

THE CITY OF DURHAM TRUST

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21 November, 2022

Mr Graham Blakey
Planning Development Central/East
Room 4/86-102
County Hall
Durham City
DH1 5UL

Dear Mr Blakey

**DM/22/01981/RM Reserved matters application for 470 dwellings
(appearance, landscaping, layout and scale) pursuant to DM/20/03558/OUT,
land to the east of Regents Court, Sherburn Road, Durham City**

Thank you for notifying the Trust of the set of amendment documents recently posted for the above scheme. We welcome the indications that some improvements have been made with regard to the setting of Bent House Farm, and commend the developers for engaging in ongoing discussions with residents of that group of properties.

As you know, the Trust submitted on 29 July 2022 some fundamental objections to the Reserved Matters application at that time. Most of our concerns remain; for convenience we include them, modified as appropriate, in the following comments.

To repeat, for the avoidance of any doubt or misrepresentation, the Trust does not oppose housing development on this site; the land is statutorily allocated for residential development as a “sustainable urban extension” to Durham City and that is what the Trust looks to be fulfilled. To put it simply, all the Trust seeks is adherence to the terms of County Durham Plan policies, and particularly Policy 5 on which such meticulous care and scrutiny were exercised by the Government’s Independent Inspector in arriving at the specific wording. Both the Banks outline application and the current Reserved Matters application fall woefully short of those requirements. The original applicants have already extracted unearned value from this site by selling it on without contributing anything to its actual development, but that does not justify the further dilution of the County Plan aspirations that is demonstrated in the current proposals.

You will be aware of our objections to the Banks original application and to their amended scheme. We also made suggestions for walking and cycling improvements, and to mitigate its impact on the Green Belt and World Heritage Site setting. Our observations on the latest Reserved Matters application are framed by those previous representations, as follows. We have inserted the CDP policy paragraph or sub-paragraph reference so that it is clear how many parts of the County Durham Plan Policy 5 are failed.

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Masterplan (First paragraph of Policy 5)

One of our original objections had been addressed in the Banks amendments: we said that *“the site has been extended and now covers the whole of County Durham Plan Policies 4 and 5 Sherburn Road site. A comprehensive Masterplan should now be possible”*. The requirement for a comprehensive Masterplan is in the first part of CDP Policy 5. Astonishingly, the Reserved Matters application backtracks on this by submitting a scheme that leaves out part of the allocated site. This makes it impossible to consider the proposals as the equivalent of a Masterplan. It also makes it impossible to determine whether, for example, the requirement under CDP Policy 15 for 25% of new housing proposals to be Affordable Housing is met.

Attractive, well-designed places incorporating sustainable design principles (2nd and 3rd paragraphs) and positive gateway for Durham City (requirement n)

The Reserved Matters application is, in our judgement, worse than the Banks application. It is much poorer in terms of the layout and types of housing; for example the Banks application had blocks of apartments looking onto the "central green" but the Reserved Matters application has the SUDS pond occupying the centre of the green, making it less useful, and with standard housing surrounding it. The majority of the new documents describe the house types to be erected. There is scant information - just a couple of paragraphs in the Design & Access Statement - about how the applicants will achieve the standards required by CDP Policy 29 on Sustainable Design. The Trust considers that the Sherburn Road Site H6 houses should meet the same design standards as set out in the County Council's recently approved Sniperley Park masterplan.

For all the Reserved Matters documentation's use of lyrical texts around design and claims of compliance with the Design Code, the multiplicity of house-types submitted have little of the qualities referenced by the Statement's photographs of, for example, Gillesgate Green and Shincliffe Village. The names of the house types can be found in Miller Home developments across the North East, see <https://www.millerhomes.co.uk/locations/north-east-of-england.aspx>. The house types being proposed here include such names as "Maidstone", "Hazlewood", "Overton", "Ilford", and Thetford". None of these names have any connection with Durham City or County, and other examples of these house designs can be found as far away as Wigan, Nottingham and Glasgow. By definition they do not reflect the vernacular here. Simply clustering house types and minimally creating density differences does not constitute character zoning. There is a significant failure against the aspirations of the National Planning Policy Framework (NPPF) and its guidelines for Design Codes. Durham is being sold short, this is not 'Building Beautiful'. The Banks "Design Code" never matched the requirements and was simply a minimal statement with misleading references. Even this has now been abandoned to render the proposals a thoroughly standardised product of centralised volume building, justifying our description as 'anywhere.'

