

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 3 June 2009**

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<b>APPLICATION REF. NO:</b>	<b>09/00107/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>15 June 2009</b>
<b>WARD/PARISH:</b>	<b>LOW DINSDALE</b>
<b>LOCATION:</b>	<b>Manor Farm, Low Dinsdale</b>
<b>DESCRIPTION:</b>	<b>Erection of a poultry broiler house to hold 24,000 broilers.</b>
<b>APPLICANT:</b>	<b>Messrs HT &amp; SR Dent</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site is situated within a complex of agricultural buildings known as Manor Farm approximately 1.75 km to the east of Neasham. The site is located on the eastern edge of the farm group, adjacent to three existing broiler houses. Open farmland lies beyond the site, with the River Tees some 330m to the east of the farm buildings. A small number of residential properties are situated within the vicinity of the site. The Arches (converted agricultural buildings) and a pair of cottages lie to the west, to the northwest is Dinsdale Manor, a Grade II\* listed building, and located to the north are the Old School and the Old Rectory.

Aside from the Grade II\* listed Manor a number of other listed buildings are near the application site. Manor Farm farmhouse is Grade II listed as is the bridge, which lies within the grounds of Dinsdale Manor. Both the Grade II\* Manor House and the Grade II bridge are set within Low Dinsdale Ancient Monument site, a mediaeval memorial site with moat and inner bailey. The Grade II listed Church of St John the Baptist lies to the north of the site.

The surrounding countryside is designated in the Borough of Darlington Local Plan as an Area of High Landscape Value.

The application proposes the erection of a poultry broiler house to hold 24,000 broilers. The building would measure 61m in length, 24.4m in width and 5.6m and would have an overall height of 6.5m. It would be similar in construction to the existing broiler houses with the walls comprising composite coloured panels with a box profile polyester colour coated roof covering. The Proposed development also includes the provision of three feed hoppers measuring approximately 9.5 m in height and 2.7m in diameter, similar to existing ones on the site.

The application is accompanied by a Environmental Impact Assessment (EIA) which assess the impact of the proposal on the local environment under a number of topic headings and proposes measures to mitigate these indentified impacts.

The main issues covered are: -

Prevention of water pollution, on site management.

Impact on the landscape.

Impact of odour

Impact of noise

Traffic issues

Storage and spreading of manure.

The conclusions drawn from the EIA with regard to the impact of the 4th poultry broiler house can be summarised as follows:-

- 1) The additional poultry house will accommodate 24,200 birds, increasing the number of birds on site to approximately 105,000.
- 2) The 4th poultry broiler house will be fitted with a computerised system which will control the ventilation, temperature and humidity within the house to minimise emissions of odour from the litter. It is proposed to install a permanent ammonia meter in the new poultry house.
- 3) The production system allows 6 crops of poultry to be reared in each house during the year. Birds will be delivered and collected from the 4th poultry house on the same day.
- 4) The annual frequency of collection of birds which occurs 12 times per year will not increase although the total lorry loads will increase from a total of 18 -24 with the additional poultry house.
- 5) The manure from the 4th poultry broiler house will not be stored or spread on site and will be transported to other farms.
- 6) The 4th Poultry broiler house will be cleaned out after each crop in total 6 times a year. This will be carried out at the same time as the existing 3 poultry houses and should take less than one working day.
- 7) There will be an increase in traffic from 25 to 29 weekly trips and an increase in deliveries of loads of feed from 2 per week from 2 loads at present.
- 8) The bund to the north of the site will be extended to protect against the visual impact and cover the 4th poultry broiler house.
- 9) Waste water from the cleaning out of the 4th poultry house will discharge into the existing 2 receptor tanks on site which are periodically emptied.

In addition the EIA outlines steps that are to be taken in connection with all 4 poultry houses to minimise odours, noise, and protection of groundwater.

A separate Transport Statement has also been submitted with the application.

