

Commentary: DCC Assessment of Durham City Local Plan (2004) Saved Policies (July 2015)

Source document:

"City of Durham Local Plan. Consistency Assessment of Saved Policies with National Planning Policy Framework and Guidance" available at: <http://durhamcc-consult.limehouse.co.uk/file/3512047>

Introduction

The County Council's original document is a daunting 330 pages. I've worked through it and produced this commentary of just 13 pages because the original contains valuable, even vital, information about the status of the saved policies of the 2004 city plan. Furthermore, it gives detailed references to both the *National Planning Policy Framework* and the *Planning Policy Guidance*; these can be very helpful when seeking additional background about a particular policy. I've included some detail from these with reference to policies about the Green Belt.

Part I of this commentary is simply the contents list of the policies and it serves as a quick reference to find the status of any of them. The information has been organised into tables with four columns that show:

1. Policy code
2. Policy title
3. Page number in the original document
4. Status when assessed against NPPF and PPG.

There are five possibilities here:

Y = Fully compliant with them
P = Partially compliant
N = Not compliant
O = Obsolete
I = Implemented

If the Status letter is followed by an *, it means that in Part II I've dealt with this policy in more detail because of its significance, in my view, to the work of the Neighbourhood Planning Forum.

Part II elaborates on some of the policies, particularly explaining those that are assessed as partially compliant or not compliant. The format in this part is that I give the code, summary and status of each policy and then the Council's assessment of it. This is highlighted in yellow. I've done all of this simply by copying and pasting the Council's own words, correcting only the most obvious typos.

One curiosity of their document is that it doesn't assess the three policies (CC1, CC2, CC3) that concern the city centre. At that point I've inserted the full text of the policies themselves.

I hope colleagues find this commentary helpful. It is not meant to be read as a whole, but it's a work of reference if you are concerned about a particular policy. Please feel free to amend or extend it as you see fit. As it is, it simply represents my view of what is of interest in the original. Others might spot additional points of significance.

John Lowe
7 November 2015

Part I: Contents Summary

Policy Code	Policy Title	Page Number	Status
	Environment	12	
E1	Durham City Green Belt	12	P
E2	Major Developed Sites in the Greenbelt - Infilling	13	Y*
E2A	Major developed Sites in the Green Belt - Redevelopment	14 Y*	
E3	World Heritage Site - Protection	15 Y	
E4	World Heritage Site - Extension	16	Y
E5	Open Spaces Within Durham City	17	Y
E5A	Open Spaces within Settlement Boundaries	18	Y
E6	Durham City centre Conservation Area	19	P*
E7	Development Outside of Settlement Limits	20	Y
E8	Change of Use	22	P*
E10	Areas of Landscape Value	23	P*
E14	Existing Trees and Hedgerows	24	Y
E15	New Trees and Hedgerows	25	Y
E16	Nature Conservation – the Natural Environment	26	Y
E17	Sites of Special Scientific Interest	27	P*
E18	Sites of Nature Conservation Importance	28	P*
E19	Wildlife Corridors	29	Y
E20	Local Nature Reserves	20	Y
E21	Historic Environment	31	Y
E22	Conservation Areas	32	Y
E23	Listed Buildings	34	Y
E24	Ancient Monuments and Archaeological Remains	36	Y
E25	Nevilles Cross Battlefield	37	Y
E26	Historic Parks and Gardens	39	Y

Policy Code	Policy Title	Page Number	Status
	Housing	42	
H1	New Housing Allocations	42	I
H2	New Housing in Durham City	43	P*
H3	New Housing Development in the Villages	45	P*
H4	Villages with No Settlement Boundary, Ribbon Development Sporadic Groups of Houses	48	P
H5	New Housing in the Countryside	50	P
H6	Replacement Dwellings Outside Settlement Boundaries	51	Y*
H7	City Centre Housing	52	Y
H8	Residential Use of Upper Floors	54	Y
H9	Multiple Occupation/Student Households	55	Y*
H10	Backland and Tandem Development	58	Y
H12	Affordable Housing: Ensuring a Range of House Types	59	P*
H12a	The Type and Size of Housing	61	Y
H13	The Character of Residential Areas	63	P*
H14	Improving and Creating More Attractive Residential Areas	65	Y
H15	Sites for Travellers	66	P
H16	Residential Institutions and Student Halls of Residence	68	Y
H17	Renewal of Planning Permission for Housing Development	70	P

