

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/20/02519/FPA
FULL APPLICATION DESCRIPTION:	Proposed Temporary Permission for the Use of 2 no Agricultural Buildings as an Events Space for 30 Days per Year and Installation of associated Car Park Hardstanding areas
NAME OF APPLICANT:	Mr Richard Tulip
ADDRESS:	Lintz Hall Farm Lintz Lane Burnopfield Newcastle upon Tyne NE16 6AS
ELECTORAL DIVISION:	Burnopfield and Dipton
CASE OFFICER:	Graham Blakey Principal Planning Officer Telephone: 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site extends to approximately 4 hectares and comprises of 2no existing agricultural buildings. The agricultural building to the north is fully enclosed and measures 2,380sqm. The agricultural building to the south has the existing east elevation open with part of the northern elevation open. The southern building measures 760sqm. The site includes an informal car park and areas of hardstanding around the existing agricultural buildings.
2. The site itself forms part of a larger area of Lintz Hall Farm which is an existing poultry farm which sells locally produced eggs, which is situated some 170m to the west of the site. The B6310 is located to the north of the site with access to the site taken from the B6310 and leads south along the existing access road.
3. The village of Burnopfield is located to the east of the site with the closest residential properties located at Lambton Gardens, approximately 410m from the site. There are areas of woodland to the north east and east of the site. The topography from the eastern boundary rises towards Burnopfield. There is existing hedgerow along the access road to the west of the site. The nearest properties to the site are located to the north, along the B6310 at Priestfield Farm. Priestfield Farm is made up of several dwellings and located approximately 270m from the northern elevation of the northern agricultural barn.

4. The site itself is designated as an Area of High Landscape Value (AHLV) and it does lie partially within a Coal Mining High Risk Area. The site lies wholly within Flood Risk Zone 1. In terms of heritage assets, the closest Listed Buildings can be found at the Grade II walls, piers and railings entrance to Lintz Green House and Lintz Green House itself, located approximately 600m to the east.
5. With regards to biodiversity, Strother Hills Site of Special Scientific Interest (SSSI) is located approximately 1.4km to the north of the site. Deep Dene Local Nature Reserve (LNR) is located approximately 2.2km to the south of the site.

The Proposal

6. This planning application seeks planning permission for the proposed temporary permission for the use of 2 agricultural buildings as an events space for 30 days per year and installation of associated car park hardstanding areas.
7. The application is retrospective as Lintz Hall Farm have been running events from this location for approximately two years. The application seeks a temporary permission (5 year period) of the 2 agricultural buildings which allows for events to run for 30 days of the year only. The days would not be consecutive.
8. The proposal includes car parking for approximately 520 spaces with overflow car parking in the adjacent field if required. Landscaping is proposed to the car parking area to assist in screening the development.
9. There are no external alterations proposed to the existing agricultural barns. The application seeks retrospective permission for the car park which is currently in place.
10. This planning application is being reported to the County Planning Committee as a result of the size of the application site.

PLANNING HISTORY

11. The planning history relating to the site is listed below:

1/2004/1140/20544 – Erection of agricultural building for the keeping of poultry - Approved
1/2005/0482/21566 – Erection of agricultural building – Approved
DM/15/01910/FPA – Extension to existing free range poultry unit (Unit 2) – Approved
12. A previous application was submitted for a proposal in the same location, the details of which are below:

DM/19/02282/FPA – Change of use of land and buildings to a leisure venue for seasonal events, sports and fitness events, team building/corporate events and weddings (Use Class D2).

PLANNING POLICY

NATIONAL POLICY

13. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable

should go ahead without delay. 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.

14. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
15. *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.
16. *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.
17. *NPPF Part 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
18. *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.
19. *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.
20. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

21. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

22. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The County Durham Plan

23. *Policy 7 Visitor Attractions* states the visitor sector is an important and resilient part of the County's economy. In order to raise the quality of the visitor experience, the provision of new visitor attractions, or the expansion of existing attractions will be permitted provided they are located in sustainable and accessible locations; appropriate to the site's location in terms of scale, design, layout and materials; it can demonstrate the viability of the new attraction or, where appropriate, helps support the viability of an existing attraction; and it enhances and complements existing visitor attractions or priorities in the County and supports the development of a year-round visitor economy and/or extends visitor stays. Where a countryside location is necessary the development should meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside.
24. *Policy 10 Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
25. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
26. *Policy 26 Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green

infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

27. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
28. *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.
29. *Policy 35 Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
30. *Policy 36 Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
31. *Policy 39 Landscape* 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 that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
32. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
33. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the

development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

34. *Policy 40 Trees, Woodland and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
35. For the avoidance of doubt, there is no relevant Neighbourhood Plan.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highways Authority* – Raise no objection subject to pre-commencement condition being attached relating to engineering details of the access and highway road marking improvements works.
37. *Northumbrian Water Limited* - Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
 - Discharge into ground (infiltration)
 - Discharge to a surface water body
 - Discharge to a surface water sewer, highway drain, or another drainage system
 - As a last resort, discharge to a combined sewer

