loss of privacy to neighbouring residential properties. The change of use to retail store largely utilises the existing footprint of the vacant public house. Furthermore, the previous use as drinking establishment has been considered and that the proposed parking customer parking arrangement at the rear of the site reflects that of the established use. It is also noted that the principle



of retail use in this location has already been considered to be acceptable under previous application DC/15/58633.

## 14 Alternative Options

14.1 Refusal is option, but in this instance it is considered that the proposal is compliant with national and local policy and materials planning considerations such as noise can be controlled by condition.

## 15 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None
<b>Social Value</b>	The proposal will generate new job opportunities.

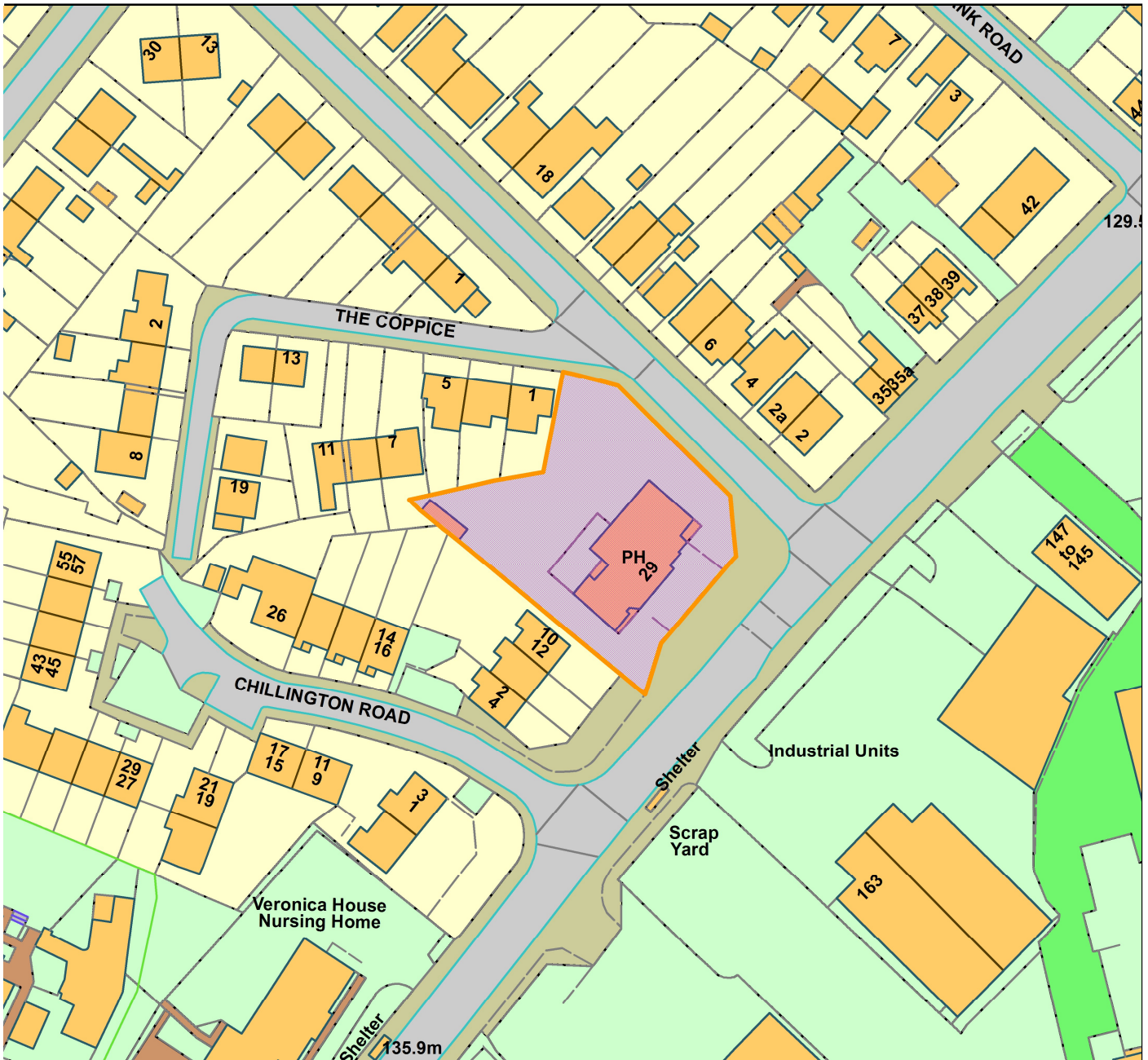
## 16. Appendices

Location Plan 3600.PL01  
 Site & Block Plan 3600.PL08 D  
 Existing elevations Plan 3600 PL04  
 Proposed Elevations Plan 3600 PL07  
 Existing Floor Plan 3600 PL03  
 Proposed demolition floor plan 3600 PL05  
 Proposed Floor Plan 3600.PL06  
 Vehicle Tracking plan 3600. PL09 D



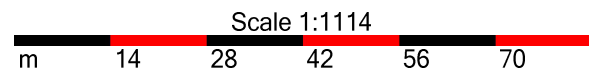


DC/21/66194  
The Jolly Collier, 29 Leabrook Road, Tipton.



**Legend**

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	15 March 2022
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North Point:



Notes:



Site Location Plan  
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Rev: Description: By: Date:

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Jolly Collier  
29 Leabrook Road  
Tipton  
DY4 0DX

**Client:**  
A. F. Blakemore & Son Ltd

**Scale:**  
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**Drawing Issue:**  
Planning

**Date:**  
20.08.2021

**Drawn by:**  
TR

**Checked by:**  
TR

**Paper Size:**  
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**Drawing Number:**  
3600.PL01

**Revision Number:**  
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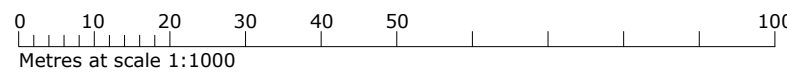


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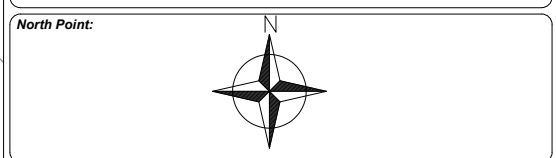
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Notes:

**Key:**

- Customer parking
- Customer parking (unavailable during deliveries and to be coned off)
- Proposed extension (G.I.A 79m<sup>2</sup>)
- Main Entrance

Revision Log:

Rev:	Description:	By:	Date:
D	Parking amended.	TR	04.01.2022
C	Notes amended.	TR	02.11.2021
B	Tracking amended.	TR	29.09.2021
A	Parking amended.	TR	10.09.2021

<b>Project:</b> Jolly Collier 29 Leabrook Road Tipton DY4 0DX	<b>Client:</b> A. F. Blakemore & Son Ltd
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Proposed Site Plan