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In addition to shortcomings with the design of the houses, there are layout and movement concerns:

- The Design & Access Statement declares that the 4-bed houses will have a minimum of 4 car parking spaces and 3-bed houses will have 2 car parking spaces. This is well in excess of the County Council's latest requirements, and directly contrary to the branding as a sustainable urban extension. The County Council's Climate Emergency Response Plan 2 looks to shared ownership models to achieve carbon reductions; reduced car parking provision combined with car club facilities would better match the policies.
- Further, the cycling infrastructure illustrated in the Banks application seems to have been dropped.
- As pointed out by the Trust on the Banks amendments, continuing to site the A181 east-bound bus stop to the east of Damson Way puts even more houses beyond the 400 metres maximum walking distance.
- Also, to meet the requirement of CDP Policy 5 that high quality bus services should be provided within the site, the Trust is still of the view that this provision should be made. The proposals involve a significantly higher density of housing development than specified in CDP Policies 4 and 5, and this might be justified as increasing the viability of public transport services through the site, but this is not offered.
- Pedestrian-only and pedestrian/cycle routes are not distinguished
- Distances to bus stops from different parts of the site are not given
- Quality of surfacing, lighting of paths, etc. are not stipulated

The Trust is disappointed that our earlier positive and detailed suggestions for improvements to the pedestrian and cycling networks have again been ignored.

Protect the character and integrity of Bent House Farm and Old Durham (requirement n)

Improved planting and greater separation is now proposed along the access road to Bent House Farm and this is welcome as far as it goes, but is as narrow as 7 metres in places whereas a 20 metre deep woodland buffer is proposed further east; similar protection should be provided for Bent House Farm. To achieve this, a small reduction in the number of dwellings to be accommodated on the site may well be necessary, but the outline approval is for up to 500 dwellings on Site H6. This recognises that an outline application cannot test whether or not the requirements of Policy 5 can actually be met if 500 houses are attempted on land allocated for 420 houses.

Views to the WHS (requirement o)

The application fails, as did Banks', to acknowledge and understand that approximately 20% of the site forms the inner setting boundary to the WHS; the site is not outside of the setting. The setting and Green Belt are especially sensitive areas and need an extensive and very carefully crafted landscape response to mitigate against the intrusion of the development and loss of setting. The submission once again fails to achieve this. There is already concern at the

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cumulative intrusion from development on the edge of the City intruding into the WHS setting and failure to attend to this example will only add to that.

SUDS scheme (requirement r)

The management of the off-site compensatory work and the open spaces and SUDS provision within the site remain unexplained. Management is as important as initial layout, if not more so. The submitted information on SUDS drainage was only basically described, and claims that part of the pond system will have year-round standing water seem overoptimistic and would require supportive management to succeed.

Compensatory improvements in the Green Belt (requirement s)

As noted under o) above, the Green Belt setting can, if studied fully, offer greater relief against the impact of the development but not as submitted. The off-site landscape mitigations drawing omits any detail of increased public access and therefore does not satisfy this aspect of Condition 5 of the outline application approval.