## **PLANNING HISTORY**

There is considerable planning history in relation to Manor Farm. Only the most relevant history is listed below: -

N98/1- Planning permission was granted for a poultry broiler house, adjacent to the roadside, in January 1961. In May 1965, planning permission was granted for an extension to the building (Ref: N98/2).

78/277 – In May 1978 planning permission was granted for a corn drying building and storage buildings.

79/69- In March 1979 planning permission was granted for a corn drying building

95/937– Planning permission was granted for the erection of a second poultry broiler house in September 1995.

96/463 – In September 1999, a variation of the above planning permission was refused for a change in colour of roof cladding from slate grey to goose wing grey. A subsequent appeal to the Secretary of State was allowed.

96/640 – In January 1997, planning permission was granted for the erection of another poultry broiler house, which replaced the first poultry broiler house adjacent to the road.

01/230 – In June 2001 planning permission was granted for a further poultry broiler house and three steel feed hoppers.

## **PLANNING POLICY BACKGROUND**

The starting point for considering the proposal is the statutory development plan. The relevant parts in respect of the proposed development are as follows:-

### **The North East of England Plan Regional Spatial Strategy (RSS) to 2021**

Policy8 – Protecting and Enhancing the Environment  
Policy 37 – Air Quality

### **Borough of Darlington Local Plan 1997**

E2 – Development Limits  
E4 – New Buildings in the Countryside  
E7 - Landscape Conservation  
E8- Area of High Landscape Value  
E14-Landscaping of Development  
E48- Noise-Generating /Polluting Development  
T12- New Development-Road Capacity  
T13 New Development-Standards

### **Government Planning Policies**

PPS23 - Planning and Pollution Control  
PPG24- Planning and Noise  
PPS 25- Development and Flood Risk

## RESULTS OF CONSULTATION AND PUBLICITY

Nine letters of objection have been received from local residents which include representation from a planning consultant. A number of objectors have submitted more than one letter expanding on points made previously. The issues raised are as follows: -

- The submitted Environmental Statement fails to provide a full and fair assessment of planning policy background and we consider this is a serious omission that needs to be addressed.
- The ES does not explicitly identify the legislation under which it has been prepared.
- It is evident from the ES that its conclusions are not based on up-to date empirical information on the environmental characteristics of the area or the existing development nor does it appear to recognise the lack of capacity of the environment at Low Dinsdale to accommodate further development without irreversible damage.
- The need to assess cumulative effects is particularly relevant. This is not undertaken in the ES. A judgement of the acceptability of the development in principle can only be made in the light of a full assessment of the cumulative direct and indirect environmental impacts of the enlarged development. We consider this has not been demonstrated and that significant environmental impacts that will arise cannot be adequately mitigated by condition and the application should be refused.
- National Planning Guidance Note7 Annex C advises that a protection distance of 400m should be provided between intensive livestock units and dwellings.
- Noise resulting from the existing broiler sheds and associated operations results in significant disturbance to nearby residents, often at night time when the broilers are removed from the sheds. The ES contains no empirical evidence to demonstrate what these noise levels are adjacent to nearby sensitive development and what they might be in the future permission should be granted. In the absence of any such information it is not possible for the developer or the Council to determine whether or not the level of impact is significant and therefore whether the application can be approved/refused.
- Prolonged noise is caused by the discharging of a feed wagon during the day. This is as a result of feed being discharged through a rotary blower driven by a stationary high powered revving diesel tractor. At source the noise is in excess of 80 decibels and is aggravated by the tunnelling effect of the high grain store to the south of the existing broiler units. The time taken to discharge each load is typically 2 to 3 hours and this is daily occurrence through 3 weeks of the of each 6 week production cycle. The frequency of refilling the feed silos increases as the birds grow.
- There is additional noise from tractors associated with the removal of manure from the broiler houses, which will have a cumulative impact with the addition of a fourth house.
- Noise from pressure washers when the sheds are cleaned after each 6 week cycle.
- Insidious low amplitude sound caused by the extractor fans inside each house. Impacts to low frequency noise are adverse on human health.
- Since the construction of the existing three broiler houses the number of neighbouring dwellings has increased. The rurality of Low Dinsdale is now characterised by a greater residential than agricultural interest. There are 9 dwellings and planning consent for an additional 2 dwellings that, when completed, will make 11. All are within 250m of the periphery of the broiler production site. These are severely impacted by noxious smells.