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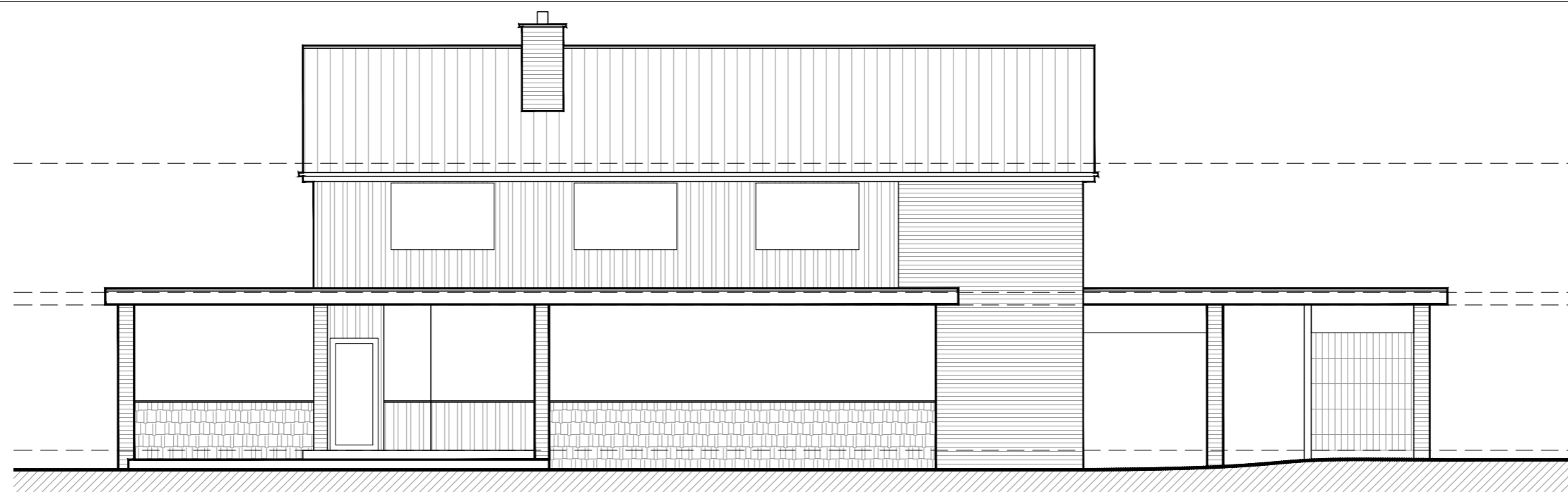
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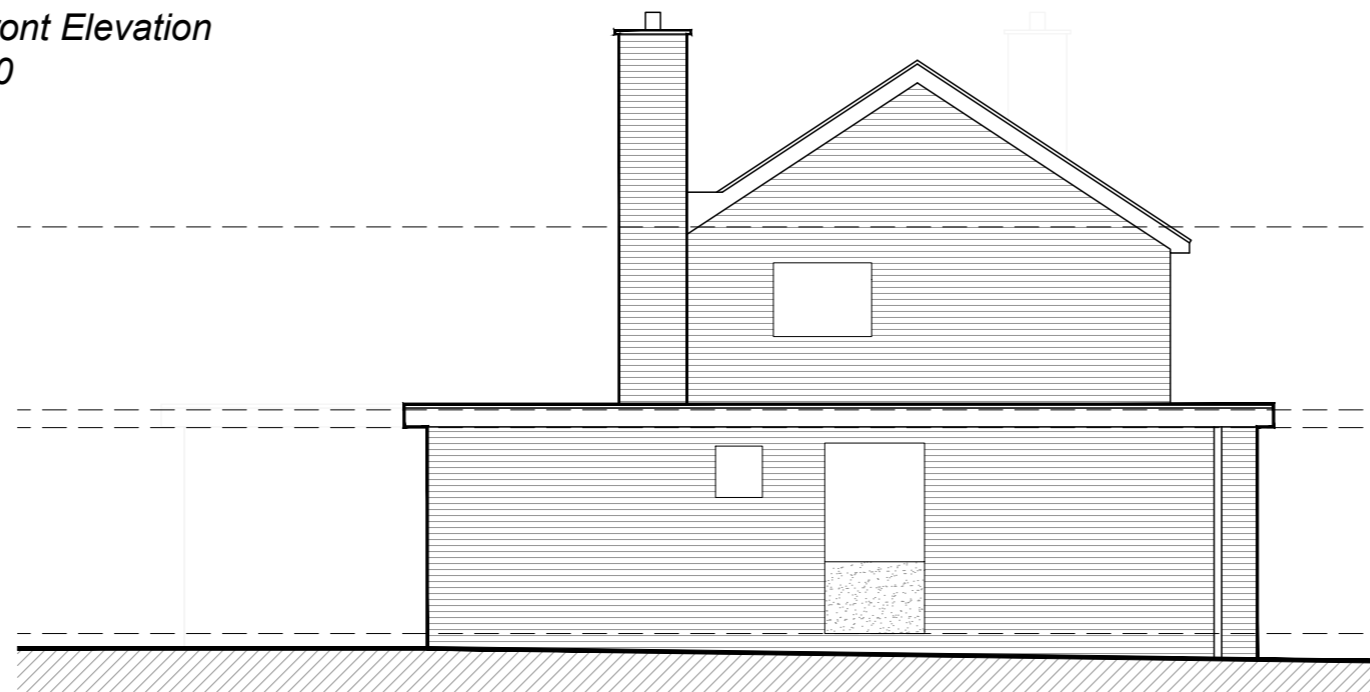
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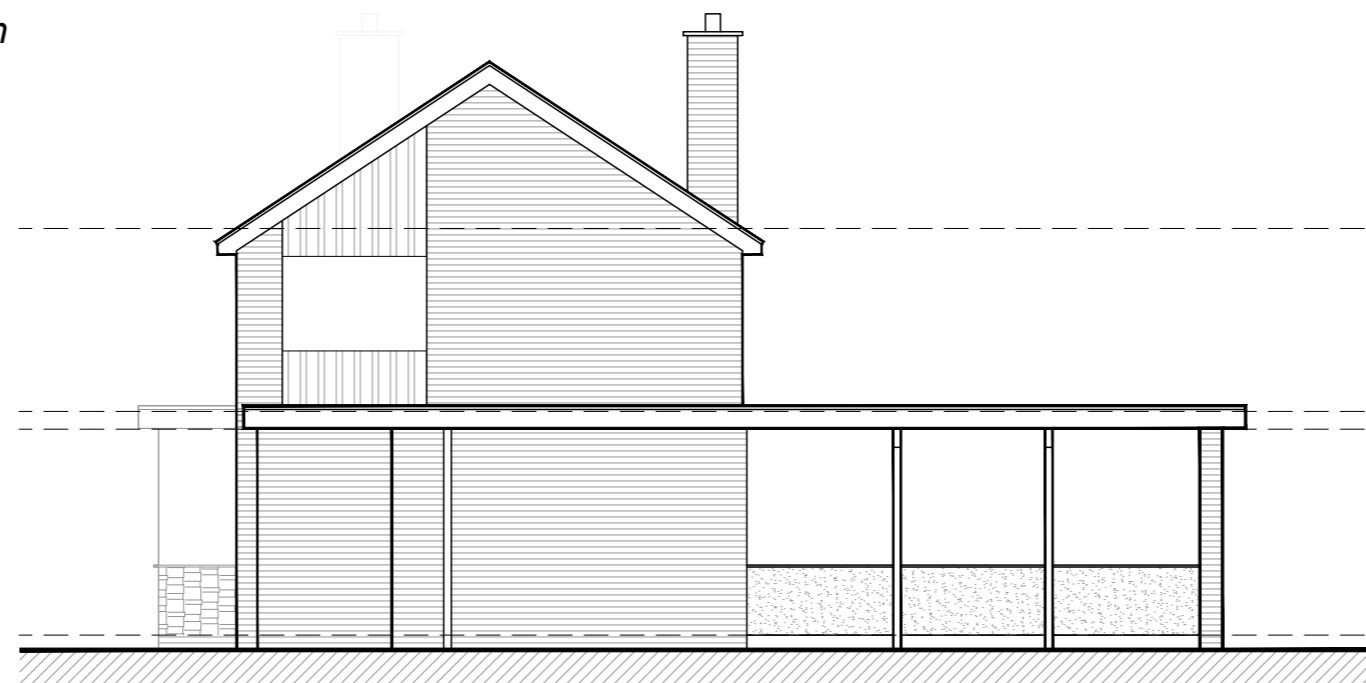
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Existing Side Elevation  
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Existing Rear Elevation  
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Existing Side Elevation  
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Jolly Collier  
29 Leabrook Road  
Tipton  
DY4 0DX

