

Planning Committee

19 September 2007



**City of Durham Council
Local Development Framework**

Report of Rod Lugg, Head of Environment and Planning

Purpose of the Report

- 1 To advise the Committee of two documents produced by Durham City Council for consultation as part of its Local Development Framework (LDF):
 - i) Development Control Policies (Preferred Options)
 - ii) Planning for our Heritage (Preferred Options)Members are asked to endorse the attached schedule of responses (Appendix 2). Copies of the Documents have been placed in the Members' Resource Centre.

Background

- 2 The Planning and Compulsory Purchase Act 2004 introduced major changes to the planning system in England. The Act requires the City Council to replace its existing Local Plan with a new style Local Development Framework comprising a number of documents. As the City of Durham Local Plan was only adopted in 2004 many of its core policies will be saved for the time being, so the production of a core strategy has been delayed and other Development Plan Documents are being prepared first. The City Council needs to have in place a set of policies which outline the criteria against which planning applications will be assessed and, in some instances, set out the information that applicants will be expected to provide. The Planning Committee considered a report on the Development Control Policies in December 2006 and endorsed comments on the first stage of consultation - Issues and Alternative Options. This report considers the Preferred Options now identified by the City Council.
- 3 The other document currently out for consultation relates to heritage issues. The Planning Committee considered a report on "Planning for our Heritage" in November 2006 and endorsed comments on Issues and Alternative Options. Comments are now invited on the Preferred Options identified by the City Council.

i) Development Control Policies Preferred Options Document

- 4 The Preferred Options document suggests policy outlines developed from representations received on the earlier Issues & Alternative Options consultation, as well as Sustainability Appraisal work and the comments from District Planning Development Control staff. The County Council's previous comments were confined to the alternative options for the generic policies which are more strategic in nature. The Council did not comment on the other topic based policy alternatives because of the general nature of the questions posed, but noted the opportunity for detailed consideration at the Preferred Options stage now reached. The preferred policy approach with reasons is outlined for each of the policy areas. The actual detailed policies will be the subject of further consultation when the submission version of the Development Control DPD is submitted to the Secretary of State for examination. Details of the preferred options are listed in Appendix 2 together with the County Council's suggested response.

ii) Planning for Our Heritage Preferred Options Document

- 5 The Document first sets the consideration of heritage issues within the context of national and regional planning policies. The policy outlines that follow are the City Council's preferred options, developed from the issues raised by consultees and the results of Sustainability Appraisal. The chosen options are worthy of support and detailed comments are set out in Appendix 2.

Conclusions

- 6 The publication of the two Preferred Options Documents represents continued progress by the City of Durham Council in developing an updated planning policy framework to replace its existing Local Plan. The County Council's suggested response, in most but not all cases, offers support for the policy approaches taken, with detailed comments in relation to the strategic policy context provided by the Regional Spatial Strategy where appropriate.

Recommendation and Reasons

- 7 The Committee is recommended to endorse my comments in Appendix 2 as the County Council's formal response to the City of Durham Council on its two LDF documents.

Background Papers

City of Durham Local Development Framework:

Development Control Policies Preferred Options (August 2007);

Planning for our Heritage Preferred Options (August 2007)

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Appendix 1: Implications

Finance

None

Staffing

None

Equality and Diversity

None

Accommodation

None

Crime and Disorder

None

Sustainability

Achieving sustainable development is a central requirement for Local Development Frameworks and the relevant documents have been subject to full sustainability appraisal.

Human Rights

None

Localities and Rurality

Policies in the LDF will affect the whole of the City of Durham District, including rural areas.

Young People

The planning system promotes community involvement including that of young people.

Consultation

City of Durham Council requires responses on the LDF documents by 28 September 2007.

Health

In practice the outcome of the Policies should improve health and well-being.

Appendix 2: Durham County Council's Suggested Responses to City of Durham Council's Local Development Framework Documents

1. Development Control Policies (Preferred Options)**GP1(a) - Protecting Natural Environments in the District**

The County Council supports the approach of amalgamating earlier alternative options to ensure development protects designations of ecological and natural environment value. Greater emphasis should be given to opportunities for the creation and restoration of habitats, not just tied to the replacement of biodiversity on an affected site. Policy 35 of the Regional Spatial Strategy (RSS) sets out the strategic methodology for protection and enhancement which should help to inform the City Council's policy approach.