There are additional dwellings in Hambledon District 500m to 600m away which will be affected also. The majority share and support our concerns in the current application.

- The smell of broilers is reported by residents at Brass Castle 1600m away.
- Even though located close to existing sheds the development will be prominent in the landscape. The ES does not contain a landscape appraisal which would have fully examined this issue and provide a basis for any assessment of impact. It is our view that the fourth shed will exacerbate existing landscape impact by extending industrial scale build development further out into the surrounding countryside and Area of High Landscape Value.
- There is no provision for screening on the north, south and east sides of the shed. This can only be taken as an intention to extend by five or more units.
- The existing buildings are out of keeping with the landscape an additional one will only make matters worse.
- The development would threaten nearby listed buildings and ancient monument as a result of air pollution accelerating the erosion of the sandstone, the principal construction material of the heritage structures.
- It would pose a genuine threat to the heritage of Low Dinsdale. The site where the Manor House is built has been home to the Surtees family since approximately 800AD. Additionally it is one of the only sites in Britain that shows the harmonious relationship between the Vikings and Anglo-Saxons of that era.
- The narrow width of Neasham Lane together with its poor horizontal and vertical alignment makes it unsuitable to accommodate any additional HGV traffic. Neasham Lane is also much more heavily trafficked than assumed in the ES. It serves a much greater number of properties than suggested and also attracts through traffic. The ES contains no traffic count on Neasham Lane to assess impact.
- Additional traffic movements as a consequence of the development will result in highway safety problems.
- Impact and transport statements contain misleading and false/untrue information. There are omissions.
- The stream which flows past Manor Farm is polluted and can only be by the increased intensity of pigs and poultry and the high volumes of water that are needed to clean the buildings in which all are housed.
- We have concerns that the storage of large volumes of manure over several months when it cannot be spread onto land due to cropping of wet soil conditions leads to ground water contamination. The manure disposal programme indicates that the farm is 143.6 hectares, some of this land is occupied on lease that could be determined at the discretion of the owners and so deny access for manure disposal. In view of the large volume of manure, not only from existing broilers and pigs, the application to extend broiler production should be opposed.
- The ES fails to adequately address indirect effects of the application. For example it should include a full assessment of the impact of the disposal of manure from the broiler sheds and impacts of the transfer of the manure from the sheds and its temporary storage prior to disposal on farmland.
- Land and road contamination from waste from the sheds.
- Unacceptably high concentrations of ammonia are produced from the existing poultry houses and from the pig units. This was reported to the Environment Agency in February 2008. During the high pressure and still air conditions since then, the ammonia and associated awful poultry smells have returned. Low Dinsdale is geographically low and in

a hollow so that pollutants are trapped by gravity. Intensification would aggravate the problem.

- Biohazard due to the proximity of indoor pigs and poultry that increase the probability of cross species viral and bacterial infections.
- There are alternative courses of business action that are more acceptable to the public and environmental interests. The proposal is not a diversification but is an intensification of an existing intensive use.
- The ES fails to adequately consider and provide a realistic assessment of the environmental impacts of alternative options and sites considered for this development but simply concentrates on business reasons as to why an alternative site would be inappropriate.
- Inadequate provision for the removal of the large and limited life buildings that will. Within 30 years become decaying eyesores. The countryside in other parts of England has become littered by decaying and obsolete intensive livestock units.
- Larger site of totality with concession to export manure from the current farm makes the site attractive to Plc agribusiness as apposed to a family farm. Distant management leads to problems.
- The intensification calls for importing of feed and exporting of manure. The farm is already beyond its capacity and therefore cannot be said to adding value to its primary produce. The expansion is not aimed at new markets. The site and area will be worse than it is and a threat to future generations. This is unsustainable in the definition of the term.
- Proximity to public. Teesdale Way, walkers, cyclists, popular routes close by.
- Nuisance would progress to unacceptable levels requiring compensation.
- Expansion if approved would be challenged legally.

