



## Economy, Environment and Communities, Development Management

### Planning Committee

Report of Head of Planning and Building Control on 09 March 2023

Plans List Item Number: 5

#### Reason for bringing to committee

The applicant is related to Councillor Nick Gandham.

#### Application Details

**Location:** THE CROWN, 6, LEAMORE LANE, WALSALL, WS3 2BH

**Proposal:** CHANGE OF USE OF GROUND FLOOR PUBLIC HOUSE TO FOUR FLATS.

**Application Number:** 21/0278

**Case Officer:** Thomas Morris

**Applicant:** LITE-MART LIMITED

**Ward:** Birchills Leamore

**Agent:** Anthony Hope MCIAT

**Expired Date:** 18-Aug-2021

**Application Type:** Full Application: Minor Use Class C3 (Dwellinghouses)

**Time Extension Expiry:**



#### Recommendation

Refuse Permission.

## Proposal

This application seeks full planning permission for the change of use of the ground floor of The Crown Public House (Sui Generis) on Leamore Lane, to four one-bedroom self-contained flats (Use Class C3).

The internal layout of the proposed development will comprise:

- **Flat 1** – Gross Internal Floor Area of approximately 50sqm, one double bedroom (14.8sqm), open plan lounge/kitchen/dining area and a bathroom.
- **Flat 2** – Gross Internal Floor Area of approximately 69sqm, one double bedroom (14.8sqm), open plan lounge/kitchen/dining area and a bathroom.
- **Flat 3** – Gross Internal Floor Area of approximately 59sqm, one double bedroom (11.1sqm), open plan lounge/kitchen/dining area and a bathroom.
- **Flat 4** – Gross Internal Floor Area of approximately 40sqm, one double bedroom (10.9sqm), open plan lounge/kitchen/dining area and a bathroom.

The application site will provide an external amenity space to the rear of the building measuring approximately 550sqm (highlighted in green on Drawing Title: Scheme C, Drawing No. 56.20.103). 18 car parking spaces will be provided, and a bin storage area will also be provided to the rear of the site. A resident bike store is proposed internally within the building. The site plan also shows another area included within the site's red line boundary, not marked as amenity space on the plan, which comprises approximately 330sqm. This section of the application site appears to be fenced off from the amenity space and car parking area.

## Site and Surroundings

The application site comprises The Crown Public House, located on Leamore Lane close to the junction with Bloxwich Road and Harden Road, in the Birchills Leamore Ward. The existing building is two-storey and is designed with a gable roof, with a two-storey rear wing and single storey side section with a flat roof. The building features facing brickwork at the ground floor level and grey render with timber struts at first floor level. The building features public house related signage and roller shutters at the ground floor which will be removed as part of the conversion. The site comprises a parking area and external amenity space to the rear, accessible from the existing gated access in between the public house and the neighbouring property at 8 Leamore Lane to the west.

The site is located within the Leamore Local Centre and the surrounding area is of a mixed-use character. The site is opposite a main group of shops within the local centre to the south. There are further commercial uses in the area included a Farmfoods store and parking area to the north-east, convenience store with parking area to the east, takeaways opposite to the south and residential uses to the west. To the immediate east of the site/adjoining the public house there is a two-storey building which includes a loading bay and service yard area accessed from an existing footway crossing off Leamore Lane. The site is located within 15km of the Cannock Chase Special Area of Conservation (SAC).

## Relevant Planning History

12/0593/FL - Prior Notification: Demolition of Former Public House - Demolition Approved – 15/06/2012.