Policy Code	Policy Title	Page Number	Status
	Employment	73	
EMP2	Durham Science Park	73	Y
EMP3	Mount Oswald	76	O
EMP4	Business Parks	76	Y
EMP5	Prestige Industrial Sites - General	79	P*
EMP6	Prestige Industrial Development at Belmont	83	P
EMP7	Prestige Industrial Development/Rail Freight Terminal, Tursdale	86	Y
EMP8	General Industrial Sites	89	Y
EMP9	Local Industrial Sites	92	P
EMP10	Bad Neighbour Activities	95	Y
EMP11	Employment Within Settlement Boundaries But Outside Designated Sites	96	Y
EMP12	General Locational Criteria – Office Development General	97	P
EMP13	Office Development Sites (Outside the City Centre)	99	N*
EMP14	Office Development Elsewhere	102	N*
EMP15	Taxi Booking Offices	104	P*
EMP16	Employment in the Countryside - General	105	P
WMP17	Farm Diversification	107	Y
EMP17a	Agriculture and Forestry Development	108	Y
EMP18	Home Based Business	109	Y
EMP19	Notifiable Installations	111	Y
EMP20	Notifiable Installations	112	Y

Policy Code	Policy Title	Page Number	Status
	Transport	115	
T1	General	115	P8
T2	Road Proposals	116	Y
T3	Land That Should Be Safeguarded For New Road Schemes	118	P*
T4	Assessing The Route and Design of New Road Proposals	120	P*
T5	Public Transport	122	Y
T6	Transport Interchange at Carville	124	Y
T7	Park and Ride 126	126	I
T8	Traffic Management	127	Y
T9	Movement of Freight	128	Y
T10	Parking	129	N*
T11	Parking in The City Centre	131	N*
T12	Management of Off-Street Car Parking	132	N*
T13	Additional New Public Car Parks	133	Y
T17	Storage of Caravans and Boats	135	Y
T18	Taxi Ranks	136	Y
T19	Cycle Routes	137	Y
T20	Cycle Facilities	138	Y
T21	Walkers Needs	140	Y

Policy Code	Policy Title	Page Number	Status
	Shopping	143	
S1a	Retail Hierarchy	143	Y
S1	City Centre Shopping Area	145	Y
S2A A2 A3	Uses Within the Primary Retail Area	146	P*
S2B A2 A3	Uses Within the Secondary Retail Area	148	N*
S3	Elvet Bridge	149	P*
S4	Sherburn Road/Dragon Land District Centre	150	Y
S5	Local Centres	152	Y
S6	Village Shops	154	Y
S7	Individual Shops	156	N*
S8	Retail Warehousing Outlets	158	Y
S9A	The Arnison/Mercia Centre	160	Y
S9B	Major Out of Centre Proposals	162	Y
S10	Food and Drink	164	P
S11	Miscellaneous Sales	166	N
S12	Occasional Markets	168	Y
S13	Factory and Farm Shops	169	N
S14	Amusement Centres	172	N*
S15	Garden Centres	173	N*
S16	Petrol Filling Stations	175	N

Policy Code	Policy Title	Page Number	Status
	Recreation	179	
R1	Provision of Open Space	179	P
R2	Recreational and Amenity Space in New Residential Developments	181	P
R3	Protection of Open Space Used for Recreation	184	Y
R4	Land Surplus to Educational Requirements	186	Y
R5	Protection of Allotments	188	Y
R6	District Sport and Leisure Centres	190	P
R7	New Swimming Pool	193	I
R8	New Recreational Facilities	194	P
R9	Public Parks and Recreation Grounds	197	P
R10	New Development for Recreation or Leisure in The Countryside	200	P
R11	Public Rights of Way and Other Paths	204	Y
R12	River Wear	205	Y
R13	River Wear Walkway	207	Y
R14	Browney Valley	208	Y
R15	Picnic Sites	211	Y
R16	Equestrian Facilities	212	Y
R17	Stables	215	Y
R18	Golf Courses and Golf Driving Ranges	218	Y
R19	Off Road Motor Sports	223	Y