Two letters of support have also been received from residents of Over Dinsdale (Hambleton District) and the following comments made: -

- We have experienced no problems over the years with the poultry houses.
- I believe that the new building will not alter the surrounding area in the slightest.

**Low Dinsdale Parish Council** has no comments to make on the application

**Campaign to Protect Rural England** has objected to the proposed development on the following grounds:-

- The close proximity of the development to dwellings
- The development will intrude into an area designated as High Landscape Value
- The proximity of the development to the Teesdale Way
- When the application was submitted for the 3<sup>rd</sup> broiler house it was said at the time that this would be the last yet a further application has been submitted for an additional unit. How many more are planned?

**English Heritage** has no comment to make on the application other than to advise that it should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

**Environment Agency** have stated that no objection is raised to the proposed development and also advised that they had received a variation application for the existing environmental permit for this site.

**Natural England** has informed the Authority that no objection is raised to the principle of the development and has provided advice concerning protected species.

**Northumbrian Water** has raised no objection.

**Northern Gas Networks** has stated that there are no gas mains in the area near the site.

**CE Electric UK** has raised no objection to the development.

## **PLANNING ISSUES**

The main issues to be considered are: -

- Planning Policy
- Visual Impact
- Residential Amenity
- Highway Implications
- Other Matters

### **Planning Policy**

Policy E2 of the Borough of Darlington Local Plan states that development for agricultural operations will be permitted outside the development limits provided that unacceptable harm to the character and appearance of the rural area is avoided. Policy E4 states that development which is acceptable in principle under Policy 2 should wherever possible, be located with and visually relate to existing buildings. Policies E7 and E8 reinforce Policies E2 and E4.

In principle, the development is considered acceptable subject to the criteria being met in the above policies which are covered in the following section.

### **Visual Amenity**

The proposed building would be similar in scale to the existing poultry broiler houses nearby, in terms of scale, design and materials. Furthermore the building relates well to the existing group of farm buildings as a whole. Whilst the building will be visible from the east and to some extent from the north and south east it will be seen in the context of the existing farm buildings and therefore the visual impact on the character or appearance of the surrounding countryside and in particular its location within the Area of High Landscape Value would be fairly minimal. Similarly the Council's Conservation and Listed Buildings Officer considers that development is unlikely to result in any material harm to the setting of the Ancient Monument and the Grade II\* listed Manor House nearby, which are situated to the west of the application site and screened by the existing poultry broiler houses, or the setting of other listed buildings in the vicinity of the site. As mentioned earlier in this report English Heritage have been consulted on the application and have informed the Local Planning Authority that they have no comments to make.

### **Residential Amenity**

As described earlier in this report there are several residential within the vicinity of the site. The nearest of these are Manor Farm Cottages and The Arches approximately 155m to the west. To the west is Dinsdale Manor, which is situated approximately 205m from the site of the proposed building and to the north lie The Old School and The Old Rectory (approximately 240m and 255m away respectively).

The main issues in this instance are considered to be in respect of potential problems of noise and odours associated with the proposal.

The Council's Principal Environmental Health Officer (Pollution) has made the following comments:-

*"It should be noted that the activities undertaken at Manor Farm with regard to the rearing of poultry are covered by a Part A1 Permit issued and enforced by the Environment Agency under the provisions of the Environmental Permitting (England and Wales) Regulations 2007. The permit contains conditions with regard to eliminating or controlling emissions to water, air and the environment. I have detailed below the control measures contained within the EIA but which are also conditioned and enforced by the Permit.*

