

# Planning Applications Committee Agenda

**1.30pm, Wednesday, 21st October, 2009  
Committee Room No. 2  
Town Hall, Darlington**

**Members of the Public are welcome to attend this Meeting.**

1. Attendance at Meeting.
2. Declarations of Interest.
3. To receive the Minutes of the meeting of this Committee held on 23rd September, 2009 (Minutes enclosed).
4. Introduction to Procedure by Borough Solicitor's Representative.
5. Applications for Planning Permission and Other Consents Under the Town and Country Planning Act and Associated Legislation (schedule enclosed).
6. **SUPPLEMENTARY ITEM(S)** (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting.
7. Questions

## **PART II**

8. Notification of Appeals – The Assistant Chief Executive (Regeneration) will report that :-
  - (a) Mrs. T. Bascombe has appealed against this Authority's decision to refuse planning permission for Erection of two storey side extension and single storey rear sun lounge at 9 Carnoustie Grove, Darlington (Reference Number 09/00382/FUL); and
  - (b) Commercial Development Projects Limited have appealed against this Authority's decision to refuse planning permission for a Hybrid application for mixed use development comprising of B1 office, B8 storage and warehousing (Outline); and B1 office, B2 industrial, A3 restaurant, A4 public house, builders merchants and 57 bed

hotel (amended description from A1 office to B1 office) (amended description and amended plans received 13th January and 31st January, 2009) at Torrington Company Limited Works (Site of) Yarm Road, Darlington (Reference Number 08/00917/FUL).

9. Notification of Decision on Appeals – The Assistant Chief Executive (Regeneration) will report that that the Inspectors appointed by the Secretary of State for Environment have :-
- (a) Allowed the appeal by Mr. Singh against this Authority’s decision to refuse planning permission for the change of use of ground floor shop (A1) to hot food takeaway (A5) incorporating internal alterations and installation of extractor flue at 91 Surtees Street, Darlington (Reference Number 09/00099/CU) (copy of Inspector’s decision letter enclosed);
  - (b) Allowed the appeal by Mr. A. Wise against this Authority’s decision to refuse planning permission for erection of a single storey extension to enlarge an existing ground floor flat and erection of a single storey extension to create a new flat at 43 Greenbank Road, Darlington (Reference Number 08/00967/FUL) (copy of Inspector’s decision letter enclosed); and
  - (c) Dismissed the appeal by Mr. P. Dowse against this Authority’s decision to refuse planning permission for change of use of land for the purpose of stationing mobile home for human habitation (Retrospective Application) at The Stables, Aislaby Road, Middleton One Row, Darlington (Reference Number 08/00999/CU) (copy of Inspector’s decision letter enclosed).

### **EXCLUSION OF THE PUBLIC AND PRESS**

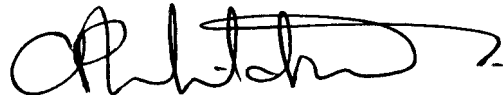
10. To consider the exclusion of the Public and Press :-

**RECOMMENDED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act.

### **PART III**

### **NOT FOR PUBLICATION**

11. Complaints Received and Being Considered Under the Council’s Approved Code of Practice as of 8th October, 2009 – Assistant Chief Executive (Regeneration) (report enclosed) (Exclusion Paragraph No. 7).
12. **SUPPLEMENTARY ITEM(S)** (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting.
13. Questions



**Paul Wildsmith**  
**Director of Corporate Services**

13th October, 2009

**Town Hall,**  
**Darlington.**

**Membership**

Councillors Baldwin, M. Cartwright, Dunstone, Freitag, Hartley, L. Haszeldine, Johnson, Lee, D.A. Lyonette, Regan, Robson, Stenson and Walker.

If you have any further queries on this agenda please contact Claire Hutton in the Democratic Services Section, Corporate Services Department, during normal office hours 8.30 a.m. to 5.00p.m. Mondays to Thursdays and 8.30a.m. to 4.30p.m. Fridays (Direct Line (01325) 3882364) or E-mail [claire.hutton@darlington.gov.uk](mailto:claire.hutton@darlington.gov.uk).

If English is not your first language and you would like more information about this document, or if you require information in large print or braille or tape, please contact (01325) 388351.

## Arabic

إذا رغبتكم الحصول على هذه النشرة بلغة أخرى غير اللغة الإنجليزية نرجو الاتصال بنا على رقم الهاتف التالي 01325 388351 مع ذكر رقم الإشارة.

