

17th February 2020

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Dear Sir or Madam,

Representations to the Draft Durham City Neighbourhood Plan Consultation 2020

Introduction

On behalf of Durham University, I submit the following written representations to the Durham City Neighbourhood Plan Consultation 2020.

Our comments are outlined in the below table.

Reference	Existing text	Proposed Action & Comment
Chapter 2: Background		
Page 8 - Paragraph 2.7 and 2.8	<p>2.7 Durham University's expansion from about 3,000 students in the early 1960s to over 18,000 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 has now been replaced), much green space and sporting facilities, youth clubs and scout and guides groups. Schools, doctors, libraries and other public services are 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</p>	<p>The University have previously made representations to the Neighbourhood Plan that it considers these paragraphs to be unbalanced without evidence and based on anecdote.</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 indicate 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. Recently the University has invested £30m into facilities at the Maiden Castle Sports Park, which is heavily used by the local community. Without this the nearest comparable facilities would be in Newcastle.</p>

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	<p>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>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 Submission Draft to outline the positive impacts that the growth of the University has had; including attracting new businesses, creating jobs, increasing entrepreneurship, increasing diversity in science and high-tech industries and the role it has played in developing the tourism offer.</p>
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Chapter 4: Planning Policies & Proposals for Land Use

Page 28 – Policy S2: The Requirement for Master Plans	<p>Policy S2: The Requirement for Masterplans</p> <p>A masterplan for all major development sites will be required to ensure the highest quality of design in our historic neighbourhood and to prevent large-scale change through piecemeal development.</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 on a case by case basis.</p> <p>Notwithstanding the above, 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> <p>This policy is not considered to accord with the NPPF and PPG and should be removed.</p>
Page 29 – Paragraph 4.29	<p>4.29 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</p>	<p>The reference to Milburngate and the Durham City Masterplan Update is not relevant. Milburngate as a site has been through detailed and rigorous planning application process and the masterplanning element was included as part of the application process. The DCC Durham City</p>

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	<p>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.</p>	<p>Masterplan Update is not planning policy but strategic guidance.</p> <p>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 strategic guidance and intentions for the sites. Consideration of 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.</p>
Page 35 – Policy H1: Protection of the World Heritage Site	<p>Development proposals within the World Heritage Site must sustain, conserve and enhance the World Heritage Site by:</p> <ul style="list-style-type: none"> a) taking account of both the historical and present uses of the World Heritage Site; and b) proposing high quality design which contributes to the quality and significance of the World Heritage Site; and c) using materials and finishes appropriate to the vernacular, context and setting; and d) seeking balance in terms of scale, density, massing, form, layout, landscaping and open spaces. 	<p>It should also be noted that the NPPF highlights at paragraph 200 that 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>
Page 37 – Paragraph 4.39	<p>4.39 The implementation plan will be undertaken by the World Heritage Site Coordinating Committee whose local representatives include Durham Cathedral, Durham University, St John's College and University College (as landowners)...</p>	<p>There are two Paragraph 4.39's. The second follows paragraph 4.44 and precedes 4.45. This should be renumbered.</p> <p>Also strictly speaking University College is not a landowner with the ownership of the Castle, Palace Green and the surrounding buildings resting with Durham University.</p>

Page 39 – Paragraph 4.48	<p>4.48 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 (see Map 2 in the Neighbourhood Plan). 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 4.48 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>
Page 39: Policy H2: Durham City Conservation Area	<p>Policy H2:</p> <p>Development proposals within or affecting the setting of the Durham City Conservation Area should sustain and enhance its special interest and significance as identified within the Conservation Area Appraisals. Development proposals within and affecting the Durham City Conservation Area should take into account, and meet where relevant, the following requirements, by:</p> <ul style="list-style-type: none"> a) sustaining and enhancing the historic and architectural qualities of buildings, and b) sustaining and enhancing continuous frontages, street patterns, boundary treatments, floorscapes and roofscapes; and c) respecting historic boundaries and curtilages; and d) avoiding demolition of assets of historic and/or architectural interest which contribute to the character and appearance of the area; and e) avoiding loss of, or harm to, an element of an asset which makes a positive contribution to its 	<p>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.</p> <p>Paragraph 97 of the NPPF sets out the appropriate tests for assessing proposals on existing open space, which would be taken into account in the determination of an application. Furthermore, the impact of any</p>