- 1) Manor Farm have produced an odour management plan which outlines steps to be taken to eliminate and reduce odours and includes a complaints procedure. Odours from the poultry houses are controlled by maintaining the poultry litter as dry matter of 60% by the operation of a computerised ventilation system which control environmental conditions such as temperature and humidity. The houses are cleaned out after each poultry crop and this occurs 6 times a year taking less than one day and waste is transported off site in sheeted vehicles. Manure from the poultry houses is stored well away from residential properties.*
- 2) Manor Farm have produced an noise management plan which outlines steps to be taken to eliminate and reduce noise and includes a complaints procedure. Cleaning operations, feed deliveries and unloading of chickens will occur during the hours of 07.00 and 19.00 Monday - Friday and 07.00 - 13.00 on a Saturday. The collection of birds takes place during the night to minimise distress and noise. All bird handling takes place inside the houses. The fans units serving the ventilation system are within the poultry houses and extract externally. Noise from the ventilation system is minimised by the continuous use of a small number of fans as opposed to the intermittent operation of a large number of fans. The fans are unlikely to be heard off site which was confirmed by our visit. The fans are regularly maintained to prevent disrepair which can result in increases in noise levels. Vehicles are driven slowly, engines switched off when not in use and staff/contractors instructed to carry out the work without causing excessive noise.*
- 3) Waste water from washing out etc from the poultry houses discharges into 2 receptor tanks which are periodically emptied.*
- 4) There exists an in house procedure for vermin control involving the inspection and laying of bait every 6 weeks. Flies are controlled by the climate within the poultry houses, cleaning out and disinfection of the poultry houses. Carcasses of dead birds are stored in secured containers.*

*I am aware that there have been objections to this application from nearby residential premises with regard to concerns about odour, noise etc. These objections also relate to biosecurity concerns which are outside the remit of Environmental Health and in the main controlled by Defra. The objections which have also been forwarded to Environmental Health relate more to concerns rather than specific problems experienced by residents. The Environment Agency and Environmental Health have received no complaints related to poultry rearing operations on site*



*prior to the application being made. The EIA concludes that the 4th broiler house will not have significant environmental effects if planning permission is granted. I agree with this conclusion and the 4th poultry house is further away from residential dwellings than the existing 3 poultry houses. The Environment Agency have agreed to the 4th poultry house and have amended Manor Farm's permit accordingly. The operations with regard to poultry rearing at Manor Farm are closely regulated by the Environment Agency and at present subject to two inspections per year to check compliance with conditions with the Environmental Permit. The Environment Agency will investigate any complaints regarding breaches of Permit conditions. I therefore have no objection to the planning application for the 4th poultry broiler house. It is my understanding that conditions included with any planning permission granted should not duplicate requirements of other legislation. I have therefore taken the view not to duplicate permit conditions per se which are enforced by the Environment Agency."*

Nevertheless the Council's Environmental Health Officer has requested the imposition of conditions similar to those attached to the previous planning approvals for the previous poultry broiler houses to, a) control the hours of operation associated with the working activities with the broiler house, and b) to ensure that the stocking and destocking of birds is carried out in accordance with the measures set out in the EIA. A further condition is also sought requiring the extension of the landscape bund to screen the north facing gable end of the building.

It is noted that one of the objector's has stated that the proposal fails to comply with Planning Policy Guidance (PPG) Note 7 (The Countryside and the Rural Economy) Annex C, regarding a protection distance of 400m between livestock buildings and intensive livestock buildings. PPG7 was cancelled in 2004 and replaced with Planning Policy Statement (PPS) 7 makes no reference to such reference to safeguarding distances. In any event for clarification Annex C of PPG7 advised Local Planning Authorities simply to take particular care when considering planning applications within 400m of a 'protected building' (buildings occupied by people excluding buildings on agricultural units) in order to minimise potential conflict between neighbouring land uses.