## Bengali

যদি আপনার ইংরেজী ছাড়া অন্য কোন ভাষায় এই প্রকাশনাটির দরকার থাকে, তাহলে নম্বরে যোগাযোগ করুন এবং সূত্র নম্বর উল্লেখ করুন। 01325 388351

## Cantonese

如果你需要其它語言的版本，請與以下電話聯係並報出參考號碼：01325 388351

## Hindi

यदि आप यह प्रकाशन अंग्रेजी के अलावा अन्य भाषा में चाहते हैं तो कृपया संदर्भ नम्बर (रेफरन्स नम्बर) बताकर निम्नलिखित 01325 388351 पर संपर्क करें।

## Punjabi

ਜੇ ਇਹ ਪਰਚਾ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਤੋਂ ਬਿਨਾਂ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ ਨੰਬਰ 01325 388351 'ਤੇ ਫੋਨ ਕਰੋ ਅਤੇ ਰੈਫਰੈਂਸ (ਹਵਾਲਾ) ਨੰਬਰ ਦੱਸੋ।

## Urdu

اگر آپ کو یہ کتابچہ انگریزی کے علاوہ کسی دوسری زبان میں درکار ہو تو براہ مہربانی ٹیلیفون نمبر 01325 388351 پر فون کر کے حوالہ نمبر بتائیں۔

## Polish

Jeśli chciał(a)by Pan(i) otrzymać polską wersję językową tego dokumentu, proszę zadzwonić pod numer 01325 388351 i podać numer identyfikacyjny dokumentu.

## **Information for Members of the Public**

### **Access to information and meetings**

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the Agenda, which is usually published five working days before the meeting, and Minutes once they are published. Dates of the meetings are available on the Council's website, or from the Democratic Services Section (see details below).

### **Fire Alarm**

All meetings shall be adjourned immediately on hearing the sound of the fire alarm. The alarm is a continuous siren. On hearing the alarm please leave the building by the nearest emergency exit. There are emergency exits at each end of the Committee Suite. On leaving the building please assemble in St. Cuthbert's Churchyard next to the Town Hall. Please do not return to the building until you are told to do so by a Council employee.

### ***Toilets***

There are male, female and disabled toilets in the Committee Suite area on the first floor.

### ***Access for Disabled People***

There are allocated car parking spaces adjacent to the main entrance to the Town Hall and also at the rear of the Town Hall for people with disabilities. The Committee Suite is located on the first floor and the entrance to the Public Gallery is on the second floor. Lifts are available to both floors, however if you require assistance please do not hesitate to ask for assistance at the Reception Desk. There is also an induction loop system in the Council Chamber.

### **Car Parking**

There is no dedicated visitor parking at the Town Hall, but there is a pay and display car park at the rear of the building. Please estimate in advance your likely stay and purchase sufficient time, making a note of expiry time. The charge is £1.00 per hour but it is free after 6.00 p.m. until 8.00 a.m. If your visit or meeting is extended and your time is to over-run you must return to your car and purchase additional time.

### ***No Smoking***

Smoking is not permitted in the Town Hall.

### ***Mobile Phones, Pagers, Cameras and Audio Recorders***

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted without prior permission.

### ***Private and Confidential***

Occasionally, meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When the Council or a Committee does so, you will be asked to leave the meeting.

### **Representation**

Darlington Borough Council aim to put people first in everything we do. We are committed to encouraging local democracy, improving communication and making our services more accessible. One of the ways we do this is by allowing members of the public to make representation at Committee meetings, on items on the agenda, at the discretion of the Chair. If you would like further information on how to ask a question at Planning Applications Committee meetings contact Claire Hutton in the Democratic Services Section, Corporate Services Department, during normal office hours 8.30 a.m. to 5.00 p.m. Monday's to Thursday's and 8.30 a.m. to 4.30 p.m. Friday's (Direct Line (01325) 388364) or E-mail [Claire.Hutton@darlington.gov.uk](mailto:Claire.Hutton@darlington.gov.uk).

Further information can also be found on the Darlington Borough Council website [www.darlington.gov.uk](http://www.darlington.gov.uk)

## **HAVE YOUR SAY ON PLANNING APPLICATIONS**

Darlington Borough Council recognises that persons with an interest in a planning application, such as the applicant or people who object strongly to what is being proposed, or indeed wish to support an application often value the chance to speak at the meeting directly to Councillors, and draw attention to the points which they feel the Committee should consider in reaching a decision. To be able to hear as much information as is practicable assists the Members in making informed judgments on proposed development. Public speaking is intended to aid this process. It should be noted however that to ensure a smooth and orderly process prior to Members arriving at a decision, this part of the proceedings is supervised closely by the Chair, to ensure that matters that are raised, are material to the decision to be taken.

### **Planning Applications Committee/Planning Applications Sub-Committee**

Agenda items are split between the Planning Applications Committee (PAC) of 13 Councillors, which deals with the more complex/controversial applications and the Planning Applications Sub-Committee (PAS) which decides householder applications. PAS consists of 5 Members, from the full Committee and is supported by relevant officers. The two Committees meet every 4 weeks to consider planning applications which cannot be decided by officers under the Council's delegated powers. The PAC will meet at 1.30 pm on a Wednesday and the PAS on the same day at 5.00 pm. [unless previously announced to be at an alternative time] Interested parties, including applicants/agents, and people who have commented in writing on applications are sent a letter to inform them which Committee to attend and the procedures involved. The Committees are formal meetings of the Council and they have to be run both efficiently and according to legal requirements. In order to make sure that the meeting is properly run, one of the Councillors holds the position of 'Chair' and he or she is in charge of who may speak and in what order.