GP1(b)- Protecting Landscapes in the District

Whilst protecting the landscape value of defined areas of the District is welcomed, it is suggested that development should respect landscape character and consideration should be given to the County Council's Landscape Character Assessment and Landscape Strategy in developing the policy wording. RSS Policy 33 states that plans should have regard to landscape character assessments to justify the retention or creation of any local landscape designations, guide policy formulation and development control decisions.

GP2 - Sustainable Energy Use

The policy outline takes account of the RSS requirements for embedding renewable energy in new developments and goes beyond the minimum figure of 10% to set local thresholds, which is welcomed. However, setting thresholds according to the scale of development may present difficulties in implementation. It is suggested consideration be given to the approach in Sedgefield Borough Council's emerging Core Strategy and SPD which applies a 1% increase in the requirement for all development over 1000 sq m or 10 or more residential units, year on year. This will help to "signpost" future changes to developers, and to achieve a doubling of the requirement by 2020.

GP3 - Protecting Amenity

The preferred option of one overarching policy for all land uses is supported.

GP4 - Provision and Protection of Open Spaces

Support the policy approach which protects and provides quality open space but allows for the re-cycling of unused land of no functional, amenity or natural environmental value eg playing fields surplus to educational requirements.

GP5 - Design Principles

Support the approach of a generic policy applicable to all land uses, which covers the key principles of good design, with detailed guidance contained in a Supplementary Planning Document.

GP6 - Site accessibility, movement and parking

The policy approach is generally supported but an addition is suggested to criterion A) to read “All development has a safe and satisfactory access *to and from the highway*” to make it more precise.

C) could be strengthened to read “*Parking standards are in accordance with, or less, than the maximum in Local Transport Plan 2 Parking and Accessibility Guidelines*”.

Guidance should be given on how Green Travel Plans are to be “enforced” such as through conditions, monitoring etc.

ENV1- Change of use of buildings in the countryside

The policy approach reflects national guidance in PPS 7 that re-use for economic development purposes will usually be preferable, but residential conversions may be appropriate in some locations and for some types of building. The special justification criteria for residential use are supported.

GEMP1 - Employment in the Countryside/Rural Employment

The preferred option of guidance based on principles set out in PPS7 is supported.

GEMP2 - Notifiable Installations

This is a detailed district matter – no comment.

GEMP3 - Sustainable Waste Management

This policy has been moved from the generic policies in the Issues and Options paper, but putting it in a section headed Employment is misleading as it deals with both commercial and residential development. Nevertheless the policy approach of requiring waste minimisation plans, re-use schemes etc to accompany developments over 500 sq m and over 10units/dwellings is welcomed and accords with the principles of RSS Policy 26.

TRAN1 - Road Proposals

Suggest A) and B) in the policy outline on criteria for supporting new road proposals or improvements, are combined together to read:

A) relieves pressure from “through traffic” in the City Centre, residential areas and environmentally sensitive areas and/or improves road safety standards.

As originally drafted, a road safety improvement scheme which did not relieve through traffic pressure, would not meet criterion A).

With regard to E) it could be argued that any new road will have a harmful impact on the natural environment. Suggest revised wording as follows:

“E) Addresses and mitigates harmful impacts on the natural and built environment”.

RET1 - Retail Related Issues outside designated areas

Other than not undermining the vitality and viability of existing centres, which should refer to town centres both within **and adjacent to** the District, the issues covered are detailed matters for the City Council to determine. Regard should be paid to RSS Policy 25, which sets out the strategic principles for development in urban and rural centres, when framing the policy wording.

RET2 - Major Out- of- Centre Proposals

Support the principle that no new major out of centre retail and leisure provision be permitted in the District in accordance with the “town centre first” approach of PPS 6. Policy 27 in RSS recognises that major **rural** leisure developments will need to be considered and justified through the sequential approach and locational strategy.

COM1 - Provision of Community Facilities

Detailed policy approach is a district matter – no comment.

COM2 - Loss of an Existing Community Facility

Detailed policy approach is a district matter – no comment.

RL1 - New Development for Recreation and Leisure in the Countryside

Support the intentions of the policy but regard should also be given to the principles set out in RSS Policy 27 on out-of- centre leisure developments.