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

**Key provisions** of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

### Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S8: Housing in Town Centres
- T1: Helping People to Get Around
- T6: Traffic Calming

- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems & Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

### **Walsall Site Allocation Document 2019**

- RC1: The Regeneration Corridors
- HC2: Development of Other Land for Housing
- SLC1: Local Centres
- SLC2: Local Centres Development Opportunities
- EN1: Natural Environment Protection, Management and Enhancement
- EN3: Flood Risk
- EN4: Canals
- T2: Bus Services
- T3: The Rail Network
- T4: The Highway Network
- T5: Highway Improvements



## Supplementary Planning Documents

### Designing Walsall

- DW1: Sustainability
- DW2: Safe and Welcoming Places
- DW3: Character
- DW4: Continuity
- DW5: Ease of Movement
- DW6: Legibility
- DW7: Diversity
- DW8: Adaptability
- DW9: High Quality Public Realm
- DW9(a): Planning Obligations and Qualifying development
- DW10: Well Designed Sustainable Buildings

### Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1: Electric Vehicle Charging Points
- Type 2: Practical Mitigation Measures
- Type 3: Additional Measures
- 5.12: Emissions from Construction Sites
- 5.13: Use of Conditions, Obligations and CIL
- 5.22: Viability

## Consultation Replies

**Ecology Officer** – Completed the Habitat Regulation Assessment (HRA) Stage 1 Screening Assessment, advising that as the site is located within 15km of the Cannock Chase SAC, the proposal will likely result in significant harm to the SAC and should proceed to the Stage 2 Appropriate Assessment.

**Environmental Protection** – Requires the applicant to undertake a noise survey to inform of any required mitigation measures in order to ensure future occupiers of the proposed development will not be subject to excessive noise. Also advises that the external land was previously used as a works and may be subject of contamination. Recommends the following conditions:

- Applicant to undertake an acoustic assessment, agree to an acoustic mitigation scheme, implement the acoustic mitigation scheme and provide validation of the implementation of the acoustic mitigation scheme.
- Agree a scheme which achieves a suitable degree of noise insulation between the proposed dwellings and the adjoining commercial / industrial building
- Agree to an Air Quality Low Emission Scheme to install electric vehicle charging points.
- To incorporate low NOx boilers into the development.

**Local Highway Authority** – Supports the proposal, subject to the following conditions:

- Prior to the first occupation of any flat on the development, the parking spaces shall be made available including the clear demarcation of the parking bays.
- Prior to the first occupation of any flat on the development, full details of the proposed cycle shelter, which shall be covered and illuminated shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

**Severn Trent Water** – No objections and no drainage conditions required.

**Strategic Planning Policy** – No objections and advise that the applicant has provide sufficient justification for the loss of the public house.

**Housing Standards** – Raised concerns that the exits from bedrooms through a kitchen and lounge is acceptable from a health and safety perspective. The internal layout needs to be revised or alternatively bedroom windows should have fire escape windows.

**West Midlands Fire Service** – No objections, advising that the proposal should be implemented in accordance with Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

## Representations

No representations received.

## Determining Issues

- Principle of Development
- Residential Amenity
- Impact on Neighbour Amenity
- Visual Amenity
- Ground Conditions and Environment
- Flood Risk and Drainage
- Cannock Chase SAC and HRA
- Local Finance Considerations

## Assessment of the Proposal

### Principle of Development

This application proposes the change of use of the ground floor of The Crown Public House (Sui Generis), to four self-contained flats (Use Class C3). The site is located on Leamore Lane, near to the junction with Bloxwich Road and Harden Road and falls within the Leamore Local Centre. Saved Policy S8 (Housing in Town Centres) supports housing development in local centres, including the conversion of existing buildings, where proposals are able to achieve a satisfactory residential environment.

With regards to the loss of the public house, Saved Policy LC8 (Local Community Facilities) of the Walsall Unitary Development Plan states the loss of local community facilities (including public houses) will only be acceptable where:

- There are other existing facilities in an equally or more convenient location, which could accommodate any community activities displaced by the proposed development.
- A replacement facility could be provided in an equally or more convenient location.
- There is no longer a need for the facility, or for any other community use which could be appropriately provided on the site in accordance with other policies of this Plan.
- It would not be possible to retain the facility, or provide an alternative community facility because, despite all reasonable efforts, this would not be viable.

