

City of Durham Parish Council
c/o Adam Shanley

Sent by email

5th July 2019

Dear Adam,

Representations to the Draft Durham City Neighbourhood Plan Consultation 2019

Introduction

On behalf of our client, Durham University, we submit the following written representations to the Draft Durham City Neighbourhood Plan Consultation 2019.

Our comments are outlined in the below table.

Reference	Existing text	Proposed Action & Comment
Chapter 2: Background		
Page 5 - Paragraph 2.7 and 2.8	<p>2.7 Durham University's expansion from about 3,000 students in the early 1960s to over 16,000 in Durham City today has added much economic benefit as well as prestige to the City. However, a commensurate increase in University accommodation has not been provided and many family homes have been converted into student accommodation, to the extent that in several areas permanent residents are a minority and in some a rarity.</p> <p>2.8 This change in property use means that large areas of the City are predominantly populated by young adults for half of the year and virtually empty the other half, with consequent effects on local shops, facilities and community cohesion. The local retail offer has suffered from a loss of independent family-friendly shops and department stores. Leisure facilities are geared to the evening economy. The City has lost its internationally renowned ice rink, its multi-screen cinema (though this is currently being replaced), much green space and sporting facilities, youth clubs and scout and guides groups. Schools, doctors, libraries and other public services are</p>	<p>The University considers these paragraphs to be unnecessarily pejorative.</p> <p>Over the same period most towns and cities have had a similar evolution due to the changing residential, retail & leisure preferences of the local populace. These paragraphs suggest that the changes faced by Durham City are purely as a result of the growth of Durham University which is an overly negative interpretation and without substantive evidence.</p> <p>The University considers that its growth has actually insulated Durham City from the worst of deprivations suffered by much larger towns and cities in the North East such that the city continues to be an attractive place to live, work, study and invest.</p> <p>Therefore, we request that these paragraphs be rewritten in a more positive/neutral tone similar to and in line with wording included in the Local Plan Pre-Submission Draft to outline the positive impacts that the growth of the University has had; including attracting new businesses, creating jobs, increasing entrepreneurship, increasing</p>

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	<p>affected by the distorted population structure of the City. The University has published a Strategy and Estates Masterplan (Durham University, 2016, 2017a) setting out its intention to grow in student numbers to a total of 21,500 in Durham City by the year 2026/27. This raises major issues around the capability of the City – socially, economically and environmentally – to accommodate significant additional pressures on the housing stock, local services, the retail offer, pedestrian congestion, and community balance.</p>	<p>diversity in science and high-tech industries and the role it has played in developing the tourism offer.</p>
<p>Chapter 4: Planning Policies & Proposals for Land Use</p>		
<p>Page 23 - Policy S1</p>	<p>The responsible use of resources and increase in resilience to climate change by: j) Avoiding sites in the Flood Zones 2 and 3, and incorporation of the sustainable urban drainage system (SUDS) to achieve improvements in water quality, aquatic ecosystems, and habitats in order to increase resilience to climate change.</p>	<p>Whilst the NPPF outlines at paragraph 155 that inappropriate development in areas at risk of flooding should be avoided, it notes that development can be necessary in these areas and that the sequential test, and exceptions test (where necessary) should be applied for proposals in flood risk areas (paragraph 157). This policy should be re-worded to reflect the NPPF.</p>
<p>Page 27 – Policy S2: The Requirement for Master Plans</p>	<p>Policy S2: The Requirement for Master Plans A master plan for all large sites will be required where new development presents issues about the disposition of buildings and traffic within the site or would have a major impact on adjacent areas or would be intrusive in views of the World Heritage site or the surrounding landscape of the City. The master plan will have to be developed through a process of public consultation and set out the overall layout and style of the proposed development, including the main uses to which the site will be put. The master plan will be taken into account as a material planning consideration when applications and variations are being considered.</p>	<p>The policy requirement for a masterplan to be produced and used as a material consideration in the determination of applications is not considered necessary or to be in accordance with the NPPF. The policy specifically mentions issues relating to traffic, impacts on views and landscape, all of which are material considerations and would be taken into consideration and assessed during the determination of any detailed planning application. Furthermore, the policy is not specific. The PPG outlines at paragraph 041 that neighbourhood plan policies should be ‘clear and unambiguous’ and should be ‘drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning application.’ In this case, there is a lack of clarity as to when a masterplan would be required and it is therefore not considered to accord with guidance in the PPG.</p>