Multi-user paths and connections (requirement u)

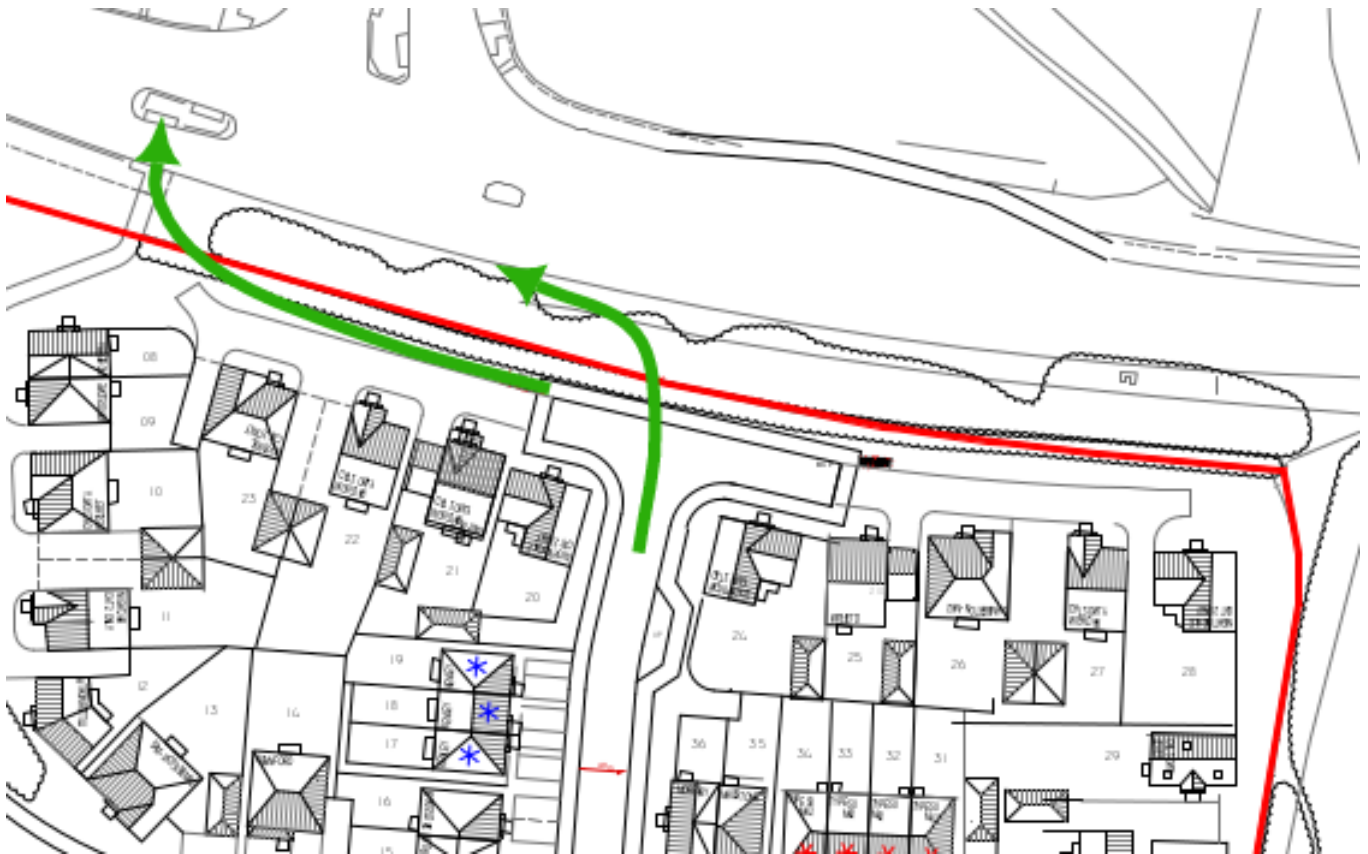
Recreational paths within the site are confined to a route parallel to the spine road and paths within the buffer along the southern boundary of the site. Paths appear to be pedestrian-only, being a similar width to the 1.8m footways, rather than multi-user. The approved Masterplan included a pedestrian route along the historic field boundary marking the north-eastern part of the site. This is no longer shown as a path, but the Trust welcomes the improvement in alignment in the recent revision.

Sustainable transport (penultimate paragraph of Policy 5)

The policy requires “*convenient, safe and high-quality bus, pedestrian and cycle routes within, and connecting to adjoining facilities*”. This is re-stated unequivocally in the recent comments from the County Council’s Spatial Policy Team. Pedestrian routes within the site are reasonably good, with useful connections not available to motor traffic, but routes are not always legible and improvement should be sought. The connection to the A181 at the north-east corner of the site has been dropped; the layout should be reworked to provide a direct link here, with a commitment to creating onward connections across the A1(M) road bridge.

