

City of Durham Trust – Objection

DM/20/03558/OUT Land To The East Of Regents Court Sherburn Road Durham – March Amendments

Proposed residential development of up to 432 dwellings (outline including access).

Introduction

1. The Trust wishes to repeat its objection to this application and sees no improvement in the amendments submitted on the 1st March. It provides comments below on the transport and public rights of way proposals and the design code.

Public rights of way enhancements

2. The Trust made a number of suggestions to Banks Group at the pre-application consultation stage, but received no reply or any subsequent contact from Banks. subsequent engagement with the Trust. It is therefore helpful to see the applicant's reasoning. As the Trust's suggestions to Banks Group may not be available to DCC Public Right of Way officers, a copy is included with this comment.
3. Paragraph 4.1 refers to “Plan HJB 767/67/96 appended to this note” which “shows the new, diverted and improved PROW” but the Trust has been unable to locate this document on the planning portal.
4. The Trust is supportive of the proposed improvements to Durham City Bridleway 113 and its continuation towards the B1198, numbered Durham City BW 89. Without the map it is not possible to tell if improvement is proposed along the full length of the route which changes number to Shincliffe BW 6.
5. The Trust supports the creation of New Routes 1 and 2, but would like to seek clarification as to whether there is an intention to divert the southern portion of Durham



City FP 88, shown in red on the following excerpt from the Definitive Map. This section of the path is poorly defined on the ground and may even have been obstructed by the tenant and this has probably given rise to the use of the route along the field edge which Banks Group intend to formalise.

6. The Trust supports the creation of New Routes 3 and 4 from the southern site boundary to the existing Durham City FP 90.
7. The Trust also supports the improvement of the surface of Durham City FP 90 between Bridleway 113 and the proposed New Route 4, but objects to the proposal to reroute the path as it approaches the junction with Durham City FP 91 / Shincliffe FP 5. This is described in paragraph 4.7 as regularising the record, because the actual walked route is generally around the field edge. Experience of Trustees is that the direct route across the corner of the field has fallen out of use because the farmer has ploughed and cultivated the official route, and failed to reinstate it to the minimum 1m width within the time limits set in law. The current walked route adjacent to the river requires users to descend a steep bank which is muddy and treacherous after wet weather. The official direct route across the field avoids this. The Trust appreciates that the planning application process is not the forum for determining rights of way diversions, but asks the County Council to note this objection.
8. Section 5 of the document responds to suggestions made by the Trust and other third parties. The Trust's position on these differs from that of Banks Group and the following comments, adopting the same numbering as the applicant's document, are provided to assist the County Council's Public Rights of Way officers in their consideration of the merits of each suggestion.

	Suggested Improvement	City of Durham Trust position
1	New path to River Wear to create walking route to Rose Tree Pub	<p>The Trust is mindful that in managing the green belt NPPF para. 141 requires local planning authorities to plan positively to enhance their beneficial use, including looking for opportunities to provide access. Improved public access to the green belt is specifically required by Policy 5(r), and this must go beyond restoring existing paths to good order.</p> <p>The Trust made this suggestion because:</p> <ol style="list-style-type: none"> a) it would connect the site by the most direct route to the River Wear footpath Shincliffe FP 10, and thereby to the Weardale Way, via an existing footbridge; b) it would create a new route bisecting the largest portion of land with no PROW access in this part of the green belt, improving access to the green belt. <p>While it is possible to reach Shincliffe via Durham City BW</p>

