

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00956/FPA
FULL APPLICATION DESCRIPTION:	Construction of a new organic 18,000 bird free-range poultry unit
NAME OF APPLICANT:	Mr Keith Henderson, Medomsley Organics Ltd
ADDRESS:	Land to the West of Southfield Farm Southfield Lane Hamsterley Mill NE39 1NQ
ELECTORAL DIVISION:	Leadgate and Medomsley Steve France Senior Planning Officer
CASE OFFICER:	Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application comprises building of 2573sqm on open agricultural land, under an improved grassland management regime, 0.7km east of the village of Medomsley. The surrounding land is open countryside, designated within the Area of High Landscape Value. There are public Rights of Way in the fields beyond the site and areas of Ancient Woodland. Between the site and the village is a greenfield burial site.
2. The landfall drops to the east of Medomsley, first gently to the burial site, then down a steeper bank, to the field upon which development is proposed, which plateaus before falling again steeply towards the farm group of Southfield Farm which is sited immediately adjacent an existing poultry shed.

The Proposal

3. Permission is sought for the erection of an egg production unit for organic free-range hens. The unit will be set within 40 acres of newly planted woodland consisting of traditional broad-leaved species for both hen welfare and to meet RSPA standards. Three sheds are proposed to join in a common central processing area forming a 'Y' shape, each shed is 57.5m long, 5.7m to ridge and 3.5, to eaves. The proposal will generate two car movements per day and four lorry movements per week, with no lorry movements at weekends or bank holidays.

4. This application is reported to Committee upon the request of Councillor Alan Shield to consider the concerns of residents in the village and operators of the burial site.

PLANNING HISTORY

5. None

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The NPPF requires local planning authorities to guide development towards sustainable solutions whilst taking local circumstances into account, to reflect the character, needs and opportunities of each area.
8. In accordance with paragraph 213 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
9. The following elements of the NPPF are considered relevant to this proposal;
10. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
11. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

13. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 12 - Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate. Amongst other aims decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development. Noise should be mitigated and reduced to a minimum potential adverse impact to avoid noise giving rise to significant adverse impacts on health and quality of life. Decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development the applicant should be required to provide suitable mitigation.

NATIONAL PLANNING PRACTICE GUIDANCE:

16. National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.

LOCAL PLAN POLICY:

17. The Development Plan is the County Durham Plan that was adopted in October 2020 and the following policies are relevant to the consideration of this application.
18. Policy 10 (Development in the Countryside) states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside. Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

19. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document.
20. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources;
21. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
22. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
23. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
24. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<https://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

STATUTORY RESPONSES:

25. *Highways Officer*– has no objections to these proposals.
26. *The Coal Authority* - considers that the submitted reports have appropriately identified the risks and recommend a condition be attached to any approval requiring details of appropriate mitigation measures to be undertaken to demonstrate that the proposed development is safe and stable.

INTERNAL CONSULTEE RESPONSES:

27. *Landscape* – Officers note that ‘the site is within an Area of Higher Landscape Value in the County Durham Plan, with proposal seen primarily from a short section of the B6310 to the north, the public footpath approx. 100m to the south and in long distance, panoramic views from a range of public vantage points from elevated land across the valley including Dipton. The proposals would have some adverse negative landscape and visual effects given that it is a substantial free-standing structure within open attractive, unspoilt countryside and does not relate well to the associated farmstead or business premises. Cumulatively, these free-standing poultry sheds are having a negative visual impact on the wider Pont Valley landscape’.
28. ‘Notwithstanding the above, whilst of unconventional design and the requirement for a large amount of cut and fill to accommodate the building, the low profile pitched roof and juniper green cladding will reduce the impact of the building and help assimilate the development into its surroundings and given the existing vegetation and landform, subject to the appropriate mitigation measures (as outlined below), the significance of such effects would be reduced to an acceptable level and the structure would not appear unduly prominent in the rural agricultural landscape’.
29. ‘The proposal would entail the loss of small sections of hedgerows and potentially a prominent mature oak tree to accommodate the building and the new site access. The building is also bounded directly to the west by an historic hedgerow with hedgerow trees. Together these are an important landscape features and will help filter views of the proposal and help assimilate it into the landscape’
30. A number of detailed suggestions are made for a detailed tree/hedge method statement and protection plan to respect tree Root Protection Areas during the construction phase, and for the construction of the access track. The proposed hedgerow planting should be amended with existing hedges gapped up and augmented with tree planting to give better ecological connectivity and better screen the proposal through the year, with particular attention paid to views from the road and PROW. This is suggested pre-determination.
31. *Environmental Health* – Environmental Health Nuisance Action Team Officers have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). The following information has been provided to assist in consideration of any impact upon amenity.
32. ‘The development is considered to be both noise and odour generating. In terms of odour this is associated with waste and noise mainly the potential noise from extractor fans. The development is fairly removed from receptors being in excess

