

# DURHAM COUNTY COUNCIL

At a Special Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 26 July 2022 at 9.30 am**

## **Present:**

**Councillor A Bell (Chair)**

## **Members of the Committee:**

Councillors J Higgins, L A Holmes, P Jopling, L Maddison, C Marshall, C Martin, M McGaun, B Moist, I Roberts, K Shaw, A Simpson, S Wilson and S Zair

### **1 Apologies for Absence**

Apologies for absence were received from Councillors Hunt, Molloy and Richardson.

### **2 Substitute Members**

Councillor McGaun as substitute Member for Councillor Hunt, Councillor Maddison as substitute Member for Councillor Molloy and Councillor Holmes as substitute Member for Councillor Richardson.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Applications to be determined**

#### **a DM/20/02519/FPA - Lintz Hall Farm, Lintz Lane, Burnopfield, Newcastle upon Tyne, NE16 6AS**

The Committee considered a report of the Principal Planning Officer regarding a 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 at Lintz Hall Farm, Lintz Lane, Burnopfield, Newcastle upon Tyne (for copy see file of Minutes).

G Blakey, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site photographs

Councillor Mulholland, local Member was unable to attend the meeting but asked that his representation be brought to Member's attention as follows:

*Previous events that have taken place have resulted in several residents raising their grave concerns with regards to the road safety surrounding the area in which the events take place.*

*The B6310 is a very narrow road which during usual traffic flows can be difficult to traverse. When events were being held at the Lintz Hall Farm site last year, the increased traffic through the B6310 and subsequently Burnopfield Front Street caused a great concern to residents. At the time the events were being held, I raised concerns that I had received from residents which I believe were considered by the relevant departments at the Council and as a result, temporary speed reductions were implemented.*

*I have received concerns in relation to this planning application, citing the issues surrounding increased traffic, speeding and road safety in the area, I ask that these concerns are considered earnestly when considering this application.*

Ms K Batey, local resident addressed the Committee to object to the application. She informed the Committee that she was in attendance to represent the 46 objectors to the application.

Residents had found that due to the noise emitted from the events held at Lintz Hall Farm, that they were not able to come home and relax in the sanctuary of their own surroundings when events were on. As an example, residents had to close all the internal doors to the back half their homes to reduce the noise that could be heard and restrict residency to the front half of their houses. The most recent noise complaint to the council regarding the events that took place in 2021 had not been dealt with despite being resubmitted in May this year, and the most recent noise management report did not take in to account the outdoor discos that were being held as part of the events and which are causing the most noise disturbance.

Residents next to the B6310 had seen an increase in traffic during the Psycho Path and Big Blaze events in October and November and then again in December when Gibside National Trust used the site as additional parking for their Christmas at Gibside event which ran from 26 November to 2 January, with the exclusion of a few dates. This saw any visitors to the event between 5.15-7pm, at peak commuting time, being directed to drive past Gibside, through Burnopfield, to then park at Lintz Hall Farm and to then be shuttled back to Gibside via bus and then vice versa on their return journey. When Gibside was contacted about this about this they cited limited parking on site. Anyone who had visited Gibside would know that the parking was ample after improvements had been made in recent years.

The X70 bus route that ran through the heart of Burnopfield had recently been axed. This would increase the need for visitors to use private vehicles to get to and from future events, thus resulting in increased traffic, air pollution and noise disturbance to levels not seen in previous years.

The proposed access plan did not address that visitors, fairground rides and vendors all still had to come along a narrow and winding B road, with a lack of pavement or lighting for any pedestrians.

During the 2019 Psycho Path event, organisers announced on their Facebook page that 20,000+ tickets now sold and that the Final phase was almost sold out. The village did not have the infrastructure to support well over 1000 visitors a night. The numbers for the 2021 events would have exceeded this as the organisers kept adding additional dates, plunging residents into a total of 19 nights of disturbance.

As food and drinks vendors were based on site the events were not supporting the local economy of restaurants, pubs and shops within Burnopfield and the wider County Durham area.

Littering around the site entrance and adjacent verges had been an issue. The organisers took no urgent steps to make sure litter was cleared after events with the eyesore still present at the end of December 2021, as well as the obvious environmental problems associated with this.