		Notwithstanding, this policy is not considered to accord with the NPPF and PPG and should be removed.
Page 27 – Paragraph 4.23	4.23 The importance of the preparation of a master plan for large sites and that any such master plan should demonstrate the highest standards of sustainability was emphasised in views received during the 2017 pre-submission public consultation. Bearing in mind the historic character of Our Neighbourhood, it is appropriate that a separate policy on masterplans (S2) should be included. These need to take account of the World Heritage Site Management Plan and the Conservation Area Appraisals. Large sites require master plans that will ensure avoidance of standard solutions, respect local surroundings, and create the highest quality of design. Master plans will ensure that buildings and spaces are of the right type and in the right place. They will reduce the risk of inappropriate or piecemeal development and protect views to and from the World Heritage Site and its setting. The developer must submit the Master Plan and any subsequent changes to public scrutiny to avoid piecemeal development, and to take full account of representations made. Durham County Council’s Durham City Masterplan Update (October 2016) refers to the Milburngate House site and states that the Council “will work through the planning process to ensure a high quality and sensitive scheme is developed on this exceptional site within view of the World Heritage Site” (p.8). This is precisely the sort of site to which this policy on master plans would apply. Other such sites in Our Neighbourhood are Aykley Heads, Mount Oswald, Mountjoy, Hild/Bede and Elvet Riverside; others might become available in the future.	This paragraph makes reference to several University sites, including Mountjoy, Hild/Bede and Elvet Riverside. Development of these sites is addressed within the Durham University Estate Masterplan which already sets out the intentions for the sites. Furthermore, and as outlined above, consideration to issues including impact on the WHS and views and design will be fully considered and addressed as part of any planning application. Planning applications will be determined in accordance with section 4 of the NPPF (decision-making) and will satisfy the appropriate tests and level of detail required on a site by site basis. This includes giving due consideration to design policies and guidance, including relevant management plans and conservation area appraisals. As such there should not be a separate requirement for a masterplan and this approach is not supported by the NPPF.
Page 32 – Policy H1: Protection of the World Heritage Site	Proposals for development within the World Heritage Site must be shown to sustain, conserve and enhance the World Heritage Site by: a) taking full account of both the historical and present uses of the World Heritage Site; and b) proposing high quality design which harmonises with the World Heritage Site; and c) using traditional materials; and	Criteria b) and d) both refer to the appearance of developments and proposals being appropriate to the setting of the World Heritage Site. These criteria are considered to be repetitive and we would therefore request that these points are combined to avoid unnecessary repetition. It should also be noted that the NPPF highlights at paragraph 200 that