INTERNAL CONSULTEE RESPONSES:

38. *Design and Conservation* officers have no objections and comment that it is positive that the whole allocation is now being masterplanned as one site, meeting the requirement of Policy 5 in this regard. A detailed assessment of the proposal has been carried out at a Council internal Design Review Panel whereby the scheme scored three green scores and three amber.
39. *Drainage and Coastal Protection* – A construction detail should be supplied for the hardstanding area. The design should take into account the infiltration coefficient of the subgrade, If the subgrade is impermeable, then the construction may have to be underdrained and attenuated.
40. *Ecology* – Raise no objections.
41. *Landscape* – due to topography the proposals will be seen in long distance, panoramic views from a range of public vantage points. There is concern about the amount of carparking and the transformative, negative effect that it will have on the AHLV. Given the limited days the proposal car parking will be used, should the benefits of development outweigh the harm, the proposal will be expected to incorporate appropriate measures to mitigate the adverse landscape and visual effects of this large area of hardstanding. The measures include planting and measures to reduce the visual impact of the hardstanding such as Cellweb systems could be more visually acceptable.

42. *Landscape (trees)* – The application will not affect trees. Raise no objections.
43. *Nuisance Action Team* – A revised noise assessment has been submitted which evaluates noise from music entertainment breakout and considers noise from patrons using the site, plant and equipment and stock refuse and movement of other items. Vehicle noise is considered in the report and whilst this is difficult to directly control, it should be noted it will impact on local amenity. It is evident that an events venue at Lintz Hall Farm is large enough to impact on the surrounding area. Therefore, it is reasonable to expect some noise will be heard by residents. Noise from vehicles coming and going and human voices through interaction with the various activities which the events venue offers, maybe variable and arguably classed as ancillary noise. The submitted revised noise assessment, fundamentally considers noise from amplified music, and aims to control it. The methodology used and the levels identified are accepted, however these should be considered as indicative levels - suggesting what might be acceptable. The main reasoning behind this being that they are based on short noise measurements of from a single event. If temporary planning permission is granted, then conditions would be required to ensure the development is acceptable in that short term.
44. *Public Rights of Way Section* – Raise no objections.
45. *Spatial Policy* – Assessment should be made with regard to the County Durham Plan. Policy 7 covers proposals for visitor attractions and states that new visitor attractions should satisfy a number of criteria (a-e) including sustainable and accessible location. Where a countryside location is necessary the development should meet identified visitor needs, support local employment and community services, ensure adequate infrastructure and respect the character of the countryside. Policy 10 is supportive in principle of diversification schemes, providing the proposal is suitable and commensurate with the intended use. Development must also satisfy range of general design principles (amenity, minimising vulnerability and resilience to impacts arising from climate change, etc.). Policy 22 sets down requirements in relation to sustainable transport. Policy 31 established that new development should demonstrate that there will be no unacceptable impact on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities. This includes noise and light pollution amongst other matters. The site is designated under Policy 39 as an Area of Higher Landscape Value. The policy requires that development in these areas will 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. Policy 40 sets down requirements in relation to trees, woodlands and hedges. This policy also notes appropriate stand-off distances between woodlands and new uses. To confirm, there is no neighbourhood planning activity in this location.

