

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/17/03751/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline 16 no. dwellings all matters reserved
<b>NAME OF APPLICANT:</b>	Messrs Hendriksen and Forrest
<b>ADDRESS:</b>	Land to The West of Bridgewater Arms Winston DL2 3RN
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site is a field of grazing land, which sits closely to the north of Winston and immediately to the south of the A67. It falls within the Area of High Landscape Value (AHLV) designation of the Teesdale Local Plan. The grade II listed Bridgewater Arms sits immediately to the east of the site, while a burn runs along the southern boundary of the site, beyond which sits a residential property, Burncroft.
2. The application is in outline with all matters reserved for the erection of 16no. dwellings. As such, the submitted plans are being treated as indicative.
3. The application is brought to the planning committee as it represents major development.

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### PLANNING HISTORY

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4. There is no planning history relating to the development site.

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### PLANNING POLICY

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#### NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
6. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient

amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

7. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
8. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
9. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
10. *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.
11. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
12. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

*The above represents a summary of those policies considered most relevant in the Development Plan*

#### **LOCAL PLAN POLICY:**

13. The following saved policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.

14. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
15. *Policy ENV1: Protection Of the Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
16. *Policy ENV3: Development Within Or Adjacent To an Area Of High Landscape Value:* The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
17. *Policy ENV8: Safeguarding Plant and Animal Species Protected by Law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
18. *Policy ENV10: Development Affecting Trees or Hedgerows.* Development will only be permitted where it avoids unreasonable harm to or loss of: Any tree or hedgerow protected by a preservation order; or A tree within a conservation area; or Any trees, tree belts or hedgerows which do, or will when mature, contribute significantly to any of the following A. Landscape diversity B. The setting of nearby existing or proposed buildings C. A protected species habitat D. Visual amenity.
19. *Policy ENV16: Development Affecting Flood Risk:* Development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. Development in high risk flood areas will only be permitted as an exception where there are no reasonable opportunities to develop in a lower risk area. Applications will be considered against the criteria in the sequential test set out in paragraph 30 and table 1 of ppg25. All applications for development in flood risk areas and/or where the development would result in an increased risk of flooding elsewhere will be accompanied by a flood risk assessment as outlined in ppg25, appendix f. Developers will be required to fully fund the provision and future maintenance of flood mitigation and defence measures required as a result of their proposals, including any consequent works to prevent additional flood risk to other land/properties. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off.
20. *Policy BENV3: Development Adversely Affecting the Character of a Listed Building:* Development which would adversely affect the character of a listed building or its setting will not be permitted.
21. *Policy BENV11: Archaeological Interest Sites.* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field

evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved. Developments which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.

22. *Policy H1A: Open Space within Developments:* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.

23. *Policy H14: Provision of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>*

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan -**

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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

24. *Winston Parish Council:* Object to the application. There is concern in relation to flood risk, ownership of the access to the field, highways concerns, concern relating to capacity of infrastructure and impact on the environment, concern about the level of development and concern in relation to the level of community consultation identified by the applicant. Concern is also expressed that the houses would be out of keeping with the character of the area, would result in overdevelopment of the site, would harm local landscape and historic features, would be detrimental to wildlife and would cause disturbance and conflict to adjoining properties.

25. *Highway Authority:* No objections to the principle of the development but some concerns in relation to the accuracy of the proposed access plan which would require correction. As well as inconstant measurements of footpath width, the width of the proposed widened carriageway is shown reduced down from 5.0m at the 6m radius tangent points to 4.4m at a point 12m within the site. However, the adoptable carriageway width must be no less than 4.8m at any point. Irrespective of this being an outline application the relationship of the required (4.8m wide) internal access road

to the proposed new access arrangements external to the site, must be shown in a revised plan. It would be beneficial to have the access proposals depicted upon the more detailed (1:200) topographical layer. A 4.0m radius should also be shown at the corner of the new access road and the existing unclassified public highway to the south.

26. *Northumbrian Water*: No objection. Foul flows to discharge to the combined sewer at manhole 1801 and surface water to discharge to the existing watercourse.

#### **INTERNAL CONSULTEE RESPONSES:**

27. *Design and Conservation*: Object to the application. No appropriate appraisal has been undertaken of the contribution the proposed development site makes to the setting of the adjacent grade II listed Bridgewater Arms and the impact that development within the setting would have on the significance of the listed building. Development of the site would represent an uncontained and irrational extension to the village at odds with its strong linear form.