The applicant has stated the public house has seen fluctuations in sales since February 2019 and its costs escalated to the point where it was no longer sustainable or financially viable. The public house has been closed since March 2020 (around the beginning of the Covid-19 pandemic) and if it was to reopen now, it would be operating at a significant loss due to high energy prices. The applicant has also highlighted that there are several existing public houses in the local area to serve the community, including The Railway Inn (0.2 miles away), The Lamp (0.3 miles away) and The Gunners (0.4 miles away). In this regard, the information provided by the applicant to justify the loss of the public house is therefore considered to be acceptable and satisfied the requirements of Saved Policy LC8.

In addition, please note that the site is allocated within Policy SLC2 (Local Centre Development Opportunities) within the Walsall Site Allocation Document as development opportunity LC8B (The Crown Public House Leamore Lane), with the suitable uses identified as the *'redevelopment of the public house to bring it back into use, with residential possible with commercial units on the front of the site'*. Whilst it is accepted that this proposal omits any commercial element, it is accepted that the changing market for retail, especially with this building being on the opposite side of the road to the main group of shops in the local centre, means that it is preferable to bring the site fully into use rather than being left partly vacant. The proposal to convert the building to a residential use only rather than mixed-use is therefore considered to be acceptable on planning policy grounds.

In summary, the principle of the proposed development to convert the ground floor of the vacant public house to a residential use is considered to be acceptable, subject to other material planning considerations and site specific consideration.

### **Amenity of Future Occupiers**

As is previously noted, residential uses in local centres can be supported where they provide a good standard of residential amenity for future occupiers. Considering the internal layout of the proposed development, the ground floor would be converted to four one-bedroom self-contained flats, set out as follows:

- **Flat 1** – Gross Internal Floor Area of approximately 50sqm, one double bedroom (14.8sqm), open plan lounge/kitchen/dining area and a bathroom.



- **Flat 2** – Gross Internal Floor Area of approximately 69sqm, one double bedroom (14.8sqm), open plan lounge/kitchen/dining area and a bathroom.
- **Flat 3** – Gross Internal Floor Area of approximately 59sqm, one double bedroom (11.1sqm), open plan lounge/kitchen/dining area and a bathroom.
- **Flat 4** – Gross Internal Floor Area of approximately 40sqm, one double bedroom (10.9sqm), open plan lounge/kitchen/dining area and a bathroom.

All of the proposed flats meet the relevant gross internal floor standards for one-bedroom flats (39sqm for a one-bedroom, one-person flat and 50sqm for a one-bedroom, two-person flat), as are set out within the Technical Housing Standards – Nationally Described Space Standards (whilst the standards are not adopted as formal planning policy by Walsall Council, they provide useful guidance to judge the quality of residential accommodation).

However, whilst the flats would technically meet the internal floorspace standards as described above, there are concerns regarding the standard of amenity the flats would provide for future residents. Of particular concern is the site's location adjacent to a service yard area to the front of the neighbouring building on the east side of the site, which appears to include a loading bay on the front elevation. Bedroom 1 at Flat 3 would be located immediately adjacent to this loading bay area and the windows in Flat 3 will be immediate adjacent to and will face this area. This arrangement would result in a poor quality outlook for future residents of Flat 3, given that all the windows providing outlook to this flat are contained within this side elevation. Although a roof light is proposed over the lounge area at Flat 3, which will offer some natural light, the flat will still be solely reliant on the side facing windows for any overlook, but as they all face the neighbouring service yard, will result in poor quality outlook and poor standard of amenity.

Of further concern, due to the site's location within Leamore local centre, its proximity to the adjacent service yard area, as well as proximity to the various industrial and commercial activities taking place in the wider area and proximity of the site to road traffic, collectively these nearby uses have the potential to give rise to noise emissions which may have a harmful impact on the future occupiers of the proposed flats. For this reason, the applicant was requested to provide a noise survey to determine whether the site is suitable for the proposed residential development and to then identify any noise mitigation measures which may be required. However, the applicant has been unwilling to provide a noise survey to date.