Policy Code	Policy Title	Page Number	Status
	Tourism	229	
V1	Tourist Facilities and Attractions	229	I*
V2	New Tourist Attractions	230	Y
V3	Development of Tourist Attractions	231	Y
V4	New and Extended Tourist Attractions in the Countryside	232	Y
V6	Visitor Accommodation Within Settlement Boundaries	234	Y
V7	Visitor Accommodation In The Countryside	235	P
V8	Camping, Caravan and Chalets	237	P
V9	Occupancy of Static Caravans and Chalets	239	Y

Policy Code	Policy Title	Page Number	Status
	Community Facilities	242	
C1	Re-development of the Dryburn Hospital Site	242	P
C2	Health Centres, Surgeries and Clinics	243	Y
C3	Education: University of Durham	244	Y*
C5	New College Durham – Nevilles Cross Site	245	O
C6	Durham Johnston Comprehensive School: Crossgate Moor Site	246	O
C7	Durham Johnston Comprehensive School: Whinney Hill Site	247	Y
C8	Provision of New Community Facilities	249	Y
C9	Loss of an Existing Community Facility	250	Y

Policy Code	Policy Title	Page Number	Status
	City Centre	252	
CC1	Vitality and Viability	252	-
CC2	Development Opportunities	252	-
CC3	Development Opportunities	252	-

Policy Code	Policy Title	Page Number	Status
	Quality of Development	254	
Q1	General Principles – Designing for People	254	Y
Q2	General Principles – Designing for Accessibility	256	Y
Q3	External Parking Areas	258	Y
Q4	Pedestrian Areas	262	Y
Q5	Landscaping – General Provision	265	Y
Q6	Landscaping – Structural Landscaping	266	Y
Q7	Layout and Design – Industrial and Business Development	267	Y
Q8	Layout and Design – Residential Development	269	P*
Q9	Alterations and Extensions to Residential Property	275	P
Q10	Dormer Windows	278	P
Q11	Shopfronts – Provision of New	280	Y
Q12	Shopfronts – Retention of Existing	282	Y
Q13	Satellite Dishes	285	Y
Q14	Security Shutters	286	Y
Q15	Art in Design	287	P
Q16	Advertisements – General Criteria	288	Y
Q17	Advertisements – Hoardings and Panels	289	P

Policy Code	Policy Title	Page Number	Status
	Utilities and Infrastructure	292	
U1	Telecommunications - General	292	P
U2	Telecommunications – Impact on World heritage Site	294	P
U3	Transmission Lines	296	Y
U4	Under-Grounding of Services	297	P
U5	Pollution Prevention - General	298	P
U6	Pollution Prevention – Anti-Pollution Development	301	P
U7	Pollution Prevention – Development Sensitive to Pollution	304	P
U8	Sewage Treatment Works	307	Y
U8A	Disposal of Foul Water	309	Y
U8B	Sewage Treatment Works in Green Belt	311	Y
U9	Watercourses	314	P
U10	Natural Flood Plains	316	P
U11	Development on Contaminated Land	318	Y
U12	Development Near Contaminated Land	320	Y
U13	Development on Unstable Land	321	Y
U14	Energy Conservation - General	322	Y
U15	Energy Conservation – Renewable Resources	324	Y
U17	Recycling	326	Y

Part II Commentary on the Policies

E1 Durham City Green Belt **Partial**

This saved policy sets out the types of new buildings that would be permitted within the defined Green Belt.

What the NPPF says:

Paragraph 89: Sets out the types of new development which can be regarded as exceptions to current national Green Belt policy, including additional forms of development which are not inappropriate.

What PPG Says: Paragraph: 044 Ref ID: 3-044-20141006 Revision date 06.10.2014

Stipulates that Green Belt boundaries should only be altered in exceptional circumstances.