28. *Landscape*: Object to Development. The site is within an Area of High Landscape Value and the strategy for the area is conserve and restore. To the north is a hedge that contains a significant proportion of ash that has been allowed to grow out. There are also a few young ash just north of the hedge, but these have not been distinguished in the Arboricultural Impact Assessment. At the moment this provides good screening in summer, but relatively little screening for six months of the year. Although the land to the north of the village has been separated from the farmland to the north by the by-pass, this land remains almost entirely undeveloped and retains historic field patterns and boundaries. This settlement pattern would be lost with this proposal, which would have a significantly negative effect on the landscape in conflict with landscape related policies. The mature horse chestnut near the entrance, is now proposed for removal. This would be damaging to the setting of the Conservation Area and the listed Bridgewater Arms.

29. *Landscape (Trees)*: There are some individual trees within the northern hedgerow which should be identified and retained. The Horse Chestnut tree to the east of the site makes a significant contribution to visual amenity and its removal cannot be supported from an arboricultural perspective.

30. *Drainage and Coastal Protection*: More details are required in order to fully assess the impact of the development including written drainage strategy, drainage layout including SuDS features and hydraulic calculations to simulate flood events.

31. *Ecology*: No impact on protected species is identified, however the proposals would result in a loss of biodiversity on the application site, which could be offset by the provision of limited habitat creation on the site, and the provision of a commuted sum payment to increase habitat provision off site, which would have to be arranged through a S106 agreement.

32. *Noise Action Team*: There would be little to no impact associated with noise from the public house. Road noise from the A67 would be an issue however. Increased glazing and acoustic ventilation to affected facades as well as an acoustic fence along the northern boundary of the site should mean that there would be no unacceptable impact on residential amenity. A condition would however be required in relation to the requirement for a specific scheme.

33. *Archaeology*: Following the carrying out of trial trenching on the site no further archaeological work is needed.
34. *Contaminated Land*: Contaminated land condition required.
35. *DCC Education*: There are sufficient primary and secondary school places available to accommodate pupils that are likely to be generated by the development.
36. *Affordable Housing*: Affordable housing should be provided as 20% of the development in this area. This should be delivered as a mix of tenure with 80% for affordable rent and 20% for affordable home ownership.
37. *Spatial Policy*: The site, if developed would not relate well to the existing pattern and form of the village.

The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure.

The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly, and is a material change from the position outlined in the response from March when a 5-year supply could not be demonstrated.

## **PUBLIC RESPONSES:**

38. The application has been publicised by way of site notice, press notice and neighbour notification letters. 27 letters of objection have been received including objections from CPRE and the Winston Playing fields committee. A petition has also been submitted which has been signed by most of the village objecting to the proposed removal of a horse chestnut tree from land to the east of the site and calling for its protection by tree preservation order.
39. Full details of concern can be found on the Council's web site, but the main common points of objection are summarised below:

### Highways

- Concern over impact of additional traffic in terms of road safety

### Landscape and Ecology

- Concern that development will result in increased flooding
- Over development of site
- Overshadowing/overlooking
- Objection to tree and hedge removal

- Detrimental impact to AHLV and Bridgewater Arms
- Concern over loss of ecology habitat

#### Other Issues

- Concern over land ownership
- Lack of affordable housing provision

*The above is not intended to repeat 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/>*

#### **APPLICANTS STATEMENT:**

40. It has been evidenced that the proposals put forward are one way in which the LPA can deliver much needed new housing in a sustainable manner. The proposal takes full account of local policies and Central Government planning guidance. The LPA is therefore invited to support the current proposal for housing.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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41. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the impact on the character and appearance of the area and designated heritage assets.

#### Policy Context

42. Given the age of the Teesdale Local Plan its housing policies cannot be considered as up to date and the emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

43. This engages Paragraph 11 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means either:

- approving development proposals that accord with an up-to-date development plan without delay; or
- 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 the Framework(NPPF) 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 the Framework(NPPF) taken as a whole.

## Housing Land Supply

44. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
45. Although the supply has not yet been established in a recently adopted plan, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

## Location

46. Winston is classed as a hamlet in the County Settlement Study on account of its very limited services and facilities. However, it is one of a group of small villages along the A67 between Barnard Castle and Darlington. Whilst the site is not strictly within the village, it is closely related to it. There is a regular bus service to the other villages and main centres. The NPPF recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. That would be the case here, and as such, there is no significant conflict with the housing location aims of the NPPF.