	<p>d) proposing decorative schemes which are appropriate to the setting of the World Heritage Site; and</p> <p>e) seeking balance and avoiding overbearing massing which conflicts with the World Heritage Site; and</p> <p>f) avoiding the cumulative impact of developments within the World Heritage Site in terms of their height, massing and the spaces between the buildings.</p>	<p>opportunities for new development within WHS that enhance or better reveal their significance should be taken. This policy should also accord with the NPPF paragraph's 193-196 which sets out the relevant tests for considering the impacts of development on heritage assets.</p>
<p>Page 36 – Paragraph 4.42</p>	<p>The Cathedral, the largest and best monument of Norman architecture in England...</p>	<p>This has been amended in line with our comments on the previous consultation draft and is welcomed.</p>
<p>Page 37 – Paragraph 4.44</p>	<p>4.44 Views of the cathedral from within Our Neighbourhood are many and various: they include the well-known view from a train on the Viaduct and also the view from the railway station, Wharton Park, Observatory Hill, the University of Durham Hill Colleges, Farnley Rise, the approach to the peninsula from Kingsgate Bridge and the slip road from the Motorway to Gilesgate roundabout. Plan 2 from the Durham World Heritage Site (2017, p.19) Management Plan shows notable viewpoints. This list is indicative and not exhaustive. It is essential that views of the World Heritage Site are not obstructed by new developments.</p>	<p>Chapter 16 of the NPPF sets out that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (para 193). Where a proposed development will lead to substantial harm, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para 195). Where a proposed development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para 196).</p> <p>Based on the above, paragraph 4.44 of the draft plan is not considered to accord with the NPPF and the relevant tests for assessing harm and should be amended to reflect the approach set out in the NPPF.</p>

<p>Page 37: Policy H2: Durham City Conservation Area</p>	<p>Policy H2: Development proposals both within and affecting the Durham City Conservation Area and its setting will be permitted only if they comply with the following requirements, where applicable: b) retain and enhance continuous frontages, street patterns, boundary treatments, floorscapes and roofscapes unless it can be demonstrated that the harm to, or loss of, such frontages, street patterns, boundary treatments, floorscapes and roofscapes are necessary to achieve substantial public benefits that outweigh that loss or harm; and c) retain historic plot boundaries unless it can be demonstrated that the loss of such historic plot boundaries is necessary to achieve substantial public benefits that outweigh that loss; and d) avoid demolition of buildings of historic and/or architectural interest which contribute to the character and appearance of the area, unless it can be demonstrated that their loss is necessary to achieve substantial public benefits that outweigh the loss or harm; and e) avoid loss of, or harm to, an element of a building which makes a positive contribution to its individual significance and that of the surrounding area unless it has public benefits that outweigh that loss or harm; and f) avoid loss of open space that contributes to the character and appearance of the surrounding area, unless it can be demonstrated that the loss is necessary to achieve substantial public benefit that outweighs the loss; g) protect views of the Durham City Conservation Area from viewpoints within and outside the Conservation Area unless it can be demonstrated that the loss is necessary to achieve substantial public benefit that outweighs the loss; and</p>	<p>The policy sets out criteria for the proposals within and affecting the Durham City Conservation Area. Some of the criteria outlines a requirement to demonstrate that any harm or loss is necessary to achieve substantial public benefits that outweigh loss and harm. This approach is not considered wholly consistent with the NPPF. Whilst paragraph 195 outlines that where a development will lead to substantial harm of a designated heritage assets, the proposal should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. However, paragraph 196 outlines that where the development will lead to less than substantial harm, the harm should be weighed against the public benefits, including securing its optimum viable use. The policy wording should therefore be amended to reflect both paragraphs 195 and 196 of the NPPF rather than just 196.</p>
<p>Page 43 - H3: Our Neighbourhood Outside the Conservation Areas</p>	<p>Policy H3 Development proposals outside the Conservation Areas will be approved only if they comply with the following requirements, in that: b) they avoid loss of open space that contributes to the character and appearance of the surrounding area, unless it can be demonstrated that the loss is necessary to achieve substantial public benefit that outweighs the loss; and</p>	<p>This is not considered to be consistent with the NPPF, which does not set out a specific requirement to demonstrate ‘substantial public benefit’ to outweigh the loss of open space that contributes to the character of the area. Paragraph 97 of the NPPF sets out the appropriate tests for assessing proposals on</p>