Paragraph : 034 Ref ID: 3-035-20140306 Revision date: 06.03.2014

Clarifies that unmet housing need is unlikely to constitute "very special circumstances" to justify inappropriate development on a site within the Green Belt.

Assessment Comments

Recent appeal decisions have confirmed that this saved policy is still relevant. However, whilst the objective of this saved policy is consistent with NPPF & PPG the policy wording in NPPF introduces a wider scope by virtue of the exceptions which are set out in paragraphs 89 and 90. As such the full suite of NPPF exceptions must be given primacy.

E2 Major Developed Sites in the Greenbelt – Infilling **Yes**

This saved policy identifies major previously developed sites within the Green Belt where limited infilling is permissible under certain circumstances.

What the NPPF says: Paragraph 89: NPPF is less prescriptive than the former PPG2 in relation to such sites and has no specific reference as to defining them though bullet 6 applies similar criteria to E2.

What PPG Says: Paragraph: 044 Ref ID: 3-044-20141006 Revision date 06.10.2014

PPG does not directly address the issue but states that the NPPF makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

E2A Major developed Sites in the Green Belt – Redevelopment **Yes**

This saved policy provides criteria to determine the acceptability of complete or partial redevelopment of such sites.

What the NPPF says: Paragraph 89: NPPF is less prescriptive than the former PPG2 in relation to such sites and has no specific reference as to defining them though bullet 6 applies similar criteria to this saved policy.

What PPG Says: Paragraph: 044 Ref ID: 3-044-20141006 Revision date 06.10.2014

PPG does not directly address the issue but states that the NPPF makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

E6 Durham City centre Conservation Area **Partial**

This policy sets out criteria which new development which relates to the Durham City Centre Conservation Areas must accord with in order to preserve and enhance the character and appearance of the area. It also confirms that consent will not be granted for development or demolition detrimental to historic profile of buildings on within specific streets.

What the NPPF says: Paragraph 126 and 131 LPAs should consider the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 137 LPAs should look for opportunities for new development within Conservation Areas and World heritage Sites and within the setting of heritage assets to enhance their significance.

Paragraph 59: design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access in relation to the local area.

What PPG Says: Paragraph: 004 Ref ID: 18a-004-20140306 Revision date 06.03.2014

In line with the National Planning Policy Framework, local authorities should set out their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. Such as a

strategy should recognise that conservation is not a passive exercise. In developing their strategy, local planning authorities should identify specific opportunities within their area for the conservation and enhancement of heritage assets. This could include, where appropriate, the delivery of development within their settings that will make a positive contribution to, or better reveal the significance of, the heritage asset.

Assessment Comments

The saved policy criteria are consistent with both NPPF and PPG in principle, though regard should be had to the fact that the national policy framework is less prescriptive than the saved policy.

E8 Change of Use **Partial**

This policy sets out the circumstances in which change of use of buildings in the countryside will be permissible.

Policy broadly consistent in principle however regard needs to be had to the fact that NPPF less restrictive regarding re-use for residential purposes and so the test at E8.6 should no longer be applied.

E10 Areas of Landscape Value. **Partial**

This saved policy sets out how the LPA proposes to protect the landscape.

The purpose and content of this saved policy is reflected in the objectives of with both NPPF & PPG however NPPF does not recommend local landscape designations. Notwithstanding this NPPF acknowledges the importance of protecting the character of 'valued landscapes'. The Council considers ALV's fall within the scope of such landscapes. For these reasons the saved policy is considered to be partially consistent with NPPF.

Regard should be had to the Local Landscape Assessments when determining a proposal in association with this policy.

E17 Sites of Special Scientific Interest. **Partial**

This policy confirms that development likely to adversely affect Sites of Special Scientific Interest will only be permitted if it is of national importance and cannot be located elsewhere, and that remedial measures are taken to minimise impact.

The principles of this saved policy are consistent with both NPPF and PPG. However the exceptions test set out in NPPF differs and should take precedence over that set out in the saved policy.

