

COUNTY DURHAM PLAN PRE-SUBMISSION DRAFT - Consultation January 2019

For Office Use Only
Consultee ID:
Received:
Acknowledged:
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Please use a separate form for each representation.

NAME & ADDRESS (Block Capitals) THE CITY OF DURHAM TRUST c/o BHP LAW, AIRE HOUSE, MANDALE BUSINESS PARK, BELMONT, DURHAM DH1 1TH Email Address trust@DurhamCity.org	NAME & ADDRESS (AGENT)(IF APPLICABLE) Email Address
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Preferred method of contact (please tick): Email Letter

To which part of the County Durham Plan does your representation relate?

Site Name Appendix Policy no Policies Map

Q1 - Do you consider that this policy/proposal of the Pre-Submission Draft Local Plan is to be Legally and Procedurally Compliant and Sound?

(Please note the considerations in relation to the Local Plan being 'Legally and Procedurally Compliant'
(Please see guidance notes).
(Please select one answer for each question)

	Yes (Go to Q2)	No (Go to Q3)
Legally and Procedurally Compliant	<input type="radio"/>	<input checked="" type="radio"/>
Sound	<input type="radio"/>	<input checked="" type="radio"/>

Q2 - If you consider that this policy/proposal of the Pre-Submission Draft Local Plan is Legally and Procedurally Compliant and Sound please use this box to explain why?

Please note your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there is no opportunity to submit further representations unless requested to do so by the Inspector, based on the matters he/she identifies for examination.

(This box can be expanded)
(Go to Q6)

Q3 - Why do you consider that this Policy/Proposal of the Pre-Submission Draft Local Plan is not Legally and Procedurally Compliant or Sound? (Please select all that apply)

Positively Prepared	<input checked="" type="checkbox"/>
Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>
Consistent with national policy	<input checked="" type="checkbox"/>

Q4 - If you do not consider this policy/proposal of the Pre-Submission Draft Local Plan to be Legally and Procedurally Compliant or Sound please use this box to explain why.

Please note your representation should cover all the information, evidence and supporting information necessary to support/justify the representation as there is no opportunity to submit further representations unless requested to do so by the Inspector, based on the matters he/she identifies for examination.

The *Preferred Options* version of the County Durham Plan included two policies, *Policy 1 - General Development Principles* and *Policy 31 - Sustainable Design in the Built Environment* which addressed different aspects of design. Policy 1 set out overriding principles and made a strong signal at the outset of the Plan about the standards expected from developers. Policy 31 primarily set out the design criteria expected and was oriented to assessing planning applications in a development control context.

The *Pre-Submission Draft* has removed the PO Policy 1 and renumbered subsequent policies, so Policy 31 has become Policy 30. The explanation given is

Following responses to the consultation and on further reflection it is considered that as many of the criteria in the policy repeated elements of other policies in the Plan the General Development Principles policy is unnecessary and potentially confusing for decision makers. It has therefore been deleted

The only relevant response we have been able to find is that from BDW Trading Ltd (a property developer whose main brands are Barratt Homes and David Wilson Homes) who said “The need for policy 31 is questioned acknowledging policy 1 provides general development principles which include in relation to design and amenity.” This is not sufficient justification for deleting the former Policy 1 nor is “further reflection” about “repeated elements” without detailing what those elements were and where they may be found in the *Pre-Submission Draft*, if indeed they are. Consequently this Policy is **not justified**.

To suggest that having two complementary policies is “potentially confusing for decision makers” is not a sustainable argument. Decision makers have to decide which of a range of policies are relevant and then decide what weight to give them. In a growing number of cases there will be a neighbourhood plan to add to the mix. This is already a skilled job.

Both Policies in the *Preferred Options* were broadly supported by a very large number of respondents, who recognised the complementary roles they played. A Plan that attempts to combine the two aims in one policy has **not been positively prepared**. There is a risk therefore that it will be **not effective**.