As an alternative option, the applicant has suggested a solution whereby they install sound insulation to the wall adjacent to the neighbouring building, with the intention of improving the sound environment at Flat 3, protecting the flat from the noise and disturbance impacts emitted from the neighbouring use. No plans of any such insulation have been submitted and it therefore unclear how this will work in practice. If the insulation is external (it is not clear from the information submitted), the proposal may then result in insulation hanging over third party land and may result in a visual change to the building, which would require further consideration (again no plans have been submitted). In any case, this solution is not considered to be acceptable as it doesn't take account of all the potential sources of noise in the area as outlined above, including noise from industrial and commercial activities in the area, as well as road traffic noise due to the building's siting very close to Leamore Lane. Therefore, prior to agreeing any mitigation measures proposed by the applicant, the noise environment firstly needs to be fully assessed through the submission of the noise survey, then the necessary mitigation measures can be agreed and implemented. It is therefore considered that the application cannot proceed without a noise survey and

this issue needs to be resolved prior to the planning authority recommending approval of the application.

In summary, the internal layout of the proposed development would need to be revised in order to better consider neighbouring uses and to ensure that all of the proposed flats provide a good standard of residential amenity future occupiers. In addition, a noise survey is required in order to better understand the noise environment at the site and in order to secure any mitigation measures. In the absence of amendments and further information the application is considered to be harmful to the amenities of future occupiers.

### **Amenity of Neighbours**

The lounge and kitchen windows (habitable windows) at Flat 4 on the west side of the site will face towards the rear yard area of the neighbouring property at 8 Leamore Lane, with a separation distance of 4m between the habitable windows and the boundary to the neighbouring property. However, the ground floor of 8 Leamore Lane has a shopfront, and it is not therefore anticipated that their rear yard area is used as private amenity space. The proposal is not therefore considered to result in a loss of privacy at this neighbouring property and no other concerns regarding the impact of the proposal on neighbour amenity have been raised. The application is therefore considered to be acceptable with regards to the impact on neighbour amenity.

### **Visual Amenity**

The application relates primarily to the change of use of the ground floor of the building only and does not include any extensions to the building, with the only major physical change being the installation of a roof light on the existing single storey section of the building on the east side of the site (Flat 3). The proposal also requires minor external alterations including the removal of existing signage related to the public house, the removal of the roller shutters on the front elevation and the opening of the bricked up openings on the side elevation (east side). All of these proposals are of a minor scale and will have no significant impact on the appearance of the building and will have no significance impact on the character and appearance of the street scene. The application is therefore considered to be acceptable with regards to visual amenity.

### **Ground Conditions and Contamination**

Environmental Protection have advised that the land was previously utilised as a works, which may have resulted in contaminated soil, which could present health and safety implications. No specific details of ground conditions in the area are available other than those obtained from previous land use data and historic mapping and no information regarding ground conditions and contamination has been submitted in support of the application. Due to the absence of any such details submitted, there is insufficient information to address the potential impacts of land contamination which may or may not be present on the future occupiers of the flats and the onus is on the applicant to demonstrate that the site is suitable for the proposed development. The application is therefore considered to be unacceptable with regards to matters of ground conditions and contamination.

## **Access and Parking**

The site encompasses which provide 18 car parking spaces to the rear of the site using an existing hardstanding area, well in excess of the minimum requirement of 2 spaces per unit for flats with individual parking (8 spaces) and 1.5 spaces per unit with flats for flats with communal parking (6 spaces). No alterations are proposed to the site's existing access off Leamore Lane. The proposal is not considered to result in an increase in traffic generation to the extent it would have a negative impact on highways safety. The application is therefore considered to be acceptable with regards to access and parking matters.

## **Flood-risk and Drainage**

The site is located outside of flood zones 2 and 3 and is within an existing residential area, generally at a low risk of flooding. Severn Trent Water have raised no objections to the proposal and would not require a drainage condition to be included in the event of an approval. The application is therefore considered to be acceptable with regards to flood-risk and drainage matters.

## **Cannock Chase Special Area of Conservation (SAC)**

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £290.58 per each net new dwelling is non-negotiable. Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations").

The applicant/agent did not submit any additional information. The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within

a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km 'zone of influence', measures to reduce recreational pressure would be most effective.

