Open consultation

National Planning Policy Framework and National Model Design Code: consultation proposals

Updated 8 February 2021

City of Durham Trust Response

Organisation Information

The City of Durham Trust is a community interest organisation currently a Charity and Limited Company consisting of 14 Trustees with a range of skills, experience, and interest in Durham City and its natural and built environment. There are 396 members from Durham or with a particular interest in Durham.

Its priorities are:

(1) To preserve, conserve and enhance for the benefit of the public the natural and built environment of the City of Durham and its surroundings, including its green belt, buildings and features of architectural and historic value, and areas of natural beauty and interest.

(2) To engage and inform communities and promote their co-operation in the preservation, conservation and protection of the natural and built environment of the City of Durham and its surroundings, including its green belt.

(3) To encourage and celebrate the highest sustainable standards in planning, design, landscape and architecture in the City of Durham and its surroundings.

Consultation

The proposals and response were distributed to Trustees and formulated by two Trustees based on any comments received and then agreed with the Chair.

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Q1. Do you agree with the changes proposed in Chapter 2?

The high level reference to the UN global sustainability Goals is welcome as is incorporating the beautiful places wording and strengthening environmental objective c). The Trust's concern is that this fully achieved through the NPPF and in the consideration of development at a local level. Adding to the presumption in favour of sustainable patterns of development at the plan-making level is valuable, but too late for Durham's current local plan.

Q2. Do you agree with the changes proposed in Chapter 3?

The local plan timescale stretch to 30 years is useful, but the concern is how flexibility will be inbuilt into plans to allow for variations in context and circumstances even for a high level 'vision'.

Most of these changes seem sensible, but the change in **Para. 35**, which would allow written ministerial statements to influence plan making, is debatable. Changes to the NPPF involve a consultation process, which gives the planning profession and other experts a valuable opportunity for input. The Trust does not favour this amendment.

Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

The Trust is supportive of the use of Article 4 Directions for Durham City, given its issues of city centre student related pressure. It is particularly concerned that this proposal will affect their beneficial use and does not believe that there is any benefit to new housing delivery in the new wording.

The new **Paragraph 53** restricts the use of Article 4 directions. Of the first two bullet points, which are alternatives, the second is of concern, where "national significance" is given as being the only justification. The first bullet point "wholly unacceptable adverse impacts" is also an extremely high threshold. This seems to put at risk Durham City's valuable Article 4 Directions.

The issue, for Durham City, is whether student accommodation counts as "residential", which the Trust thinks may be the case. The government is rightly keen to deliver new residential properties. The new permitted development rights proposed would allow commercial properties (offices and retail) to be converted to residential use. In the Durham context, where student accommodation is the most profitable for property owners, the whole of the city centre retail is at risk if the market could determine the use of land. We need housing for permanent residents, and there is a particular shortfall in housing for the elderly. What is not needed is further encouragement for the town centre to become student dominated.

The Trust considers that conversion to student accommodation should not be privileged in the same way as other residential types unless it can be shown that it will also lead to an improvement in the availability of housing for permanent residents.

While the Trust appreciates that the Government is intent on ensuring councils deliver new homes in their areas, the use of Article 4 directions should not be so drastically restricted where councils are delivering on that requirement, or where removal of permitted development is justified to deal with issues that require local knowledge. The Article 4 process already includes sufficient safeguards.

The Trust suggests that there should also be encouragement for councils to protect commercial properties from conversion where there is a reasonable prospect of use and where they are in truly sustainable locations with good public transport and high cycling and walking catchment. The out-of-town retail and the business parks are properties that create car dependency and need to be first in line for conversion to, or replacement with, residential properties.

Q4. Do you agree with the changes proposed in Chapter 5?

The Trust is supportive of these changes, particularly the improvement to the first part of **Para. 73** (as renumbered) which refers to "a genuine choice of transport modes". It also supports the **73 c)** the masterplans and codes rewording.

The Trust supports the change to **Para. 92 b)** as renumbered and the inclusion of 'attractive' and the extension to include cycle routes.

The extension of **Para. 97** to include nature benefits and relate to climate change for open space and recreation is welcome.

Q6. Do you agree with the changes proposed in Chapter 9?

The Trust is supportive of these changes, particularly the change to **Para. 109** (as renumbered). This should help ensure that cycling and walking infrastructure is better-designed. Too many proposals wrongly comply with DMRB (Design Manual for Roads and Bridges) applying motorways and trunks roads advice to local roads. Proposals can ignore valuable people-centred guidance like the Manual for Streets and including a specific reference to this would be valuable.

Q7. Do you agree with the changes proposed in Chapter 11?