		existing open space, which would be taken into account in the determination of an application. Furthermore, the impact of any loss on the character of the area would be assessed against relevant design policy and the design requirements in paragraph 127 of the NPPF which specifically refers to local character. We therefore request that this policy is amended to reflect the NPPF.
Page 43 – Paragraph 4.54	... are Durham University’s Hill Colleges, Upper and Lower Mountjoy and the Botanical Gardens, and as far as the Burn Hall Conservation Area.	This has been amended in line with our comments on the previous consultation draft and is welcomed.
Page 44 – Paragraph 4.55	‘...and on either side of Tollhouse Road lies...’	This should be amended to ‘Toll House Road’
Page 57 – Policy G2: Designation of Local Green Spaces	<p>Green spaces within Our Neighbourhood that are of significant environmental, landscape or historical value are designated as Local Green spaces. These areas, as shown on the proposals map, comprise:</p> <ol style="list-style-type: none"> 1. The River Wear corridor within Our Neighbourhood, comprising that in the areas of the Peninsula Woodlands, the Racecourse and the Sands; and 2. Observatory Hill and Bow Cemetery and two fields on the south side of Potters Bank; and 6. Woodland on the south side of the City, comprising Maiden Castle Wood, Great High Wood, Hollinside Wood and Blaid’s Wood; 	<p>There are University land ownerships allocated under this policy. Please refer to the previous reps submitted on 30.11.19 (also appended to this letter).</p> <p>A site visit was undertaken with members of the Neighbourhood Planning Team on 01.07.19 to visit the Observatory Hill and Bow Cemetery and two fields on the south side of Potters Bank. From this meeting we would make the following further comments;</p> <ol style="list-style-type: none"> i. The current adopted policy and the proposed draft submitted CDP policies covering these sites provide sufficient, suitable and appropriate level of protection. Therefore, the LGS allocation is unnecessary. ii. The Observatory buildings are currently used for storage, but the University aspiration is for the buildings to be brought back into active and beneficial use. It is expected that to make these buildings viable for active use there will need to be expansion of the buildings plus access and landscaping improvements made. The LGS allocation would preclude the Observatory buildings being brought back into beneficial and

		<p>active use, thus losing the potential research and community benefits an active use could bring too.</p> <p>iii. We have reviewed the Sustainability Appraisal for the City of Durham Neighbourhood Plan April 2019. The assessment has only been undertaken against the proposed location of the designation with three options on boundaries to the designation. In terms of the assessment of alternatives the proposed allocation location has been assessed but it is still not clear that a wider set of possible LGS sites within the DCNP area have been considered and assessed, thus this allocation and site selection of the proposed designation cannot be considered sufficient tested, justified or robust.</p> <p>iv. In terms of the two fields on the south side of Potters Bank, as highlighted previously they are in operational use and have limited or no public access. Also these two fields sit immediately next to existing built form of the University. The University Estate Masterplan 2017 – 2027 has only reasonably planned for a 10-year period. However it is reasonable to expect that for the University to remain competitive and plan for future they must be able to protect current operational land for further sustainable development within their landholdings. These two fields are sustainably located next to existing University facilities therefore it is reasonable to expect that these sites may form potential sustainable expansion of the two colleges they adjoin beyond the current Estates Masterplan timescales but within the Plan period.</p>
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<p>Page 64 – Policy G3: Creation of the Emerald Network</p>	<p>An Emerald Network is proposed which comprises sites of wildlife interest within Our Neighbourhood linked by public rights of way or pavements. These sites are:</p> <ol style="list-style-type: none"> 1. Observatory Hill; and 2. Flass Vale; and 3. Wharton Park; and 4. Aykley Heads; and 5. Hoppers Wood; and 6. The Sands riverbanks; and, 7. St Margaret's cemetery and allotments; and 8. Peninsular Woodlands; and 9. The Racecourse riverbanks; and 10. Pelaw Wood (the part that lies in Our Neighbourhood); and 11. Houghall/Maiden Castle; and 12. Hollinside Wood, Great High Wood, Little High Wood, Blaid's Wood, dene connecting to Low Burnhall Wood; and 13. Durham University Botanic Gardens; and 14. Low Burnhall Wood; and 15. Farewellhall Wood (the part that lies in Our Neighbourhood); and 16. Baxter Wood (the part that lies in Our Neighbourhood). <p>Proposals for improving the biodiversity and amenity of sites or footpaths in the Emerald Network, particularly if for the benefit of people with a disability, will be supported. Development proposals that would result in a deterioration in the wildlife value of a site in the Emerald Network, or that would damage the connectivity of sites in the Emerald Network, will be refused, unless there are substantial public benefits that outweigh the loss or harm. If this loss or harm cannot be avoided, then appropriate mitigation measures must be included in the proposal.</p>	<p>Durham University welcome the changes made to the Botanic Garden and Pelaw Wood allocations to remove the operational areas.</p> <p>Observatory Hill has been added as an additional site which was not previously included. As set out above and attached, Observatory Hill is a University site and the University considers this land as operational or with operational potential and would therefore request that the area of operational land is removed from the allocation.</p>
<p>Page 69 – Paragraph 4.104</p>	<p>Green Belt justification</p>	<p>This has been amended in line with our comments on the previous consultation draft and is welcomed.</p>
<p>Page 79 – Policy E1: Larger Employment Sites</p>	<p>Employment will be created at the two largest available sites on 8.8 hectares of non-Green Belt land at Aykley Heads (including Durham County Council's County Hall site), and on 5.5 hectares of non-Green Belt land at the Durham Science Park at Mountjoy where full compliance will be required with high sustainability standards set out in master plans for these prime locations.</p>	<p>The allocation has been amended to cover other education uses as per our comments on the previous consultation draft and is welcomed.</p> <p>Policy E1 of the previous draft did not refer to master plan requirements for these</p>

