

SADBERGE PARISH COUNCIL

Minutes of the meeting held at 7 p.m. on Tuesday 14th November 2017

Present: Councillors Tate, Heath, Heywood, Lazenby, Schott and Smith

In attendance: Councillor Brian Jones Alastair Mackenzie – Clerk

1. Apologies

Apologies were accepted from Councillor Best, and the reason for his absence was approved.

2. Declarations of interest in items on the agenda

There were no declarations of interest.

3. Development on the east side of Middleton Road on the southern edge of Sadberge

3.1 On 18-Oct-2017, Darlington Borough Council's Planning Applications Committee decided to grant planning permission for the erection of 25 houses on land to the east of Middleton Road on the southern edge of Sadberge (application reference 17/00358/FUL).

Councillors Tate and Schott and the Clerk attended the Planning Applications Committee meeting.

3.2 It was agreed that the process by which the Planning Applications Committee had reached its decision to grant the planning permission was highly unsatisfactory. The Parish Council approved the wording of a letter of complaint (attached as Appendix 1 to these minutes) that will be sent to Darlington Borough Council's Assistant Director for Law and Governance and to the Planning Inspectorate in Bristol.

3.3 The Parish Council considered whether to apply for a judicial review of the decision to grant planning permission.

The following points were made during the discussion:-

- The Planning Officer failed to give a satisfactory explanation of why Darlington Borough Council's Interim Planning Position Statement (April 2016) said that Sadberge failed every one of the tests of sustainability but the Planning Officer's report on planning application 17/00358/FUL said that the proposed development was in a sustainable location.
The Planning Application Committee members failed to press the Planning Officer for a proper explanation.
- The Planning Applications Committee did not give proper consideration to the fact that the Sadberge Conservation Area "safeguard the appearance of a ridge village in the landscape" and that the proposed development would destroy that aspect of the village's character.
- The Planning Officer had not consulted the bus company that runs the "Our Bus" service to ascertain whether the Section 106 funding would, in fact, enable the continuation of the bus service.
- There should have been consultation with the Parish Council about the Section 106 agreement, but no such consultation had taken place.
- Having taken advice from the National Association of Local Councils' legal team, the Clerk advised the Parish Council that an application for a judicial review would be unlikely to succeed and could result in the Parish Council becoming liable for cost running to tens of thousands of pounds. Also, the result of a judicial review being granted would be that Darlington Borough Council would have to go back and make the decision again, and it would be possible for the Borough Council to make the same decision.

3.4 The Parish Council decided not to apply for a judicial review.

Alastair Mackenzie
Clerk to Sadberge Parish Council

/ continued

APPROVAL OF THE MINUTES OF THE MEETING HELD ON 14th NOVEMBER 2017.
I hereby certify that these minutes are a true record of the meeting.

Signed: Councillor L Tate _____ Date _____

SADBERGE PARISH COUNCIL

Luke Swinhoe
Assistant Director, Law and Governance
Darlington Borough Council
Town Hall
Darlington
County Durham
DL1 5QT

6 Church View
Sadberge
Darlington
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DL2 1SD
14th November 2017

COMPLAINT

Dear Sir,

I am writing on behalf of Sadberge Parish Council to **complain** about the way in which Darlington Borough Council's Planning Applications Committee decided to grant planning permission for a development of 25 new houses on the east side of Middleton Road on the southern edge of Sadberge (Application reference 17/00358/FUL).

I, along with another Sadberge parish councillor and the Clerk to the Parish Council (Alastair Mackenzie), attended the Planning Applications Committee meeting on Wednesday 18th October 2017. **The process by which the Planning Applications Committee reached its decision to grant planning permission for the development was unsatisfactory and unfit for purpose.** The Planning Officer's responses to the issues raised by myself and Mr. Mackenzie were inadequate, and the Committee members failed to fulfil their duty to address the issues and to press the Planning Officer for appropriate information and justification of his advice.

In particular:-

Sustainability

In his input to the Committee, Mr. Mackenzie pointed out that Darlington Borough Council's Interim Planning Position Statement (April 2016) included an assessment of the key sustainability factors for Darlington Borough villages, and Sadberge had failed every one of the sustainability tests. The Planning Officer failed to explain the discrepancy between the Interim Planning Position Statement's categorisation of Sadberge as being an unsustainable location for development and his conclusion in the report on this planning application that the development would "contribute to the three dimensions of sustainable development" and none of the Committee members asked him for an explanation.

The Planning Officer made a point of the fact that the developer had agreed to make a sustainable transport contribution of £30,000, and that this would fund the (one day per week) bus service for two years from 2019 to 2021. However, in response to my questions he admitted that neither he nor the developer had contacted the bus service provider to verify that the proposed contribution would, in fact, enable the continuation of the service. I pointed out that I had spoken to the bus service provider and established that the current funding will run out in December 2018 and that once the service has been discontinued it may not be easy to reinstate it. The Planning Officer had no response to this, and again none of the Committee members asked him for an explanation or justification of his advice.

Conservation Area

The Planning Officer's report on the planning application described how amendments were made to the plans to address the issue of the look of the development's street frontage along Middleton Road. However, at the Planning Applications Committee meeting I pointed out that a key purpose of the Conservation Area was to "safeguard the appearance of a ridge village in the landscape", and that the proposed development would destroy that aspect of the village's character. Once again, the Planning Officer had no adequate response to my statement and none of the Committee members pursued this point further.

For these reasons, Sadberge Parish Council believes that the process by which the Planning Applications Committee reached its decision on this planning application was deficient, unsatisfactory and unfit for purpose.

Yours sincerely,

Councillor Lee Tate
Chair of Sadberge Parish Council

Copy to: The Planning Inspectorate
Councillor Brian Jones