

## Report to Planning and Licensing Committee



Date of Meeting	8 April 2021
Portfolio	Councillor John Blundell, Cabinet Member for a Thriving Economy
Report Author	Michael Atkinson-Smith
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<b>Application:</b> 20/00073/FUL	<b>Township:</b> Middleton	<b>Ward:</b> West Middleton
<b>Appeal Reference:</b> APP/P4225/W/20/3263089		<b>Decision level:</b> Delegated
<b>Site Address:</b> Site of 342 Heywood Old Road, Middleton M24 4QG		
<b>Proposal:</b> Erection of apartment block containing 14 no. apartments along with associated external works, car parking and landscaping following demolition of existing building on site (Resubmission of 17/01465/FUL)		
<b>Applicant:</b> Gary Hyde Associates		<b>Agent:</b> Emery Planning Partnership Ltd
<b>Planning Inspectorate Decision:</b> Appeal Dismissed		
<ul style="list-style-type: none"> <li>– The application was refused on the basis that the proposed development was poorly designed and would be discordant with the surrounding scale of development which would render it unacceptable if the site were in the Green Belt; a relevant consideration in respect of Protected Open Land (POL). A robust justification for the demolition of a non-designated heritage asset (NDHA) was also not put forward.</li> <li>– Additional refusal reasons related to residential amenity, inadequate parking provision, an out of date bat survey and the absence of a legal agreement to secure public open space / formal sports contributions.</li> <li>– The Inspector agreed with the Council in respect of the impact on POL and inadequate parking provision, and noted that the proposed Unilateral Undertaking by the appellant to fund a Traffic Regulation Order to deter on-street parking outside the development had no guarantee of implementation and lacked adequate demonstration that it would not exacerbate on-street parking issues elsewhere.</li> <li>– The proposed Unilateral Undertaking to fund improvements to footpath RUPPMid95, which the Council had argued would not overcome the absence of sufficient parking provision on site, was not referenced or addressed in the appeal decision.</li> <li>– The Inspector sided with the appellant in respect of the loss of the NDHA, albeit without providing any detailed assessment of how they reached their position.</li> <li>– The Inspector also adopted an unusual stance in finding that the lack of outlook from the bedroom windows in Units 13 and 14 would be compensated for by the orientation of windows to the main living areas (i.e. in other rooms) of those units.</li> <li>– Matters relating to the out of date bat survey and lack of developer contributions were satisfactorily addressed by the applicant during the appeal process.</li> <li>– On the basis that the Inspector found that the appeal scheme would impose significant harm on the character and appearance of the area and highway safety, the appeal was dismissed.</li> </ul>		