

## AGENDA ITEM 5

### PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 11<sup>th</sup> May 2023

#### ADDENDUM TO THE AGENDA:

#### ADDITIONAL INFORMATION REPORT (INCLUDING SPEAKERS)

##### 1.0 INTRODUCTION

1.1 This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

1.2 Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chair.

##### 2.0 ITEM 4 – APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.

##### REVISED ORDER OF AGENDA (SPEAKERS)

Part 1 Applications for Planning Permission					
Application	Site Address/Location of Development	Ward	Page	Speakers	
				Against	For
<a href="#"><u>109074</u></a>	Holmleigh, 21 Stelfox Avenue, Timperley, WA15 6UL	Village	1		
<a href="#"><u>109301</u></a>	Brooklands Dragons JFC Sports Pavillion, Sunningdale Avenue, Sale, M33 2PJ	Sale Moor	12		
<a href="#"><u>109937</u></a>	Friars Croft, 10 Park Drive Hale, WA15 9DH	Hale Central	28		
<a href="#"><u>110206</u></a>	22A Hope Road, Sale, M33 3AB	Priory	51	✓	

### **OBSERVATIONS**

On Wednesday 10 May, and following the publication of the Committee agenda, the applicant lodged an appeal against non-determination of the application to the Planning Inspectorate. The applicant has requested the written representations procedure. Given the publication of the Committee agenda had made explicit the Council's intention to determine the application on the day following the lodging of the appeal, it can only be assumed that the applicant believes they gain some advantage by pursuing a non-determination appeal rather than an appeal against a refusal of planning permission.

The 8 week statutory determination date of 28 February 2023 was not met due to (unsuccessful) ongoing discussions which took place with the applicant's agent regarding the scale/design of the development. Further information was also required in respect of impact upon trees. These discussions took place with the intention of reaching a satisfactory compromise scheme and enabling officers to approve the application under delegated powers. However, the applicant was not willing to amend the scheme to the extent necessary for officers to support the proposals.

The submission of a non-determination appeal has removed the ability of the Council to determine the application, and that decision now lies with the Planning Inspectorate. However, there remains a need to determine the Council's position to adopt for the forthcoming appeal.

### **RECOMMENDATION**

The recommendation is amended to:

**MINDED TO REFUSE IN CONTESTING THE APPEAL** for the two refusal reasons set out in the main report; these would be the putative reasons for refusal when making the Council's case in the appeal.



26 Hope Road of 4.8m, increasing to 5.8m, with the extended wall splayed away front of the maisonettes.

3. Information and supporting photographs from objectors demonstrate the change in view, with the proposed wall encroaching on views across the existing green space towards St Joseph's church. However there is no right to a private view in planning considerations, instead consideration is given to any loss of outlook.
4. A loss of outlook occurs where a development would have an adverse overbearing effect that would result in an unduly oppressive living environment for existing and future residents. Whilst officers accept the increased width in the wall would result in a change of view from no. 24 and 26, given the separation distance and scale of the extended wall this is not considered to result in harm to outlook or create a sense of enclosure. Therefore the impact on residential amenity arising from the proposal is not considered to weigh against the proposal in the planning balance.

## EQUALITIES ASSESSMENT

5. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
6. Following a review of the comments above and the representations made, it is acknowledged and understood that the proposal is likely to have an impact on individuals living adjacent to the application site and that this impact could be greater as a result of their protected characteristics than it would be on a person who did not share those protected characteristics. This is given that it would result in a new and extended boundary wall, and a small loss of open, garden space, which would result in a change to the appearance of the surrounding setting, and alter the surrounding environment. However, it is considered that this development is of a very modest scale, and would only result in a minor change to the appearance of the site, and surrounding setting. A high proportion of the green space to the front of the maisonettes would be retained and there would be no change in

access arrangements for the maisonettes. Although there would be some limited disruption during construction, the end result would be a very minor change in the street scene and outlook from neighbouring properties.

7. Whilst it is recognised that any change to the layout of this setting could cause some impact, it is considered that the minor changes proposed within this scheme would have a very limited impact. It is also noted that the proposal has been significantly amended to minimise the impact and the planning conditions proposed also seek to prevent further development that could result in undue harm and also soften the appearance of the site to limit the change in environment for local residents.
8. The planning decision also needs to be made taking into account the public interest, not private interests. The issue to be grappled with is not whether a person with a particular protected characteristic has rights under the Equality Act which should be elevated above the rights of an individual to have planning permission granted for development they wish to undertake. The planning system is not concerned with individual's property or other rights. The requirement is to make a decision in accordance with the development plan unless material considerations indicate otherwise, and in doing so apply the Public Sector Equality Duty and balance equalities impacts with the other benefits and / or harms arising from the scheme in order to come to a decision in the public interest.
9. As such the representations have been considered and action taken to minimise the impact. It is therefore considered that whilst the proposal would have an impact on residents, this would be an acceptable impact on all local residents, including those with a protected characteristic. However these matters must be given due regard in the planning balance and decision making process.

## **PLANNING BALANCE AND CONCLUSION**

10. The scheme has been assessed against the development plan, supplementary planning documents and national policy, with all relevant planning issues considered and representations taken into consideration. Whilst the objections of residents are noted and weighed in the planning balance the proposal has not received any objection from the LHA, who consider the change in driveway configuration would be an improvement. The proposal would represent a change in environment for local residents, however within the planning balance the impact on groups with protected characteristics, is not considered unduly harmful due to its design, scale of development proposed and the proposed conditions.
11. It is considered that the proposal will result in an acceptable form of development with regard to the impact on residential amenity and the impact on the character of the existing property and the surrounding area more generally and highway safety.

12. Having considered all relevant material planning considerations, including representations from residents, it is concluded that the proposal comprises an appropriate form of development for the site. As such the proposal is considered to comply with the Trafford Core Strategy, and the NPPF and therefore the application is recommended for approval.

**RECOMMENDATION**

The recommendation of approval subject to conditions is unchanged.

**RICHARD ROE, CORPORATE DIRECTOR, PLACE**

**FOR FURTHER INFORMATION PLEASE CONTACT:**

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