PUBLIC RESPONSES:

46. A total of 48 representations have been received in response to the consultation exercise involving individual letters, press and site notices. Of these, 46 of them object to the proposals.
47. The main reasons for objection are as follows:

Highways

- Traffic volumes on narrow road – dangerous
- Road safety

- Lack of suitable verges for safe driving
- Poor access
- Already existing highways issues from lorries at Lintz Hall Farm
- High concentration of traffic at opening and closing of events
- Lack of public transport to the site
- Safety concerns for cyclists
- No footpath
- Pont Burn Bridge inadequate for further traffic

Noise

- Noise late into the evening
- Excessive and prolonged noise
- Noise pollution already experience from previous events

Pollution (air and light)

- Light pollution will impact on the AHLV
- Increased carbon dioxide from increased amount of cars in the area
- Pollution from vehicle increases

Ecology

- Impact on bats and hedgerow
- Distress to local animals
- Three active red kite territories near to the farm – potential impact to breeding from noise
- Impact to Roe Deer in Pontburn Woods
- Ecological Report is negligent
- Negative Impact to biodiversity
- Request that a bat survey is conducted

Landscape

- Protect the unspoiled and very beautiful area – this proposal would cause long term damage
- Nearby PROWs will be impacted upon
- Car parking is hard landscape leading to further destructive practice
- Detrimental effect on the character of the area

Other Issues

- Litter
- Not a sustainable location
- Doesn't provide high quality jobs
- Does not fall within the agricultural business
- No benefit to the local economy
- Doubt of any substantial employment or financial benefits would result to mitigate the detrimental effects
- Disabled persons access is not sufficient
- Query how accurate the measurement in the noise, planning and ecological report
- Anti-social behaviour
- Vague event rules and how numbers attending the events will be controlled

48. 2 letters of comment have been received, with the majority having been received from local residents. The comments are summarised as follows:
- Late night activity
 - What exactly the events will entail
 - More information on event supervisors etc
 - Lacking in transport information
49. *Campaign for the Protection of Rural England (CPRE), Durham* – In their view the application in the Derwent Valley is totally inappropriate. The Derwent Valley has long since recovered from the mines and pit heaps of previous areas. The valley is now devoted to farming, forestry and countryside recreational activities. Secretaries of State over the last 50 years have dismissed 10 out of 10 applications for opencast coal mines underlining the landscape and amenity value of the valley. In their view, the proposal is inappropriate in the Derwent Valley and they ask that this application be refused.
50. *Derwent Valley Protection Society* – objects on the grounds of incorrect information contained within the reports submitted to support the application (noise, highways, planning). Adverse impact on residents due to forms of pollution. Highway safety implications, environmental scar on the landscape, light pollution and noise levels would be detrimental to the area for local residents and visitors.
51. *BEAM* – Increase of traffic will have adverse effects on tranquillity of area. Risk to passengers and pedestrians. Noise pollution would adversely affect residents of Burnopfield. Wildlife travel along and across the road and would be in danger. Lighting and noise pollution would impact on birds and bats.

APPLICANT'S STATEMENT:

52. The application is to regularise a temporary events space which has been running successfully for the last couple of years.
53. We are an existing poultry farm at Lintz Hall Farm and we as a family have employed a significant amount of people locally over the years. The events have allowed for part of the farm to diversify into an exciting and well-loved event which people travel from all over to visit.
54. Psycho Path is a truly unique experience which creates several scare attractions by hiring actors and creating narratives to create immersive experiences for the visitors. The events also involve spectacles such as stage shows including magicians, aerial acts, fire performers and DJs. Visitors have the opportunity to enjoy carnival games and street food from some of the best suppliers in the north.
55. A large part of the events previously took place outside but with the want to mitigate any impact for neighbours, the events have been brought inside to the existing barns which are no longer needed for the poultry farm. The activities now take place mostly inside which reduces the noise coming from the events.
56. The events have run successfully for a number of years and are growing in popularity. There really is nothing like this in the area. There is a management plan in place which is followed by all employees onsite to ensure a safe and successful event for all.

57. The events take place in October and November with the main attraction being the Fearground which is on and around Halloween. There are also bonfire nights which have more of a family focus and have been enjoyed by many over the years.
58. The planning application is submitted to allow for matters such as opening times and noise levels to be controlled by management plans which have been reviewed by the local authority officers at length. We are respectful of our neighbours and have undertaken noise and highways surveys to ensure that any impact is kept to an absolute minimum. We are grateful for the continued discussions with officers and appreciate their support for the proposal.

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=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

59. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the Development Plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise, the NPPF is a material planning consideration. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, landscape impact, highway safety and access, residential amenity, drainage and ecology.