		<p>113 and the B1198 as pointed out by Banks Group, the road is busy and it would not make for such a pleasant walk. It is true that the land on the other side of the Old Durham Beck is not within the control of the applicant, but the other landowner might be willing to facilitate access and this could be explored.</p>
2	Access to Shincliffe footpaths south of Mill Lane	<p>The Trust proposed enhancement of crossing points of the B1198 in order to help create some longer circular walk opportunities (circular routes of varying lengths are required by Policy 5(t)). The applicant objections include that this would give the B1198 a more urban feel. This comment seems out of place when the applicant's other accompanying documents include proposals for a large roundabout at the A181/B1283 junction in the countryside to the east of the site.</p> <p>The issues of visibility when crossing this road on foot are not caused by overgrown vegetation, but by the way that the road curves gently, and combined with the high speeds of motor vehicles this gives pedestrians insufficient visibility of oncoming traffic. There will be an increase in traffic on the B1198 as a result of the development and provision of one or two crossing points would be appropriate mitigation.</p>
3	Bridge of Bent House Lane bridleway to be improved and rerouted.	<p>The proposed improvement of the surface is welcomed.</p> <p>The applicant controls the land to the edge of the beck. It must be possible to arrange for a bridge to be improved by negotiation between the landowners on either side of the beck. Following the applicant's logic, it would be impossible to maintain the existing bridges.</p>
4	Alternative connection from footpath 90 to A1(M) subway.	<p>This was a low priority in the Trust's suggestions, but would have followed a field boundary for the majority of its length, following the contours more closely than Footpath 90 and thus providing a more accessible route.</p>
5	Reinstatement of footpath 82.	<p>The footpath is of no use without the footbridge. Although the land is outside the applicant's control, a contribution could be made towards the reinstatement of the bridge by the Council.</p>
6	Improve the accessibility of old railway embankment.	<p>The Trust made this suggestion as an alternative to the reinstatement of the footbridge. Consideration needs to be given to means of maximising the potential for walking and cycling from the housing site to employment sites such as Durham University (e.g. via Maiden Castle and Shincliffe Peth). The applicant has made no proposals for off-site improvements for sustainable travel to work, only for leisure</p>

		routes.
7	Path along Bent House Lane to Old Durham	The Trust concurs with the applicant that it would be preferable to manage motor traffic on this route to avoid the need to create a separate footway.

Transport Assessment addendum

9. The Trust notes that the applicant has, as yet, made no amendments to the application in response to the Trust's objections relating to the lack of provision for sustainable transport.
10. The Transport Assessment addendum includes proposals to alter three road junctions:
 - a. the roundabout at Broomside Lane / Belmont Link Road / Sunderland Road
 - b. the A181 / B1283 Sherburn Road junction just east of the A1(M) bridge
 - c. the A181 / B1198 Shincliffe Lane junction just south of Sherburn House
11. Apart from allowing pedestrians to cross the B1283 in two stages, there are no proposals in these plans which would promote active travel. This is contrary to Policy 21(a) which requires all development to deliver sustainable transport, prioritising walking, cycling and public transport above private motor traffic.
12. The proposals for the A181 / B1283 junction should be redesigned to incorporate provision, compliant with CD195 and LTN 1/20, for a cycle route to run from Sherburn village to Bent House Lane alongside the B1283 and the A181. While provision of the whole route may be beyond what can reasonably be required of the developer, the junction design should be implemented with high-quality cycle and walking crossings, with connections to suitable facilities on each approach, which can be upgraded later. The route from the junction along the south side of the A181 across the A1(M) bridge should be upgraded to a 3m wide foot and cycle path as far as the site access road, to connect with the existing link and avoiding the need for cyclists and pedestrians to cross the A181 twice.
13. The proposals for the Broomside Lane / Belmont Link Road / Sunderland Road should include provision for safe cycle and foot crossings of each arm of the roundabout, compliant with relevant guidance including LTN 1/20. The Council's adopted Durham City Sustainable Transport Delivery Plan identified the need to improve cycle and walking access to the Belmont Industrial Park. The junction alterations should incorporate suitable proposals to provide for a high-quality cycle route connecting Dragon Lane, the Sunderland Road and Broomside Lane with the industrial park.