The Trust supports the change to **Para. 124** (as renumbered) and its introduction of the masterplans and codes reference. It is a pity that this paragraph does not signal to planning authorities that higher-density use of land is also important whenever green belt release has been found to be necessary. It should be specifically ensured that the potential of land released from the green belt is not wasted in low-density unsustainable development. The Model Design Code is also weak in this area.

The Trust welcomes the inclusion of the Design Code references and generally supports this. There is concern about the reference at the end of **Para. 128** that refers to National Design Code use in lieu of any local codes. This is difficult to understand as the Code is a multi-optional structured approach to process, scope, and arrangement with examples. It is not 'guidance' as such that could be applied for local use without additional work.

  The Trust very strongly supports new **Para. 130** on trees, and indeed, the other changes. It could suggest that this extended to also include favouring the retention of existing street trees by highway adaption rather than felling.

The Trust is not certain why **Para. 133** omits a reference and the new footnote numbered 51 has "Manual for Streets" scored through, as it was not present in the previous text. Despite the current revision of the Manual for Streets and a reference in the Model Design Code, a specific refence here would also support its very valuable advice.

The Trust has previously expressed concern about the extension of the Community Right to Buy but sees no issue in the **Para 149 f)** change, or, perhaps, any benefit.

The Trust supports the Flood Risk related changes.

The Broads and AONB changes are not relevant to the Trust's are of interest. The Biodiversity strengthened references in **Para 179 d)** are welcome.

The proposed change relating to statues, plaques and memorials is covered in 45 words while specific reference to the very substantially more important World Heritage Sites only merit only 33 words. For the Trust this clearly exposes the completely unnecessary introduction of this policy. It seems a politically motivated, short term issue and borders on drawing the otherwise sound process of NPPF amendment into disrepute.

It is also a further erosion of locally determined planning policy. The Trust considers that there is enough room for a council to decide that it would be inappropriate to retain a statue and explain the history in cases where there was strong opposition to the continued commemoration of slave-traders and the like.

There are areas of concern for the Trust especially related to the erosion of the quality of the World Heritage Site setting in Durham by poor building extensions, inappropriate large scale infill and increase in student housing and letting. These are all valid threats that merit action rather than statues.

There is Trust concern that the broadening of the scope of **Para. 210 f** could be used as an entry point for damaging larger scale quarrying. It remains supportive of quarrying for heritage purposes providing harm is minimal.

Expanding the Green infrastructure reference is useful.

The Trust has already noted its concern about how the Model Design Code might act as a default Code where there is no local advice (response to **Question 8**) and this needs further thought.

The Code builds on the National Design Guidance and Building Better Building Beautiful initiative. The approach is very welcome and generally the content and examples of the draft are high quality.

One overriding concern is that the code is complex and wide ranging and not easy for community groups to relate to. The Trust has recently reviewed a suggested Design Code for one of Durham's two major Green Belt housing expansion areas and found it to be wholly inadequate. Although produced slightly in advance of this draft code being issued there was time to relate to it and all the topics were known through the National Design Guidance and the work of the Building Better, Building Beautiful Commission. It seems that some professionals will also find the approach 'complex' as will the Local Authority.

What is genuinely concerning is that the production of codes and the very welcome community engagement approach are resource intensive in terms of professionals and cost. The Trust doubts that, given the parlous state of local authority finances and reduced numbers of professional staff, there is a sufficient resource to produce Codes. The large developers seem unlikely to willingly produce Codes at the suggested depth and intensity. The Trust believes strongly in community engagement, but both our local authority and major developers treat it with minimum respect, consulting only shortly before planning applications are made to establish what objections there might be and then answering them in subsequent reports. No meaningful change is made. We are unsure how codes may be produced given this context.

As we note above, the example we currently have of a design code in use fails significantly and lacks a coherent and innovative masterplan. It represents a very basic market driven response to one of the two key urban extensions resulting from the recent Local Plan. The Trust is therefore happy to support the '*Transport for New Homes*' response to the consultation that identifies greenfield urban extensions as a key missing component from the example area types. As they note, this is a real issue for towns similar to Durham. The edge of town, suburban setting for this type of development is a significant problem in developing an innovative overall design response and providing a sound transport underpinning to the layout. Including this type as an example is essential to the Code's success.

The overall initiative is a refreshing new approach to improving the quality of development. Unfortunately, it is undermined by other approaches by the Government to increase permitted development. This decreases local involvement, avoids design quality requirements, and generally works against both the spirit of this initiative and the quality of our collective environment.

There are sections where the Trust thinks that further consideration or change are needed.

Guidance Notes for Design Codes

Page 4 -C.1.i Defining Area Types

Defining area types is generally well handled but there is concern about analysis of complex historic towns and settlements and their subsequent use in coding.

Page 5 - Figure 4, Context Study.