of 600m from the nearest sensitive receptor, being residential properties on Manor Rd and 280m from a medium sensitive site, Seven Penny Meadow burial site’.

33. Odour arising from site such as this is from chicken waste. The level of odour is very dependent on the methodology employed on site and the type of building etc, with modern purpose-built units having a significantly reduced impact due to a range of design and good practices employed. As odour was identified as a concern the applicant has provided an odour impact assessment. This has used the FIDOL risk assessment methodology, within the IAQM guidance on the assessment of odour for planning.
34. The assessments consider a range of elements and is intended on demonstrating the potential impact of odour on receptor and as such whether further modelling or mitigation works are necessary. The assessment demonstrates that due to wind direction, separation distances and the nature of the odour that the risk posed is negligible. I agree with the risk assessment in relation to the findings associated with the residential properties. However, I do not except the findings wholly in relation to the impact on the burial site. Firstly, the site should be considered as a medium risk rather than low as stated as it will be visited by family members and as such individuals may spend some time there and likely expect a certain degree of amenity. However, although the potential sensitivities may have been under assessed, considering the wind rose and separation distance, I would expect the risk to be a slight adverse effect at most.
35. Over reliance on the wind rose is to be avoided as each separate area can have its own microclimate in relation to weather etc. However, the wind direction over the County has been shown to be very much lead by westerly winds and as such direct any odour away from the nearest receptors. As stated in ii) on page 31 of the above guidance, Odour episodes tend to be associated with periods of stable atmospheric, with low wind speeds. This is due to poor dispersal and can often be found during periods of more clement weather and as such increase the impact on receptors. However, this impact is only likely to affect very close receptors due to the lack of dispersal and as such is unlikely to be an issue in this circumstance.
36. In addition to the above risk assessment the assessment includes detail on the mitigation measures to be employed in relation to control of odour. I would advise that the information supplied demonstrates that the proposed building will implement relevant good practice and structure elements to minimise odour escape and aid with dispersal.
37. Considering the above, it is only expected that in infrequent circumstances is there likely to be any impact associated with odour from the above development. This is likely to be most frequent at the burial site, however even then, based on the FIDOL methodology, it is not expected to be more than a slight impact on amenity. It is expected that the greatest likelihood is during cleaning out time and when wind is in the direction of residential properties. However, cleaning out occurs once every 14 months and is finished in a day.
38. Further advice was provided on noise implications: where Nuisance Officers assessed the implications on a worse-case scenario for both the effect on residential properties and the burial ground, concluding that it would be prudent to affix a condition requiring a minimum threshold level to be achieved in relation to noise.
39. *Environmental Health (Contamination)* Officers have written to confirm that they have no adverse comments to make and that there is no requirement for a

contaminated land condition. They do however suggest an 'informative' to cover the eventuality that unexpected contamination is discovered on the land.

40. *Ecology* – requested and then gave further comment on a Preliminary Ecology Assessment submitted during the course of the application, having suggested the scheme provide connectivity for the benefit of ecology interests. Review of the suggested location of hedge-planting is suggested in association with comments from Landscape Officers.
41. *Footpaths* – note that vehicular access to the poultry unit would be in part over public footpath no. 12 Consett. Given the anticipated vehicle movements associated with the poultry unit they have no concerns as the footpath also serves as access to Southfield Farm and associated farm traffic, and they are unaware of any conflict with public use of the footpath arising from this arrangement. There are several other public rights of way in the wider area which are not directly affected. However, there may be an indirect effect on public amenity from possible odours and noise arising from the poultry unit. It is noted that the Draft Odour Impact Assessment concludes that the likely effect on public footpaths in proximity to the poultry units is low, and that noise management is proposed.