**Client:**  
A. F. Blakemore & Son Ltd

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Planning

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Existing Elevations

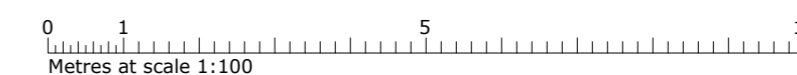
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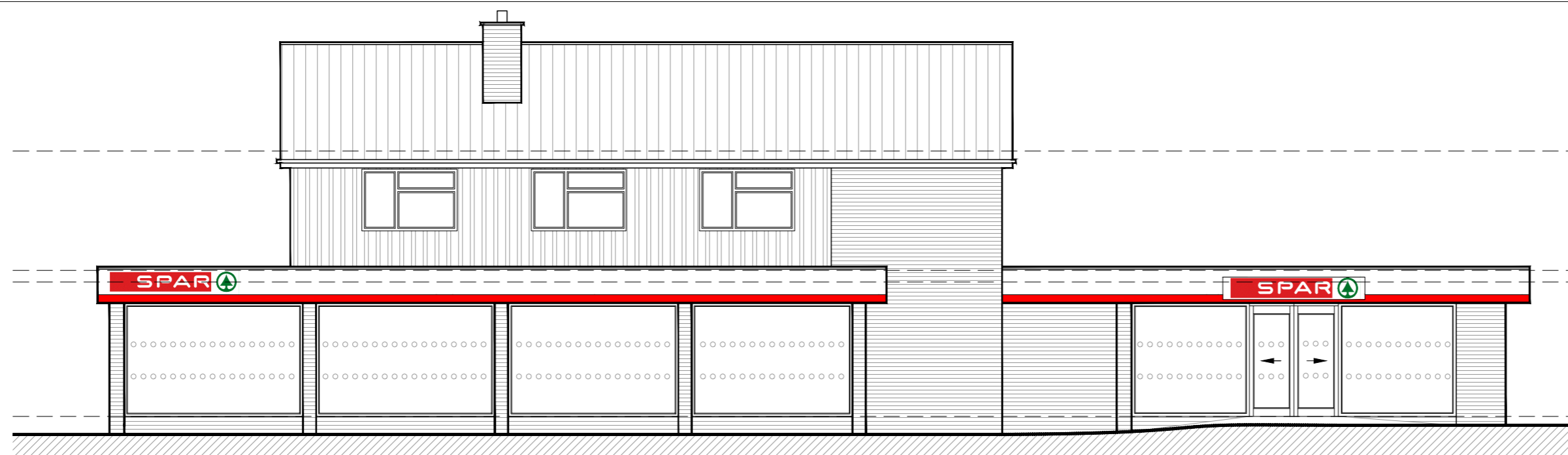
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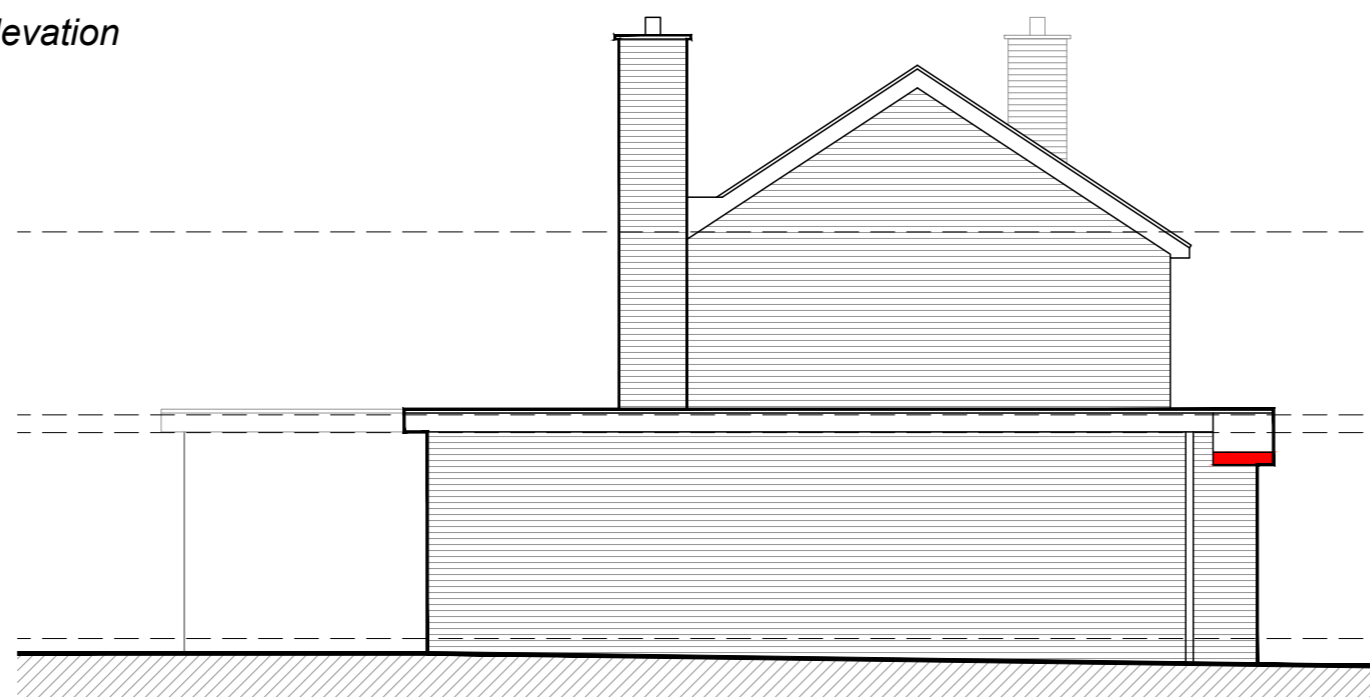
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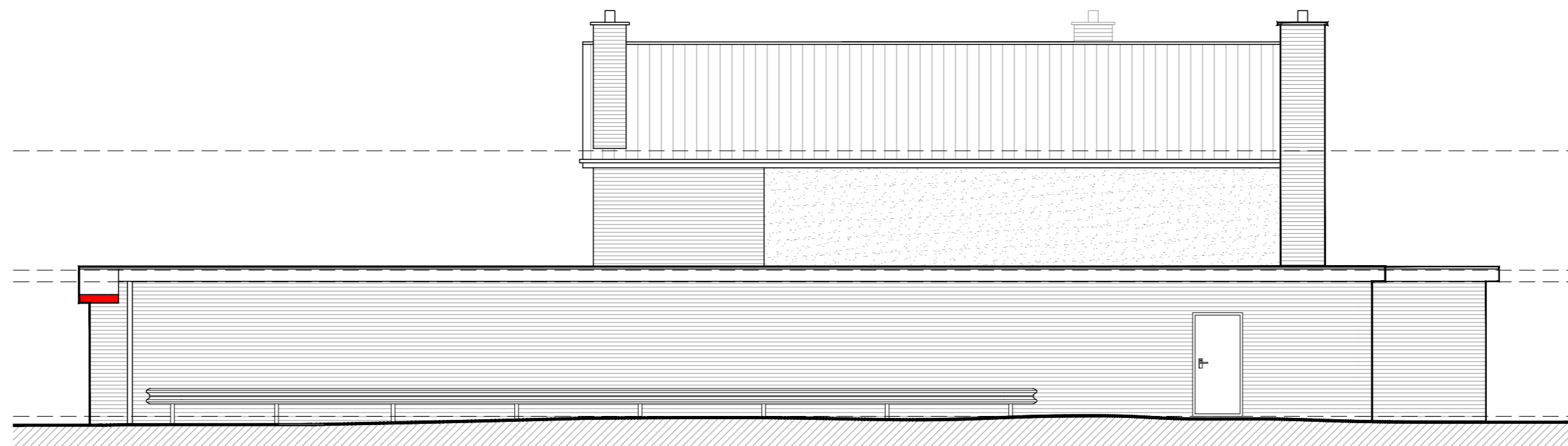
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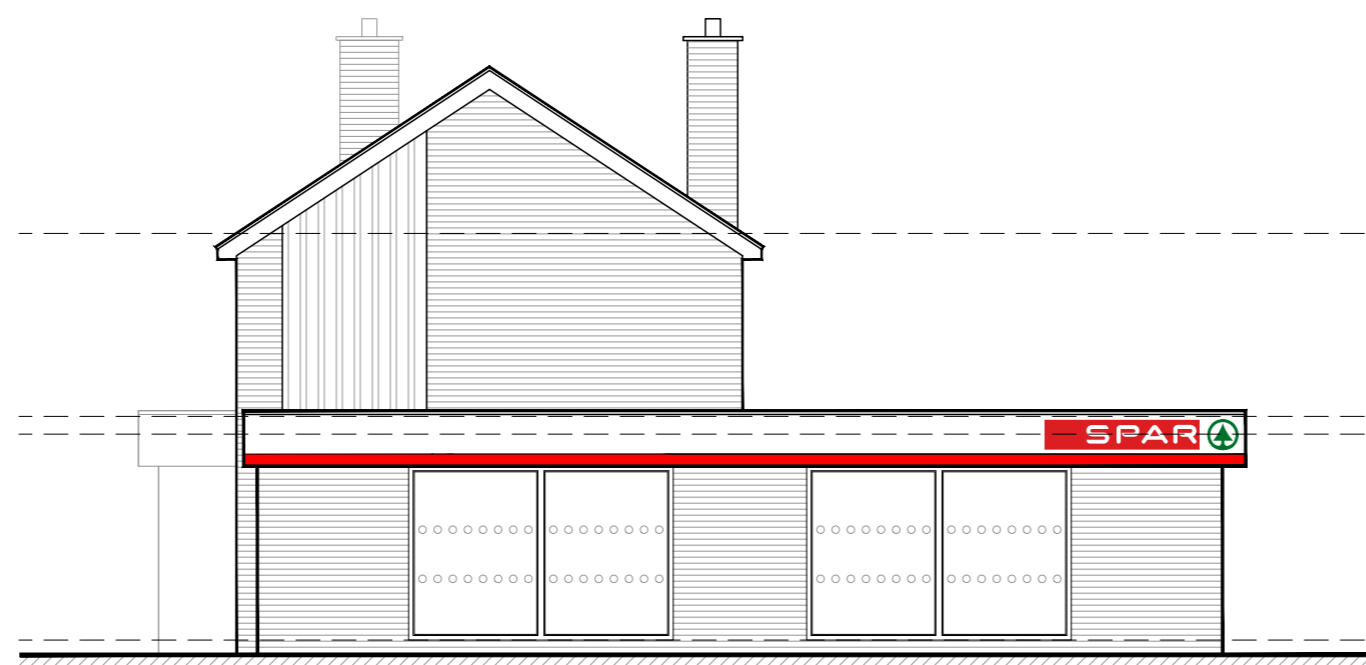
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Rev:	Description:	By:	Date:

<b>Project:</b> Jolly Collier 29 Leabrook Road Tipton DY4 0DX	<b>Client:</b> A. F. Blakemore & Son Ltd
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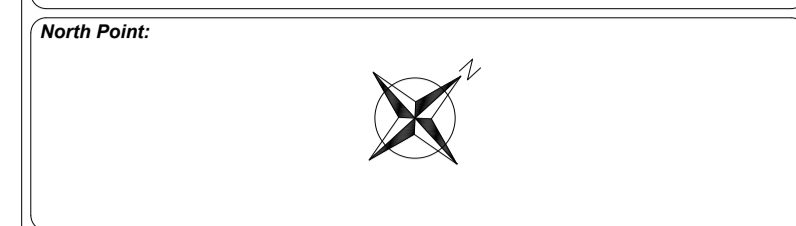
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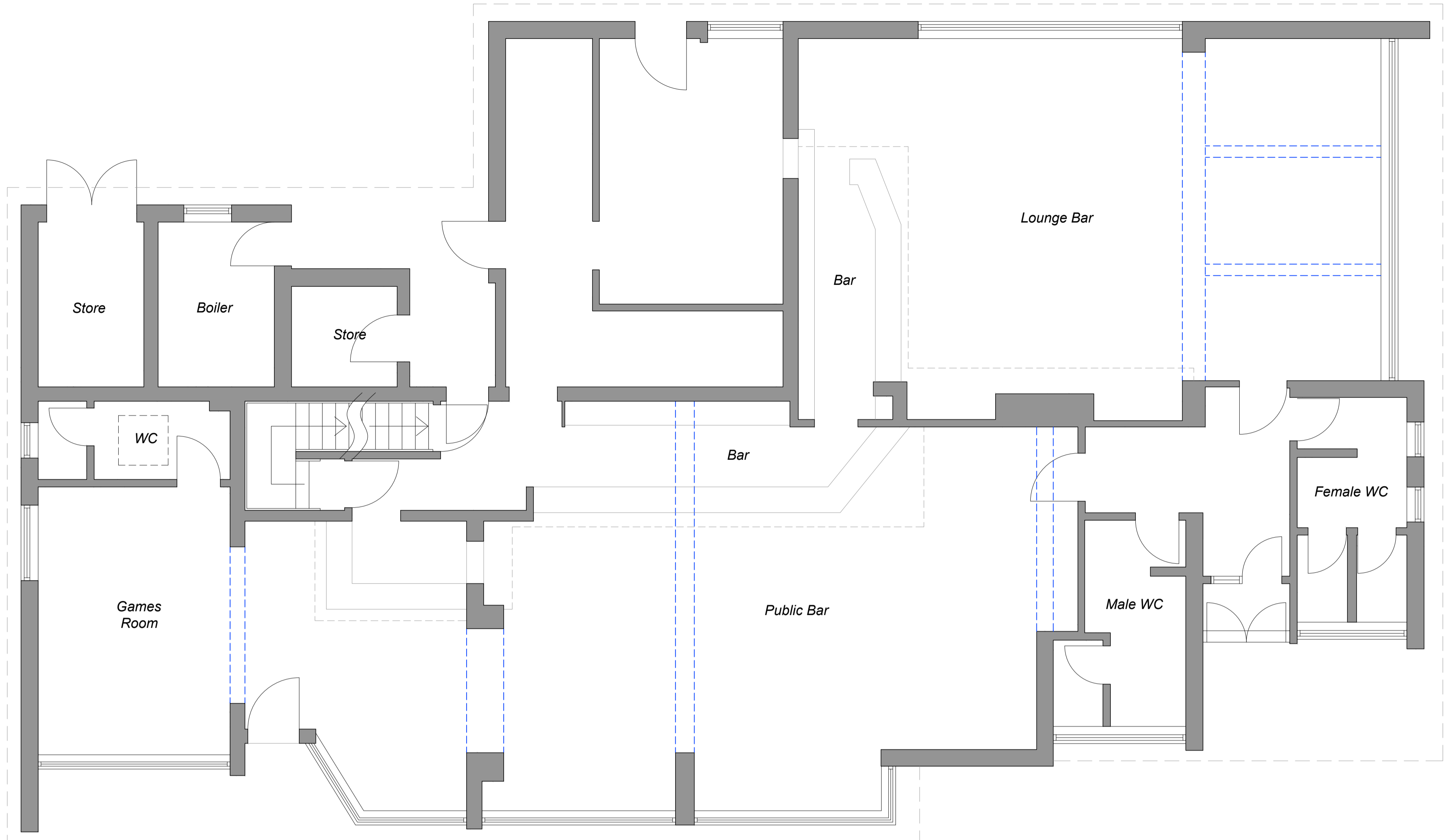