## Impact on the character and appearance of the area

47. The application site is grazing land of approximately 0.8 hectares. It is bordered by trees and hedging to its south west boundary while the northern boundary to the A67 contains a dense mix of ash and hawthorn. Site levels slope gently downwards from north west to south east.
48. The site is identified in the Teesdale Local Plan as being within an area of high landscape value (AHLV), defined in the County Durham Landscape Character Appraisal as the Dales fringe landscape character area. The landscape strategy for this area is to conserve the character of the landscape and restore it where it has been weakened. This includes aims to ensure that new development is in keeping with the character of its surroundings. Saved Policies GD1 and ENV3 of the Teesdale Local Plan require among other things, that new development does not unreasonably harm the rural landscape of the area and qualities of the AHLV. Policy ENV10 does not permit development which causes unreasonable harm to or loss of any trees, tree belts or hedgerows which contribute significantly to any of the following: Landscape diversity; the setting of nearby existing or proposed buildings; a protected species habitat or visual amenity.
49. Winston is an attractive small rural village with a predominantly linear character. The surrounding countryside provides the backdrop to the village to the south and is an important element of its rural character and identity. So too are the small fields immediately to the north which lie between the village and the A67 and which the application site is a part of.
50. The A67 does provide containment to the north and as such the development would not be viewed as an intrusion into open countryside. It would however, by reason of its size and orientation, represent a comparatively large addition to the village envelope in a manner that does not naturally follow its existing linear pattern. The

development would extend notably into the area that contributes to the rural character and setting of the village and is designated as AHLV.

51. That being said, views of the site are currently quite limited. It is effectively screened from the A67 by the dense roadside planting. Within the village it is only seen in a 50m gap between the Bridgewater Arms and the residential property Burncroft. There are 2 mature trees either side of the gap, which when in full leaf, further reduce views of the site.
52. However, this would not necessarily remain the case if the site were developed in the scale and manner proposed. Firstly, there are a large number of Ash trees within the planting along the A67, which are at risk from ash die back, and that would make a significant difference to the density of that planting and the screening it offers. But even without such an effect, large properties would be located very close to the northern boundary of the site, and at two storey height, are likely to be visible behind/above the planting. Furthermore, it is noted that there is a requirement for a 2.3m high solid acoustic barrier to be installed along the northern boundary of the site to limit the impact of road noise from the A67. That in itself will require some thinning of the vegetation, thereby reducing the amount of screening, and would also be quite a dominant feature of over 100m length along this stretch of the A67. In an area with such a strong rural character it is considered that this would have a damaging urbanising impact.
53. During the course of the application it has also been identified that the mature Horse Chestnut tree immediately to the east of the site would need to be removed in order to accommodate a vehicular access to the required adoptable standard. This tree stands prominently at the site entrance and makes a strong positive contribution to the amenity of the area and setting of the Bridgewater Arms, as identified by both the Landscape and Design/Conservation Sections. Its removal would result in some harm to these interests, but would also make any development within the site more visible. This in turn would have further implications on the setting of the Bridgewater Arms, as is discussed later in this report.
54. Having regard to all of the above, it is considered that whilst the development proposal would not intrude into open countryside, it would still intrude notably into an area which is integral to the landscape setting of Winston and erode its rural character.
55. It is concluded therefore that the proposed development, through the combination of the factors identified above, would have a detrimental impact on the character and appearance of the area and as such, there is conflict with the landscape strategy for the area and policies ENV3, ENV10 and GD1 of the Teesdale Local Plan.
56. These policies are consistent with the aims of the NPPF (paragraphs 127, 170 & 172) in respect of ensuring development is well designed, contributes positively to and protects the intrinsic character and beauty of the countryside and valued landscapes and can therefore be attributed considerable weight.

#### Impact on designated heritage assets

57. Immediately to the east of the site is The Bridgewater Arms public house, the original western section of which is Grade II listed. A little further to the east is the early Medieval Grade I Listed Church of St Andrew. The setting of the Church of St Andrew is extensive and the village setting contributes to its significance, but the application site is sufficiently distant and contained to play a limited part in this setting. However, the site does fall firmly within the setting of The Bridgewater Arms and the indicative

details demonstrate the possibility of development taking place in close proximity to this listed building.