The Trust welcomes the addition, in the latest revision, of a footpath connection to the pedestrian crossing point at Damson Way. An additional footpath/cycleway connection to the A181 further east, from the access road which terminates on the northern site boundary, would beneficially reduce active travel distances from the whole of the eastern part of the site to Damson Way. The Trust would like to see this provided. Such a connection would, for example, reduce the overall walking/cycling distance to the nearest secondary school. Possible routes are shown below.

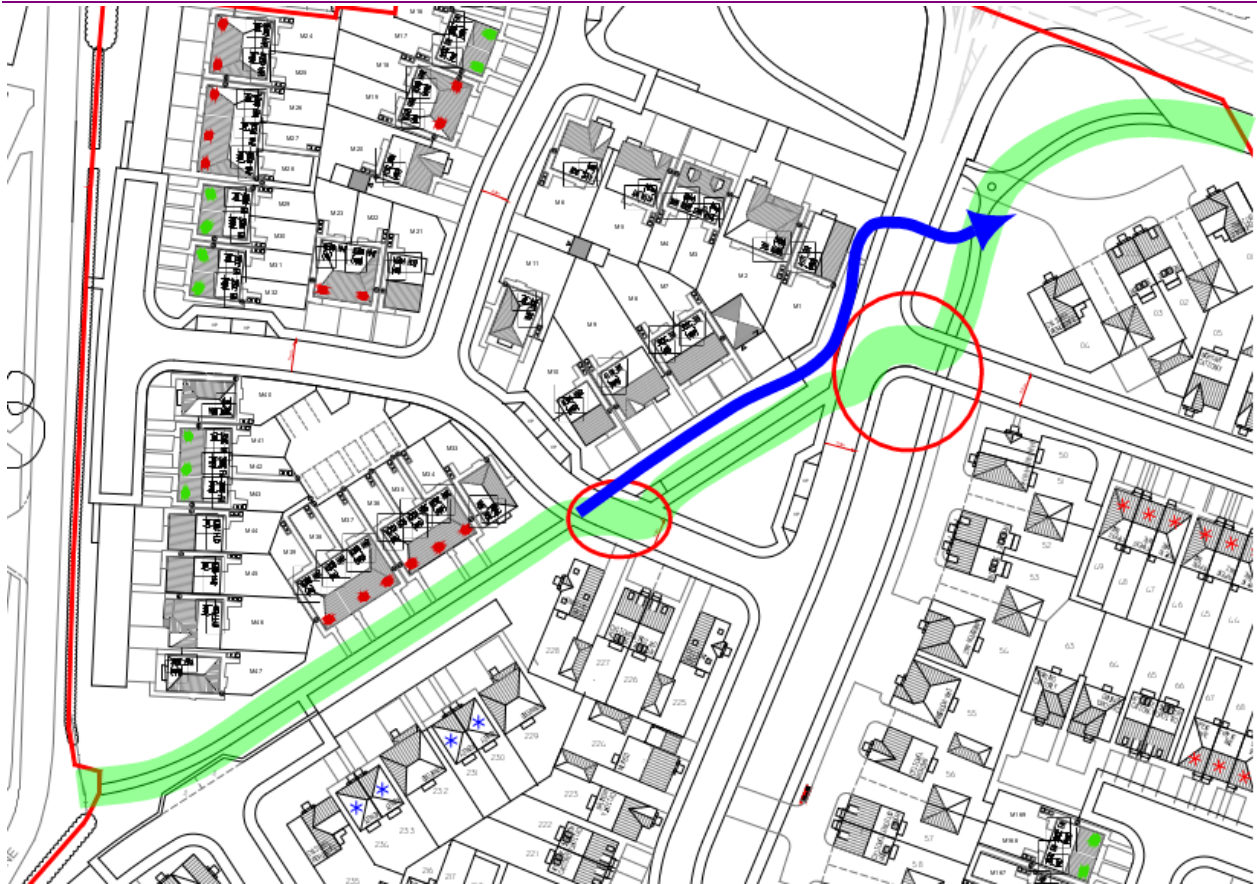
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Despite much of the site being more than 400 metres from a bus stop, no bus routes within the site are proposed. It might be argued that no bus operators are currently interested in serving the development, but in order to meet carbon reduction targets a major shift to sustainable transport is required, and the site access should be planned with future bus services in mind, with potential access routes safeguarded. The County Council is holding out for such provision at Sniperley Park; this Sherburn Road site is governed by the very same policy. A bus service would not be viable if it had to enter, make a circuit of the development and leave by the way it came in. A road layout allowing buses from the east to enter via a link at the north-east corner, penetrate the site and return to the A181 via Bent House Lane or through the Sherburn Road estate would keep options open. Passive provision initially limited to walking/cycling access could later be opened up to buses, with physical or camera controls to prevent use by private vehicles.

