

APPEAL BY MR ANDREW GREEN AGAINST THE DECISION OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR 14 TWO AND THREE STOREY TERRACED HOUSES IN THREE BLOCKS WITH ASSOCIATED LANDSCAPE WORKS AND PARKING FOR 22 VEHICLES AT THE BENNETT ARMS, LONDON ROAD, CHESTERTON

<u>Application Number</u>	18/00371/FUL
<u>LPA's Decision</u>	Refused on 28 February 2019
<u>Appeal Decision</u>	Dismissed
<u>Costs Decision</u>	Refused
<u>Date of Appeal Decision</u>	16 January 2020

Appeal Decision

The Inspector identified the main issues to be;

- The effect of the development on the character and appearance of the area;
- The effect of the development on flood risk; and
- The need for a planning obligation, in light of viability information.

The conclusions of the Inspector are summarised as follows:

- The scale and massing of the development would create an overly dominant, cramped feature due to the number of properties on a relatively small site, which would create a high density development in a relatively traditional area of two storey semi-detached dwellings. The development would create a harsh appearance within the locality and would not sit well within its surroundings. The design of the properties on the London Road frontage, at two and a half storeys, would not respect the character and appearance of the locality, and the wider development, by means of layout, does not respect the simple traditional layout of the Leech Avenue properties that set the immediate context for the site.
- Without a suitable FRA being completed, the Inspector was not convinced that the proposed development would minimise flood risk. As a result, it was concluded that the proposed development would fail to fully address flood risk as it would locate new housing development in an area potentially at risk of flooding, without appropriate mitigation. As a consequence, it would be contrary to Policy CSP3 of the CSS and the flood risk aspects in relation to development as set out in the Framework.
- The Council refused the application on the basis that no obligation had been made to make provision for the £18,900 set out by the District Valuer as being an appropriate contribution, which is disputed by the appellant, whose own report states that the development would be unviable with any form of contribution.
- In the absence of any review mechanism set out by the appellant in order to address the Council's reason for refusal and examine the potential for the proposals to make financial contributions at a later point in the development, the proposals are contrary to Policies CSP5 and CSP10 of the CSS, which when taken as a whole, seek developer contributions to provide funding toward public open space and other services where appropriate, in addition to the viability aspects of development as set out in the Framework.

Costs Decision

- The appellant considers that the approach of the Council has been unreasonable in that the issues relating to design were not put forward by the Council during negotiation involved with the application process, but were added by Members of the

Committee during the presentation of the application to Committee, which were contrary to the recommendations of their Officers.

- The Council Members were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
- The Council reached a rounded view in taking the decision and considered all relevant matters. The first reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states which policies of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy that the proposal would be in conflict with. This reason for refusal has been adequately substantiated by the Council in its Appeal Statement.
- Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is therefore not justified.

The planning decision setting out the reasons for refusal and the Appeal and Costs Decisions in full can be viewed via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00371/FUL>

Recommendation

That the appeal and costs decision be noted.