

Report to Planning and Licensing Committee



Date of Meeting	18 December 2019
Portfolio	Councillor Carol Wardle, Cabinet Member for Planning, Development & Housing
Report Author	Mark Caine
Public/Private Document	Public

<b>Application:</b> 18/01302/DOC.	<b>Township:</b> Rochdale	<b>Ward:</b> Balderstone and Kirkholt
<b>Appeal Reference:</b> APP/P4225/W/19/3222410		<b>Decision level:</b> Delegated
<b>Site Address:</b> Former Balderstone School, Queen Victoria Street, Rochdale OL11 2HJ		
<b>Proposal:</b> Submission of details to comply with condition 5 (Scheme for Driveways) of planning permission 18/00895/AM		
<b>Applicant:</b> Gleeson Regeneration		<b>Agent:</b> Peacock & Smith
<b>Planning Inspectorate Decision:</b> Appeal Allowed – 1 November 2019		
<ul style="list-style-type: none"> <li>– The application to discharge condition 5 was refused on the grounds that the proposed gravel driveways would cause significant harm to the character and appearance of the area and highway safety. The majority of the driveways within the development have been constructed and the LPA considered that the loose stone driveways would be prone to weed growth, appear temporary and conspicuous and be displaced onto the highway over time.</li> <li>– The Planning Inspector disagreed with the LPA’s reasoning considering that the weed membrane, beneath a cement dust layer would prevent weed growth occurring. He also considered that there was no compelling evidence put forward to demonstrate that weeds already penetrate through the surface of the driveways or that the displacement of loose stones onto the highway would be likely to happen. Furthermore, he was of the view that no evidence had been provided to demonstrate that loose stones would be likely to create a skid-hazard or result in an accident on the highway.</li> <li>– However, in making the decision the Planning Inspector conceded that he had not seen the Council’s Statement of Case or other appeal decisions that had been submitted. He also clearly did not see the many photographs that the LPA submitted to demonstrate that weeds are already penetrating through these surfaces. This information was submitted within the statutory timeframes for planning appeals. Given that the Inspector’s reasoning was based on a lack of evidence, and he gave the appellant numerous opportunities to provide additional evidence, the LPA has submitted a complaint to the Planning Inspectorate on the basis of procedural unfairness and are considering challenging the decision.</li> </ul>		