	<p>1. The Aykley Heads Business Park: Prestige offices, business incubators and start-up businesses that fall within use classes B1a (Business - Offices) and B1b (Business - Research & Development) will be supported if proposals meet the master plan standards of sustainability.</p> <p>2. The Durham Science Park, Mountjoy: Science and high technology developments, business start-ups and incubators and education uses which fall within use class B1a (Business - offices) and B1b (Business - Research & Development) will be supported if proposals meet the master plan standards of sustainability.</p> <p>The master plan standards for sustainability of both sites are the following:</p> <p>a) to respect the scarcity and quality of land by meeting the required level of job creation per unit of land to be developed;</p> <p>b) to add distinction to the City's landscape and townscape and create harmony within the site by adherence to physical design guidelines;</p> <p>c) to respond to the threat of climate change by installation of energy generation systems designed on lifetime use and shared technologies such as combined heat and power, district heating and solar technology, shared waste management facilities and by the use of the highest current standard of insulation;</p> <p>d) to continuously reduce the impact of travel by employees and visitors by improving the provision for walking, cycling and public transport and limited provision of car parking carried out in accordance with an agreed travel plan;</p> <p>e) to contribute to well-being both within and adjacent to the site by the provision and maintenance of green infrastructure for the enjoyment of employees and the public.</p>	<p>allocations. As previously outlined in our comments on Draft Policy S2 and the supporting text, the requirement for masterplans does not accord with the NPPF. As such references to masterplans should be removed from this policy and the supporting text.</p> <p>We do however consider that the sustainability standards set out at a) to e) are reasonable provided the reference to masterplans is removed.</p>
<p>Page 80 – Paragraph 4.133</p>	<p>Site E1.2: Durham Science Park, Mountjoy – As one of the two larger sites remaining, it must be an exemplar of sustainable development. This suggests that a master plan in accordance with guidance set out in NPPF (para. 124 and 127) for the whole site covering design standards, energy generation and use, transport and travel strategy including measures to deal with additional vehicular traffic on the local network), ecological improvement and protection (including a</p>	<p>As outlined above, the requirement for a masterplan does not accord with the NPPF. Any planning application for the site would be required to accord with the design principles set out in paragraph 124 and 127 and therefore the wording is considered to be unnecessary. Whilst it can be appropriate to highlight the key issues with the site, the reference to the 15m buffer is considered to be too prescriptive and is not considered</p>