E18 Sites of Nature Conservation Importance. **Partial**

This saved policy sets out the circumstances of when a proposal which impacts adversely upon the conservation interests of a Site of Nature Conservation Importance (SNCI) is permissible.

The principles of this saved policy are consistent with both NPPF and PPG. However the exceptions test set out in NPPF differs and should take precedence over that set out in the saved policy.

H2 New Housing Development within Durham City. **Partial**

Policy states that windfall housing development of previously developed land and conversions will be permitted within settlement boundary of Durham City, subject to environmental and transport issues being acceptable

This policy is consistent with paragraphs 14 and 49 of the NPPF as it enables applications to be flexibly considered in the context of the presumption in favour of sustainable development and objectively assessed needs, whilst taking into account circumstances where adverse impacts would significantly outweigh benefits. However, given its emphasis on PDL sites it's consistency is partial. There may be instances where a greenfield site can be justified through NPPF. This policy should therefore not be used as a reason to refuse such sites on this basis.

H3 New Housing Development within the Villages. **Partial**

Policy states that windfall housing development of previously developed land and conversions will be permitted within settlement boundaries of villages [listed] provided it is appropriate in scale, design, location and no. of units; does not result in the development of areas which possess important

functional, visual or environmental attributes.

Housing on greenfield of under 0.33 ha in coalfield villages most in need of regeneration is permissible if there are clear, quantifiable regeneration benefits that could not be otherwise achieved.

Exceptionally development of greenfield sites of less than 0.33 hectares and less than 10 units will be permitted in coal field villages.

This policy is only partially consistent with the NPPF and PPG as whilst it sets out where development will be permitted it stringently limits the development of greenfield sites in the settlement boundaries of listed villages. The restrictive nature of this policy is out of step with paragraph 49 of the NPPF which requires applications to be considered in the context of the presumption in favour of sustainable development. It is also inconsistent with paragraph 14 of the NPPF which requires authorities to meet objectively assessed needs with sufficient flexibility, unless adverse impacts would significantly outweigh the benefits.

Relevant planning applications within the settlement boundaries should instead be considered in the context of relevant evidence, including:

- the most up-to-date evidence in the SHMA and SHLAA and supplementary evidence on housing need
- the most up-to-date evidence base on infrastructure and viability
- relevant policies in any emerging Development Plan for County Durham
- Annual evidence on the five year land supply
- The annual monitoring report
- The most up to date settlement study for County Durham

There may be instances where a greenfield site can be justified through NPPF. This policy should therefore not be used as a reason to refuse such sites on this basis.

H6 Replacement Dwellings outside the Settlement Boundaries. Yes

This policy confirms that replacement of a dwelling of no architectural interest outside settlement boundaries will be permitted if: same residential curtilage; sensitively sited/designed; does not exceed general size of original; has received planning permission before demolition takes place.

This policy is consistent with paragraph 89 of the NPPF, as it relates to Green Belt, and does not conflict with policy advice for areas outside the Green Belt in the NPPF.

H12 Affordable Housing. Partial

Policy sets out the affordable housing requirements for the area. A fair and reasonable % of affordable housing will be required on sites of 25+ dwellings or 1+ ha.

This policy is consistent with the overall objectives of NPPF. However the decision taker needs to be aware that it is inconsistent with the PPG and **paragraph 47 and 50** of the NPPF in its expectation that an unspecified element of affordable housing should only be expected on sites of a threshold which is not supported by an up-to-date evidence base. **Paragraph 47, 50 and 158 of the NPPF** requires an element of affordable housing to be provided on housing sites as defined in an objective assessment of need in an up to date evidence base. This must also be assessed against viability considerations, as required by **paragraph 174** of the NPPF. The indicative target that is appropriate for affordable housing, relevant housing thresholds and the geographical extent of the area where it should be applied should instead be established by reference to:

- The most up to date SHMA information and any other assessment of housing need.
- The most up to date viability information
- The annual monitoring report
- The emerging development plan for County Durham

H13 Residential Areas -Impact upon Character & Amenity. Partial

This policy stipulates that Planning Permission will not be granted for development which would have a significant adverse effect on character, appearance or amenity.

