

## DURHAM CITY NEIGHBOURHOOD PLAN

FEEDBACK ON CONSULTATION DRAFT 4th November to 18th December

### YOUR DETAILS

We are property owners in the City

### THE POLICIES

#### Theme 1: A City With a Sustainable Future

##### Policy S1: Sustainable Development Requirements of All Development and Re-development Sites

I partially agree

##### Policy S2: Sustainable Development Requirements Of All New Building Including Renovations and Extensions

I partially agree

##### Any comments on Theme 1:

We broadly support the intentions of draft Policies S1 and S2 although we suggest the following minor amendments to ensure the policies are consistent with national policy.

Policy S1 sub point 2 includes the following measure: “*redevelopment of a brownfield site to protect the Green Belt, as long as its biodiversity is protected*”. We suggest revising this to: “*encouraging the redevelopment of brownfield sites as long as its biodiversity is protected*”. The reference to protecting the Green Belt is not required as national policy outlines that inappropriate development will only be permitted in the Green Belt in very special circumstances or in exceptional circumstances if proposed for development through the emerging Local Plan.

#### Theme 2a: A Beautiful and Historic City – Heritage

##### Policy H1: Protection of the World Heritage Site

I disagree

##### Policy H2: The Conservation Areas

I partially agree

##### Policy H3: The Character Areas

I partially agree

##### Policy H4: Our Neighbourhood Outside the Conservation Areas

I partially agree

##### Policy H5: Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Registered Battlefields

I disagree

##### Policy H6: Non-designated Heritage Assets

I disagree

Any comments on Theme 2a:

We acknowledge the overall intentions of the draft policies in Theme 2a, but we suggest that revisions are needed to ensure consistency with national policy. Most of the policies include the term “*protect and enhance*” whereas “*conserve and enhance*” would align more with national policy.

In relation to the World Heritage Site, draft Policy H1.2 states that “*Development proposals must protect, and preferably enhance, the Outstanding Universal Value of the World Heritage Site*”. This requirement goes beyond the test in national policy which allows a planning balance to be made – weighing any potential harm against the public benefits to be delivered by a development. Indeed, the planning balance is included in most of the other draft policies in Theme 2a and we consider that it should also be included in Policy H1. In addition, statement H1.3 should be amended as follows: “*development proposals must safeguard important views*.” The policy as currently worded is overly onerous and may act as an impediment to development. We also suggest that the important views should be identified in the Neighbourhood Plan.

We also consider that revisions are needed to draft Policy H2 to ensure consistency with national policy. Sub points H2.2 and H2.4 imply that any harm or loss will be substantial and that it is necessary to achieve substantial public benefits to outweigh the harm. If the harm is however identified as less than substantial, consistent with NPPF paragraph 134, the public benefits should be commensurate to the identified harm. We request that the policies in Theme 2a are revised to ensure consistency with national policy.

In addition, we also consider that H2.2(2) is a quite onerous to achieve on all development proposals, particularly in relation to landscape. We therefore suggest that this is amended to “*...height, landscape (where appropriate), ...*”.

H2.2 (4) is also relatively broad and we suggest the following revision: “*avoid loss of an element of a building of architectural interest which makes...*”.

At the end of draft Policy H2, there are two sub points: 2 and 3 which we suspect are incorrectly numbered. Point 2 is overly onerous and we suggest that this is revised to “*Where appropriate...*”. In relation to point 3, we also query use of the term “*uniform use*”. As set out in our responses to draft Policies E3 and E4, the importance of flexibility of uses within a city centre to ensure vitality and viability of Durham City Centre should be taken into account.

In draft Policy H3, we suggest that “*convincingly*” is removed from sub point 5 as this is subject to interpretation.

With regards to draft Policy H4, we query whether this should be included as a ‘heritage’ policy given that it covers areas which are not formally recognised by any heritage designation. It reads as a design related policy which aims to ensure good design to enhance these areas but it is currently overly prescriptive as it seeks to “protect” broad areas which are not formally recognised or protected under any heritage designation.