PUBLIC RESPONSES:

42. 100 notification letters were sent out to surrounding residents. This has resulted in 27 responses, including 25 letters of objection (with some slight duplication). Letters were sent to properties at the closest edge of Medomsley, isolated dwellings in the countryside in the hinterland of the site, and dwellings visible in longer views from the site – i.e. from Dipton. A site notice was also posted on the nearby public right of way.
43. The main concerns of local residents are summarised as follows: In visual terms and the effect on the countryside and landscape, the proposed development is not compliant with the development plan, the poor location the proposed production units encroaches on the open countryside, which will be visible from Longclose Bank and from properties in the village. The units themselves will be visible from the road and as a distraction will compromise highway safety. The access track is an unacceptable visual intrusion into the protected countryside. The countryside location is obtrusive and of detriment both to footpath users of the area, particularly children, and will compromise ecology and wildlife interests, with ancient hedgerows, specimen trees and protected birds in the area. The height of the buildings and their extraction units are concluded to be an eyesore.
44. Residential amenity concerns are significant, with two main dimensions: odour and noise. The submitted assessments are questioned in detail for their underpinnings, base assumptions and conclusions, with some confusion over the number of birds proposed. Residents are clear in their conclusions that the proposed operation will affect the amenity they expect to enjoy in their homes and on their property.
45. Comparable objections have been received from and on behalf of a Greenfield Burial ground, situated between the site and the village, with the effects for prospective clientele, mourners and visitors to that facility unacceptably compromised.
46. There are concerns raised that leaching from the burial ground will affect the egg production operation and enter the food chain or encourage avian flu.

47. Further objections mention sufficient capacity in the area and the opportunity for alternative siting.
48. The extent of the consultation exercise has been a contention, with many correspondents contending that the whole of the village of Medomsley should have received formal notification of the proposals.
49. A single letter of support describes the proposal as necessary for the, 'continued efficient operation of a local agricultural business and benefit the rural economy'. The site is contended to avoid intensification and clustering of the use, with benefits to consideration of odour issues. The siting avoids conflict with the Heritage assets of Medomsley Conservation Area and the listed buildings at Hamsterley Hall.

APPLICANT'S STATEMENT

50. **Economic Benefits and Growth:**
The Henderson family have been in poultry production for over 50 years spanning three generations. Building this poultry unit will help secure the future of the farm for our family and our employees. An additional 2 employees from the local area will also be required. Due to consumer's requiring a move from Intensive egg production to higher animal welfare production methods organic eggs are in high demand. The organic eggs from this unit will be sold to Lintz Hall Farm Ltd, a local egg packing company that will distribute them to local shops and restaurants in the North East. We have grown into the largest supplier of eggs in the region and now employ over 60 people directly, with many more ancillary businesses benefiting from the business (almost all of which live and are based within the Derwent Valley area).
51. As with any business, we must respond to the ever-changing requirements of our customers in order to continue to be successful. Due to the changing buying habits of consumers, all the major UK retailers have made commitments to phase out the sale of eggs produced by what is perceived to be lower welfare production systems. This has led to the increase in demand for both standard free range and organic free-range eggs.
52. Lintz Hall Farm does not currently have any organic free-range egg production within the business, and we must be able to offer both free range and organic free range together as a packaged solution in the future to keep our existing customers and to secure new contracts. It cannot be understated that the success of this project is a critical component to the future security of Lintz Hall Farm and its employees.
53. **Welfare and Siting:**
When selecting a site to produce organic, high welfare and environmentally friendly eggs, we must have a site that meets the requirements of the organic certification bodies, RSPCA etc. The regulations stipulate that the range must be less than 350 meters from the perimeter of the building. Therefore, the building must be centrally situated within an area of grass land consisting of 30 acres so that birds can successfully use the available area around the shed for grazing.
54. Whilst we must have a site that complies with the relevant regulations, we have also taken great care to consider any potential impact on the local area and as such, have chosen a site with the least visual impact possible. To help achieve

this and after intensive consultation we have also scaled back the proposal from the original 36,000 birds to 18,000 birds.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q8ICQSGDGV100>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

55. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development and its effects on the countryside, the potential effects of odour and noise on residential amenity in surrounding dwellings and for the use of a greenfield burial site and highway safety.