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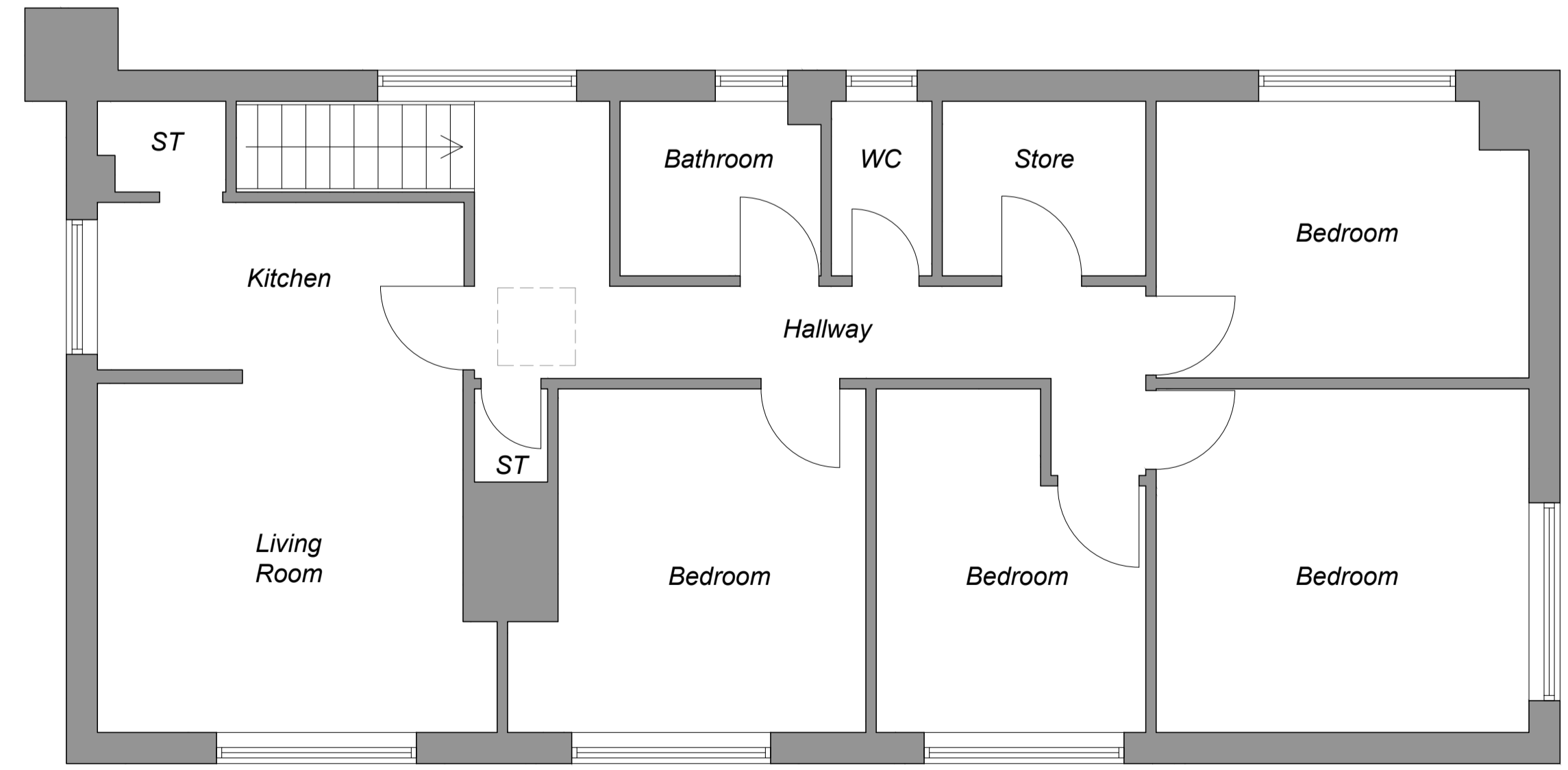
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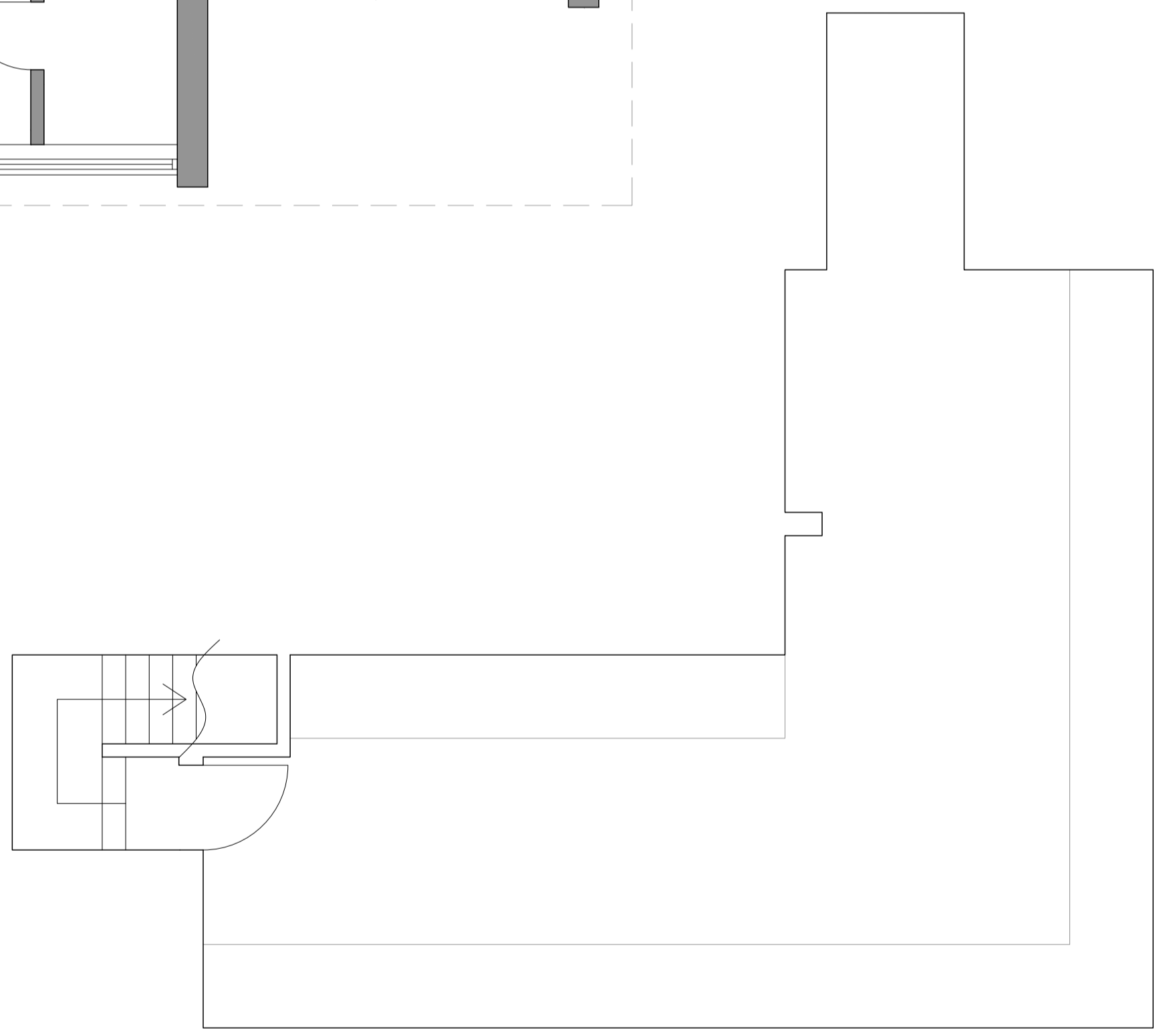
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Existing First Floor Plan  
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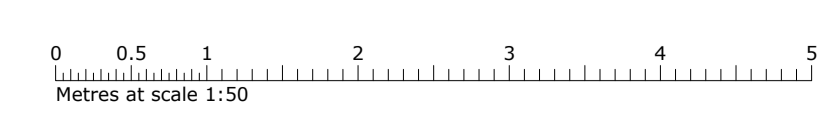