	<p>minimum buffer of 15m of native tree planting or green open space is required against the ancient woodland and the wetlands), resource efficiency, and community benefits will be required.</p>	<p>appropriate. It should be for the planning application to determine whether such mitigation/detail is appropriate. (it may be greater or lesser than 15m) in the context of a proposed scheme. Furthermore, there is no justification or evidence base for this 15m buffer. The wording is therefore not considered to be compliant with guidance on plan making.</p>
<p>Page 80 – Paragraph 4.134</p>	<p>As such the site is well situated for start-up and incubator businesses and further educational buildings.</p>	<p>This has been amended in line with our comments on the previous consultation draft and is welcomed.</p>
<p>Page 81 – Policy E2: Other Employment Sites</p>	<p>Support will be given to the development of windfall brownfield sites in Our Neighbourhood for mixed use office and business enterprises and residential, including units for older people, young professionals and families with children.</p>	<p>This has been amended in line with our comments on the previous consultation draft and is welcomed.</p>
<p>Page 95 – Paragraph 4.163</p>	<p>A further issue is that Durham University (2016) has adopted its Masterplan for the growth of Durham University over the next 10 years. This is helpful in displaying Durham University's aspirations for physical development. This growth will, however, further diminish the very limited availability of sites for various forms of residential development unless sufficient College and Purpose Built Student Accommodation is provided within the University estate. It is welcome therefore, that Durham University has identified land in its ownership for six new Colleges and PBSAs.</p>	<p>It cannot be assumed that landowners will want to develop certain sites for residential use (whether private dwellings or PBSA) therefore the Masterplan is not relevant in this regard beyond its stated aims.</p>
<p>Page 102 – Policy D2: Purpose Built Student Accommodation (PBSA)</p>	<p>The following sites are allocated for Purpose Built Student Accommodation: PBSA1: Leazes Road retain trees and site's leafy character PBSA2: Howlands -Josephine Butler and Ustinov respect the strong radial pattern of the existing buildings PBSA3: James Barber House retain the existing trees around the periphery of the site PBSA4: Elvet Hill car park retain the existing trees PBSA5: Land adjacent to St Mary's College continue the existing built form of the development on the site PBSA6: Mill Hill Lane and St Aidan's College retain the existing tree belt to the east of the site; maintain a central belt of trees through the site;</p>	<p>The amendments made in line with our comments on the previous consultation draft are welcomed.</p> <p>The allocations reflect the draft allocations within the Draft County Durham Plan Pre-Submission Draft (2019) and are supported.</p> <p>Part e) of the proposed policy however does preclude from the potential sustainable extension of existing University colleges or other University affiliated residential accommodation. Obviously these locations could be the most sustainable and practical areas for minor increases to University student accommodation and therefore the</p>