Principle of the Development

The Development Plan

60. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
61. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
 - c) approving development proposals that accord with an up to date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

62. Policy 7 of the CDP states that the visitor sector is an important and resilient part of the county's economy. In order to raise the quality of the visitor experience, the provision of new visitor attractions, or the expansion of existing attractions will be permitted provided they are: located in sustainable and accessible locations, or can be made so; appropriate to the site's location in terms of scale, design, layout and materials; it can demonstrate the viability of the new attraction or, where appropriate, helps support the viability of an existing attraction; and it enhances and complements existing visitor attractions or priorities in the county and supports the development of a year-round visitor economy and/or extends visitor stays. Policy 10 of the Local Plan states that development in the countryside will not be permitted unless allowed for by specific policies in the plan. Policy 7 is listed within the relevant policies in footnote 54 of the Local Plan.
63. The proposal is for retrospective permission relating to the use of 2no agricultural buildings, associated hardstanding and car park to allow for a temporary events space at Lintz Hall Farm. Some events will also involve the use of land around the buildings and outside of this application site. Activities to these areas outside of the buildings can be undertaken without the need of planning permission and therefore are not assessed within this committee report.
64. Part 4, Class B of the General Permitted Development Order (GPDO) allows for the use of any land for any purpose for not more than 28 days in total subject to certain criteria including that the land in question is a building or is within the curtilage of a building. In short, the GPDO allows for outdoor events to take place, for no more than 28 days in a year, without the need for planning permission. Indoor use of buildings is excluded from this requirement and therefore, this application is requesting planning permission for the use of the 2no agricultural buildings for events alongside the above at Lintz Hall Farm.
65. The events held will include the 'Psycho Path' Halloween events, which have been operating for a number of years. The events are well frequented and as the application is retrospective, the viability of the attraction is considered to have been tested and it is officer's view that there is some support to part c of CDP Policy 7. Furthermore, the proposal put forward is for a temporary permission for use during only 30 days per calendar year. Should members be minded to approve the application, a condition is recommended which ensures that events can take place within this proposed frequency. The majority of events are proposed to take place in October, November and December. Visit County Durham have identified their eight priorities, one of which includes addressing seasonality. It is demonstrated by Visit Durham that County Durham, in general has higher numbers of visitors during the summer months. This proposal would attract a potentially different visitor to the area and within a season which does not have high visitor figures. It is considered that the proposal therefore gains support from part d of CDP Policy 7.
66. Policy 7 continues and states that where a countryside location is necessary, the development should: meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside. As the site is located within open countryside, it is relevant to assess the proposal against these criteria of Policy 7.
67. The proposal is for events which are considered uncommon and potentially unique, with the primary attraction that of a Halloween themed event. It can therefore be

argued that the proposal would meet a visitor need as well as addressing the issue of seasonality. The proposal is considered to accord with part e of Policy 7.

68. The site is not highly accessible due to being located within the open countryside, with a degree of separation from the nearby village of Burnopfield. It is however located upon a bus route linking to the village and also to Consett, Gateshead and Newcastle, but bus stops are accessible via unlit, unpaved B6310 main road approximately 800m from the buildings. As a result, the primary mode of transport to the site would be the private motor car and as such this does to a degree count against part a of CDP Policy 7. The retrospective nature of the application however does afford officers an understanding of how the site would be accessed that together with temporary nature of the proposals lessens the weight which can be attributed to this in the planning balance.
69. The proposal does not include any external alterations to the existing agricultural barns and therefore it is considered appropriate in scale, design, layout and materials and accords with point b of Policy 7. The proposed car parking is considered in terms of the impact upon landscape as part of this committee report.
70. The planning statement, submitted to support the application, states that the amount of part time employment will vary depending on the type of event. It is estimated that a larger event could require approximately 100 members of staff. The full-time employment equivalent is estimated to be 30 members of staff. It is considered that the proposal meets the requirements of part f of CDP Policy 7.
71. The proposal is for temporary permission over a 5-year period to allow for 30 days of events, not consecutive, to take place within the agricultural buildings per calendar year. Events as a whole could take place both inside and outside of the agricultural buildings as discussed above. Although utilisation of the land outside of the buildings would be considered to have a greater visual impact in the countryside, operation within the thresholds and conditions of the GDPO leaves this aspect outside of the control of this application. The proposal submitted allows for certain aspects to be conditioned such as operational hours and any necessary noise mitigation (see relevant section below).
72. The proposals would result in the continued operation of the site for events which attracts significant numbers of visitors to the County in its peak use for a Halloween based event, away from the busier summer months. The re-use of existing buildings at the site maintains an appropriate aspect to the use that is clearly viable owing to the recent use of the site prior to this application. Employment levels proposed are good and the necessary infrastructure to support the events is proposed.
73. Whilst the concerns of residents are acknowledged, the proposal does demonstrate accordance with Policy 7 of the CDP and the principle of development is accepted. Detailed matters relating to other areas of the proposals are outlined below.