The NPPF and PPG place significant weight on achieving good design and respecting amenity. The saved policy complies with these aims in general terms, however the measure of 'significant adverse' is overly prescriptive in relation to the more flexible, and generally more proactive, approach set down in national policy and therefore this policy is partially consistent with the NPPF.

Note from JL: The above assessment refers to the actual policy wording: "Planning permission will not be granted for new development or changes of use which have a **significant adverse** effect on the character or appearance of residential areas, or the amenities of residents within them."

EMP5 Prestige Industrial Sites – General **Partial**

On prestige industrial sites (Belmont and Bowburn N) B1 and B2 uses permissible, provided no significant detrimental effect on environment or amenity. New development will be required to achieve high standard of design and landscaping.

The Council Employment Land Review (ELR) constitutes an up to date economic land availability assessment which is PPG compliant. These sites are identified within the ELR but are not reflected as prestige sites and a less restrictive approach is suggested allowing B8 uses. It is therefore considered that the policy is only partially compliant.

EMP12 General Locational Criteria **Partial**

This policy confirms that office development is permissible within or adjacent to city centre, district and local centres.

The policy endorses the sequential approach as outlined within the NPPF. It does not however detail the impact test which may be relevant depending on the scale of the offices proposed.

The policy endorses the sequential approach as outlined within the NPPG. It does not however detail the impact test which may be relevant depending on the scale of the offices proposed. The policy is therefore partially consistent with national policy and guidance.

EMP 13 Office Development Sites (Outside the City Centre) **NOT COMPLIANT**

This policy confirms that office development is permissible on Redhills and land adjacent to Durham station car park

The policy defines specific locations for office use. Office development is defined as a town centre use within NPPF and therefore the sequential and impact approach should be the starting point in any assessment.

The policy defines specific locations for office use. Office development is defined as a town centre use within NPPG and therefore the sequential and impact approach should be the starting point in any assessment.

The policy is therefore inconsistent with national policy and guidance.

EMP14 Office Development Elsewhere **NOT COMPLIANT**

This policy confirms that office development within settlement boundaries but outside allocated areas is permissible if: no significant impact on amenity; accessible by a choice of means of transport; site can be served by roads capable of accommodating likely increase in traffic.

The NPPF advocates a sequential and impact test approach to office development. Office development is defined as a town centre use.

The PPG reaffirms the sequential and impact test approach to office development. This should be the starting point in any assessment. The policy is therefore inconsistent with national policy and guidance.

EMP15 Taxi Booking Offices **Partial**

This policy confirms that taxi booking offices will be permissible only within city centre, district and local centres and other appropriate locations provided: no adverse impact on amenity and highway safety. They will not be permitted in residential areas.

It is reasonable under NPPF to consider noise and traffic impacts, but the blanket restrictions in the policy are considered too prescriptive. For this reason the policy is considered to be partially consistent.

The NPPG does not reference taxi businesses.

T1 General **Partial**

LPA will not grant planning permission for development generating traffic that would be (significantly) detrimental to highway safety or amenity.

The NPPF requires that all developments generating significant amounts of movement should be supported by a Transport Statement or Transport Assessment. It highlights that development

should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

T3 Land That Should Be Safeguarded For New Road Schemes **Partial**

Land will be safeguarded for [listed] road schemes.

The NPPF sets down a presumption in favour of sustainable development with respect to transport planning. The schemes identified in the Local Plan are longstanding ambitions and the evidence may need to be reviewed to justify their continuing relevance and compatibility with the Local Transport Plan.

The PPG supports the requirement for maintaining an up to date evidence base to ensure transport schemes help to achieve sustainable forms of development.

T4 Assessing The Route and Design of New Road Proposals **Partial**

In assessing route and design of new highway schemes, LPA will only support schemes which: avoid severance, impact on amenity or the natural or built environment, or water; make safe provision for pedestrians, cyclists and public transport; achieve co-ordination in the appearance of signage and other highway furniture.