14. The Trust strongly objects to the emphasis of the Transport Assessment on mitigation measures such as the three junction alterations which continue to invest in increased motor traffic provision when it is clear that motor traffic will have need to reduce over the next decade in order to meet greenhouse gas emissions targets. The County Council has declared a climate emergency and things must be done differently in response. Policy 21 supports the prioritisation of investment in sustainable modes.
15. While the applicant has tabled a number of suggestions for improvements to leisure routes, the application completely ignores the County Plan requirement to invest in active travel generally, not simply for leisure purposes. Among the many measures suggested in the Trust's first response to this application, a safe cycle route from the site to the primary schools at Laurel Avenue and Mill Lane, and onwards to connect to the cycle routes in Gilesgate would be top of the Trust's wish-list, but there are several other improvements which would be likely to have a far better cost-benefit ratio than these major junction road proposals. The proposed changes to the Bent House Lane junction, which will make cycle access worse, must also be rethought.
16. While the proposed relocation of the bus stops would minimise the distance to the bus stop from houses in the new development, moving the Dragon Lane End stop further east leaves a considerable gap of about 560m between that and the previous eastbound bus stop by Frank Street. Very few bus services now go to the bus turning point at Tesco, and the fastest services are the Arriva routes which stay on the Sherburn Road. A holistic view is required of how best to enable sustainable access to the Dragon Lane retail premises, as well as to the proposed new development, and additional bus stops may be required. The Trust has not seen any evidence of involvement of the public transport operators in these proposals, still less of consultation with existing users of these stops and services.
17. Notwithstanding the relocation proposals, the reliance on bus stops which are further than 400m from parts of the site is unacceptable when Policy 5 of the County Plan specifically refers to incorporating convenient, safe and high quality bus routes within the site. The Council's draft Parking and Accessibility SPD follows the lead of *Planning for Walking* (CIHT, 2015) in considering that 400m is the limit for the distance people will walk to a bus stop in residential areas. The 2019 Parking and Accessibility Standards stated in paragraph 2.7.3 that "the maximum walking distances to the nearest bus stop from any residential property should not be greater than 400m" and cited the 2005 DfT publication *Inclusive Mobility*. Even approaching 400m there will be a tailing off in the numbers of people using the bus service. The proposed layout means that there will be a number of houses up to 500m away from the nearest bus stops, and as explained in the Transport Assessment some destinations are only accessible via bus stops located on, or to the west of, Dragon Lane.

18. Design Code comments

19. **National Design Code and Guidance.** Although the draft National Design Code and accompanying guidance were issued after the original Bent House Lane Design Code was prepared, the amended version should have been able to respond to its suggestions as good practice. It is not yet recommended policy but it provides useful clarification by the team behind the 2019 National Design Guide and is generally a useful test for the validity of the submission.

The submitted code fails against a number of key aspects of the new draft advice and therefore good practice. It shows up the significant missing areas needed for an effective design code.

20. **Context.** The Advice starts by outlining the need to understand the context of the site and use this to influence siting and design from the existing National Design Guide.

'5. The National Design Guide states that an understanding of the context, history and character of an area must influence the siting and design of new development. This context includes the immediate surroundings of the site, the neighbourhood in which it sits and the wider setting. This includes: C.1: An understanding of how the scheme relates to the site and its local and wider context. C.2: The value of the environment, heritage, history and culture.'

The Trust maintains that the contextual, historic and environmental understanding submitted is incomplete and the Design Code suffers by not being properly informed of context, issues with the surrounding area, difference from the nearby historic areas and what might be learnt from other areas of Durham City. The Trust has demonstrated contextual failings in its previous objection to the proposals.

21. **Community Engagement.** There are very clear expectations identified in the National advice about the need for community engagement. Although there has been community and organisation consultation, little, if any, of this seems to have influenced the proposal. It happened very shortly before the submission and is considered by the Trust as ineffective; there is a lack of community 'buy in'. Specifically the submitted design code lacks any organised community consultation.

22. **Draft National Design Code (NDC) Section 1A Scoping.** It would be unreasonable to expect the submitted code to reflect the suggested structure and not all headings are relevant but it serves to highlight what is missing from the submission:

- **Section C – Context.** Full contextual analysis - missing. Layout should be responsive the impact on the surrounding area by way of mitigation. The road and unit layout shown do not appear to relate to topography or views into the site. Some relaxation in density and landscaping shown in the code will help but it lacks any strategic analysis to guide subsequent design.