The Trust was critical of the approved Masterplan with its lack of clarity regarding which internal paths and external connections would be suitable for cycling. It appears from the submitted plans that the Reserved Matters application has provided no cycle paths within the site. The outline application envisaged a cycle route linking Bent House Lane and Damson Way, potentially rerouting the National Cycle Network Route 14. Here below are the remains of that proposal, highlighted in green on an extract of the submitted site plan.

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The alignment of the western part of the route has been improved in the latest revision, but in contrast with the approved 'Masterplan' the rest of the route is still illegible, disjointed, and clearly no wider than the 1.8m footways. It does not appear to be intended as a cycle route, and nor do any of the other connections to Bent House Lane. At Sniperley Park the County Council's response to the developers includes mention of separating cycle and walking paths to comply with LTN 1/20. The Trust suggests that the connections onto Bent House Lane and other links within the site should have cycle paths at carriageway level, with pedestrian paths alongside at footway level to avoid conflict.

The junctions circled in red above need to be redesigned to give pedestrians and cyclists safe and direct access to the next section of the route. The blue line shows how this might be achieved, by adopting the access to some of the houses as a pedestrian and cycle way, and realigning the route to cross the main access road at right angles to improve safety. A further improvement could be made by introducing a bend in the access road to allow the pedestrian/cycle route to be straightened further, and reducing motor vehicle speeds at the crossing.