Impact upon the Character and Appearance of the Surrounding Area and Area of High Landscape Value (AHLV)

74. The site is located within an Area of High Landscape Value (AHLV) within the County Durham Local Plan. Policy 39 relates to Landscape and states that development affecting Areas of Higher Landscape Value 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.

75. The concerns of local residents include the potential impact the proposal would have on the character and tranquillity of the surrounding area. It is considered that the proposal would have an impact to the character of the countryside such as an impact to tranquillity. However, the proposed use of the buildings would have limited visual impact to the AHLV as there are no external alterations proposed.
76. The Landscape Officer was consulted on the proposal and stated concern regarding the visual impact of the proposed car park within the wider AHLV landscape. A revised plan was submitted showing planting to the eastern, western and northern boundaries of the car park. The proposal includes planted strips between parking lines to consist of native shrubs interspersed with silver birch trees.
77. It is considered that although the car park will be visible from public vantage points, the proposed planting and materials used for the hard surfacing would allow for the car park to be partially screened and not adversely harmful to the character of the AHLV in the medium to longer term. The limited harm to the AHLV is considered in context of the planning balance and any benefits arising from the proposal, this is further considered within the conclusion of this committee report.
78. The Landscape (Trees) Officer was consulted and acknowledged that the proposal would not affect trees.
79. On balance, as the proposal is temporary in nature, there are no external alterations to the existing buildings and planting has been proposed to screen the car park, the proposal is considered to conserve the special qualities of the landscape and therefore accord with Policy 39 of the Local plan.

Impact upon Residential Amenity

80. Policy 31 of the Local Plan relates to Amenity and Pollution and states 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 can be integrated effectively with any existing business and community facilities.
81. Policy 31 continues by stating 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.
82. In this instance, the site lies in relatively close proximity to a limited number of dwellings, with the closest grouping of properties located to the north of the site at Priestfield Farm. There are also properties at Lambton Gardens, Burnopfield which are located to the east of the site and have the potential to be impacted upon from the proposal. This committee report considers the residential amenity of Priestfield Farm as the closest receptor of noise from the application site. The potential impact upon residential amenity with regard to noise, light and air pollution is an issue that has been raised by a number of objectors to the application.
83. The original submission included a Noise Impact Assessment (NIA) and an Event Management Plan (EMP) which set out the proposed operations of the events. The Nuisance Action Team (NAT) were consulted on the original submission and commented in October 2020 that insufficient information had been provided to fully assess whether the noise impacts of the proposed development would provide sufficient reason to refuse the planning permission.

84. Following the review, a revised Event Management Plan was submitted which confirmed that live and DJ music will cease at 23:00 hours and the site will be cleared no later than 24:00hrs. During the Halloween Event all live music and DJ music will cease by 23:00, the event will run no later than 24:00 and the site will be cleared by 01:00. It was also suggested by the NAT that any noise monitoring is agreed prior to the monitoring being undertaken.
85. The methodology was agreed, and additional noise monitoring was undertaken during the events in November 2021. The monitoring specifically considered the noise levels at Priestfield Farm. A further Noise Impact Report and Event Management Plan were submitted for consideration by the NAT. The monitoring was undertaken during the events to ensure that calculations of sound emissions were reflective of the actual situation which is likely to occur.
86. The final comments from NAT agree with the general findings of the revised NIA and EMP following both their review and visitation to the site during operation of past events in November 2021. The NAT Officer raises no objecting subject to the imposition of conditions to control the noise impacts to allow review of the proposals within a set time period following the years events. Noise impacts from voices and traffic associated with the car parking area would be experienced, however restricting the number of days of use the buildings could have together with the hours of operation would limit these impacts to less than 10% of a calendar year.
87. As a result, the proposal can be appropriately mitigated through condition to ensure that there would not be an adverse impact to neighbouring amenity from noise, in accordance with Policy 31 of the CDP.
88. The dwellings located at Priestfield Farm are approximately 270m from the agricultural buildings. However, it is acknowledged that the access to the proposal site is within close proximity to the access for Priestfield Farm.
89. There was concern raised during the process of the application regarding the headlights of cars leaving the site which would shine into the properties at Priestfield Farm. The original plans showed the exit running along the western part of the site which it is anticipated that this would have an impact on the living conditions of those at Priestfield Farm. However, revised plans were submitted which show the exit track to the far east of the site, heading north, to ensure that headlights would not shine through the properties at Priestfield Farm when exiting the event.
90. The proposal seeks temporary permission for the use of 2no agricultural barns for events and not the external spaces around them. Whilst the concerns of residents regarding light pollution from the events is acknowledged, events operated outside of the buildings would be outside of the control of this submission. This application seeks to regularise the existing situation and therefore conditions are recommended to ensure that opening and operating hours are put in place to mitigate against any potential light impact from the proposal to allow for acceptable standards of amenity for neighbouring residents, in accordance with Policy 31 of the CDP.
91. It is accepted that the proposal would increase traffic levels of the local road network. However, while the proposal would increase traffic this would be over a period of only 30 days of the year, resulting in a negligible impact on air quality and therefore an air quality assessment has not been required as part of the application.
92. In conclusion, it is considered that due to the temporary nature of the proposal and the irregularity of events, the proposal would not have an adverse impact to neighbouring