- **Section M – Movement.** Completely missing – relies on other parts of the submission and the ‘illustrated’ masterplan.
- **Section N – Nature.** Covered partially but lacks some necessary areas such as biodiversity gain and detail such as basic form and function of the SUDS shown. For example, in reality, the open water shown will be grass areas/swales with standing water only in heavy rain.
- **Section B Built Form.** Open space shown but function missing.
- **Section U Uses.** Mostly not relevant. ‘Houses for all’ is perhaps tackled by some of the code references. However, how this might impact on layout as an opportunity is under explored. A key omission is how affordable housing will be incorporated in a seamless way integrated into the various character areas. There is no reference at all to ‘affordable’. The Design and Access statement underpinning the masterplan and code simply notes it as for future discussion.
- **Section H Homes and Buildings.** Missing Light, aspect, space standards and accessibility.
- **Section R Resources.** Missing entirely and essential to layout and sustainability. Orientation and sun path are crucial to ensuring sustainable development and would influence the layout.
- **Section L Lifespan.** Missing entirely – essential for management of structural landscaping, shared and open spaces; lack of community participation already noted.

23. **Baseline 1B and Vision 2A.** The lack of full contextual understanding has been identified by the Trust here and in its previous objection. Lack of an adequate baseline leads to an incomplete design code. There is a corresponding absence of distinctive ‘vision’ and character relevant to the proposals as opposed to lesser and imposed differences. ‘Vision’ is identified in the submitted Code but in reality is a fragmented and simple scoping of local materials limited by the illustrative masterplan.

24. **Masterplanning 2C.** The planning submission offers nothing certain as a master plan – it being termed ‘illustrative’ only. Residential numbers are identified but nothing else other than site access arrangements. As such the design code is rendered irrelevant because it relies on a masterplan to function. The submitted design code refers to the illustrated plan and has no means of being tied to an approval. If, despite the objections, the application is approved, a full masterplan and design code properly consulted upon will need to be required by condition, ignoring the submitted versions.

25. **Area Types 3A** – The design code shows coded areas but lacks a lot of the detail needed to establish the approach to their design as above – **Paragraph 22.**

26. **Summary.** While there are areas of the Code that show promise – such as the central boulevard and open space - the rest is arbitrary in design choices. The basic layout is not designed with character in mind, it lacks distinctiveness and a clear hierarchy.

To the observer, the house units across the site appear relatively uniform in layout – semi detached/detached with short blocks of a few units. They do accommodate a wider mix of unit size and apartments with some variation in density. This is an approach that can be found throughout the country and not related to Durham’s unique character. It should also be noted that illustrations in some instances are of the new Mt Oswald development. Many of the other illustrations are from Durham’s historic streets – with a completely different radial/linear layout and close built organically evolved houses clustered close to the street. This is not the type of layout shown on the application. The proposals are at odds with the examples that otherwise look like a reflection of the Mt Oswald development and that the Trust feels is more a presumption of market opportunity than site responsive and design led.

Simply taking materials found locally and pasting them onto a traditional pitched roof unit is an inadequate response to creating a distinctive development. There are many other approaches to a distinctive design reflective of local tradition appropriate to Durham as a whole that could be used – see the National Design Code for successful contemporary approaches. The approach shown now looks dated and superseded by sensitive good practice examples.

The Trust has identified a sequence of omissions and shortcomings in the design code and masterplan in this response and its original objection.

27. **Design Code - Conclusion.** The application and the subsequent recent illustrative masterplan and design code remain elusive in their intention. All matters are proposed as reserved yet the design and access statement states that *‘subsequent Reserved Matters applications should be delivered in broad conformity with the drawing’*. The Design Code then states that subsequent reserved matters applications *‘shall follow the guidelines and parameters set out in the Design Code’*. The Trust considers that this is an ambiguous and flawed way of working that hampers any further and improved handling of the layout and Design Code with adequate community input. They should not dictate subsequent design without being an authoritative submission.

The design code fails against the spirit of the work of the Building Better, Building Beautiful Commission, the agreed guidance for design of the National Design Guide and the draft National Design Code. Beauty is only mentioned once in the design code and this a quote from the National Design Guide: a missed opportunity. Neither the submitted code nor masterplan are acceptable because of multiple failures and should be discounted.

The Trust restates its objection but if the County Council should be minded to approve, it suggests that a full masterplan and design code suite are required by condition.