RL2 - Equestrian Facilities and Stables

Detailed policy approach is a district matter – no comment.

TOU1 - Caravans, camping and chalets

Detailed policy approach is a district matter – no comment.

QUA1 - Shop Fronts and Roller Shutters

Detailed policy approach is a district matter – no comment.

QUA2 – Advertisements

Detailed policy approach is a district matter – no comment.

QUA3 - Residential alterations, extensions and dormer windows

Detailed policy approach is a district matter – no comment.

QUA4 - Change of use of land to residential curtilage

Detailed policy approach is a district matter – no comment.

UT1 - Telecommunications

Detailed policy approach is a district matter – no comment.

UT2 - Pollution Prevention/Control

Detailed policy approach is a district matter – no comment.

UT3 - Potentially Contaminated and Unstable Land

Detailed policy approach is a district matter – no comment.

UT4 - Public Utilities

Object to the reference to the extension of sewage treatment works in the Green Belt. This matter is covered in the Waste Local Plan and will also be addressed in the replacement Waste Development Framework. This is a matter for the County Council as Waste Planning Authority and should not be specifically identified in the District LDF policy.

UT5 - Reducing Flood Risk

In developing the detailed policy wording regard should be had to RSS Policy 37 which refers to a sequential risk-based approach informed by Strategic Flood Risk Assessments.

2. Planning for Our Heritage (Preferred Options)

Durham Castle and Cathedral World Heritage Site

Support the policy approach in Preferred Option 6 which is a new merged option following recommendations in the Sustainability Appraisal. “Distinctive local features which provide or generally provide a positive contribution to the World Heritage Site and areas that provide the setting, including key views, for the World Heritage Site should be afforded protection within the Local Development Framework.”

However, key views need to be defined given the debate over Durham Johnston School and recent issues in relation to the Soccerama.

Listed Buildings

Support the Preferred Option 2 that listed buildings should be protected through a single Listed Building Policy. Such a policy needs to be locally distinctive and not just repeat national or regional guidance, but in the context of Durham City more detailed guidance is justified.

Conservation Areas

Support the Preferred Option 3 that existing policy controls are not sufficient and they need to be strengthened across all parts of whole conservation areas in terms of control of lighting; advertising; use of materials; style of development and building; location of utility fixtures in defined core areas; the undergrounding of cables and their location; communication masts, in terms of their design, location and any associated mitigation measures; identification and subsequent protection of historic surfaces. However the key is not to see “conservation” as “preservation” because if policies are too focussed on preservation they will fail to facilitate appropriate new development.

The County Council’s comments made previously on Questions 10, 11 and 12 are important ie some strengthening of policies is required; need to apply Article 4 directions (to remove permitted development rights) to protect features which contribute to the character of conservation areas; need for additional design guidance to be prepared to identify quality of design that is required for developments in conservation areas. The answers to Questions 16, 17 and 18 are key ie quality contemporary design should be encouraged; the protection of the landscape needs to be proactive and forward looking rather than reactionary and preservationist. Most importantly a public realm guide is needed which is missing in the Durham City Vision work. For example the current lighting/signage strategies do not have the overarching background that a public realm guide can provide to give consistency to the City Centre public realm. Planning for this on the basis of individual

developments is not good enough – however good the control on individual developments, without a clear guide to the overall ambition a piecemeal result is inevitable.

Other Features of Historical Importance within the District

The Preferred Options on the policy approaches to Scheduled Ancient Monuments, archaeological remains, Neville’s Cross Battlefield, and Historic Parks and Gardens are acceptable.

Other issues relating to the historic environment

There is no reference in this section to the Heritage Protection Review which specifically aims to achieve two things:

- a duty on local authorities to compile local lists of historic buildings; and
- improved protection for buildings so designated under national legislation.

Notwithstanding, even in Durham, the County Council does not agree that all “historic” buildings should necessarily be recorded before development affecting them commences – eg turn of the century terraces. Option 2 is more realistic, than Preferred Option 1, with the local significance meaning “inclusion on the local list” which will become statutory.

The policy outlines for **sustainable development** and **sustainable energy** are supported as good robust proposals. We should be encouraging best practice even in the historic environment provided there is no detriment.

Shop fronts in conservation areas and accessibility to historic buildings should both be covered by specific guides.