	<p>retain the most significant tree groups to the west of the site; and preserve the non-designated heritage asset of St Aidan's College and its grounds</p> <p>In order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, any development proposal for new Purpose Built Student Accommodation, extensions to existing Purpose Built Student Accommodation, or conversions of existing buildings to Purpose Built Student Accommodation other than the above six allocations, will be required to demonstrate:</p> <ul style="list-style-type: none"> a) that there is a need for additional student accommodation of this type in this location; and b) consultation with the relevant education provider pursuant to the identified need; and c) it would not result in a significant negative impact on retail, employment, leisure, tourism and housing use and existing residential amenity; and d) it would support the Council's regeneration objectives; and e) not more than 10% of the total number of residential units within 100 metres of the application site are already in use as HMOs or student accommodation exempt from council tax charges. <p>In order to provide affordable accommodation within Purpose Built Student Accommodation developments, 20% of the total units of accommodation shall normally be required to meet the prevailing definition of affordable.</p> <p>Where appropriate, development proposals in accordance with the above requirements should contribute to the re-use of listed buildings, heritage assets and other buildings with a particular heritage value. Development will be expected to sustain the significance of heritage assets and seek opportunities to better reveal it.</p> <p>Purpose Built Student Accommodation comprising only self-contained flats, or with blocks/sections of self-contained flats that can be separated from student occupants, should be flexibly designed to enable re-purposing for other types of occupants, such as young couples starting out, or professional people. Such repurposing must include appropriate arrangements for car</p>	<p>wording of this part of policy should be amended so as not to preclude this type of development being undertaken.</p> <p>The requirement for 20% of PBSA units to be affordable is considered to be unjustified and not supported by appropriate evidence or national policy requirements. This element of the policy is therefore not considered to be in accordance with guidance in the NPPF and PPG and should be removed.</p> <p>The University seeks to provide a range of accommodation provision over the masterplan period to meet the varying needs of its students. For example all the accommodation developed in the last 10 years by the University has been self-catered in response to student demand to be able to manage their own budget and in the latest developments on Mount Oswald there are shared bathrooms in the town houses to reduce costs further.”,</p>
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	parking, refuse storage and collection, and management of the flats.	
<p>Page 105 – Policy D3: Student Accommodation in House of Multiple Occupation</p>	<p>In order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, development proposals for new build Houses in Multiple Occupation (both C4 and sui generis), extensions that result in additional bedspaces, and changes of use from any use to:</p> <ul style="list-style-type: none"> • a Class C4 (House in Multiple Occupation), where planning permission is required; or • a House in Multiple Occupation in a sui generis use (more than six people sharing) will not be permitted if: <ol style="list-style-type: none"> a) including the proposed development, more than 10% of the total number of residential units including those in Purpose Built Student Accommodation within 100 metres of the application site are already in use as HMOs or student accommodation exempt from council tax charges; b) there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site which, in combination with the existing number of properties exempt from council tax charges, would exceed 10% of the total residential properties within the 100 metres radius; or c) less than 10% of the total residential properties within the 100 metres radius are exempt from council tax charges but the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a University campus In all cases development proposals will only be permitted where: <ol style="list-style-type: none"> d) The quantity of cycle and car parking provided is in line with the Council’s adopted Parking and Accessibility Guidelines and Policies T2 and T3 of this Plan; and e) They provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues; and f) The design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and g) The applicant has shown that the security of the 	<p>The NPPF outlines at Paragraph 18 that neighbourhood plans should just contain non-strategic policies. On this point and in terms of the requirement relating to number of properties within HMO use, this is considered to be a strategic issue and should be dealt with at a strategic planning level.</p> <p>Furthermore, this is considered to be too prescriptive and there is no clarity provided on how this would be measured, monitored and thus enforced.</p>

	<p>building and its occupants has been considered along with that of other local residents and legitimate users.</p> <p>Changes of use from an HMO to C3 will be supported. Opportunities to enable this will be explored as they arise in order to assist the re-balancing of neighbourhoods.</p>	
<p>Page 117 :- Theme 5: A city with a modern and sustainable transport infrastructure Objectives 4.213</p>	<p>The objectives of this theme are:</p> <ol style="list-style-type: none"> 1. To ensure that Our Neighbourhood is well served by sustainable transport; 2. To make travel healthier and safer for all; 3. To create pleasant and healthy streets, public places and areas of natural environment. 	<p>The University supports the objectives of this theme to improve sustainable travel in Durham City, they align strongly with the University's Sustainable Travel Plan: 2014–2020.</p> <p>The vast majority of our students walk and cycle between home and University, so measures that would lead to improvements to walking and cycling facilities linking them with the University are of particular importance. These improved facilities would be available to use by all and should lead to a reduction in traffic in the City which in turn would improve air quality and amenity generally.</p>
<p>Page 123:- Paragraph 4.232</p>	<p>Potential will often exist for development proposals to encourage accessibility by foot, cycle or public transport through the provision of off-site improvements. Funding to remedy deficiencies in the transport network, or to provide capacity enhancement, may be sought via planning obligations. Improvements may include, but should not be limited to, the following measures:</p> <ul style="list-style-type: none"> ▪ widening footways and improving road crossings; ▪ providing cycle infrastructure, and addressing conflict with pedestrians; ▪ improving accessibility for those using wheelchairs and mobility aids, for example by provision of at-grade crossings or dropped kerbs; ▪ improving the lighting, surface or drainage of footpaths; ▪ contributing towards construction of new public transport infrastructure; ▪ subsidising public transport services for a number of years until they are viable. 	<p>Segregation from motor traffic is key to providing attractive and subjectively safe cycle routes that all people will want to use, leading to a modal shift to sustainable transport.</p> <p>The University recognise the importance of this and are currently developing the 'super route' running alongside South Road from Mount Oswald to Lower Mountjoy.</p> <p>There are several informal off-road routes in the City which are used by University staff & students, such as Clay Lane used Ustinov College students, and we would welcome these route being formally dedicated as cycle tracks to allow use by cyclists.</p>

