

PLANNING APPLICATIONS COMMITTEE
29TH JULY 2009

ERECTION OF AN AGRICULTURAL CENTRE TO INCLUDE REPLACEMENT LIVESTOCK MARKET AND EQUINE CENTRE AND ANCILLARY USES (IN OUTLINE) AT HUMBLETON FARM, WEST AUCKLAND ROAD, BURTREE

SUMMARY REPORT**Purpose of the Report**

1. The purpose of the report is to advise Members of the suggested conditions and heads of terms of the Section 106 legal agreement relating to the erection of an agricultural centre to include a replacement livestock market and equine centre and ancillary uses at Humbleton Farm, which Members were minded to approve following consideration of the application at the Planning Applications Committee on 11th March 2009. The suggested conditions and heads of terms will then form part of the package of information to be referred to the Secretary of State for Communities and Local Government (Government Office for the North East) under The Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999. The report also updates Members on a number of technical issues, which were outstanding at the time the application was considered.

Summary

2. Members of the Planning Applications Committee considered the above planning application and were minded to grant planning permission for the proposal. Before the decision can be issued however, the application must be referred to the Secretary of State for Communities and Local Government (Government Office for the North East) under The Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999 on the basis that the proposed development, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the development plan's policies and procedures. The Secretary of State then has a period of 21 days to determine whether the application should be 'called-in' for the Secretary of State to decide himself, or direct that the Local Planning Authority may determine the application.
3. Following the decision of the Planning Applications Committee on 11th March 2009, Officers met with representatives of Darlington Farmers Auction Mart and their agents to discuss how to proceed with the outstanding issues relating to the outline planning application and the proposed planning conditions and appropriate matters to be included within the Section 106 legal agreement before the application is referred. The applicants and their agents agreed to provide additional information to address those outstanding concerns before the application was progressed.
4. Consequently, following these discussions and the submission of further information in respect of some of those outstanding issues, a schedule of conditions and heads of terms for the Section 106 legal agreement has now been drawn up in preparation for the application being referred to the Secretary of State. These are appended to the report. If Members accept these conditions and heads of terms then they will then form part of the package of information to be referred to the Secretary of State.

Recommendations

5. That Members approve the content of the report, together with the appended planning conditions and heads of terms of the Section 106 Agreement which will then be referred [including any amendments Members deem necessary] to the Secretary of State for Communities and Local Government (Government Office for the North East).

**Richard Alty,
Assistant Chief Executive (Regeneration)**

Background Papers

No background papers were used in the preparation of this report.

Lisa Hutchinson: Extension 2605

MAIN REPORT

Information and Analysis

6. When the Planning Applications Committee considered the planning application on the 11th March 2009, there were a number of outstanding technical matters, which arose during the consultation period. In view of the officer recommendation to refuse planning permission however, these matters were not resolved with the applicants or their agent prior to the application being considered by Members.
7. At the time of consideration, there were a number of outstanding objections to the proposal from the Highways Agency, the Environment Agency and Durham County Archaeology department. The following matters have now been resolved:
 - The Highways Agency has now lifted the holding direction, which directed that planning permission not be granted until agreement was reached on the measures required to adequately mitigate the impact of the development on the strategic road network, following further discussions between the applicants' Transport Consultants and the Highways Agency. Agreement has been reached on a package of measures to mitigate the proposed development and the Highways Agency has now lifted the holding direction and has directed that a number of conditions be attached to secure these improvement works.
 - Further objections from both the Environment Agency and Durham County Archaeology Department have also been lifted and appropriate conditions have been suggested requiring the submission of further information for approval.
8. A phasing condition is suggested to ensure that the proposed Agricultural and Equine Centre is built, to avoid a situation whereby the permission is only partially implemented such that the business park is built without the Agricultural and Equine Centre. A further condition is also suggested limiting the occupancy of the business units to those uses accepted as being reasonably related to the Agricultural and Equine Centre.
9. A Section 106 Agreement is required to secure a financial contribution towards the improvement of two bus stops, one on either side of the A68.