The Habitat Regulation Assessment Stage 1: Screening Assessment has been undertaken using the available information associated with this planning application. The screening assessment is designed to check if an application is likely to have a significant effect on Cannock Chase SAC's conservation objectives, based on available evidence. Should it be determined that no significant affects are likely, no further assessment in respect to the SAC is required. Please note as per guidance and CJEU ruling (case C323/17), mitigation measures cannot be taken into account at the screening stage of the HRA assessment.

The proposed application is situated within 15km from Cannock Chase SAC and proposes a net increase of four dwellings. This development would result in an increase in recreational disturbance resulting in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £290.58 per each net new dwelling which can be secured by a Unilateral Undertaking, or within a Section 106 Agreement when other obligations are required.

The applicant has not agreed to provide the SAC mitigation payment via Unilateral Undertaking / S106 which will need to be completed prior to planning approval being granted.

## **Local Finance Considerations**

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes four new homes. The Government has indicated that, for 2021-22, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

## **Five-Year Housing Land Supply**

Notwithstanding the previous concerns raised, it is acknowledged that the proposal will provide four one-bedroom dwellings at the site and will therefore contribute to Walsall's housing supply, in a situation where the Council is no longer able to demonstrate a five year housing land supply and has failed the housing delivery test published in January 2022, based on low levels of housing delivery over the last 3 years. For these reasons the presumption in favour of sustainable development as described in Paragraph 11d of the NPPF is in effect, meaning that planning

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.

## Conclusions and Reasons for Decision

Whilst the principle of the conversion of the vacant public house to a residential use is considered to be acceptable in this location, the proposed residential use is required to provide a good standard of amenity for the future occupiers. However, in this case, due to the inadequate internal layout of the flats and the absence of a noise survey which addressed noise and disturbance impacts, it has not been demonstrated that a satisfactory standard of residential amenity can be achieved. In addition, the external area within the site's red line boundary has the potential for land contamination and no relevant information has been submitted to address this matter. Furthermore, the application site is located within 15km of the Cannock Chase Special Area of Conservation (SAC) and the applicant has not agreed to provide any mitigation measures or payments, despite all applicants impacted by the SAC being contacted by the Council in July 2022.

Collectively, the overall harm of the proposal as described above is considered to be significant and to outweigh the benefits of the scheme in providing a net gain of four one-bedroom dwellings at the site, in the context of the Council's lack of five-year housing land supply. For these reasons, given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

## Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

## Reasons for Refusal

1. The application fails to provide the necessary Cannock Chase Special Area of Conservation (SAC) mitigation. The proposed development falls within the 15km zone of influence relating to the Cannock Chase SAC and has failed to provide any information in relation to the likely impacts on the SAC arising from the proposed addition of one dwelling and has failed to provide any potential necessary mitigation measures or a mechanism for securing them. The application is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) and ENV1 (Nature Conservation) of the Black Country Core Strategy, Saved Policy ENV23 (Nature Conservation and new development) of the Walsall Unitary Development Plan, Policy EN1 (Natural Environment Protection, Management and Enhancement) of the Walsall Site Allocation Document and the National Planning Policy Framework.
2. The application site would provide a poor standard of residential amenity for future occupiers as a result of the internal layout and due to the absence of a noise survey to address noise and disturbance impacts to future occupiers. The application is therefore contrary to Saved Policy S8 (Housing in Town Centres), Policy HC2 (Development of Other Land for Housing) of the Walsall Site Allocation Document, Policy HOU2 (Housing Density, Type and

Accessibility) of the Black Country Core Strategy, the Designing Walsall SPD and National Planning Policy Framework.

3. Insufficient information has been submitted regarding the ground conditions at the site and the potential for ground contamination within the external areas of the site as a result of historic uses. It has not therefore been confirmed that the site is safe for development in order to protect human health and the environment. The application is therefore contrary to Saved Policies GP2 (Environmental Protection) and ENV14 (Development of Derelict and Previously-Developed Sites) of the Walsall Unitary Development Plan and the National Planning Policy Framework.

**Notes for Applicant**

None.

**END OF OFFICERS REPORT**