	<p>individual significance and that of the surrounding area; and</p> <p>f) avoiding loss of open space that contributes to the character and appearance of the surrounding area; and</p> <p>g) protecting important views of the Durham City Conservation Area from viewpoints within and outside the Conservation Area; and</p> <p>h) taking opportunities to open up lost views and create new views and vistas; and</p> <p>i) having appropriate scale, density, massing, form, layout, landscaping, and open spaces; and</p> <p>j) having materials, detailing and lighting appropriate to the vernacular, context and setting; and</p> <p>k) using high quality design sympathetic to the character and context of the local area and its significance and distinctiveness, and to the immediate landscape; and</p> <p>l) avoiding adding to the cumulative impact of development schemes which dominate either by their scale, massing or uniform design.</p>	<p>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.</p> <p>The policy wording should therefore be amended to reflect both paragraphs 97, 195 and 196 of the NPPF rather than just 196.</p>
Page 59 – 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, comprise:</p> <ol style="list-style-type: none"> 1. The River Wear corridor within Our Neighbourhood, comprising that in the areas of the Peninsular Woodlands, the Racecourse and the Sands; and 2. Observatory Hill, Bow Cemetery and two fields on the south side of Potters Bank, and Clay Lane and land South West of Clay Lane; and 6. Woodland on the south side of the City, comprising Maiden Castle Wood, Great High Wood, Hollinside Wood, and Blaid's Wood; and <p>Development proposals that cause significant harm or loss to the characteristics that make these sites important and special to local people will be refused, unless very special circumstances can be demonstrated where the loss or harm is necessary to achieve 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 does not consent to the allocation of its land ownerships as Local Green Space.</p> <p>Para 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:</p> <ol style="list-style-type: none"> a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land. <p>While this land is in close proximity to the community & local in character, it fails to meet the other criteria of being demonstrably special and holding particular local significance and it is an extensive tract of land.</p>

		<p>Please see attached separate detailed appendix on this matter.</p>
Page 67 – Policy G3: Creation of the Emerald Network	<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, 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>
Page 97 – Paragraph 4.173	<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</p>	<p>It cannot be assumed that University growth will diminish site availability for various forms of residential development or that 3rd party landowners want to develop sites for residential use (whether private dwellings or PBSA).</p>

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	<p>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>The University Masterplan is a live and flexible document and thus locations and scale of development may change with time, therefore the Masterplan is not relevant in this regard beyond its stated aims.</p>
Page 97 – Paragraph 4.173	<p>To avoid this retrograde scenario would require a reduction in the scale and pace of growth envisaged by Durham University, or for the University to require a higher percentage of students to live in College and University-affiliated accommodation.</p>	<p>The University do not agree that these are the only options to prevent additional HMOs in the plan area. The University support the Article 4 Direction removing permitted development rights for HMO conversions and the Interim Policy on Student Accommodation preventing a conversion to HMO if more than 10% of the properties within 100 metres are already HMOs. These are proving to be effective tools against the conversion of houses to HMOs within the city.</p> <p>Further the University consider that the increase in the proportion of PG students and internationalisation of the student body will lead to increased demand for a greater variety of accommodation especially PBSA reducing the demand for HMO houses.</p>
Page 104 – Policy D2: Purpose Built Student Accommodation (PBSA)	<p>The following sites are allocated for Purpose Built Student Accommodation:</p> <p>PBSA1: Leazes Road PBSA2: Howlands - Josephine Butler and Ustinov PBSA3: James Barber House PBSA4: Elvet Hill car park PBSA5: Land adjacent to St Mary's College PBSA6: Mill Hill Lane</p>	<p>The allocations reflect the allocations within the Draft County Durham Plan Pre-Submission Draft (2019) and are supported.</p> <p>Ustinov College has relocated and so PBSA2 should be renamed Howlands - Josephine Butler and Stephenson.</p>
Page 107 – Policy D2: Purpose Built Student Accommodation (PBSA)	<p>In order to provide affordable accommodation within Purpose Built Student Accommodation developments, 25% of the total units of accommodation shall normally be required to meet the prevailing definition of affordable.</p>	<p>The University understand that this policy is included in response to house builders losing out on sites to PBSA developers due to the disparity of one having to provide a % of affordable units & the other not.</p> <p>Unfortunately the requirement for any PBSA units to be affordable is 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 has been self-catered in response to student demand to be able to manage their own budgets, the latest developments on Mount Oswald include some bedrooms with shared bathrooms which will be offered at a lower price.</p>
Page 109 – Policy D3: Student Accommodation in House of Multiple Occupation	<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) <p>will not be permitted if:</p> <p>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;</p> <p>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</p> <p>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:</p> <p>d) The quantity of cycle and car parking provided is in line with the Council's adopted Parking and</p>	<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 is being dealt with at a strategic planning level through Interim Policy and the submission draft of the County Durham Plan. The neighbourhood plan area does not cover the whole city and so would mean there would be different policies in place for different areas affected by HMO use.</p> <p>Furthermore, b) & c) are considered to be too prescriptive and there is no clarity provided on how this would be monitored and thus enforced.</p> <p>This policy is not in line with the NPPF and should be removed from the draft Neighbourhood Plan.</p>

	<p>Accessibility Guidelines and Policies T2 and T3 of this Plan; and</p> <p>e) They provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues; and</p> <p>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</p> <p>g) The applicant has shown that the security of the 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 rebalancing of neighbourhoods.</p>	
Page 140:- Policy C1: Provision of facilities for arts and culture	<p>Development proposals for public art and 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> <p>b) meet an identified community need; and</p> <p>c) improve the range of facilities in the City; and</p> <p>d) do not harm the viability of an existing facility; and</p> <p>e) are not detrimental to the amenity of the area; and</p> <p>f) are of a flexible design to meet the needs of diverse audiences, changing patterns of use and demands of different art forms; and</p> <p>g) offer appropriate access for all people, including those with disabilities, both to and within the building; and</p> <p>h) provide space for vehicles to unload / load equipment.</p>	<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>

If you require any further information or have any queries, please do not hesitate to contact me.

Yours faithfully,

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