The Principle Issues

56. The site is in a countryside location, and the proposed use is agricultural in nature. At its most basic level, the development of an agricultural operation in the countryside, with the economic activity this brings, both during the construction process and in operation is of positive material weight. It is the detailed implication, to both the countryside location and to the reasonable expectations of amenity by nearby land-uses that will determine if the proposal is acceptable. The applicant has submitted detailed specialist reports to set out the likely effects, which have been commented on by specialist consultees and are discussed below.

Countryside and Landscape

57. The application proposes the erection of a large modern agricultural structure in open countryside designated as an Area of High Landscape Value. Policy 39 of the County Plan states that 'proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views' and 'Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects'. Further, 'Development affecting Areas of Higher Landscape Value defined on Map H, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm'.
58. The site is on a step in the sloping landform, that significantly restricts views from the direction of Medomsley and the greenfield burial site. Views from the roadway would be short term, with its appearance in longer views partially mitigated by the fact that this form of agricultural operation is a feature of the landscape in this part of the County and by existing blocks of woodland. Landscape Officers acknowledge the setting and the relationship to surrounding vantage points and that proposals would have some adverse negative landscape and visual effects given that it is a substantial free-standing structure within open, attractive and

unspoilt countryside and does not relate well to the associated farmstead or business premises.

59. Their assessment goes on to add that whilst of unconventional design and a requirement for a large amount of cut and fill to accommodate the building, the low profile pitched roof and juniper green cladding will reduce the impact of the building and help assimilate the development into its surroundings and given the existing vegetation and landform. Subject to the appropriate mitigation measures, the significance of such effects would be reduced to an acceptable level and the structure would not appear unduly prominent in the rural agricultural landscape. These measures include reinstatement of hedgerows between the site and the road and augmentation and gapping of existing hedgerows, use of specific materials in the construction of the access track close attention to root protection areas and agreement for a detailed planting and management plan bringing compliance with policy 40. These comments are considered to align with the County Ecologist's comments for the landscaping scheme to benefit ecological connectivity. These requirements could be achieved by imposition of an appropriate condition and this approach has been agreed with the applicant.
60. Any built development in the countryside is likely to cause a degree of harm, with policy 39 clear that proposals will be expected to incorporate appropriate mitigation measures to counter this. Driving economic development is both a general economic benefit required by the planning policies and one of the key corporate agendas of Durham County Council. With the application serving this agenda and arguments that there are benefits to these types of development, reasonably common in the area, not being allowed to cluster, it is considered that there are arguments for development in this location. Compliance with policies 10 and 39 is concluded.

Residential and Business Amenity

61. Residents and the greenfield burial site have raised issues of potential concern from odour and noise from the operation as noted in the objections. The applicant has submitted detailed technical reports for these issues that have been assessed in by the Nuisance Action Team in Environmental Health. Their response is set out in detail above and must be considered against the requirements of policy 31, Amenity and Pollution. This states that 'development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level'. The applicant has noted on this point that in terms of noise that modern chicken sheds generate very little noise. The motors used to run feeders and fans are inside the shed and are designed to be very quiet so as to not disturb the hens. 'Outside of the shed you would struggle to hear much at all and certainly not from any short distance away'.
62. It is the conclusion of the specialist consultee, as detailed in paragraphs 29 to 36 above, that levels of odour and noise are acceptable following a detailed analysis of the operation, its timing, nature and level of intensity and the environment around the site, with appropriate conditions suggested to ensure this. The scope of the conditions sets an upper limit for the noise environment. The conditions and title of the application set a precise number - 18,000 birds reflecting the proposal.

63. The specialist consultee comments extend to an assessment of the potential effect of the development on the greenfield burial site, which again advise that subject to appropriate safeguards, the use is acceptable.
64. This specialist advice when considered against the requirements the planning policies is obviously of significant weight. Policy 31, Amenity and Pollution states that development which has the potential to lead to levels of air quality, inappropriate odours, noise and other sources of pollution will not be permitted where identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level. With the safeguards of the suggested conditions in place it is considered this can be achieved.