<p>Page 133 – Paragraph 4.266</p>	<p>There is currently only the Claypath surgery in Our Neighbourhood available to permanent residents. Most of the students are registered with the University Health Service, which is part of the Claypath and University Medical Group and has separate premises in Green Lane. With Durham University planning to expand student numbers by 5,700 over the next ten years it seems reasonable to infer that some expansion of the University Health Service will be necessary.</p>	<p>“it seems reasonable to infer that some expansion...”</p> <p>The Neighbourhood Plan group should seek evidence from GP and dental practices and NHS Care Commissioning group to ascertain whether there is capacity in current practices to expand.</p>
<p>Page 136:- Policy C1: Provision of facilities for arts and culture</p>	<p>Development proposals for new facilities for arts and culture, or extensions to existing facilities, will be supported where it is demonstrated that they:</p> <p>New facilities for arts and culture</p> <ul style="list-style-type: none"> a) meet an identified community need and are open to all; and b) improve the range of facilities in the City; and c) do not harm the viability of an existing facility; and d) are not detrimental to the amenity of the area; and e) are of a flexible design to meet the needs of diverse audiences, changing patterns of use and demands of different art forms; and f) offer appropriate access for all people, including those with disabilities, both to and within the building; and g) provide space for vehicles to set down / pick up passengers and to unload / load equipment. <p>And for Extensions in addition:</p> <ul style="list-style-type: none"> h) are of a scale and materials that enhances and complements the existing building; and i) retain any visual, architectural or historic interest intrinsic to the original building. 	<p>This policy has been amended to cover facilities for culture as well as art. This change is supported.</p> <p>Durham Universities’ masterplan identifies the need for the provision of a significant venue for music and drama performance to raise the cultural profile of the University and City, allowing it to make a strong contribution to the arts nationwide. The facility would provide large scale performance and exhibitions spaces as well as facilities for music and drama practice and rehearsals.</p>
<p>Page 139 – Policy C3: Protection of an Existing Community Facility</p>		<p>This has been amended in line with our comments on the previous consultation draft and is welcomed.</p>

We trust the above comments will be taken into account and the appropriate amendments made. As there are a number of matters still unresolved we would request a meeting with the Parish Council within 6 weeks of the date of this letter to allow for further discussion on the above representations and to see if any compromise, changes or common ground can be agreed between both parties before the next stage of ratification and submission to an Inspector. Obviously we hope you would agree that this meeting would be of benefit to both parties.

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Finally if you require any further information or have any queries on the University representations, please do not hesitate to contact me.

Yours sincerely,

Matthew Wright

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Property Asset Manager

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Appendix 1 – Durham City Neighbourhood Draft Plan for Public Consultation – December 2017

Appendix 2 – Representations made November 2018, Durham City Neighbourhood Plan – LGS proposed amendments

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