58. As such, the local planning authority must have particular regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 requires that in considering whether to grant planning permission for development which affects the setting of a listed building the local planning authority shall have special regard to the desirability of preserving its setting.
59. Furthermore, saved Policy BENV3 of the Teesdale Local Plan relates to development in relation to listed buildings, including their setting and states that development which would adversely affect the character of a listed building or its setting will not be permitted.
60. The submitted heritage statement is generally limited to brief commentary and the repetition of listing descriptions. It does acknowledge that the immediate setting of the Bridgewater Arms could be affected by the proposals, but makes limited appraisal of the contribution the proposed development site makes to the setting of the adjacent listed building and the impact that development within the setting would have on its significance.
61. The Bridgewater Arms was originally a school. The age, architectural features of the original building and its rural setting, which has always retained a degree of separation from the main body of Winston enabling an appreciation the building to be experienced within its rural context, are key features of its significance. There have been some unfortunate modern additions to the east of the building, but these do not completely diminish the significance of the original building and the character of its open setting to the west. The application site and boundary planting provide a pleasant, green and open backdrop to the building when viewed from the front car park of the Bridgewater Arms and enhance the setting of the building. The Horse Chestnut tree on open land to the south of the building is also a strong landscape feature that enhances the setting of the building.
62. In having special regard to the desirability of preserving the listed buildings or their settings, it is considered that the development would harm that part of The Bridgewater Arm's significance it derives from its setting through the fundamental change from having an open pastoral backdrop to one which is a largely built up and enclosing one. The historical visual detachment from the main settlement would be removed and a key feature of the significance of the building and its setting would be lost. The harm would be compounded by the loss of the Horse Chestnut tree to accommodate the access and the visually dominant form of development shown in the indicative details, which would sit close and high in relation to the much smaller listed building. As such, the proposal conflicts with saved policy BENV3 of the Teesdale Local Plan.
63. This policy is consistent with the aims of the NPPF (paragraphs 184, 190 and 193) in respect of the conservation of heritage assets and can therefore be attributed considerable weight.

#### Other Issues

64. Objectors have expressed concerns over highway safety, however, the advice from the Highway Authority is that subject to some minor alterations, safe access could be achieved. This could be secured at the detailed application stage, particularly as access is a reserved matter, although the applicant would have to demonstrate appropriate control over any land to facilitate the works. Furthermore, the highways

network is considered capable of hosting the level of vehicular movements that the development is likely to generate. As such, there are no grounds for a highway safety objection at this stage.

65. Concerns have also been expressed over exacerbation of flooding issues at the southern edge of the site where a burn runs along the site boundary. Although some drainage details have been put forward with the application including a cellular storage system, further information would be required in order to fully assess the impact of the development including written drainage strategy, drainage layout including SuDS features and hydraulic calculations. Nevertheless, this should not be an insurmountable problem and the necessary details could be secured by conditions and through the detailed application.
66. Archaeological investigations did not identify any significant archaeological deposits and therefore no further archaeological work has been requested by the Council's Archaeology section.
67. The Ecology Section is satisfied with the conclusions of the ecology survey which identifies that there should be no significant impact on protected species and wider ecology interests. However, development of the site would lead to a net loss in biodiversity, which should be compensated for to satisfy the requirements of NPPF paragraph 170(d). This could be achieved through an off-site contribution towards habitat improvements, secured by Section 106 agreement.
68. In line with Policy H14 of the Teesdale Local Plan and the advice of the Council's Housing Section a minimum of 20% Affordable Housing would be required on the site to be split (80% - 20%) between affordable rent and affordable home ownership. This is in accordance with the aims of NPPF paragraph 50 to deliver a wide choice of homes and widen opportunities for home ownership to create sustainable, inclusive and mixed communities. The applicant has supplied correspondence which states they are willing to make this provision, secured by Section 106 agreement.
69. In line with Policy H1A developments of 10 or more dwellings should make appropriate provision towards open space. This is in accordance with the aims of NPPF Part 8, which recognises the important role planning can play in facilitating social interaction and creating healthy communities through delivery of social and recreational facilities. An off-site contribution would be appropriate in this case, calculated against the latest Open Space Needs Assessment (OSNA) and the applicant has suggested they would be willing to meet such a requirement, secured by Section 106 agreement.

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## **CONCLUSION**

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70. It is accepted that the housing policies of the Teesdale Local Plan are out-of-date, which engages paragraph 11 of the NPPF. However, regardless of whether the Council can demonstrate a 5 year land supply, there are specific policies in the NPPF which indicate that development should be restricted, in particular those concerned with conserving and enhancing designated heritage assets. These are circumstances where the presumption in favour of sustainable development does not apply.
71. For the reasons set out in this report, it has been concluded that the development proposal would cause harm to both the character and appearance of the area and the

immediate setting of the grade II listed Bridgewater Arms, a designated heritage asset.

72. Whilst the harm to the designated heritage asset would be classed as less than substantial, the NPPF requires that great weight is given to the designated heritage asset's conservation, regardless of the degree of harm, and therefore this harm carries considerable weight. In such circumstances the NPPF requires the harm to be weighed against the public benefits of the proposal.

73. The public benefits of the proposal would include the provision of new homes along with some economic benefits arising through their construction and subsequent support of services in the wider vicinity by future occupants. The provision of affordable homes would be an additional social benefit. Together, these public benefits carry some weight.

