

DURHAM CITY NEIGHBOURHOOD PLAN CONSULTATION DRAFT 2019

ANY COMMENTS ON THE PLAN

We respond on behalf of our client Southlands Management Ltd who are property owners in the City. Our client also responded to the earlier consultation on the draft Neighbourhood Plan which ended on 18 December 2017.

Our client's comments on the draft Neighbourhood Plan (2019) are explained below and structured by Theme.

Theme 1

We recognise that Policy S1 has been amended in response to earlier comments made by our client and this is welcomed.

We note that Policy S1 has been expanded to incorporate former Policy S2 and Policy S2 is essentially a new policy which sets out the requirements for Master plans. Policy S2 states that "*A master plan for all large sites will be required where new development presents issues about....*". Our client considers that it would be helpful for the policy or supporting text to define a 'large' site with justification.

Theme 2a

We recognise that Policy H1 has been amended in response to earlier comments made by our client and this is welcomed. However, there are references to "*sustain, converse and enhance*" the World Heritage Site (WHS). We consider that the reference to "*sustain*" should be removed as this is not consistent with national planning policy and it is unclear how a development proposal could *sustain* the WHS or its setting.

As highlighted within our client's earlier response, the policy also 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.

The second part of Policy H1 also contains requirements for development policies which are not necessarily located within the WHS. We consider that the policy requirements will not be applicable in all cases so we request the following revision:

"Where appropriate Pproposals for development throughout Our Neighbourhood...."

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.

With regards to Policy H2, our client's earlier comments do not appear to have been addressed which we consider to be necessary to ensure the policy is consistent with national planning policy. Several sub points 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 (2019) paragraphs 195-196, 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.

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

We note that former Policy H3 which related to Character Areas has been omitted and Policy H3 now comprises former Policy H4 and sets out the requirements for proposals which fall outside of Conservations Areas. As explained in our client's earlier response, 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 “conserve and enhance” broad areas which are not formally recognised or protected under any heritage designation.

Policy H3(b) also refers to substantial public benefits being necessary to outweigh the loss of open space. As explained above, it is not appropriate to apply heritage policy tests on areas of land which are not formally recognised or protected under any heritage designation.

We note that Policy H4 is a new policy which relates to Heritage Assets. We generally support the content in this policy.

Theme 2b

We recognise that the supporting text to Policy G4 has been amended in response to earlier comments made by our client and this is welcomed.

Theme 3

We note that Policy E3 has been expanded to include the requirements of former policy E4 from the previous draft Neighbourhood Plan. In addition, we also recognise that the Core Retail Area and Primary Frontage in Proposals Map 6 has been revised following earlier comments submitted by our client. The changes to Map 6 are broadly welcomed.

There appears to have been substantial changes to Policy E3 which details the requirements for development within the Core Retail Area. Notably, the policy goes further than the previous draft by stating (at sub point a) that A1 (retail) should be the predominant use whereas in the previous draft, this related to the primary retail frontage area only.

Sub points c and d then proceed to identify the uses which will be permitted on ground floors and upper floors within the Primary Frontage. As set out in sub point c, entertainment; arts, culture and tourism; and leisure, sport and recreation are the only non-A1 uses that would be permitted on ground floors. Sub point d sets out that A1, A2, A3, A4, A5 and other uses will be supported on upper floors.

We consider this approach to be overly prescriptive and not justified. We would also query the practicalities of only permitting these uses on the upper floors. As explained in our earlier responses, we consider that greater value should be given to the role of mixed offers – eg. A1, A2 and A3 – and Policy E3 could be harmful if they are overly restrictive. 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.

Policy E4 is a new policy which supports development that positively contributes to the evening economy. Whilst we welcome this addition, as explained above, a wide range of use classes are also needed to support the offer of the city centre during the day time hours.

Theme 4

We do not object to the policies in Theme 4 but our client considers that it is important to reiterate our previous response in relation to the housing numbers. Paragraphs 4.164-4.165 in the supporting text refer to housing need. As explained in our client’s earlier response, it is the role of the Local Plan (emerging County Durham Plan) to establish the strategic priorities and strategic policies for the area. This includes setting out the requirements in terms of the level of housing needed.

We have no further comments on the remaining part of the draft Neighbourhood Plan but reserve the right to provide further comments on any further iterations of the Plan.