Highways

65. Residents are concerned that the twisting B6310 of Longclose Bank has a poor accident record and that the introduction of additional commercial traffic will exacerbate this issue, presenting a highway safety problem. The location of the access and the nature of the operation and level of vehicle trips to be generated was discussed with County Highways pre-submission, resulting in their lack of objection to the proposals. Both policy 21 of the Development Plan and paragraph 109 of the Framework seek to ensure highway safety, and with the advice of Highways Officers, the proposals appear acceptable and policy compliant in this respect.

Other Issues

66. One correspondent has commented on the relationship to nearby heritage assets – Medomsley Conservation Area and Hamsterley Hall, with its listed status. The landform, separation distances and intervening landscape features are such that it is considered there is no effect on these designations.
67. The Coal Authority's suggested condition is considered an appropriate response to ensure ground stability issues are addressed.
68. Some correspondents have suggested a contamination issue from the burial ground and a range of potential health related implications. In response to their consultation Contamination Officers have written to confirm that they have no adverse comments to make and that there is no requirement for a contaminated land condition. They do however suggest an 'informative' to cover the eventuality that unexpected contamination is discovered on the land.
69. Notwithstanding residents' concerns for the effects on the footpath network, the Public Rights of Way team consider the proposals acceptable, acknowledging the implications of the scheme.

CONCLUSION

70. The application proposes a large and potentially intrusive agricultural operation in countryside subject to a protected landscape designation. The use is appropriate in principle in the countryside, but to be acceptable must mitigate its presence in the landscape. Specialist advice indicates that this can be achieved within the designated landscape meeting the requirements of County Durham Plan countryside and landscape policies 10, 39 and 40.
71. The nature of the proposal is such that it has the potential to affect residential and other neighbouring land-uses in amenity terms – particularly in relation to odour and noise issues. However following a detailed assessment of submitted information by Environmental Health Officers and subject to suggested conditions, it is concluded that the proposal meets the requirements of policy 31 of the County Durham Plan and would have an acceptable impact on the environment, and on the amenity of people and human health..
72. Highways Officers are satisfied that the scheme is acceptable in Highway Safety terms bringing compliance with. A range of extended contamination potentials are suggested, however no requirement for a contamination condition has been identified.
73. The scheme includes sufficient mitigations and supporting technical information to allow for a recommendation for approval, subject to the conditions set out below.

RECOMMENDATION

74. That the application be **APPROVED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
 2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 21, 29, 31, 39, 40 and 41 the County Durham Plan, 2020.
 3. Prior to the commencement of development, the applicant must submit, for the written agreement of the Local planning authority a scheme of landscaping to include a method statement, timescales for implementation, a tree and hedgerow protection plan with details of root protection areas and construction details of the proposed access track. Further, written scheme for hedgerow planting around the building must be removed, and a scheme for new and augmented and gapping and thereafter maintaining identified hedges and boundaries, along with the proposed

woodland planting must be provided and shown on a landscaping plan along with timescales for implementation and replacement of failed specimens. The development must be completed in full accordance with the approved landscaping scheme and the timings therein.

Reason: To help assimilate the development into the countryside and Area of High Landscape Value, as required by policies 6, 10, 39 and 40 of the Durham County Plan 2020.

4. For odour implications, the approved scheme for a poultry unit of 18,000 birds must be operated in full accordance with the mitigation measures set out in the submitted risk assessment (Ref:1010396-01(00), Dec. 2019, RSK/ADAS).

Reason: To ensure the amenity of nearby residents and businesses in accordance with the requirements of policy 31 of the Durham County Plan 2020.

5. Before any ventilation plant is operated, a detailed noise impact assessment and scheme of sound attenuation measures shall be submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from ventilation plant] on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 at Seven Penny meadow burial site and 0dB LAeq (15 mins) between 23.00-07.00 at residential properties including those on Manor road and cottages on Southfield farm . The measurement and assessment shall be made according to BS 4142: 2014. The approved noise impact measures and values must be adhered to in accordance with the written agreement at all times when the development is in use.

Reason: To ensure the amenity of nearby residents and businesses in accordance with the requirements of policy 31 of the Durham County Plan 2020.