residential amenity, specifically in relation to noise, light and air pollution to warrant refusal of the application. The proposal is therefore considered to accord with Policy 31 of the CDP with regard to residential amenity.

Highways Safety and Access

93. Paragraph 110 of the NPPF states [in part] that in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highways safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
94. Policy 21 of the CDP indicates that transport implications of development must be addressed as part of any planning application, where relevant this could include Transport Assessments, Transport Statements and Travel Plans. All Development shall deliver sustainable transport by: delivering, accommodating and facilitating investment in safe sustainable modes of transport in priority order; providing appropriate routes for walking, cycling, bus access; ensuring any new vehicular traffic generated can be safely accommodated for on the local and strategic highway network; ensuring creation of new or improvements to existing routes do not cause unacceptable harm to the natural, built or historic environment; and developments in the vicinity of level crossings will be expected to assesses the potential increase in risk at each crossing.
95. The potential impact upon highway safety with regard to increased traffic on a narrow road for pedestrian, motorists and cyclists is an issue that has been raised by a number of objectors to the application.
96. The Highway Authority have been consulted on the proposed development and initially raised concerns relating to the access. An independent speed survey and traffic survey were undertaken during the events to allow for accurate data to be collected regarding vehicle speeds and direction of traffic.
97. A new access is proposed at the site as part of these proposals, which is essentially repositioning the current access on the main B6310 and building a new junction with kerbed turning entry radii. The surveys and access arrangements were supplemented by a technical note which sets out the transport impacts from the proposal. Subject to a pre-commencement condition relating to full engineering details of the access and highway road marking improvement works on the B6310, the Highways Authority no longer raise an objection to the proposal.
98. The proposal also includes a 520-space car park with overflow parking in adjacent fields if necessary. This is considered sufficient by the Highways Authority. The car park allows for adequate infrastructure to be in place for the events to take place and therefore accords with part g of CDP Policy 7, subject to assessment by specialist consultees in this regard.
99. The proposal is considered to accord with Policy 21 of the CDP and the aims of the NPPF with regard to highway safety.

Ecology

100. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts and providing net gains for biodiversity. Paragraph 180 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
101. 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. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
102. A Preliminary Ecological Appraisal (PEA) was submitted with the application. This report was reviewed by the County Ecologist and no ecology issues were identified. Creation of the car parking areas would result in some loss of habitat, however this would be agricultural. The creation of landscape planting in the form native species shrub and hedgerow as part of the landscaping scheme for this area would be considered to offset this loss.
103. Whilst the concerns of local residents are acknowledged, the proposal is considered to not result in significant harm to biodiversity or geodiversity and therefore accords with Policy 41 of the CDP.

Flooding and Drainage

104. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
105. Policy 35 of the CDP requires development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk, the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled. Policy 36 of the CDP requires proposals to the disposal of foul water, utilising the hierarchy of foul water.
106. Drainage and Coastal Protection were consulted as part of the application process and requested further information in relation to construction detail for the hardstanding area. The revised proposed layout shows a soakaway with geo-cell crates to the south of the car park which would retain surface water run-off from the car park surfacing to allow soakaway in the subsoil. Foul water drainage would be collected at source and disposed of via contractor in a similar fashion to a 'portaloo' scenario.
107. The proposal provides appropriate surface water drainage and accounts for foul water drainage, in accordance with Policies 35 and 36 of the CDP.