The NPPF and PPG place significant weight on the need to support sustainable development, including managing the safety and amenity impacts of traffic, and promoting more sustainable modes including cycling and public transport. The Local Plan Policy is generally supportive of these aims.

In terms of avoiding schemes which would have a detrimental impact in terms of flooding and pollution, the NPPF and PPG adopt a sequential approach whereby schemes should be located away from risk areas as a general rule. Schemes may be permitted in areas at risk of flooding providing appropriate mitigation can be incorporated to deal with the risk and to not increase risks overall.

T10 Parking **NOT COMPLIANT**

Off-street vehicle parking in new development will be limited to, on average, 1.5 spaces per dwelling.

The NPPF and PPG set out a requirement to provide for local needs based on up to date information on need. The Local Plan Policy seeks to minimise the level of provision which is contrary to the more up to date approach advocated by national guidance. Furthermore car parking requirements are now set out in a up to date Council document to ensure consistency across the County.

T11 Parking in The City Centre **NOT COMPLIANT**

The Council will: introduce controlled parking in city centre; limit increase in private non-residential off-street parking; link this to introduction of Park and Ride.

The NPPF and PPG set out a requirement to provide for local needs based on up to date information on need. The Local Plan Policy seeks to minimise the level of provision which is contrary to the more up to date approach advocated by national guidance. Furthermore car parking requirements are now set out in a up to date Council document to ensure consistency across the County.

T12 Management of Off-Street Car Parking **NOT COMPLIANT**

LPA will encourage the management of [listed] city centre car parks.

Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. In this instance, the policy is not compliant as it does not provide clarity for decision makers.

S2A A2 and A3 Uses Within the Primary Retail Area **Partial**

Within the city centre [as defined], new A1 development will be permitted. Within the primary retail area, A2 and A3 will be permitted provided no more than 20% of the frontage is non-retail.

The NPPF identifies the need for Primary and Secondary frontages however it is not prescriptive as to the type of uses. This would suggest a less restrictive approach to permissible town centres uses within primary frontages, to the approach identified in the Policy. The policy is therefore

considered to be only partially compatible.

S2B A2 and A3 Uses Within the Secondary Retail Area **NOT COMPLIANT**

Within the secondary area [as defined], A2 and A3 are permissible provided they do not undermine the retail character of the street.

The NPPF identifies the need for Primary and Secondary frontages however it is not prescriptive as to the type of uses. This would suggest a less restrictive approach to permissible town centres uses within primary frontages, to the approach identified in the Policy. In addition Annex 2 defines a wider scope of uses which are suitable within defined centres.

S3 Elvet Bridge **Partial**

Within Elvet Bridge, no further A2 is permissible. A3 is permissible provided no more than 50% of the frontage is in non-retail use.

The NPPF identifies the need for Primary and Secondary frontages however it is not prescriptive as to the type of uses. This would suggest a less restrictive approach to permissible town centres uses within primary frontages, to the approach identified in the Policy. The policy is therefore considered to be only partially compatible in the sense that retail uses are allowed however a greater degree of flexibility may need to be considered on other town centre uses that fall outside of the A1 use class.

S7 Individual Shops **NOT COMPLIANT**

Individual small shops (<100m²) permissible within settlement boundaries, provided no impact on other centres/character/amenity/road safety.

The policy promotes impact considerations however individual small shops of under 100sqm are unlikely to require an impact test. The NPPF promotes the default threshold of 2500sqm. A sequential approach may however be considered in line with guidance in NPPF. The policy does not therefore conform with national policy.

S14 Amusement Centres **NOT COMPLIANT**

Amusement centres permissible in local centres, North. Rd and Claypath [as defined] provided no adverse effect on retail character or amenity. Not permissible elsewhere.

The NPPF is silent on amusement centres such as those identified within the policy. The prescriptive nature of the policy is not obviously consistent with the NPPF.

The PPG is silent on amusement centres such as those identified within the policy. The prescriptive nature of the policy is not consistent with national policy.

