



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/01696/FPA
FULL APPLICATION DESCRIPTION:	Replacement of bridge; erection of retaining wall and repositioned steps in front of shooting box
NAME OF APPLICANT:	Mr M Watson
ADDRESS:	Smiddy Burn Bridge, Stanhope Common, Stanhope
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Adam Williamson, Planning Officer, 03000 260826 Adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. The application site is located on the Stanhope Common approximately 3km to the east of Rookhope. It is covered by the Muggleswick, Stanhope & Edmundbyers Commons & Blanchland Moors SSSI, The North Pennine Moors Special Area of Conservation (SAC), the North Pennine Moors Special Protection Area (SPA), and the North Pennines Area of Outstanding Natural Beauty (AONB) designations.
 2. The "shooting box" is a stone building with slate roof, which appears on OS maps between 1865 and 1899. It lies adjacent to the moorland track which crosses the common to Boltslaw Incline. The moorland track incorporates Public Footpath 74 Stanhope, but the extent of the public footpath terminates at the shooting box. The track crosses the Smiddy Burn over a small stone bridge a short distance to the south east of the shooting box. The bridge is likely to have been constructed at the same time as the shooting box in association with the early management of the grouse moor. It is evident that the bridge is currently suffering from partial collapse on the north face and has other visible structural issues.
 3. The application seeks to rebuild the bridge in a matching appearance on a slightly improved alignment. It also includes minor works in the form of a 0.6m high stone retaining wall and replacement steps built into the rising ground just to the south of the shooting box.
 4. The application has been called to the Planning Committee by Stanhope Parish Council and Cllr Shuttleworth because of concerns over the works to the bridge and appearance of the retaining wall.
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PLANNING HISTORY

5. There is no recent planning history for this building.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings - economic, social and environmental, each mutually dependent. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. NPPF Part 7 - Requiring Good Design. 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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
9. NPPF Part 11 - Conserving and Enhancing the Natural Environment. The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible.
10. NPPF Part 12 - Conserving and Enhancing the Historic Environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

LOCAL PLAN POLICY:

11. The development plan is the Wear Valley District Local Plan as amended by the saved and expired Policies September 2007.
12. **Policy GD1 (General Development Criteria):** All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
13. **Policy ENV1 (Protection of the Countryside):** The District Council will seek to protect and enhance the countryside of Wear Valley.
14. **Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty):** Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.
15. **Policy ENV10 (Sites of Special Scientific Interest):** Development which will adversely affect the conservation value of Sites of Special Scientific Interest (SSSIs) will only be permitted where the development is of overriding national importance and cannot be located elsewhere.

EMERGING PLAN

16. The County Durham Plan
17. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Stanhope Parish Council:* Object to the application on the grounds that: the application should have been sent to the Secretary of State as it is on Common Land; the bridge has been incorrectly described as a culvert bridge; the bridge should be maintained not demolished; without detailed drawings of the retaining wall it's not possible to judge the visual impact and it sounds more like something on a housing estate than common land.
19. *Natural England:* Consider that the proposed development will not have adverse impacts on designated sites and has no objection.

20. *Environment Agency*: No response received.

21. *AONB Partnership*: Raised concerns that no ecology information or heritage statement had been submitted. The details have since been submitted, with no further comments received.

INTERNAL CONSULTEE RESPONSES:

22. *Design and Conservation*: No objection. The structure is not a designated asset nor would its alteration affect the setting of any other known asset. It is not of a quality which would justify considering it as a non-designated asset.

23. *Landscape*: No objection. Subject to the type and style of stone being controlled by a condition the proposals would not have significant landscape and visual effects.

24. *Ecology*: The level of information provided is not sufficient to enable the LPA, as the competent authority, to undertake a robust habitats screening assessment. It is however noted that Natural England have concluded no likely significant effects by the proposals. It is therefore recommended that the Mitigation and Compensation detailed in the report be conditioned.

25. *Public Rights of Way*: No response received.

PUBLIC RESPONSES:

26. 8 letters of objection have been received. The main concerns raised are that the bridge should be repaired rather than replaced as it is a historic structure and a new bridge would be out of character with the AONB; It has also been questioned whether the application should have been sent to the Secretary of State because it is on common land.

PLANNING CONSIDERATION AND ASSESSMENT

27. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues are the landscape and ecological impacts of the proposals.

Landscape

28. NPPF paragraph 115 confirms that Areas of Outstanding Natural Beauty (AONBs) are given the highest status of protection for their landscape and scenic beauty, alongside National Parks and the Norfolk and Suffolk Broads. The statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the Countryside and Rights of Way Act 2000 (CROW Act). Section 85 places a duty on all public bodies to consider the AONBs nationally protected status in any land use related decisions. Wear Valley District Local Plan, saved policies ENV2 (AONB development) and GD1 (general design criteria) are consistent with these aims and therefore can still be given significant weight.