Existing Cellar  
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Drawing Number: 3600.PL03		Revision Number: /	



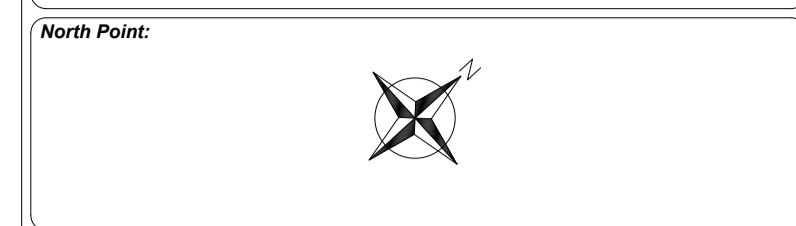
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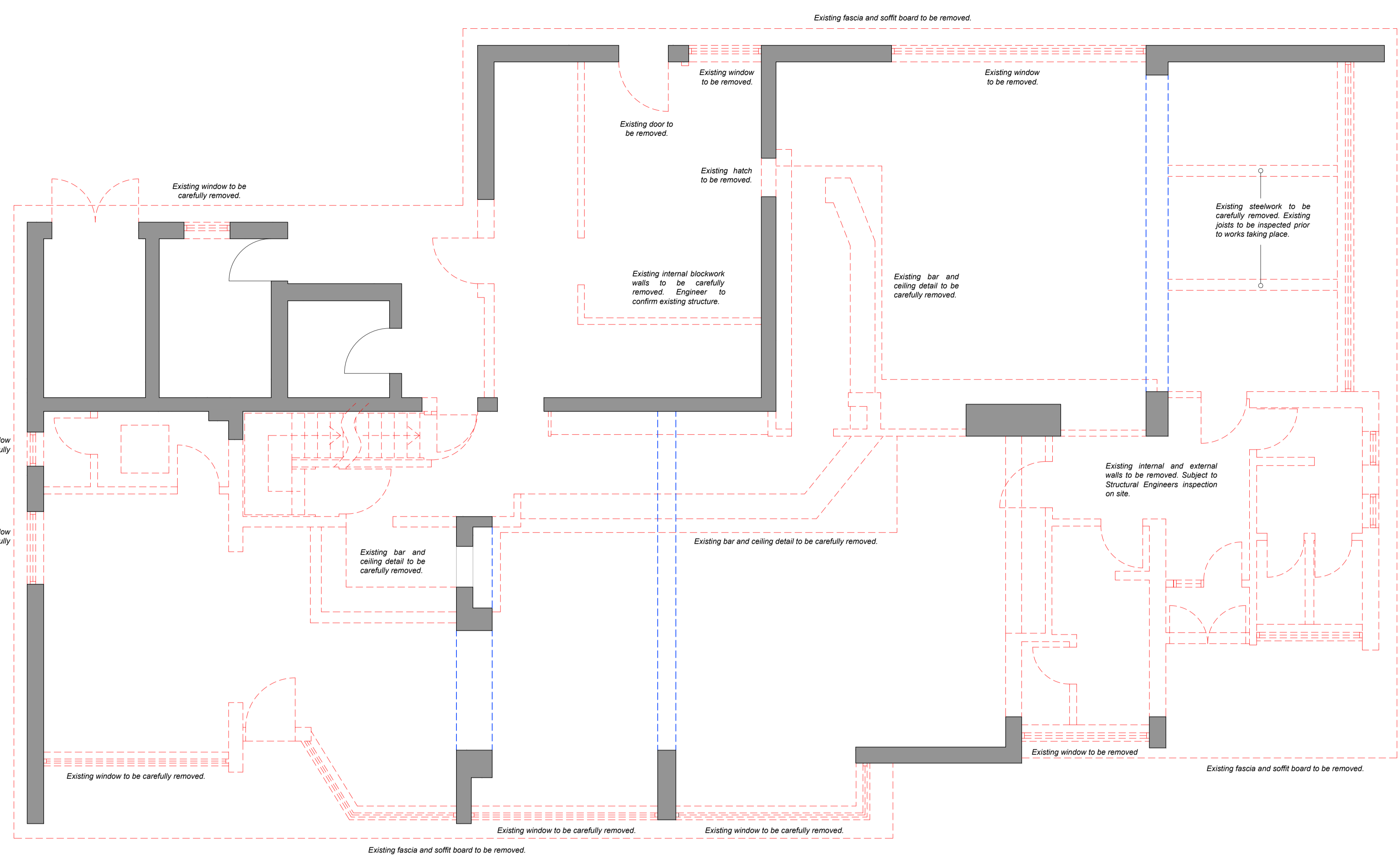
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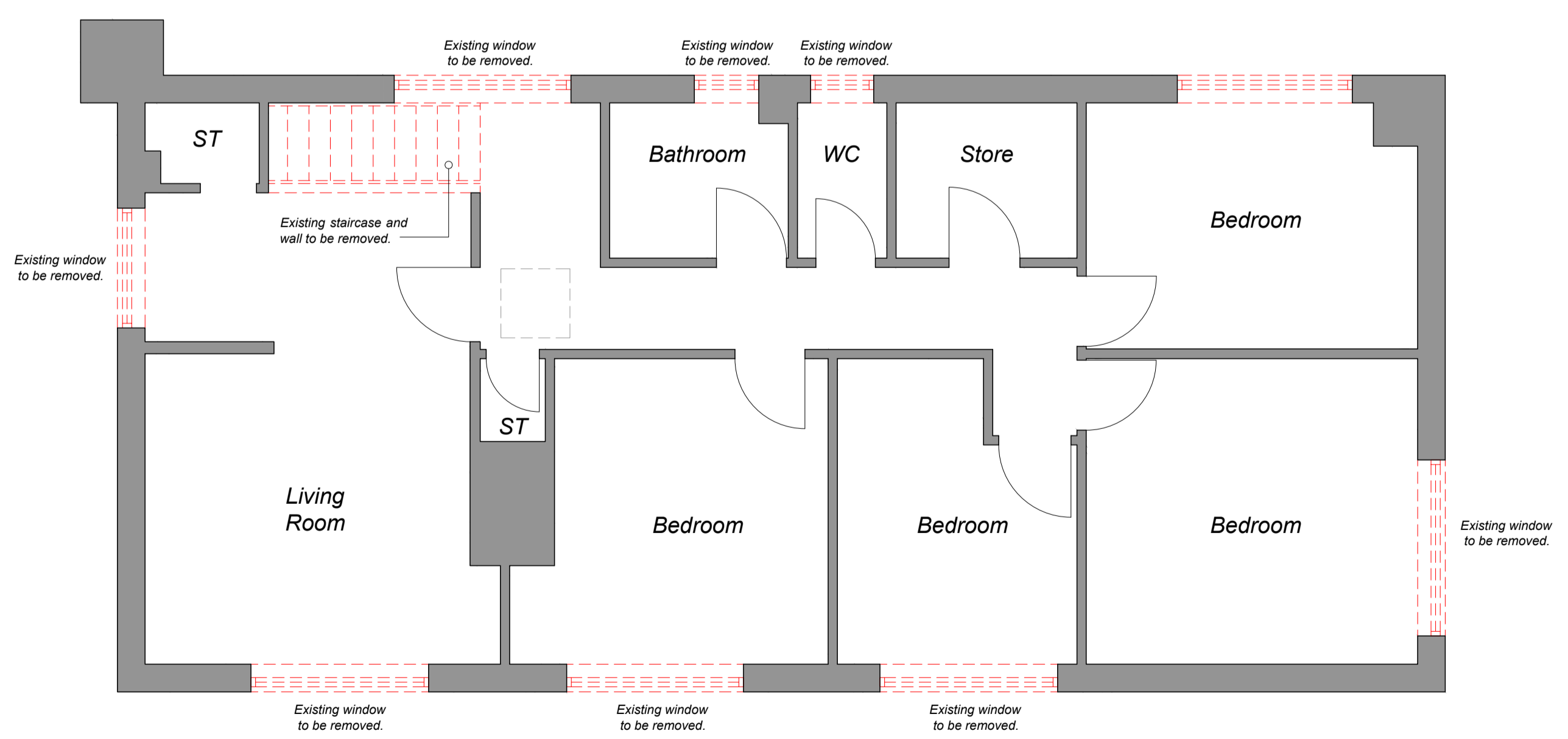
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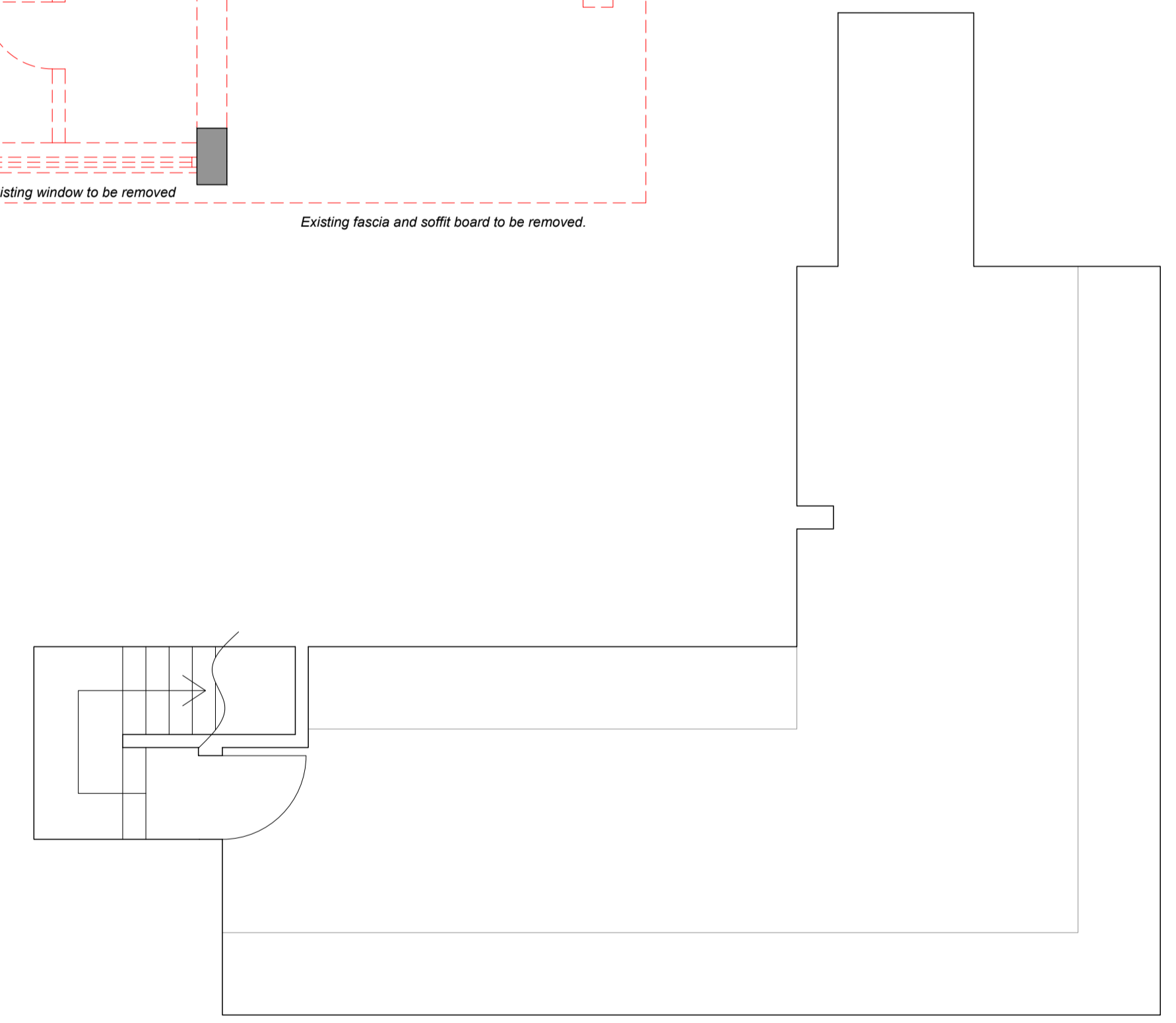
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Proposed First Floor Demolition Plan  
scale 1:50