### **The Report**

Every application is accompanied by a report prepared by a planning officer. This explains the details of the application and the site, comments received from neighbours and other consultees, the relevant policies from the Development Plan together with any other planning considerations relevant to the case. The report must give the Councillors who sit on the Committee a clear recommendation which the planning officer judges to be right for the application, having weighed up arguments for and against the proposal. The recommendation may be either to approve or refuse the application. In the case of approval, this may be recommended subject to conditions or legal agreements to control the exact form of development. The officer's report is available to the public for viewing 5 working days before the meeting. If you contact Planning Administration to request a copy of an individual report, photocopying charges apply and this can usually be sent by post, or collected from the Town Hall Customer Services Reception, alternatively a copy can be emailed or faxed to you free of charge. The reports are also made available on the Council's website at

[www.darlington.gov.uk/planningcommittee](http://www.darlington.gov.uk/planningcommittee)

### **The Decision**

The planning officer's report is not the only thing which the Committee Members will take into account. They will consider the merits of the application, and use their own local knowledge and judgment to reach a decision which they consider to be right for the application. They are

under a legal requirement to take decisions in accordance with the Development Plan, unless there are clear planning reasons for not doing so. If Committee decides to refuse permission, specific reasons for this will be given, including reference to the key planning policies which are relevant to the decision. Persons who have commented in writing on applications are sent a letter to inform them of the decision.

### **How the Public Speaking Arrangements Work**

The following details apply to both the PAC and PAS unless otherwise stated: -

1. You can tell officers in the Planning Team in advance of the meeting that you wish to speak on an application but this is not essential. It may also be helpful to officers, particularly if the matters you intend to raise are not considered within the report, to have advanced notification, to enable them to fully brief Members of the Committee on the day.
2. When you arrive at the meeting, you must report to the reception desk outside the Committee Room, so that your details can be noted and included on the Chair's list of persons who wish to speak on particular applications.
3. Arrive at the meeting 10-15 minutes before the start time, so that you can register
4. You may have to wait while other applications are considered before the one you are interested in comes up. The Chair will endeavor to make sure that applications where people have registered a wish to speak are considered as early as possible during a meeting, but this is not always possible. For both Committees, speakers will be invited to sit at the table with Members and officers to address the meeting.
5. When the time comes for the application to be considered, the Chair will use the following running order: [This order may be varied at the Chair's discretion, depending on the nature/complexity of the application. The Chair will endeavour however to ensure that the opportunity to make representations are made in a fair and balanced way.]
  - Chair introduces agenda item;
  - Officer describes proposal;
  - Applicant or agent may speak;
  - Members may question applicant/agent;
  - Up to 3 objectors may speak (**1 objector for Sub-Committee**);
  - Members may question objectors;
  - Up to 3 supporters may speak (**1 supporter for Sub-Committee**)
  - Members may question supporters;
  - Parish Council representative may speak;
  - Members may question Parish Council representative;
  - Ward Councillor may speak;
  - Officer summarises key planning issues;
  - Members may question officers;
  - Objectors have right to reply;
  - Agent/Applicant has right to reply;
  - Officer makes final comments;
  - Members will debate the application before moving on to a decision;
  - Chair announces the decision.



## **Frequently Asked Questions**

### ***Q How long will I be allowed to speak for?***

**A** Maximum of 5 minutes is allowed per speaker, and you should aim to put forward your case clearly and succinctly.

### ***Q Can I show the Committee my own plans or photographs?***

**A** Yes, but you will need to leave a copy with the Council to go on the application file. You can make reference to any visual material which has been presented by officers. You may be allowed to make use of the Council's projecting equipment, but you must arrange this beforehand.

### ***Q What are Material Planning Considerations?***

**A** It is relevant to raise issues such as traffic impact and highway safety; effects on trees and the local ecology; concern about crime; privacy, visual impact and overshadowing; noise; and the relationship to local, regional and national planning policies. These matters, and many others, are termed material planning considerations. Some issues which are sometimes raised but are not normally planning considerations are: • personal morals or views about the applicant • possible effect on property values • ownership disputes over rights of way, fence lines, etc • restrictive covenants • property maintenance • loss of private views • business competition • conflict with other laws. The Committee cannot take such matters into account, and if you raise them you may be reminded of this by the Chair.

### ***Q Will the Application always be decided at the meeting?***

**A** No. The Committee will sometimes defer an application in order to visit the site or to enable further information to be supplied which is important to enable the right decision to be made. The Council is committed to meeting Government targets for the time taken to decide planning applications, and applications will only be deferred if there is a good reason.