



**CITY OF DURHAM  
PARISH COUNCIL**

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11 June 2021

Dear Mr Dalby,

**DM/21/01797/AD | Erection of 1 no. externally illuminated fascia panel with built-up lettering, 3 no. non-illuminated fascia panels and 1 no. externally illuminated projecting sign. | 18-29 Claypath Durham DH1 1RH**

The City of Durham Parish Council Planning Committee considered the above application at its meeting on 11<sup>th</sup> June 2021 and agreed to object to this application.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the planning policies of the County Durham Plan (CDP). In addition, the Durham City Neighbourhood Plan successfully passed Referendum stage on 6th May 2021 with 85.6% in favour and is now expected to be formally adopted by the County Council in July 2021. The Neighbourhood Plan policies are therefore a material planning consideration in so far as they relate to this application.

The Parish Council's concerns with this particular application relate entirely to the introduction of the (800x650mm) externally illuminated projecting sign to the facade of the building. It is noteworthy that the same food operator submitted a similar application for its premises at 17 – 18 Market Place in November 2020 (DM/20/03388/AD); still within the Conservation Area and located a mere 160 metres from the present application site.

During the consultation stage for DM/20/03388/AD, the representation by the County's Design and Conservation Officer clearly stated: *"the illumination seems unjustified and it would be recommended that it is omitted. There is a desirability to reduce illumination rather than increase light levels in the city centre. This would then allow for a flatter form of projecting sign."* The Parish Council fully endorses this assessment and would add that light pollution in general is a growing and concerning issue within the City; the damaging effects of which must be mitigated against through the planning system. Indeed, paragraph 5.325 of the supporting text for CDP Policy 31 is clear that: *"Light pollution is artificial light that illuminates areas that are not intended to be lit. The intrusion of overly bright or poorly directed lights can cause glare, wasted energy, have impacts on nature conservation, and affect people's right to enjoy their property. It can also severely affect our view of the night sky. Light pollution may also damage the perception of a heritage asset in its setting, especially if the asset is experienced at night or is floodlit. The NPPF is clear that planning policies should limit the impact from light pollution on local amenity."*

Application DM/20/03388/AD was subsequently granted when this same applicant removed the illuminated signage. The conclusion of the officer's report in January 2021 was clear that: *"the existing signage is non illuminated and the proposals were originally designed to be internally illuminated in respect of the projecting signs however, objection and concerns were raised from public consultees as well as the design and conservation officer and planning officers in that the proposed internal illumination of the modern projecting signs will draw more visual attention to them increasing their impact that will serve to be detrimental to the visual amenity of the area, the character and appearance of the surrounding conservation area, and the setting of nearby listed heritage assets. The proposal has therefore, been amended to remove the illumination and therefore, the proposals in their current form are considered to have been appropriately designed in terms of colour and materials and would not look out of place or be unduly prominent"*.

The Parish Council is therefore confused as to why the same applicant is pursuing a further application for illuminated signage within the same area of the City.

In its present form, this application is clearly contrary to Adopted County Durham Plan (CDP) Policy 44, which clearly states: *"In determining applications, particular regard will be given to:*

- f. the demonstration of understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset;*
- g. the manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and management proposals; and*
- h. respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing). "*

Furthermore, the Parish Council believes that the introduction of the proposed illuminated signage renders this application contrary to Policy H2 of the Durham City Neighbourhood Plan (DCNP), which clearly states: *“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 having materials, detailing and lighting appropriate to the vernacular, context and setting”*.

In its current form, this application must be refused as it is contrary to CDP Policy 44 and Neighbourhood Plan Policy H2. The Parish Council would be satisfied with this application, should the proposed illuminated signage be removed from this entirely.

Yours sincerely,

**Adam Shanley**  
**Clerk to the City of Durham Parish Council**