Moving on to the detail of the proposed Policy 30, there is a typing error in the sentence immediately after the heading “Places and Spaces”: the word “effect” should read “affect”.

Point (p) requires major new residential development to be built to at least 30 dwellings per hectare (dph), but only in and around town centres and locations where there is good access to facilities and frequent public transport services.

Achieving sufficient density of development is key to ensure that sites support active travel and can be served by viable bus services. Higher density housing is also desirable to reduce the requirements for greenfield land and green belt land release. It is associated with higher levels of economic activity, and reduced per capita service costs. The density figure chosen is not explained, and hence this aspect of the policy is **not justified**.

In an RTPi research paper, "Settlement patterns, urban form & sustainability: an evidence review", May 2018, section 3.5 (pages 17 to 18) covers the evidence on the spatial principles which encourage accessibility by sustainable transport. For good bus accessibility, densities of 50 to 100 dph are recommended. This figure is also recommended in the Committee on Climate Change report "UK housing: fit for the future?", February 2019. The CPRE report "Building in a small island?", November 2011, addresses the challenges of successful higher density housing, and an earlier report, "Family Housing – the power of concentration" (CPRE, 2008) demonstrated that it is possible to build family housing at over 50 dph including direct access to a private garden of at least 48m², while still retaining some open space. There are many possible design solutions. A higher density requirement in Policy 30 could also encourage greater provision of two or three bedroom flats, thereby helping to meet the need for housing for older people down-sizing or for younger people setting up home.

Examples of higher density development in Durham include Victorian terraces such as 1-42 The Avenue, at about 48 dph, Leazes Place at about 60 dph, Lawson Terrace, Mistletoe Street, etc. at over 70 dph, and the modern development of Kirkwood Drive at about 44 dph. Those densities were achieved without including flats.

Higher densities need to be coupled with appropriate policies on car parking and street layouts, good urban design, and minimum internal space standards, but these have been covered within the Plan.

A higher density target for urban development might also increase the estimated yields in Policy 4, Housing Allocations.

Q5 - What change(s) do you consider necessary to make this policy/proposal of the Pre-Submission Draft Plan Legally and Procedurally Compliant and Sound?

Policy 1 of the *Preferred Options* should be reinstated as an overarching high-level statement of the General Development Principles. It should be the first Policy of the County Durham Plan. Policy 30 (presumably re-numbered) should be retained as a Sustainable Design policy, having removed those parts which duplicate the content of the reinstated Policy 1 and are proper to the General Development Principles.

The reinstated first Policy would then read:

General Development Principles

All development proposals will be required to:

- a. Contribute positively and ensure a high quality, appropriate and sympathetic response to an area's character, significance and local setting in terms of scale, massing, design, layout, function and materials, helping to create and reinforce locally distinctive and sustainable communities;
- b. Minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials;
- c. Incorporate design and security measures to provide a safe and inclusive environment which minimises

- actual or perceived opportunities for crime and anti-social behaviour;
- d. Provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties;
 - e. Minimise greenhouse gas emissions by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, including connections to an existing or approved district energy scheme, where viable opportunities exist. In all new development where connection to the gas network is unviable it must utilise renewable and low carbon technologies as the main heating source;
 - f. Minimise vulnerability and provide resilience to impacts arising from climate change including, but not limited to, flooding;
 - g. Promote mixed use development and encourage the effective use of previously developed (brownfield) land (providing it is not of high environmental value), whilst demonstrating the efficient use of land and resources by ensuring development is built at appropriate densities;
 - h. Plan positively and enhance local landscape characteristics, geological conservation interests and soils, and avoid, remedy or mitigate any impact on natural features, open spaces and identified views and maintain or where possible seek net gains in biodiversity;
 - i. Ensure development provides good quality public open space and green infrastructure or improves access to existing provision;
 - j. Take account of existing or planned infrastructure and contribute to additional infrastructure so that development is well served by transport, social and economic infrastructure;
 - k. Reduce the need to travel and minimise car use; and
 - l. Contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users including those with disabilities and dementia.