Proposed Cellar Demolition  
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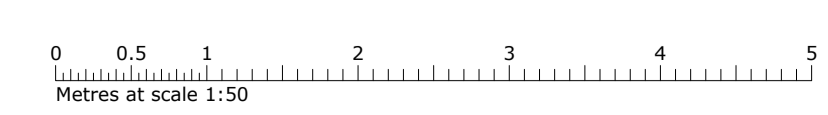
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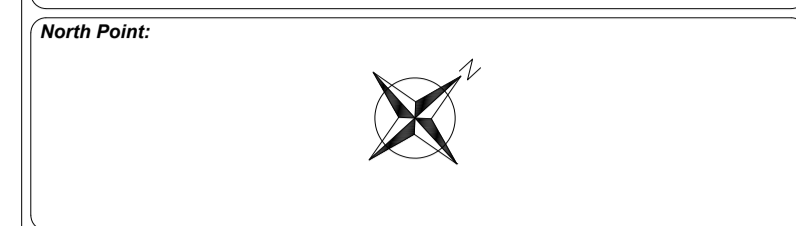
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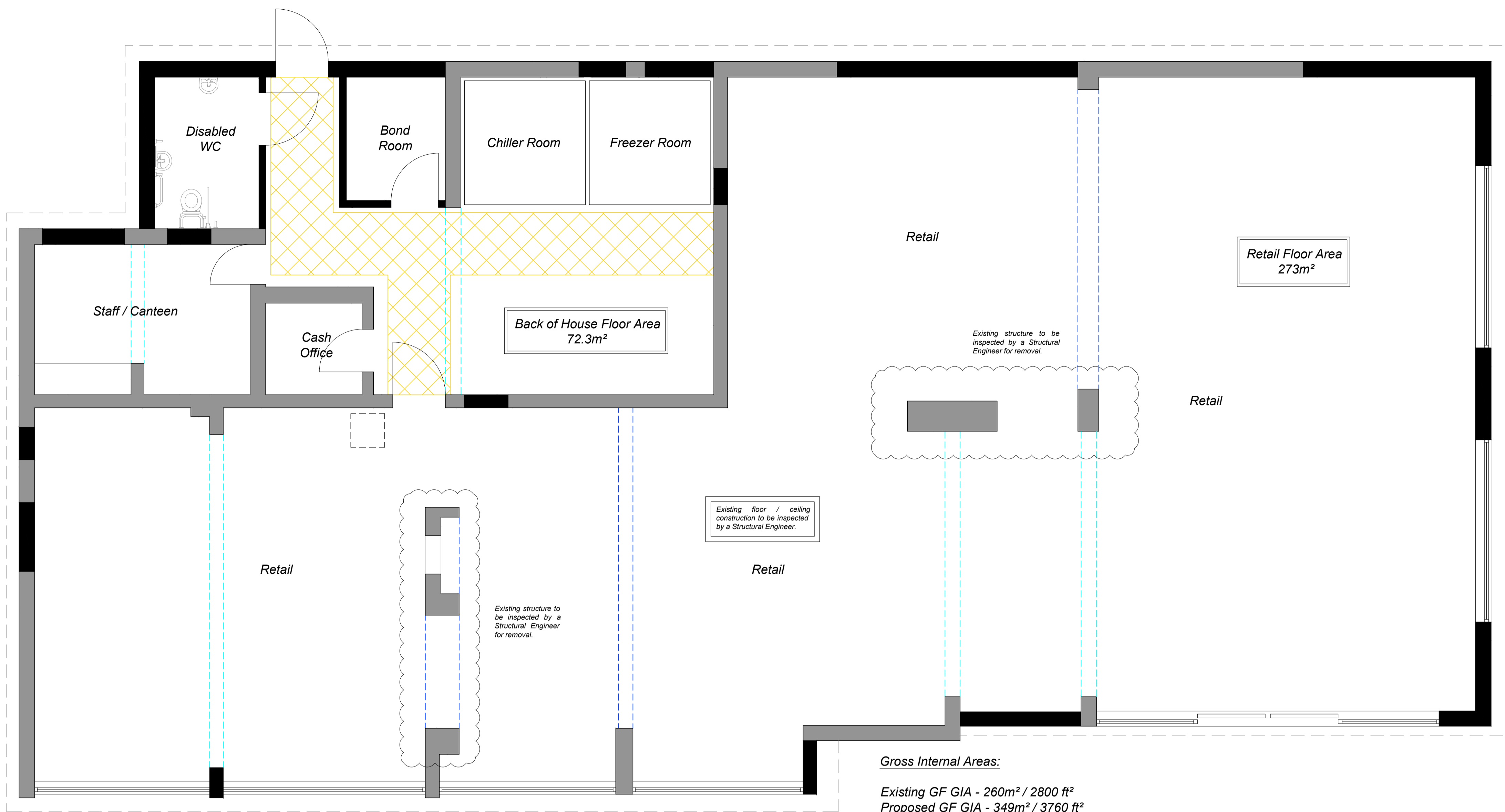