A Google search for Burnopfield would show a map displaying the location of the village and the words Psycho Path presents Fear Ground next to it. Were the words Psycho and Fear really ones to be associated with the village?

In conclusion it could not be denied that the events were unique but a more suitable location should be found that had better access, was located further away from residents and was not in an Area of High Landscape Value and environmental importance that supported diverse wildlife.

The events organisers, 700 Acres, which included co-founders of Newcastle nightclub Tup Tup Palace, had the chance over the past 2 events to prove that they could manage events responsibly with minimal disturbance and impact to residents and the surrounding countryside. This had not been the case.

Furthermore, as the planning application was being submitted retrospectively, and as events had already been held on site for 2 years the proposed 5-year temporary permission in the report conclusion should include the 2 years the applicant had already had.

With high profile planning applications in the media such as Jeremy Clarkson's application to turn an old lambing shed into a restaurant and create a 70-space car park on his farm, which was rejected by West Oxon councillors due to residents objections and the inappropriate nature of the site close to a quiet village, Ms Batey hoped that the councillors of Durham also listened to their residents.

Ms A Robson addressed the Committee on behalf of the applicant Richard Tulip at Lintz Hall Farm in support of the application. Mr Tulip was on holiday and unable to attend and had asked Ms Robson to make the statement on his behalf.

The proposal sought to regularise the use of two agricultural buildings at Lintz Hall Farm for the incredibly successful Psycho Path and Fearground events. It was encouraging that officers supported the proposals and had delivered a recommendation for approval.

The proposal allowed for a seasonal visitor attraction which took place in October and November. Policy 7 of the Local Plan recognised that the visitor sector was an important resilient part of the County's economy. This proposal would contribute significantly to the visitor economy. The events provided much needed part time employment for local people, especially those aged 18 to 24. The amount of part time employees depended on the amount of visitors to any particular event but for the larger events, the applicant could expect to employ 100 members of staff including actors and entertainers.

There were few winter attractions within County Durham as evidenced by the Durham Tourism Management Plan which stated that one of the aims was to address seasonality. This proposal would contribute to addressing seasonality by providing an event which took place in the winter. The events proposed provided a visitor attraction for local people and those travelling from further afield.

The Halloween events had been running for a couple of years as the North's largest Scream Park. The events were truly unique and included spectacles which created immersive experiences for visitors such as stage shows which included magicians, aerial acts and other performers. The events included street food, bars and carnival games for all of the visitors to enjoy. The events took place around Halloween, in October, mostly scheduled for Friday and Saturday evenings.

Planning permission was sought for the temporary use of the two agricultural buildings only. Permitted Development rights allowed for events to operate outside for up to 28 days of the year with no restrictions. The proposals

could operate wholly outside in the open without restrictions such as opening hours being put in place. However, the Applicant wished to regularise the events which took place and in doing so, accepted conditions which related to management plans as well as highways signage improvements. The temporary use of the buildings was proposed to be for a period of 5 years which was controlled by a condition attached to any permission.

The proposal included a car park which was currently in place. As part of the application process, an independent traffic survey was undertaken during the events which took place last year. This allowed for accurate traffic flow measurements to be taken. Following extended consultation with the local authority highways officers, a revised access and exit point was established and appropriate signage was proposed. It was demonstrated and agreed by officers that the proposed highways arrangement ensured that there would not be an impact on highway safety.

The application also included extensive noise monitoring of the events which took place last year. The results of this monitoring along with an Event Management Plan had been reviewed by the Nuisance Action Team. It was recognised that the temporary nature of the proposals ensured that any impact on neighbours could be monitored. Appropriately worded conditions had been recommended to control hours of operation amongst other matters. The Applicant was happy to agree to conditions which limited any potential impact on neighbouring residents.

It was demonstrated and agreed by officers that the proposal would provide a visitor attraction within the County in the winter months which provided benefits to the local economy, in accordance with the aims of national policy and Policy 7 of the County Durham local plan. The proposal was for a 5-year temporary permission for events which would take place over 30 days of the year which did not run consecutively. Any potential impacts from the scheme had been carefully considered and due to the temporary nature and list of conditions, any impact was considered to be managed.

The proposal allowed for an established successful and unique event to continue to operate with additional restrictions put in place via condition. It was requested that members approve the application.