Point (p) (which has become point (j) in the text below) needs to be amended to set a higher density target for town centres and areas with good public transport services.

The amended Policy 30 would then read:

Sustainable Design

All development proposals will be required to achieve well designed buildings and places in accordance with local guidance documents, and:

Landscape

Proposals should:

- a. respond creatively to topography and to existing features of landscape or heritage interest and wildlife habitats;
- b. respect - and where appropriate take opportunities to create - attractive views of and from the site;
- c. reflect in the detailed design any features characteristic of the locality such as boundaries, paving materials and plant species;
- d. create opportunities for wildlife including though the use of locally native species;
- e. make appropriate provision for maintenance and long term management; and
- f. in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.

Places and Spaces

Major development proposals and those which affect, or add to, the public realm should:

- h. create a well-defined, easily navigable and accessible network of streets and spaces which respond appropriately to local context, to ensure that:
 - 1. the public realm, including new roads, paths and other rights of way, open spaces, hard and soft landscaping, boundary features and other structures, are designed to be functional, well-managed

- safe and durable, taking into account the lifetime needs of its users;`
2. convenient access is provided for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles;
 3. connections are made to existing cycle and pedestrian networks;
 4. the public realm benefits where possible from natural surveillance;
 5. amenity open space is designed with regard to the local micro-climate including sunlight, shade and shelter; and
 6. private and communal amenity space is well-defined, defensible and appropriate in its design, size and location to the needs of its users.

Buildings

All new residential development will be required to comply with the Nationally Described Space Standard (NDSS). In addition all major new residential development will be required to:

- h. when assessed against the Building for Life Supplementary Planning Document¹⁰⁰ secure as many greens as possible, whilst minimising the number of ambers. Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons;
- i. achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations; and
- j. be built to at least 50 dwellings per hectare (dph) in and around town centres and locations where there is good access to facilities and frequent public transport services. Lower densities may be acceptable in other locations or where it is necessary to:
 1. ensure good design and development that is compatible with its surroundings and character;
 2. secure particular house types to meet local needs; and,
 3. meet infrastructure requirements.

All major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).

Extensions and Alterations

Proposals for alterations and extensions to residential property, and development associated with the incidental enjoyment of a dwelling, should ensure the development is sympathetic to the existing building(s) and the character and appearance of the area in terms of design, scale, layout, roof design and materials.

Signage, Adverts, Street Furniture and Public Art

Proposals should ensure:

- k. street furniture, public art, adverts and signage are appropriate and sympathetic to all users and the local setting in terms of scale, design, lighting and materials.
- l. Adverts and signage are not:
 1. detrimental to visual amenity or highway safety; and
 2. sited in inappropriate locations.

Q6 - Do you wish to participate in the Examination in Public? (Please note that the Planning Inspector will make the final decision on who will be invited to attend individual sessions at the Examination)

Yes ✓ No ○

Q7 - Do you want to be informed of the following:

- | | | | | |
|---|-----|-------------------------------------|----|--------------------------|
| • Submission of the Local Plan to the Secretary of State? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • The publication of the Inspector's report*? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • Consultation on any Main Modifications? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • The adoption of the County Durham Plan? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

(*Note an independent Government appointed Planning Inspector will examine the County Durham Plan and produce an Inspector's report).

Please send the completed question response forms to:

FREEPOST SPATIAL POLICY

Responses can also be sent by email to:

CDPconsultation@durham.gov.uk

However, we would prefer if you made your responses online, via our interactive website:

<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

In order to make responses online, you may need to register. This is quick and easy to do.

Find out how and why we collect information about you, what we collect and who we share it with. More information can be found at:

<http://www.durham.gov.uk/dataprivacy>

CLOSING DATE FOR RESPONSES – 4:30PM 8 MARCH 2019