



**CITY OF DURHAM
PARISH COUNCIL**

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28th June 2020

Dear Ms Morina,

DM/21/01789/FPA | Construction of 12 townhouse dwellings with associated works. | Land At St Johns Road Neville's Cross

The City of Durham Parish Council Planning Committee considered this application at its meeting on the 25th June 2021 and resolved 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) and the Durham City Neighbourhood Plan, which was formally adopted by the County Council on 23rd June 2021.

The site, formerly a Shell garage, has been derelict for 15 years and would benefit from an appropriate housing development that conforms with, and respects, the surrounding properties. However, this proposed development represents an over massing of the site and therefore fails to achieve that essential objective and should be refused.

The potential for developing this site was examined during the preparation of the Neighbourhood Plan and it was noted that *"the site was included in the County Council's Strategic Housing Land Availability Assessments (SHLAAs) as site DU/131 as being suitable for housing development, originally with a capacity of 8, but not deliverable because the agreement of the owner had not been obtained. Later SHLAAs reduced this to 6."* Although this number was not used when the Neighbourhood Plan was finally adopted, it represented the accepted wisdom on the use of this site.

In contrast, the developer justifies the over massing of this site by suggesting that *"the financial viability work carried out by the client demonstrated that the site needs to*

accommodate 12 units in order to be deliverable”, and “the scheme would be financially unfeasible if the site delivered less than 12 units” because “land values do not support less dense proposals with large gardens.”

However, the level of financial gain is not a material planning issue relevant to this proposed development. A more modest but welcome and appropriate scheme, as recognised by the SHLAAs, would still make a significant profit for any developer, albeit not as extravagant as the construction of 12 town houses bundled together hovering above a short, single street.

Furthermore, the developer has indicated that he is unwilling to make any planning contribution to meet additional community costs, contrary to CDP Policy 25 which states that: *“developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms”*. Meanwhile, the Parish Council understands that Durham County Council (DCC) has indicated that the proposed development will be expected to contribute to local provision by the way of financial payments through Section 106 contribution for health, education and open space £112,789.00. as well as an affordable housing contribution. It is clear from the Council’s Education team that this funding is essential to ensure the sustainability of this development.

The application also fails to meet the guidance of the CDP Policy 6 d. and e. which require developments in such sites as this to be *“appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.”* and *“will not be prejudicial to highway safety”*. The application fails the test of both criteria.

The application also falls short of the demands made in CDP Policy 29 a., c. and e. which require developments to *“contribute positively to an area’s character, identity [and] townscape”*, further to *“achieve zero carbon buildings” which are underpinned by core principles 5.292 to 5.296, and provide high standards of amenity and privacy”*. There is no evidence in the application that these constraints have been adequately addressed or even in places considered.

The application site lies within the Durham City Conservation Area, as designated in 1968. Whilst it is acknowledged that there is a mix of different development styles within close proximity to the application site, this should not justify the development of a new dwelling that is out of character with this part of the Conservation Area.

Policy 44 of the CDP requires that development must sustain the significance of both designated and non-designated heritage assets. Also, that great weight will be given to the conservation of all designated assets and that these assets should be conserved in a manner appropriate to their significance. In accordance with national planning policy, development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal.

There are also a number of DCNP policies that are relevant to the issue of design:

- Policy S1 requires new development to harmonise with its context in terms of scale, layout, density, massing, height, materials and colour. It also requires new development to conserve the significance of designated heritage assets;
- Policy D4 requires all new housing development to be of high-quality design reflecting the character and appearance of the area, with an appropriate form and layout.

The Parish Council submits that, as a result of the inappropriate scale and massing of the proposed development, it would result in harm to the significance of the Conservation Area as it would not reflect the positive characteristics of the area.

The proposed development also fails to meet the guidance of the NPPF Part 12, especially paragraph 127 sub-paragraphs a), b) and c). which require developments to “*add to the overall quality of the area*”, be “*visually attractive*” and be “*sympathetic to local character and history, including the surrounding built environment and landscape setting.*” There is no evidence in the application that these national targets have been met.

For the reasons set out in this response, the Parish Council urges the County Council to refuse this application. However, should you be minded to approve this application, we would wish this application to be called in to the Central and East Area County Planning Committee so that we may put our case to Councillors.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council