6. To address potential implications of the Coal mining legacy for ground stability, prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the mitigation necessary to address the risks posed by past coal mining activity to the access road. The development shall not be occupied until such time as the statement/declaration has been approved in writing

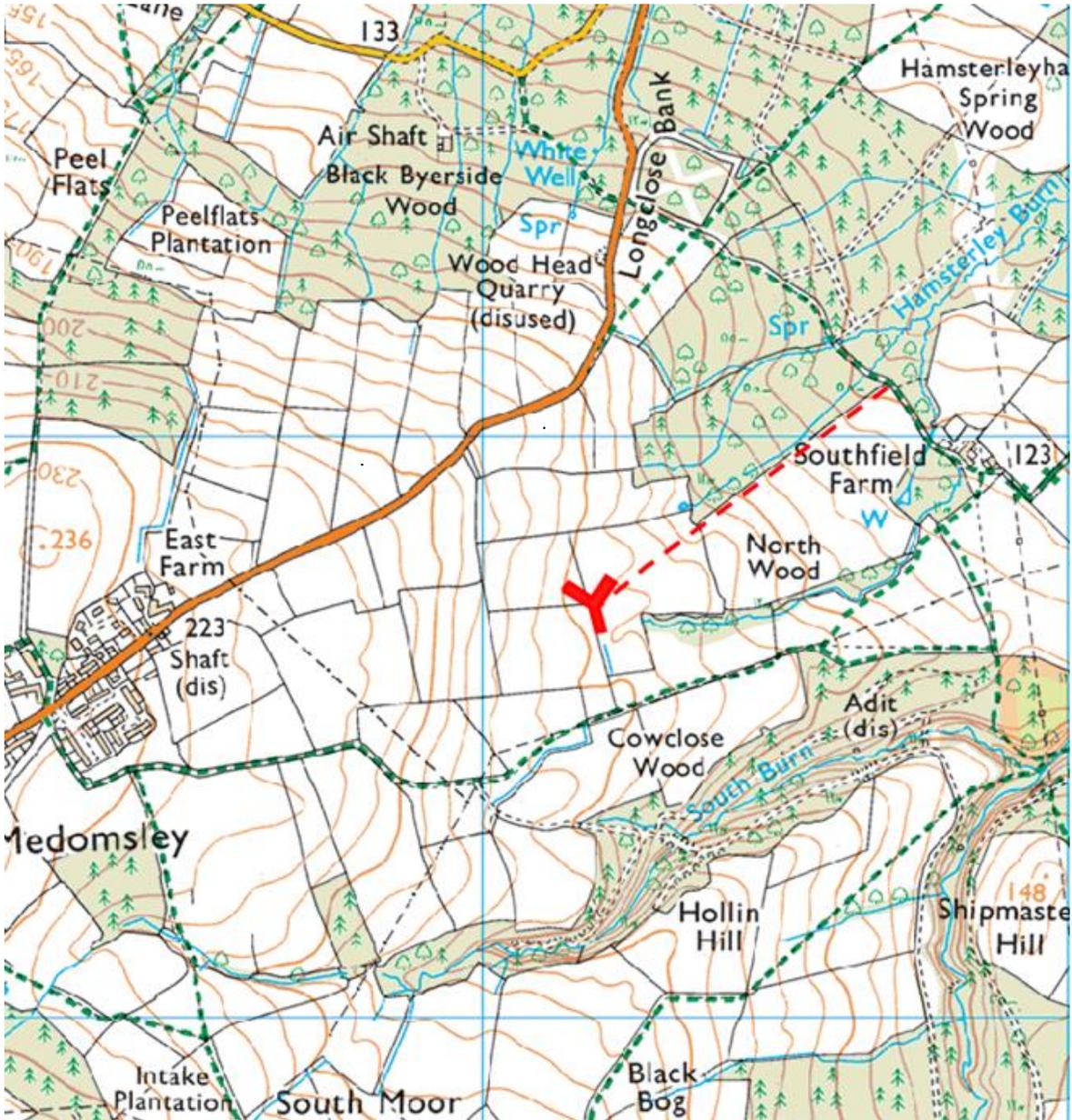
Reason: to ensure the ground stability issues are addressed for the safety of the approved use in accordance with the requirements of part 15, paragraphs 178 and 179 of the Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

The National Planning Policy Framework (2019)
National Planning Practice Guidance Notes
Durham County Plan 2020
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

DM/20/00956/FPA

Construction of a new organic 18,000 bird free-range poultry unit

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Comments

Date 25.11.2020

Scale NTS