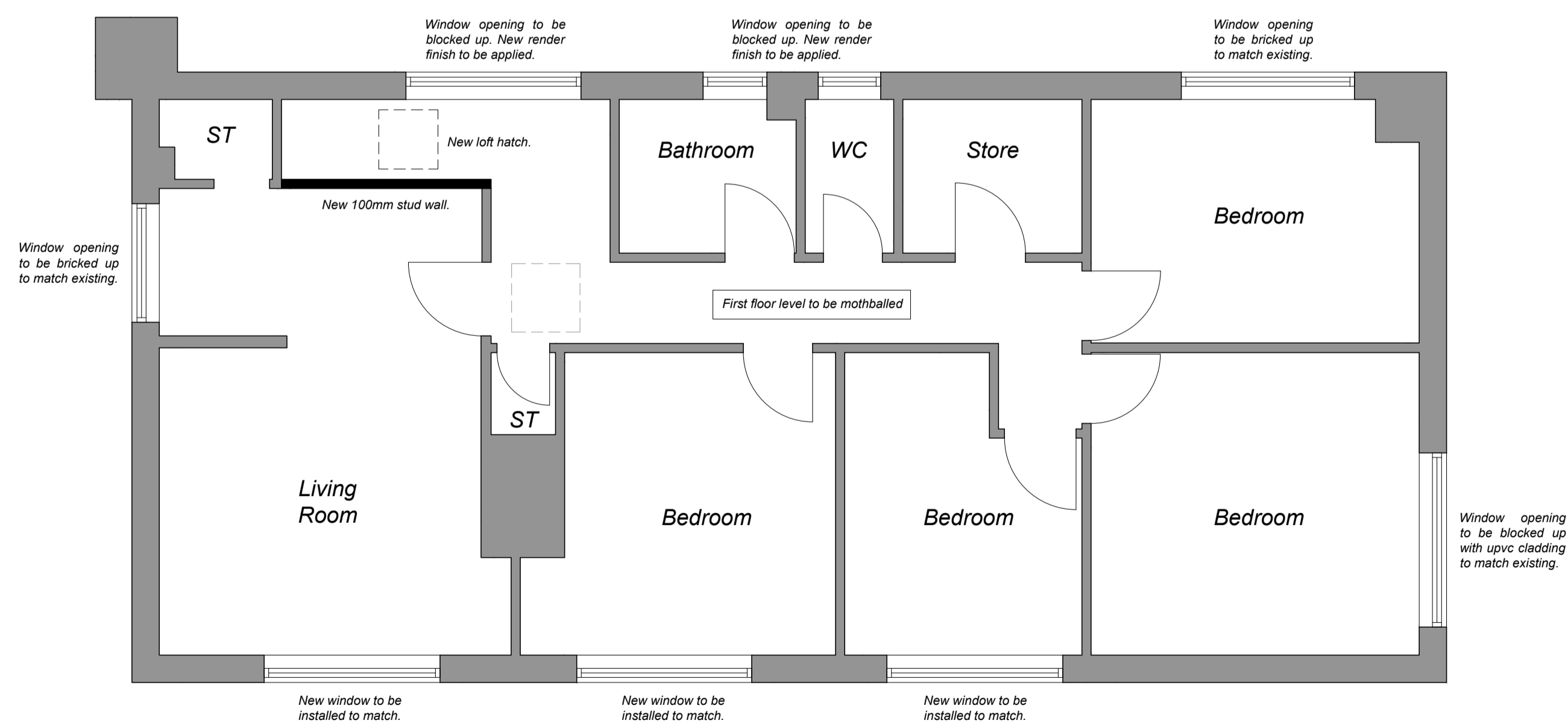
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Notes:



Proposed Ground Floor Plan  
scale 1:50



Proposed First Floor Plan  
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Proposed Cellar  
scale 1:50

Revision Log:

Rev:	Description:	By:	Date:

Project: Jolly Collier, 29 Leabrook Road, Tipton, DY4 0DX

Client: A. F. Blakemore & Son Ltd

Scale: 1:50

Drawing Issue: Planning

Date: 20.08.2021

Drawn by: TR

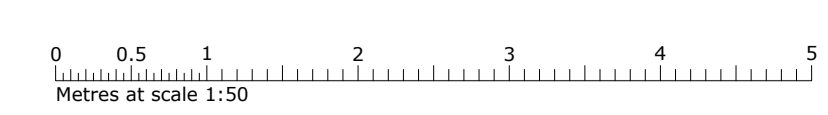
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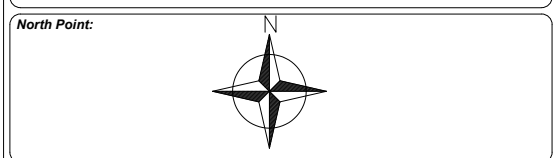
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Notes:

**Key:**

- Customer parking
- Customer parking (unavailable during deliveries and to be coned off)
- Proposed extension (G.I.A 79m<sup>2</sup>)

Revision Log:

Rev:	Description:	By:	Date:
D	Parking amended.	TR	04.01.2022
C	Notes amended.	TR	02.11.2021
B	Tracking amended.	TR	29.09.2021
A	Parking amended.	TR	10.09.2021

<b>Project:</b> Jolly Collier 29 Leabrook Road Tipton DY4 0DX	<b>Client:</b> A. F. Blakemore & Son Ltd
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<b>Scale:</b> 1:500	<b>Drawing Issue:</b> Planning
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<b>Date:</b> 20.08.2021	<b>Drawn by:</b> TR	<b>Checked by:</b> TR	<b>Paper Size:</b> A3
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**Drawing Title:**  
Vehicle Tracking

<b>Drawing Number:</b> 3600.PL09	<b>Revision Number:</b> D
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