Policy H5 includes a planning balance mechanism in H5.1 although, as set out above, we consider that revisions are necessary to ensure consistency with national policy and the public benefits needed should be commensurate to the identified harm. Sub point H5.2 should also allow a planning judgement to be applied and we recommend that similar text is added in line with the above comments. In addition, in sub point H5.2, “*site*” should be replaced with “*setting*”.

Policy H6 relates to non-designated heritage assets. NPPF paragraph 135 states that “*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application*”. Draft Policy H6 however states that substantial public benefits need to be demonstrated to outweigh harm or loss. As such, draft Policy H6 goes beyond the tests in national guidance and should be revised to ensure consistency.

## **Theme 2b: A Beautiful and Historic City – Green Infrastructure**

### Policy G1: Preserving and Enhancing Green Infrastructure

I partially agree

### Policy G2: Designation of Local Green Spaces

I partially agree

### Policy G3: Creation of the Emerald Network

I partially agree

### Policy G4: Enhancing the Beneficial Use of the Green Belt

I partially agree

#### Any comments on Theme 2b:

We broadly support the intentions of the draft policies contained within Theme 2b. With regards to draft Policy G4, the supporting text on page 57 includes a broad statement that *“The Friends of Durham Green Belt, do not consider that there are any ‘very special circumstances’ (NPPF, para 88) present in Durham City that would merit development on the Green Belt (except for permitted development allowed by the NPPF (para. 89, 90))”*. This goes beyond the remit of the Neighbourhood Plan given that it relates to the Durham City Local Plan boundary which is a wider area. Furthermore, it is important that the Neighbourhood Plan does not prejudice the emerging County Durham Plan and we therefore suggest that this sentence is removed.

## **Theme 3: A City With a Diverse and Resilient Economy**

### Policy E1: Larger Employment Sites

I agree

### Policy E2: Other Employment Sites

I partially agree

### Policy E3: Retail Development

I partially agree

### Policy E4: Primary and Secondary Frontages

I partially agree

#### Any comments on Theme 3:

The purpose of draft Policies E3 and E4 intend to guide the land uses within the primary and secondary frontages as identified on Map 9. The Primary Frontages identified on Map 9 comprise a relatively large area and go beyond what could reasonably be defined as such (having regard to the definitions set out in Annex 2 of the NPPF). Indeed, there are areas within both the defined Primary and Secondary Frontages which, in our view, should not form part of these areas at all – not least as they do not provide any traditional street frontages and/or contain any significant proportion of retail uses. As such, we suggest consideration is given to NPPF paragraph 23 and the Primary Shopping Area and Primary and Secondary Frontages definitions, set out in Annex 2 (Glossary) on page 55, to ensure consistency with national policy.

Draft Policy E3 sets out the approach to retail development in the city centre and draft Policy E4 outlines the acceptable use classes within the primary and secondary frontages. The supporting text on page 73, however, includes some broad opinions – for example paragraph 4.125 states: *“At present there are too many food outlets (use class A3) in the City, which has decreased the overall retail attractiveness”*. Whilst we

understand the Neighbourhood Plan's ambitions to widen the offer of national and independent retailers centrally, we query whether this statement is based on any evidence. Indeed, the food and drink sector plays an important role in the vitality and viability of Durham City Centre, adding to the diversity of uses, supporting increased dwell time and having a positive impact on economic activity. As such, we consider that greater value should be given to the role of mixed offers – eg A1, A2 and A3 – and Policies E3 and E4 could be harmful if they are overly restrictive.

#### **Theme 4: A City With Attractive and Affordable Places To Live**

##### Any comments on Theme 4:

We do not object to the 'land for residential' set out in draft Policy D1, but there does not appear to be an identified housing requirement. We query however the reference in paragraph 4.136 which states "*Although the new Durham County Plan will set the housing need figure for the whole County and for its five sub-areas, it will not specify figures of need for Our Neighbourhood*". Whilst the Neighbourhood Plan is likely to come forward in advance of the emerging County Durham Plan, it is the role of the Local Plan to establish the strategic priorities and strategic policies for the area – as outlined in NPPF paragraph 156. As such, the Neighbourhood Plan should not prejudice the emerging County Durham Plan.