74. Nevertheless, the harm to the significance of designated heritage assets, specifically to that which The Bridgewater Arms derives from its setting, would be considerable and needs to be afforded great weight. This harm would not be outweighed by the public benefits. When the identified landscape harm is also considered, the adverse impacts of the development are further demonstrated to significantly and demonstrably outweigh the benefits.

75. The lack of harm in respect of the other identified issues, as well as the contributions to open space and habitat improvements are neutral factors not benefits.

76. Therefore, for the reasons set out above, it is concluded that the development would harm the character and appearance of the area and the significance of designated heritage assets, contrary to Teesdale Local Plan policies GD1, ENV3, ENV10 and BENV3, as well as the NPPF, and is therefore recommended for refusal.

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## **RECOMMENDATION**

That the application be **REFUSED** for the following reason;

1. The development would have a harmful effect on the character and appearance of the area and setting of the grade II listed Bridgewater Arms, a designated heritage asset by eroding the rural character of an area which is important to the landscape setting of Winston, as well as to the setting and thereby significance of the Bridgewater Arms Public House. This is contrary to Teesdale Local Plan Policies GD1 (Bb & I), ENV3, ENV10 (B & D) and BENV3, as well as paragraphs 170(a & b), 184, 190 and 193 of the NPPF. It is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the development plan and the NPPF considered as a whole.

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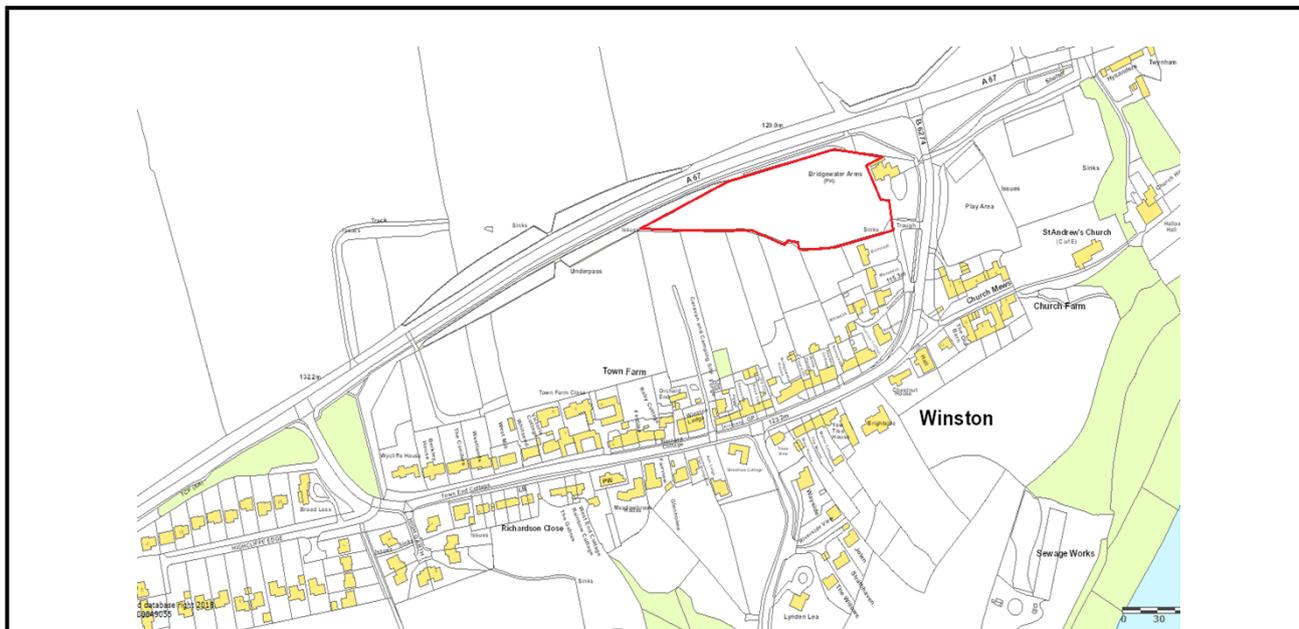
## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in the balance of all considerations, the issues of concern could not result in a positive outcome being achieved.

## BACKGROUND PAPERS

Submitted application form, plans supporting documents  
The National Planning Policy Framework (2018)  
National Planning Practice Guidance Notes  
Teesdale Local Plan  
The County Durham Plan (Submission Draft)  
County Durham Settlement Study 2012  
All consultation responses received



### Planning Services

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18<sup>th</sup> October 2018