

NEVILLES CROSS COMMUNITY ASSOCIATION [NXCA]; ORDINARY MEETING. 25TH JUNE 2019, UPPER ROOM, CHURCH HALL, ST JOHNS CHURCH

RESPONSE TO THE NEIGHBOURHOOD PLAN

NOTED

(i) The Neighbourhood Plan is out for consultation. It has been drawn up to reflect what residents, businesses and visitors have said are their priorities for planning policies to conserve and improve our city, including the Nevilles Cross area (and summaries and linked have already been circulated). It is vital that communities have the opportunity to be involved in shaping the contents of the Plan. If over 50% of those who vote in a referendum give approval to the Plan it then becomes the statutory development plan by which, along with national and County planning policies, development and enhancement proposals within the City of Durham Parish are decided **(relevant documents and sources were circulated to the NXCA membership earlier)**.

(ii) In relation to the NX area, the NXCA had commented on the Plan's proposals for the Observatory Hill area, the former Shell garage and the policy on student HMOs, as well as any other matter relevant to an NXCA response.

RECEIVED

A presentation from John Lowe, secretary to the Parish Council Neighbourhood Plan Working Party, on the background to the Plan, the process and status of the Plan and the final deadline for comments by 5th July.

RECOMMENDED

- (i) That Clay Lane and adjacent tree cover be included in Policy G3 - proposed emerald network;
- (ii) That in the light of potential cycle ways, the University's proposal for superhighway routes, and the danger to pedestrians because of the incline, Clay Lane be specified stated as a pedestrian route and that that appropriate signage be sought to forbid the use of Clay lane for cycling;
- (iii) That, following discussion on the Observatory Hill area and the possibility of Durham School wanting to build a replacement for Bow School in existing green space, the NXCA propose that the open green space area be extended;
- (iv) That in the light of the planning application and decision on the Corner House, opposite the Duke of Wellington, the Plan's policy on HMO application criteria be tightened, with specific reference to the data used to determine the existing level of student occupancy.

CHANGES TO THE PLAN

The NXCA propose changes to the Plan as follows:

That in relation to (i), under Policy G3 the Emerald Network be extended to cover and adjacent tree-cover as one of the green corridors linking the river banks with country outside Durham. It is also an attractive green area of biodiversity, providing a significant habitat for wildlife that includes badgers, foxes, bats and the occasional weasel;

That in relation to (ii), Clay Lane be recognised as an important pedestrian route into Durham since the medieval period and continuing to serve as a major pedestrian artery into the city centre but one that is particularly susceptible to downhill cycling and the emerging potential of student superhighway routes into the City. Under T1, and reinforcing para 4.236, Clay Lane should be specifically noted and signposted as pedestrian-only, confirming the Durham County Council “Definitive map for County Durham” which designates it as “public footpath - walkers only”;

That in relation to (iii), all land up to and including Clay Lane and that such land, if possible, be included under Policy G2. While supporting the Neighbourhood Plan’s extension of Local Green Spaces in G2.2 (and noting, including the positive proposals from the County Council to include Bow cemetery and adjacent land on that side of Potters Bank), the NXCA is concerned about future developments and the excessive defence of current arrangements made by the University and the Dean and Chapter. Issues such as the University ownership of the Observatory, the leasing and ploughing of land by Houghall College over permissive rights of way and the potential move of Bow School after 2027 to within the Durham School area as a consequence of the University exercising its notional intention to develop the site in its post-2027 Estates Masterplan may jeopardise this significant green wedge. It would also safeguard a significant area of the rim of the WHS under Policy H1(h). Inclusion of the land under G3 and or G2 will protect the area for the foreseeable future (see attached map);

That in relation to (iv), the experience of a local planning application - DM/19/00371/FPA Corner House Potters Bank Durham - has emphasised that the County Council is reliant on, by their own admission, a flawed dataset which could have significant adverse implications for areas such as Nevilles Cross. The overall limited amount of terraced housing in the City, traditionally occupied by students, means that students are now occupying what are longstanding residential areas, such as Nevilles Cross, and what are being built as new areas for executive and other residential housing such as Sheraton Park and Mount Oswald. Increasingly the balance between a residential City and a student campus is being blurred. These areas have represented more stable, balanced and established communities, with a mix of families, retired people, and those in employment. An increasing influx of students, who are transient by nature, and often have very different lifestyles and attitudes to issues such as refuse, accommodation appearance and noise, will change that balance and also adversely affect the attractiveness of these areas for those who have traditionally sought properties for family and work reasons.

Unless means are found to address this there are a number of consequences:

- Houses traditionally suitable as starter homes will not be available within the City because the asking price is artificially high as developers are well aware of the rental income to be achieved;
- Residential areas suitable for families and professional couples will be degraded - the impending DCC County Plan notes (5.150) that residents

already note that HMOs 'negatively impact upon residential amenity and change the overall character of an area. This is primarily as a result of noise, the general appearance of properties, refuse management and parking issues. Properties becoming unoccupied outside of term times can also have a negative impact upon remaining residents';

- Student use of retail, sports and night economy facilities skew the footfall pattern that disadvantage residents in terms of their shopping, recreational and entertainment requirements.

Ironically the continued use of the dataset to determine which applications fall within County Council's own policy makes a nonsense of its own case to reverse the HMO proliferation in the County Plan which argues:

- 5.139 New student accommodation should not be built at the expense of general housing as the council must address the need for new family and affordable housing. In order to protect the delivery and supply of sites for general housing, proposals for purpose built student accommodation on sites allocated for general housing, will not be acceptable;
- 5.150 The council's approach is to seek to maintain and create sustainable inclusive and mixed communities in Durham City;
- 5.160 The council would like the areas with high concentrations of HMOs to become more mixed.

The NXCA proposes that Policy D3 be adapted in ways that may be better phrased by the Working Party but which address:

- All houses where at least one occupant claims Class N student exempt council tax should be classed as an HMO;
- In the 100 meter circumference any part of a house included in that circle should be included as a whole property for the purposes of the calculation and that for the purposes of transparency that map is included with the Planning Department report on an planning application;
- That the County Council must also draw on the Parish Council dataset and address any discrepancies in the Planning Department report on the planning application;
- That any property paying council tax but where the owner requires correspondence other than that property, the property be deemed an HMO unless and until the owner provides evidence that the address on which council tax is being paid is their permanent residence.
