

# **DURHAM COUNTY COUNCIL**

## **AREA PLANNING COMMITTEE (NORTH)**

At a Remote Meeting of the **Area Planning Committee (North)** held via Microsoft Teams on **Wednesday 25 November 2020 at 9.30 am**

### **Present:**

**Councillor I Jewell (Chair)**

### **Members of the Committee:**

Councillors A Bainbridge, A Bell, L Boyd, D Boyes, J Higgins, A Hopgood, O Milburn, C Martin, J Robinson, A Shield, J Shuttleworth, K Thompson and T Tucker

### **Apologies:**

Apologies for absence were received from Councillors S Wilson and C Kay

### **Also Present:**

Councillors W Stelling and D Wood

### **1 Apologies for Absence**

Apologies for absence were received from Councillor S Wilson

### **2 Substitute Members**

There were no substitute Members.

### **3 Minutes of the Meeting held on 16 June 2020**

The minutes of the meeting held on 16 June 2020 were confirmed as a correct record and signed by the Chairman.

### **4 Declarations of Interest (if any)**

There were no declarations of interest.

### **5 Applications to be determined by the Area Planning Committee (North Durham)**

**a DM/20/00956/FPA - Land to the West of Southfield Farm, Hamsterley Mill**

The Committee considered a report of the Senior Planning Officer which sought approval for the erection of an egg production unit for organic free-range hens, within 40 acres of newly planted woodland.

The Senior Planning Officer provided a detailed presentation of the application which included a site plan, site photographs and the existing and proposed layouts of the unit.

He further advised that there was an error contained within paragraph 4 of the report, which stated that Councillor Shield had called the application in, when in fact this had been Councillor W Stelling, who was also in attendance to speak.

Councillor Bell noted the reference to the birds using the outside wooded area and queried whether they would be housed inside or out. In response the Senior Planning Officer advised that the birds would effectively be free range, with tree planting used for shelter.

Regarding the objections raised and highlighted by the Senior Planning Officer, the Chair asked whether the officer could confirm the consultation process had been carried out in accordance with protocol. In response the Senior Planning Officer advised that determining who should be consulted was balanced proportionately to the proposals. Those closest to the site had in this case been consulted. Consulting on a wider basis could result in accusations that the Officer was attempting to build objections.

Councillor W Stelling, local Member addressed the committee to speak in objection to the application. He commented that the proposals would have a detrimental impact on the landscape value and a very popular public walk and ancient woodland area. The smell and noise and appearance of the site would change the whole aspect of the valley. The site was also in close proximity to the village of Medomsley and close to the local primary school.

In addition, he added that he too had concerns regarding the potential for the water course to be polluted.

Mrs B Nesham, local resident addressed the committee in objection to the application. She explained that in her opinion the cumulative impact of housing an additional 18,000 birds on this site would be detrimental to neighbouring residents. She further referred to guidance from DEFRA in relation to infill units and permits.

She noted that the access to the site would be a significant investment for the applicant and felt that this may be cause to believe that an additional building may be applied for in the future.

In addition, she too held concerns regarding cross contamination from the nearby burial site and for overall water course pollution from the intensification of the farms use. She advised that the whole area of Medomsley had concerns regarding this application and respectfully asked that the application be refused.

At this point the Senior Planning Officer provided clarification on the boundary of the site and roadway and noted that references made to DEFRA were separate from the planning process.

M Anslow, Neighbourhood Interventions Team explained that the site was 650m away from the nearest village and that buildings of this nature tended not to cause levels of concentrated odour which would impact upon these properties. He further referred to a similar site at Hamsterley, which had received no complaints at all and was in much closer proximity to dwellings.

As a point of clarification at this point, N Carter, Solicitor advised that the points raised by objectors relating to risks of contamination were not supported by evidence, nor were they considered to be likely. He therefore advised that these comments should bear limited weight when determining the application.

At this point the Chair welcomed D Stewart, Principal Development Manager Engineer to advise the committee on the highways impact of the proposals.

The Principal DM Engineer advised that the route to the site was a strategic freight route for the County. The existing access had functioned without issue and it was noted that low levels of movements in and out of the site would be seen each week.

Councillor Tucker asked what proportion of the land would be open for free range and what the proximity of this section of land would be to the existing farm. In response the Senior Planning officer confirmed that there would be 2 fields of separation with wildflower planting between the area used for birds and the existing farm. He further noted that whilst the birds would have a large area, they would not be given unlimited range and this was constrained to a degree.

Mr K Henderson, Applicant addressed the committee in support of the application. He advised that his family had been poultry farmers on the site since 1970 and were registered organic free-range egg providers.

He explained that the birds had a 350m range from the shed.

Mr R Tulip, Lintz Hall Farm advised that they were a family run business, with 60 employees. He explained that over recent years people's buying habits had changed and increased demand for free-range and organic eggs had been seen, leading to the need to upscale the operation to ensure that existing contracts could be met. He further noted that during the 10-year period that the chicken farm had been in operation, there had been no issues regarding noise, pollution or smell and the application sought to merely extend the current operations.

Councillor Shield referred to the number of residents consulted in Dipton and Medomsley, and agreed that wider consultation in the Medomsley area would have been beneficial. In considering the planning balance he added that paragraph 15 of the NPPF was prescriptive in the requirement for applications to enhance the environment and in his opinion this application, would impact upon the unspoilt landscape, have a negative visual impact and was not well related to the existing farmstead.

He went on to outline his concerns in relation to natural drainage from Pont Burn to the River Derwent and noted objectors concerns regarding the neighbouring burial site. Regarding highways, he added that whilst he acknowledged the officer's comments, there had been no reference made to the steep, winding nature of the stretch of highway and that many accidents had occurred on this road previously. He felt that the likelihood of an accident occurring would increase when vehicles would be required to slow to allow turning HGV's.