Councillor McGaun expressed concern that noise complaints had been submitted but it appeared they had not been dealt with. Councillor McGaun asked whether the five-year application included the two-years of retrospective permission. The report to Committee stated that the site was located on a bus route yet the objector had mentioned that this route had been axed and Councillor McGaun sought clarity on this.

The Principal Planning Officer replied that the noise complaints had been discussed with Environmental Health and work was progressing on these. The application was for a period of five years which did not include the two years retrospective application, however it was for the Committee to decide whether it wished to include the two years retrospective within the five-year application. There were three buses that ran through the area, the X70, X71 and X72. Although the X70 service had been axed there was still an hourly service into the evening.

Councillor Marshall informed the Committee that he had previously attended events at this location. When considering diversifying the offer to bring people into the region this was an attraction which was not only of regional significance but was of national significance, with one other in the Country offering this amenity at this time of year. There was a need to balance the benefits of such an attraction against the impact on residents. The applicant could choose to run the event as a wholly outdoor event without any regulation from the authority and it was positive that the applicant was engaged with the Council which was able to have a greater say over the management of the events through the Safety Advisory Group and through conditions on a planning application. Councillor Marshall hoped that the conditions proposed would limit the impact on residents. Councillor Marshall **moved** the application as outlined in the report.

Councillor Jopling referred to the Noise Nuisance Plan and sought confirmation that this would be adhered to. Councillor Joling asked whether access issues had been addressed. The Principal Planning Officer referred to the Noise Nuisance Plan and informed the Committee that if this was not adhered to the Council had powers of enforcement. Anything which took place outside of the buildings on the land fell outside of the planning remit. The current access was an unmade dirt track with poor visibility and would be moved to the east to give better visibility.

Councillor Moist agreed with Councillor Marshall that this brought major events into the County, especially on the run up to Christmas. However, the Committee also needed to recognise impact on residents and expressed concern that issues of noise had been raised but had not appeared to have been addressed. The application provided the Council to have an input into the safe and better management of the events. The application was retrospective and was for five years and Councillor Moist **moved** that the permission be for a period of three years to take account of the two years the event had already taken place. **Seconded** by Councillor McGaun.

Councillor Martin sought clarity on the rationale behind the application being for five years. The Principal Planning Officer replied that initial discussions were held for a two or three year permission and these took place prior to the pandemic. The events had been able to operate during the pandemic and

the five year period was proposed by the applicant. There was nothing to prevent the Committee from granting the permission for three years.

Ms A Robson informed the Committee that originally the two year period was to allow for the monitoring of highways and noise post decision of the application, but as the monitoring took place during the application it was felt that this monitoring had happened and therefore additional years could be placed for the temporary permission.

Councillor Jopling considered it would be expedient for the Committee to place a time limit on the roadworks which needed to be done. P Harrison, Highway Development Manager replied that it would make sense to have the works completed before the next event took place. The Principal Planning Officer informed the Committee that a Condition in the proposed permission was that the works take place within six months of the date of decision.

Councillor Marshall informed the Committee that as the applicant had not outlined any economic reasons or impact it might have on the viability of the events he would withdraw his proposal for the granting of a five-year permission and support the proposal put forward by Councillor Moist.

**Resolved:**

That the application be approved for a period of three years subject to the Conditions contained in the report.

**b DM/21/04293/FPA - Lartington Water Treatment Works, Cotherstone, Barnard Castle, DL12 9DP**

The Committee considered a report of the Principal Planning Officer regarding an application for the installation of a below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir and associated works, including temporary construction compounds, pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures at Lartington Water Treatment Works, Cotherstone, Barnard Castle (for copy see file of Minutes).

C Teasdale, Principal Planning Officer provided a detailed presentation of the application which included a site location plan and an aerial photograph of the route of the pipeline.

The Principal Planning Officer informed the Committee that it was proposed that an additional requirement be added to Condition 20 for a Public Rights of Way Management Plan.

The Chair informed the Committee that there were two registered speakers for the application who would answer any questions Members may have.

Councillor Martin considered the application to be a major piece of infrastructure which was necessary and was pleased that a Condition was being included to protect Public Rights of Way. Councillor Martin **moved** approval of the application. **Seconded** by Councillor Zair.

**Resolved:**

That the application be approved subject to the Conditions contained in the report and the addition of a Condition for a Public Rights of Way Management Plan.