It would strengthen this guidance if the text that says "Walking and cycling routes" were changed to "Walking and cycling routes, including their quality and comprehensiveness" because we so often see Transport Assessments from developers which just state that certain routes exist without really considering whether they are good enough to attract people to use them for a wide range of journeys.

Page 8. - M.1.i The Street Network

Some of this content is drawn from Manual for Streets and this supports a need for stronger referencing in the revised NPPF. It is true that a well-connected network reduces walking distances, as stated in **figure 7**, though this is equally true for cycling and this point should also be made. **Paragraph 21** hints that it might be desirable to control access for cars and other motor vehicles. This should be made stronger: the guidance should actively encourage street layouts with filtered permeability where all routes are available for walking and cycling, but motor vehicles generally only have one way in or out.

While performing poorly for walking and cycling, the advantage of the cul-de-sac layout shown in the left-hand diagram is that motor traffic will be limited to those accessing the actual properties on each street. Conversely, the connected street network, if it does not include filtering for motor vehicles, will quickly lead to each street being used for through traffic. Traffic on residential streets within connected street networks has increased markedly in the last decade because of the widespread use of intelligent route planning apps. Street layouts should be designed to stop through traffic on minor streets, and force motor traffic onto the perimeter roads which can be built to cope properly with the volume and can be provided with segregated cycle routes and pedestrian crossing points.

If through motor traffic is not constrained like this, then every residential street becomes less safe for active travel and many people will not be happy to let their children cycle or walk independently.

Filtered permeability gives active travel a time advantage for shorter journeys, because shorter routes will be available to people walking and cycling by comparison with the car. This also encourages greater uptake in active travel, creating a more socially-inclusive neighbourhood. The time penalty of navigating a filtered layout for longer journeys by car would be a small proportion of the total journey time.

Paragraph 22 talks about safety and security issues. The main way to ensure people feel safe is to provide an environment which encourages active travel. High levels of motor traffic do not provide this benefit.

Page 9. - M.1.ii Public Transport

Para. 25 is simplistic. The public transport accessibility of a site does not just relate to the position of stops in relation to dwellings, but also in relation to other types of development. The frequency of the service is often even more important. But as far as design is concerned, the distance is key, and perhaps that is all that can be said in a design code? There is a risk that the current form of words might be used by developers to downplay service frequency and other issues.

Page 10. - M.1.iii Street Hierarchy

While **figure 10** is nicely illustrative, the point made above at **M.1.i** applies here. There really should be no through motor traffic at the local street level. The tertiary streets shown on the diagram all appear to have access from both ends, yet the text talks of no through traffic, and types such as mews courts and cul-de-sacs. The text could be clearer about what is meant by traffic. In highways terms walking and cycling is traffic. Where motor traffic is meant, the phrase "motor traffic" should be used, to be unambiguous.

Page 11

The Trust supports the intention to promote active travel but adds that prioritising active travel is not just about "making walking and cycling easy, comfortable and attractive for all users". It is also about providing short-cuts and connections which are unavailable to motor traffic, restricting access by motor vehicle where appropriate, by not allowing motor traffic free access through developments. The comment on Low Traffic Neighbourhoods in **figure 11** is perhaps overly cautious about displacement effects. A comprehensive plan for an area will generally achieve a good outcome even on the boundary roads once it has settled in, as several academic studies have shown.

Page 13

Para. 43. The Trust is aware that NPPF is cautious about maximum parking standards but reducing the level of car parking available for developments with good sustainable transport accessibility is a key tool to ensure that carbon reductions are achieved and to improve air quality and the efficient use of land. It is usually necessary to couple reduced parking provision with controlled on-street car parking. There is a role for alternative parking solutions in developing heritage responsive or innovative layouts.

Page 15

The comments on cycle parking are generally good, but the suggestion that design codes would define appropriate locations and forms for cycle parking might lead to either a lot of wasted effort or inadequate guidance. The **Cambridge City Council Cycle Parking Guide for New Residential Developments** consists of 49 pages of extremely good advice. A nationally-produced document that covers residential and non-residential cycle parking in this level of detail would save a lot of duplication of effort and reduce costs and uncertainty for developers. Local design codes could then

refer to it, indicating which locations and forms would be suitable in the local context, but without having to provide all the detail on spacing, access, security, etc.

Page 17

The checklist talks about "Balancing the needs of cyclists, pedestrians with those of vehicles" but the section on active travel referred to "prioritising" active travel. The checklist should reinforce this, removing the word "balancing" and instead "prioritising the needs of cyclists and pedestrians over users of vehicles". (The vehicles do not have needs, only their users have needs.)

Page 39 - B.2.iii Height

Height is also a significant influence in character of areas especially where heritage assets are involved. The capacity of infill areas to impact through height leading to restriction should also be factored in.