CONCLUSION

108. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
109. In summary, the application site is In summary, the allocation proposes a 5-year temporary permission for events at 2no former agricultural barns at Lintz Hall Farm. Events within the buildings would be limited to 30 days in a calendar year not to run consecutively. Support in principle is drawn from Policy 7 of the CDP in providing a visitor attraction in the County with its primary focus away from the summer months.
110. Impacts upon the landscape (AHLV), residential amenity, highway safety, drainage and ecology are considered to managed through conditions where appropriate and the temporary nature of the proposals.
111. The proposal has generated some public interest, with 46 representations of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.
112. Given the nature of the proposals, the applicant has proposed a 5-year temporary consent for the proposal which would allow the Council to reassess the impacts of the proposals in 2027; that together with the conditions relating to review of noise mitigation measures after 12 months, is considered appropriate to allow a re-assessment of the impacts of the proposals. Re-application at this point would allow the Council to analyse the nature of any concerns or other issues which may have arisen, in the context of the relevant planning framework at the time.
113. It is considered that the proposals following assessment would accord with the County Durham Plan, specifically Policies 7, 10, 21, 26, 29, 31, 39 and 41 as well as the National Planning Policy Framework. Paragraph 11 of the NPPF states that development proposals that accord with an up-to-date development plan, should be approved without delay.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. This permission is granted for a temporary period of 5 years; from the date hereof, thereafter the site shall be reinstated to its former use and condition.

Reason: The development is only considered suitable for a temporary period in accordance with Policies 7, 10, 21, 31 and 39 of the County Durham Plan and Parts 4, 6, 9, 12, 14 and 15 of the National Planning Policy Framework.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Plan/ Report	Reference
Proposed Site Plan	NB22_22/04G
Landscape & Drainage Plan	8624c/05
Event Management Plan (2021)	Lintz Hall Farm

Proposed Access Plan	8624c/06
Noise Management Plan Dec 2021	(Rev 31 st May 2022)
Technical Note	JN1928-Rep-0001.3
Proposed Road Markings Sheet 1 of 2	557-01
Proposed Road Markings Sheet 2 of 2	557-02

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 7, 8, 10, 21, 25, 29, 31, 32, 35, 39, 40, 41 and 44 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The number of events held at the premises shall be restricted to no more than thirty (30no.) in any calendar year and not on consecutive days.

Reason: In the interests of amenity in accordance with Policy 31 of the County Durham Plan.

4. Within six months of date of this permission, the vehicular access shall be constructed in accordance with Proposed Access Plan, 8624c/06. Thereafter, the vehicular access shall be retained in accordance with the approved details.

Reason: in the interests of highway safety in accordance with Policy 21 of the County Durham Plan.

5. Within six months of the date of this permission the road marking scheme improvement works as detail on the Road Marks Plans DRG TS/557-01 and DRG TS/557-02 on the B6310 shall be installed and brought into operation.

Reason: in the interests of highway safety in accordance with Policy 21 of the County Durham Plan.

6. All mitigation measures detailed within the 'Noise Management Plan, December 2021' Version V.1 dated 31st May 2022 shall be implemented and strictly adhered to in full when events are held at the premises until a revised noise management plan is agreed with the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy 31 of the County Durham Plan.

7. All sound attenuation measures detailed within the 'Noise Management Plan, December 2021' Version V.1 dated 31st May 2022 shall be fully implemented prior to the first use of amplified music within the development beneficial occupation of the development and retained for use until a revised noise management plan is agreed with the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy 31 of the County Durham Plan.

8. Prior to the commencement of all events involving amplified music, noise level measurements should be taken at a distance of 17 metres directly in front of the relevant speaker(s) and shall not exceed 85.5LAeq and 92.0LCeq.

Reason: In the interests of amenity in accordance with Policy 31 of the County Durham Plan.

9. Within 12 months of the first event held containing amplified music, a revised noise management plan shall be submitted to the Local Planning Authority for approval in writing. It shall include: -
- A validation report detailing all noise levels recorded prior to each event and the types of events from which they were taken together with measures taken to ensure relevant noise levels have been met.
 - Details of any complaints received, and actions undertaken to resolve those complaints.

Once approved in writing by the Local Planning Authority, the revised management plan will supersede previous versions agreed by this consent and all further events shall take place in accordance with the revised management plan.

Reason: In the interests of neighbouring amenity so as to ensure the LPA can maintain control over future site activity in accordance with policies 21 and 31 of the County Durham Plan.

10. The site manager shall make available to officers of the Local Planning Authority a register of all events which have taken place on the site hereby approved upon written request, given 24 hours notice.