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29. The site falls within the Stanhope Common & Wolsingham Moors Character Area, which is part of the larger North Pennine Landscape Character Area. The area is generally characterised by open moorland, which is managed for grouse shooting and grazed by upland sheep.
 30. The shooting box is isolated on the moor, but sits within a depression, enclosed by planted conifer trees and a stone wall enclosure. Any landscape effects of the proposal would therefore be confined to within the immediate enclosed site rather than the wider landscape.
 31. The principle element of the proposal is the replacement of the small bridge over the Smiddy Burn and it is this element that has drawn most concern in the objections received.
 32. The existing bridge is not listed, nor is it a Scheduled Monument. Historic Ordnance Survey Maps indicate it was constructed at approximately the same time as the shooting box, sometime between 1865 and 1899. The nearest historic mine workings are approximately 1½km to the northwest, close to the Boltslaw Incline, which would have been the likely transportation route for any excavated material rather than a 7km route to Stanhope via the Smiddy Burn track. It is therefore considered that any heritage value of the bridge lies within the context of a late C19 shooting estate rather than any mining heritage. The Design and Conservation Section do not consider it worthy of being a non-designated heritage asset, but based on the local representations received it can nevertheless be considered to have some value as a small man-made landscape feature, which contributes to the character and appearance of the AONB.
 33. The application is not accompanied by a structural survey of the bridge because planning permission is not required for its demolition. It is nevertheless visibly evident that there are two collapsed sections on the north side, large bulges on the south face, undermined bearing stones, missing arch stones and various severe cracks. Whilst the external facing of the bridge could possibly be repaired, the bridge wasn't built to accommodate the size and weight of modern vehicles that now use the track and therefore extensive structural works to all parts of the bridge are likely to be required. Its replacement in a like-for-like manner to modern construction standards in order to secure its long term contribution as a landscape feature, albeit as a new structure, is therefore considered to be a reasonable proposal. A 15 degree realignment would be barely discernible and subject to control of the external stonework by conditions there would be no harm to the landscape or heritage interests of the AONB.
 34. The new stone-faced retaining wall would be a very small feature built into the rising ground where there is evidence of erosion, and the steps would replace the existing. Whilst there is limited detail of these works included in the application, it is sufficient to be able to judge that they would be very minor features that would be viewed in the context of the shooting box, and because of the very contained nature of the site, they would not have any visibility in the wider AONB landscape beyond the immediate context.
 35. There are no objections from the Council's Landscape and Design and Conservation Sections.

36. It is therefore considered, having regards to Section 82 of the Countryside and Rights of Way Act 2000, that the proposals would not have any adverse visual and landscape effects and as such would not cause harm to the AONB landscape and the purpose of its designation. There is no conflict with Wear Valley Local Plan policies GD1, ENV1 and ENV2, or Sections 7, 11 and 12 of the NPPF.

Ecological interests

37. The SSSI is designated principally for its moorland breeding bird habitats, but the submitted ecological appraisal also identified other moderate ecological value in the site for bat roosting, bird nesting and amphibian hibernation potential in the bridge crevices. However, no evidence of bat roosting was found and the mostly wooded, insular nature of the site is distinctly separate from the surrounding moorland where the birds breed. The submitted appraisal details appropriate mitigation measures to deal with sensitive dismantling of the bridge, which can be secured by condition.

38. It is noted that the Council's Ecology Section initially raised some concerns over the level of information submitted, particularly in relation to water voles. However, it has been further clarified that the area around the bridge and depth of water is not optimal for water voles. In addition, Natural England have since advised that the proposals will not damage or destroy the interest features of the SSSI and will not have significant effects on the SAC or AONB. As a statutory consultee on these matters, the views of Natural England must be given significant weight.

39. In view of the above it is considered that there is no evidence that the proposals would adversely affect the important moorland breeding bird habitat, protected species or other ecological interests. There is no conflict with policies GD1, ENV2 and ENV10 of the Wear Valley District Local Plan, or Section 11 of the NPPF.

Other matters

40. Objectors have questioned whether the application should have been submitted to the Secretary of State because the development is on common land. However, the need for Common Land consent is separate to the planning process and it is a matter for the developer to ensure all appropriate consents have been obtained.

41. Similarly, the grant of planning permission would not convey any rights to stop up, divert, obstruct or otherwise affect the Public Right of Way. The developer will need to obtain appropriate orders for these purposes before any development starts.

Conclusion

42. The replacement of the bridge in a like for like manner and the minor scale and limited visibility of the other works proposed, would not have any adverse visual and landscape effects and as such would not cause harm to the AONB landscape and the purpose of its designation. There would also be no adverse effects on the important moorland breeding bird habitat, protected species or other ecological interests on the site.

43. All representations have been carefully considered, however there is no conflict with Wear Valley Local Plan policies GD1, ENV1, ENV2 and ENV10, or Sections 7, 11 and 12 of the NPPF.

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

Conditions:

1. The development shall not be begun later than the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Description	Plan Ref No.	Date Received
Red line site plan	000	22.05.2017
Proposed details plan	025	22.05.2017
Proposed bridge elevations	027	22.05.2017
Proposed drainage	026	22.05.2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained

3. The bridge and retaining wall shall be constructed in accordance with a stone sample panel which shall first have been approved in writing by the local planning authority.

Reason: In the interests of visual amenity and to comply with Policies GD1, ENV1, and ENV2 of the Wear Valley District Local Plan as Amended by the Saved and Expired Policies September 2007.

4. The development hereby approved shall be carried out in strict accordance with the mitigation measures set out within Section 6 (mitigation) of the submitted Ecological Appraisal report by Naturally Wild, dated the 12th October 2017.

Reason: To minimize ecology impacts in accordance with policy GD1 of the Wear Valley District Local Plan and Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Wear Valley District Local Plan
North Pennines AONB Management Plan
All consultation responses and representations received

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 <p>Durham County Council</p> <p>Planning Services</p>	Smiddy Burn Bridge, Stanhope Common, Stanhope
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