### **Highway Implications**

The Council's highways engineer has made the following comments: -

*"The proposal will generate an additional 203 trips per annum, an increase of approx. 15%. These increased movements are for feed collection, mucking out and bird collection. Though the highways providing access to the site are of limited width they are already well used by agricultural vehicles and by large vehicles accessing the existing use on the site. It is not considered that the additional traffic movements would be so significant that a recommendation for refusal could be justified, I would therefore raise no highway objection to the proposal."*

### **Other Matters**

A number of other issues have been raised by objectors; the possibility of future biohazards as a consequence of intensive livestock farming, attractiveness to plc agribusiness and that the type of farming operation is an unsustainable form of agriculture. However these are not material planning considerations but ones of a moral /political nature which cannot be addresses through the planning legislation.

The matter of biosecurity is one that is dealt with by regulations enforced by the Department for Environment Food and Rural Affairs (DEFRA). The Department has been consulted on the application but no response has been received.

Issues concerning potential surface water pollution are covered by the permit issued by the Environment Agency and enforceable by the Agency.

An objection has been raised on the grounds that the Environmental Statement has failed to adequately consider and provide a realistic assessment of the environmental impacts of alternative options and sites considered for the development. Officers consider that the ES has followed the guidance set out in the Environment Impact Assessment Regulations, which simply require an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice of the site taking into account the environmental effects. In terms of its location the options were to site the building in a location where it would be isolated from any other buildings thereby making it visually more apparent in the countryside as apposed to it being assimilated within the existing group of farm buildings from a visual aspect. Whereas in isolation the building more likely to result in a visually intrusive form of development.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **CONCLUSION**

The proposal is for agricultural development and therefore in principle is acceptable in this countryside location. It is considered that the proposed development would not have an adverse impact on the character or appearance of the locality and in particular the Area of High Landscape Value within which it is situated. Similarly the development would not cause any material harm to the setting of listed buildings within the vicinity of the site or the setting of the nearby ancient monument. The development would not give rise to conditions that would prejudice the amenities of adjoining residents nor would it adversely affect highway safety. No issues are raised in relation to crime prevention. Consequently the proposal is considered to comply with the relevant policies in the development plan.

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B5 Detailed Drawings (Accordance with Plan)

- 3) Notwithstanding anything shown on the approved drawings no development shall commence until details of the precise coloured finish to the walls and roof of the building have been submitted to, and approved by, the Local Planning Authority. The development shall not be carried otherwise than in accordance with the approved details.

REASON- In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

- 4) Notwithstanding anything shown on the submitted drawings the landscape mound to the north of the development shall be extended to screen the north facing elevation of the building, details of which (to include a cross section), shall be submitted to, and approved by, the Local Planning prior to the commencement of development.

REASON- In the interests of the visual amenity of the area and to safeguard the amenities of neighbouring residents from noise impacts associated with the poultry broiler house.

- 5) Working activities associated with the poultry broiler house, other than the collection of live birds, shall be restricted to 0700 – 1900 hours, Monday to Fridays (excluding Bank Holidays) and 0700 – 1300 hours Saturdays only.

REASON- To safeguard the amenities of neighbouring residential properties.

- 6) The stocking and destocking of birds shall not be carried out otherwise than in accordance with the details set out in paragraph 10 of Chapter 2 “Non Technical Summary” and Chapter 12 “Noise-Sources of Noise- The Impact of Noise” of the Environmental Impact Statement accompanying the application, dated February 2009.

REASON – To safeguard the amenities of neighbouring residential properties.

## **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The proposal is for agricultural development and therefore in principle is acceptable in this countryside location. It is considered that the proposed development would not have an adverse impact on the character or appearance of the locality and in particular the Area of High Landscape Value within which it is situated. Similarly the development would not cause any material harm to the setting of listed buildings within the vicinity of the site or the setting of the nearby ancient monument. The development would not give rise to conditions that would prejudice the amenities of adjoining residents nor would it adversely affect highway safety. No issues are raised in relation to crime prevention. Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -

### **The North East of England Plan Regional Spatial Strategy (RSS) to 2021**

Policy8 – Protecting and Enhancing the Environment

Policy 37 – Air Quality

**Borough of Darlington Local Plan 1997**

E2 – Development Limits  
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