Reason: In the interests of neighbouring amenity so as to ensure the LPA can maintain control over future site activity in accordance with policies 21 and 31 of the County Durham Plan.

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

Submitted application form, plans, supporting documents and subsequent information provided by the applicant

Statutory, internal and public consultation responses

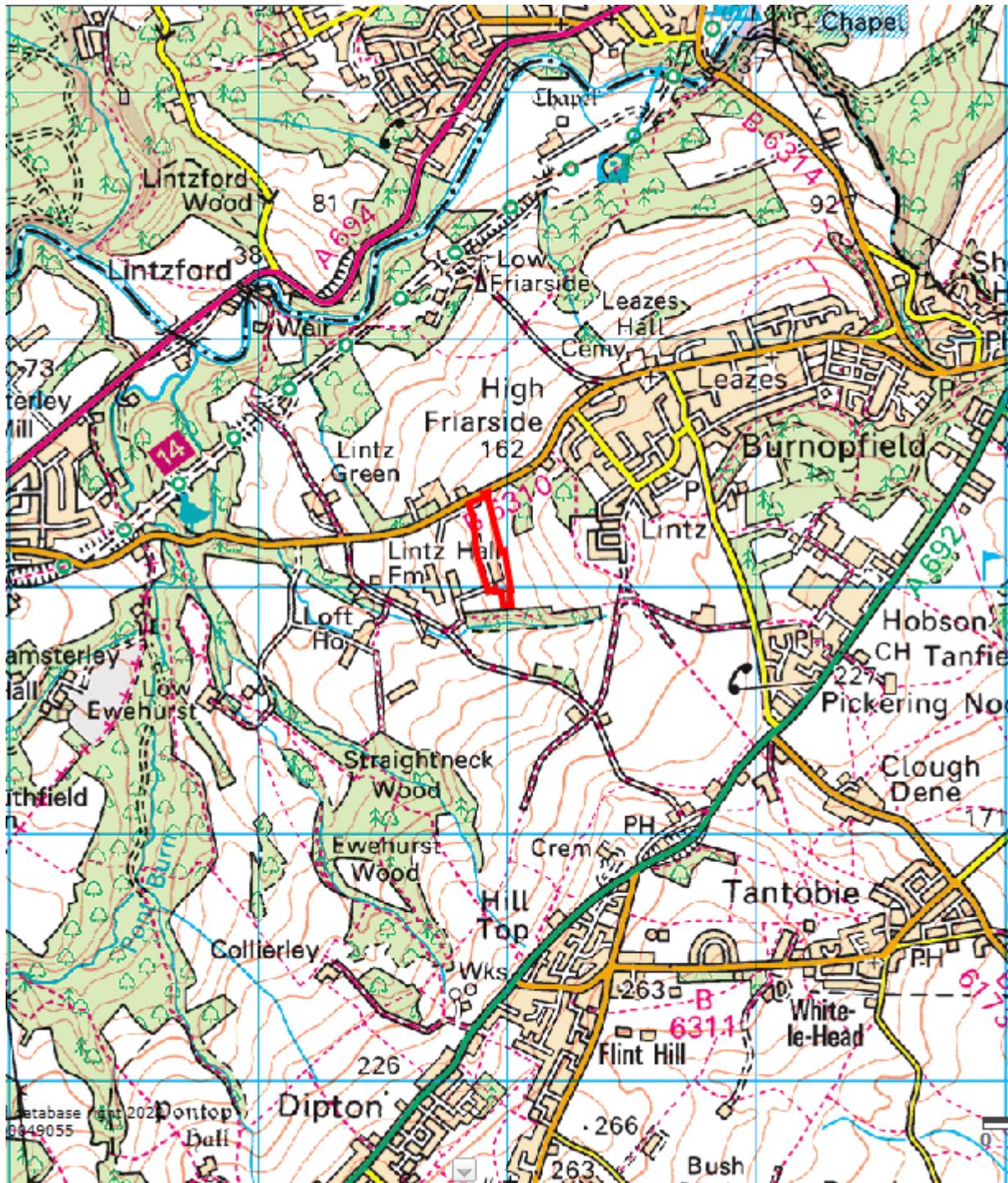
The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2021)

Residential Amenity Standards SPD (2020)

County Durham Landscape Strategy (2008)



Planning Services

DM/20/02519/FPA

Proposed Temporary Permission for the Use of 2 no Agricultural Buildings as an Events Space for 30 Days per Year and Installation of associated Car Park Hardstanding areas

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Date 19th October 2021

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