With all that in mind he added that he was unable to support the proposal in this location as he felt it was contrary to Paragraph 11 and 15 of the NPPF and Paragraphs 10, 31 and 39 of the County Durham Plan.

The Senior Planning Officer, in responding to the comments noted that the applicant had responded well to the officer's landscape assessment and amended proposals to reflect their requirements.

Councillor Boyes added that whilst he appreciated the local knowledge provided by the members of public and local members present, he was happy with the officer's recommendations and mitigating measures. He felt that the application sought to serve the greater good, ensuring the continuity of local jobs and was positive from an ethical point of view.

Councillor Tucker asked what other structures were already on site and what was already visible from public view. It was reported that the site housed a conventional farm steading. The site was not visible from the main road but was visible from the higher up settlement of Dipton.

Further discussion took place regarding the proposed road, noting that this would be an agricultural track, surfaced in dark grey bedded chippings. The Senior Planning Officer further commented that in relation to comments made regarding hedges and screening on Long Close bank, these issues would be agreed with the applicant as part of the landscaping scheme.

Councillor Boyes **Moved** the recommendation subject to the conditions listed in the report.

Councillor **Boyd**, Seconded the officer's recommendation.

Following a vote being taken it was

**Resolved:**

That the application be **APPROVED** subject to the conditions as listed in the report.

**b DM/20/00712/FPA - Land to the south of West Pelton Primary School, West Pelton**

The Committee considered a report of the Senior Planning Officer which sought approval for the erection of a single bespoke architect designed 4 bed dwelling and eight 'glamping pods'.

The Senior Planning Officer provided a detailed presentation of the application which included a site location plan, site photographs and the proposed layout of the site.

Councillor D Wood, local Member addressed the committee to speak in objection to the application. Councillor Wood noted that he was a Local Authority School Governor at West Pelton school however several of the school governors including the chair had already raised concerns about this through the planning portal.

He went on to state that since the original application was submitted the goal posts had moved significantly due to the adoption of the County Durham Plan. Original reasons for the application being called in were due to the proximity of the site to West Pelton Primary School and its proposed location outside of the traditional boundary of the village. Concerns were also highlighted regarding access to the site, which had resulted in a number of objections from nearby residents.

He further noted that the application originally was submitted without any consultation with the school or with local residents and at the time of the

original application being made it was also done so without any pre application advice from Planning Officers. The lack of pre consultation had made it much more difficult in terms of the local community to address the issues and the application was subsequently withdrawn following objections. It was evident from this application however that there had been work undertaken with planning officers to mitigate some of the concerns that had been raised and whilst those mitigations have been put in place to address the access arrangements, significant objections remain to the development of this site mainly due to its location and proximity to the neighbouring school.

Further concerns outstanding as a local member related to issues with water supply and drainage, noting that there were existing drainage issues downhill of the site which in his view could be exacerbated by the development.

Furthermore he commented that if the single property on the site were considered without the glamping pod element it was his view that even under the County Durham Plan this would likely constitute ribbon development between the villages of West Pelton and Grange villa and would be unlikely to be recommended for approval. By including the glamping element the application becomes more palatable in planning terms however he stressed the significant level of objections from local residents and also the fact that the development of this site was deemed by County Council officers to be an encroachment into the open countryside beyond natural and defensible boundaries. Considering the points made he asked the committee to refuse the application.

Mrs S Clements, Applicant addressed the committee to speak in support of the application. She advised that this was an exciting retirement plan for her and her husband, which was a passion project which could prosper. The facilities to be provided on site were consistent with views expressed by Visit County Durham and would provide a welcome uplift to surrounding businesses.

She advised that whilst she acknowledged concerns regarding the proximity to the school, a heavily plated buffer would be installed on the boundary to minimise visual impact for both the school and the guests of the glamping pods. She further added that it was within their interests to ensure that they adhered to their own management plan and that guests adhered to onsite rules.

She also noted that there would be no means of noise creating activity on site and it would not be open to group bookings, which would further provide assurance to neighbours. Each of the units would be completely self-contained and this restricted movement around the site.

Regarding the dwelling, she added that his was of passive design in a strategic placement on site, reducing the visibility of the property. She further advised that a wind turbine would be installed to provide their own energy and this should be promoted.

Regarding the highway concerns raised, the Principal DM Engineer advised that as this site was to be used for holiday guests, trips in and out of the site would be usually during off-peak times of the day. The access met highways standards with good visibility.

Councillor Boyd commented that whilst she sympathised with the school and their concerns, and furthermore felt that the dwelling was not in fitting with its surroundings, she did appreciate that there was numerous tourism attractions in the area and accommodation of this nature would be welcomed by visitors.

Councillor Shield asked what assurances could be provided that the site would be managed correctly and in accordance with the conditions listed. He further asked whether if the application had been for a dwelling only would this of been considered acceptable given that it was outside the curtilage of the nearest residential area.

Councillor Bell commented that he felt the scheme was brilliant, the applicant had overcome the initial concerns raised by planners, whilst acknowledging that local members did still have some concerns. He felt that the site would help to support the local economy and was in a sustainable location.

Councillor Tucker noted that given the small number of pods to be provided on site this caused some concerns for the long-term financial stability of the business and if it were to fail, then the house would be able to remain. In response the Senior Planning Officer advised that the business had intended to put in place a low-cost entry start as business viability was important to them.

Councillor Bell **Moved** that the application be approved subject to the conditions listed in the report. **Seconded** by Councillor Milburn.

**Resolved:**

That the application be **APPROVED** subject to the conditions as listed within the report.