Pages 52-55

'Manual for Streets' is not up to date with respect to cycle infrastructure requirements. These pages should refer to **LTN 1/20** as well. The sketches should be amended to include cycle infrastructure, particularly the urban primary street example, which would almost certainly be required to have separate cycling provision in **LTN 1/20**.

None of the sketches show anyone cycling. The main street sketches are also unrealistically low on car numbers.

Page 67 - U.2.i Housing for All

As noted, the inclusion of housing for all and especially affordable housing is essential as a factor in scheme development, layout, and use.

Page 70

There needs to be actual discouragement of access to schools by car for drop-off and collection because the peak traffic associated with unrestricted car access discourages active travel and is very hard to accommodate, as well as being a cause of poor air quality. The simplest way to achieve this is to close the school street to car access at these times. In a new development, a school could be sited within a pedestrianised area, or accessible primarily via foot and cycle paths, with motor vehicle access restricted to deliveries and disabled access.

National Model Design Code

Page 7 - Figure 2 – Design Code Coverage.

The range is excellent but the suggestion that **U 2. i Housing for All, R2. ii Energy Efficiency and L 1.i Management Plan** are optional based on coverage elsewhere is a serious underestimate of their design related importance. **Housing for All** needs to be embedded in design and include affordable housing, to local standards if applicable. It is not optional. Under **Energy Efficiency**, orientation for passive solar gain is fundamental to layout and will help combat climate change. **Management**

hPlans are essential to communal and open spaces, SUDS provision and mitigation landscaping – it should be a requirement.

Page 13 -Figure 10 Example Area Types

As noted in our introduction, a key type missing here is that of urban extensions – one of the more common forms of development for a range of settlements. Also missing, although not as relevant for Durham, is Garden Village (or 15 Minute Settlement) – a development approach of increasing relevance. In each case the form of development and the transport options are key to achieving a sustainable outcome.

Page 17 - Figure 13

The suburban parking arrangements are said to be likely to be in-curtilage. The suburban form in Britain is very much lower density than much development in continental Europe, and while density is not as low as car-dependent US cities, there is undoubtedly an effect on car use which needs to be carefully considered. See also the comments on **Para. 55** below. Moreover, relying primarily on in-curtilage parking is inefficient and does not allow for the wide variance in car ownership. Therefore, a higher proportion of unallocated parking should be preferred, even in lower-density development. The suburban style of development presented in the model design code is the least imaginative of the development types. It would be good to see design coding for housing with a similar proportion of green space, but with car parking provided in denser configurations (including sub-surface or decked structures) to free up the land surface for gardens and shared open space without sacrificing density in terms of dwellings per hectare. Communities which do not have car access and parking outside every door would encourage more sustainable living and have social benefits, particularly for children.

Page 26, para. 55

(i) Intensification. More efficient use of land is particularly important to reduce pressure for greenfield development and to support sustainable transport. The model code notes that intensification might mean garden development in suburban areas. There is surely an implication here, which is not reinforced enough in the NPPF or the rest of the design code, that the amount of new suburban development should be very much constrained. As "sustainable urban extensions" accrete onto the existing outlying suburban areas, it becomes harder to fulfil requirements such as "all new housing should be within walking distance of a range of local services including shops and health facilities" (**Para. 64, vi**). Local services require a certain density of development to make them viable. New estates on the edge of existing settlements will need to be more intensively developed than the neighbouring suburban areas if they are to be sustainable. This should be brought out more strongly in national planning guidance, both in this code and in NPPF. It will require firm application from planning authorities if further suburban sprawl is to be avoided.

There are implications in infill and airspace development for heritage areas and assets – a note of caution for negative impacts is needed alongside enthusiasm for increasing efficiency of land use.

Page 29, para. 58.

(i) Connected places. As in the corresponding guidance notes, the code should make clear that the primary need is for streets to link at each end to other streets for walking and cycling, and that it is often desirable to prevent through motor traffic, to ensure most motor traffic uses the primary streets. Similarly, cul-de-sacs without through walking and cycling routes should be avoided even for tertiary streets unless they are quite short.

(ii) Active travel. The remark about low traffic neighbourhoods seems out of place. In a new development there is not yet a community to support an LTN, and the design should surely be required to ensure that traffic does not dominate the residential streets. This underlines the need to get the connectivity correct for active travel, and filtered permeability to keep motor traffic levels low. Introducing low traffic neighbourhoods in existing streets does require community support, but the approach taken to consultation, and the duration of any trial, are key.

(iii) Car parking. It is good that the code recognises that the arrangements for car parking can have a major impact on the quality of place.

> Q16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

The Trust makes no comment.