S15 Garden Centres **NOT COMPLIANT**

New garden centres permissible within settlement boundaries. Permitted elsewhere only if: not in GB: do not detract from character/appearance of landscape; satisfactorily related to existing buildings/setts; no adverse effect on amenity/safety.

Restrictions over locating out with settlement boundaries are more prescriptive than that advised within national policy which places more of an emphasis on sustainability credentials. Restrictions over locating within Green Belt are in full accordance with national policy. Given the lack of reference to sequential and impact tests it is considered that the policy does not comply with national policy.

V1 Tourist Facilities and Attractions **Implemented!**

New visitor centre and Tourist Information Centre proposed within Millennium Place development.

Obsolete as Claypath has been redeveloped. Tourist Information Centre has been closed down as part of a new strategy for the provision of tourist information through existing attractions.

(George Orwell and Humpty Dumpty would both have been proud of this justification for claiming that this policy has been implemented.)

C3 Education: University of Durham **Yes**

LPA will support development proposals by the University. It will need to show these are well-related to existing university activities and do not adversely affect amenity.

The assessment refers to the PPG on "Addressing housing need":

Paragraph: 021 Reference ID: 2a-021-20150326 Revision date: 26 03 2015

Supportive of dedicated student accommodation. Plan makers are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside of university-provided accommodation.

The three **City Centre policies** are not assessed. I've included the original text below.

CC1 Vitality and Viability **SAVED**

POLICY: The Council will seek to protect and enhance the vitality and viability of the city centre by 1) promoting a mixture of uses within the area; 2) sustaining the city centre shopping centre in accordance with policies S1, S2A, S2B and S3a; 3) promoting new residential development in accordance with policies H7 and H8; 4) introducing environmental improvements as part of a comprehensive programme of town centre management; 5) enhancing access to and within the city centre by means other than the private car; and 6) promoting development which seeks to enhance the area, both day and night, in a manner which is safe, accessible and friendly for all users.

ALSO: Refer to pages 216- 218 of the City of Durham Local Plan (2004) for full policy justification and the Durham City Centre Masterplan (2020 Vision)

AND: Pay due consideration to the changes in Use Class resulting from the Use Class (Amendments) Order (2005)

CC2 Development Opportunities **SAVED**

POLICY: The following sites identified on the proposals map are allocated for the uses specified below: a) Framwelgate Waterside – hotel; b) Walkergate – Commercial, Leisure and car park

ALSO: Refer to page 218- 219 of the **City of Durham Local Plan (2004)** for full policy justification and the Durham City Centre Masterplan (2020 Vision).

CC3 Development Opportunities **SAVED**

POLICY: The following sites identified on the proposals map are allocated for the range of land uses specified below: a) Providence Row- former sorting office: residential/offices; b) Lower Claypath: mixed uses; c) Swimming baths: residential/educational/health/ leisure; d) Back Silver Street: bar/restaurant/residential. e) South Street Library: residential.

ALSO: Refer to page 220-221 of the City of Durham Local Plan (2004) for full policy justification, the Durham City Centre Masterplan (2020 Vision) and the Development Brief for Elvet Waterside for CC3(c).

Q8 Layout and Design – Residential Development **Partial**

Layout and design of new residential development must: exclude through traffic and incorporate apt traffic calming; provide adequate amenity and privacy; provide services underground; have well-designed means of enclosure; retain features of interest within site; be appropriate in scape, form, density and materials; make efficient use of land.

The LP Policy requirements are far from exhaustive however they provide general good practice guidelines which align with the principles contained in the NPPF and PPG.

The LP Policy is broadly conversant with national guidance, however it includes some points which may be overly prescriptive in some instances. For example the LP Policy seeks to restrict through traffic which may conflict with the requirement for improving connectivity and accessibility as set down in the NPPF, PPG and up to date design guidance.

The NPPF and PPG are silent on the issue of defining privacy distances, the inference being that greater flexibility can be sought in certain instances and given sufficient justification. The prescribed distances in the LP may therefore be inflexible in some cases.

Appendix: Property Classes

Class A1. Shops

Use for all or any of the following purposes —

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café, where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet; where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area, 23
- where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment.

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.