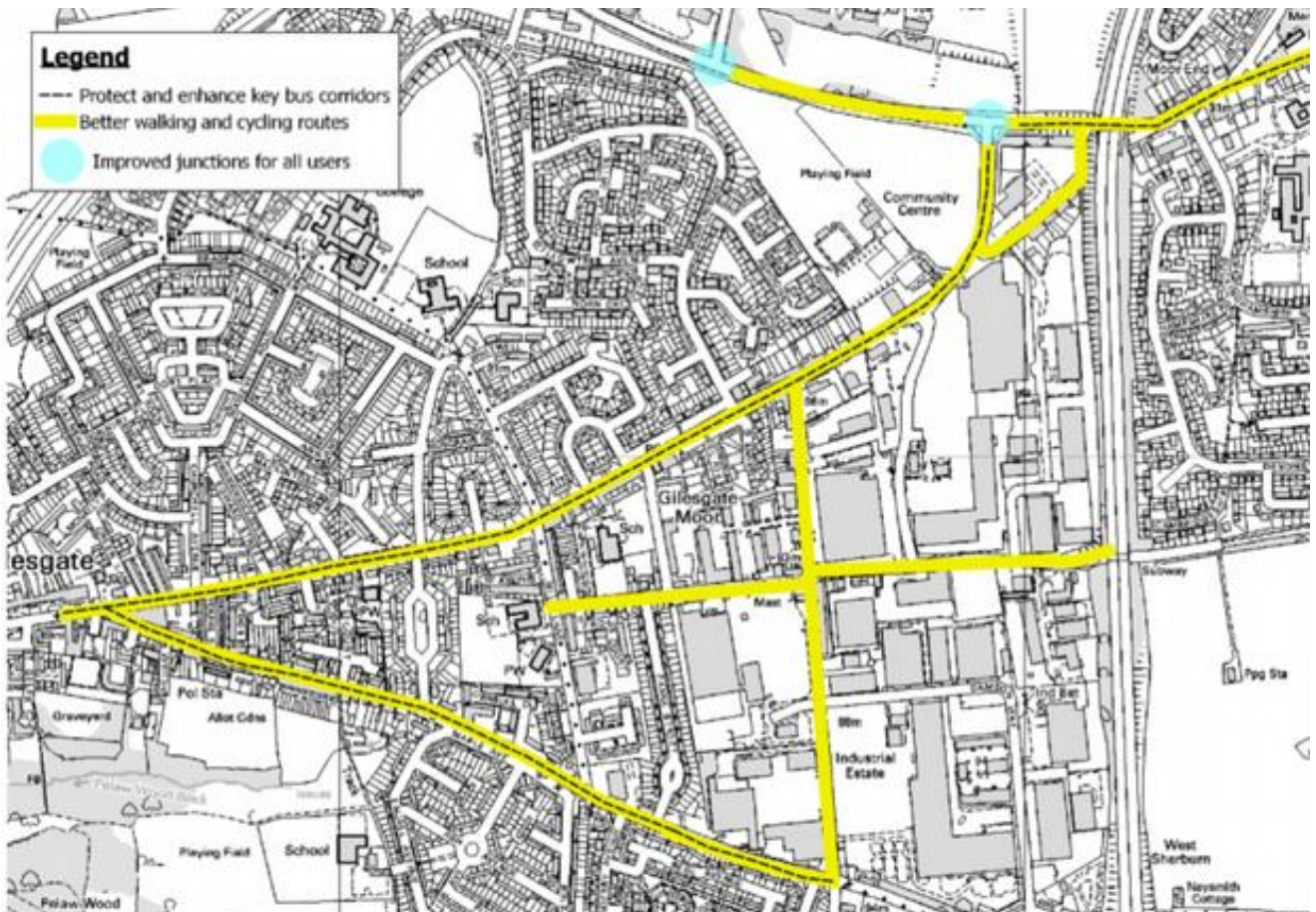
NPPF paragraph 112(a) states that developments should "give priority first to pedestrian and cycle movements". The Trust's view is that at any locations where through cycle and pedestrian routes cross the roads within the estate, including at most side roads, priority for walking and cycling should be achieved by having a continuous level surface for the footway/cycleway, with the carriageway crossing this by means of ramps or entry kerbs.

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The movement framework should incorporate “*relevant schemes within the Durham City Sustainable Transport Delivery Plan*”. As noted in the Trust's submission at the outline application stage, several roads in the area have been identified for bus, cycle and walking improvements in the DCSTDP. These are most certainly relevant to the application because they are the means of access to almost all of the amenities which the developers have identified as being within a convenient distance for access. The applicant's Reserved Matters Statement reminds us in paragraph 6.25 that details of road access were approved under the outline planning application. The officer's report to the committee did not cover sustainable transport beyond the provision of the bus stops, therefore assessing compliance for walking and cycling is clearly a reserved matter. The applicant's statement makes no reference to this, however, merely stating that the proposed development complies with Policy 21 and section 9 of NPPF.

At the outline stage, no Section 106 contribution was secured for DCSTDP schemes, as appears to be required by Policy 5. Condition 8 of the planning approval requires mitigation for air quality impacts of increased motor traffic in the Gilesgate area. The Trust is of the view that sustainable transport improvements to achieve modal shift would be the appropriate mitigation.

Contributions towards road junction capacity increases were secured at the outline stage. One of these junctions (Belmont Link Road / Sunderland Road) was identified in the DCSTDP as requiring walking and cycling enhancements, but the plans approved at the outline stage regrettably did not incorporate any.



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With no sustainable transport enhancements other than provision of new bus stops, the proposal fails both Policy 5 and Policies 21 and 22.

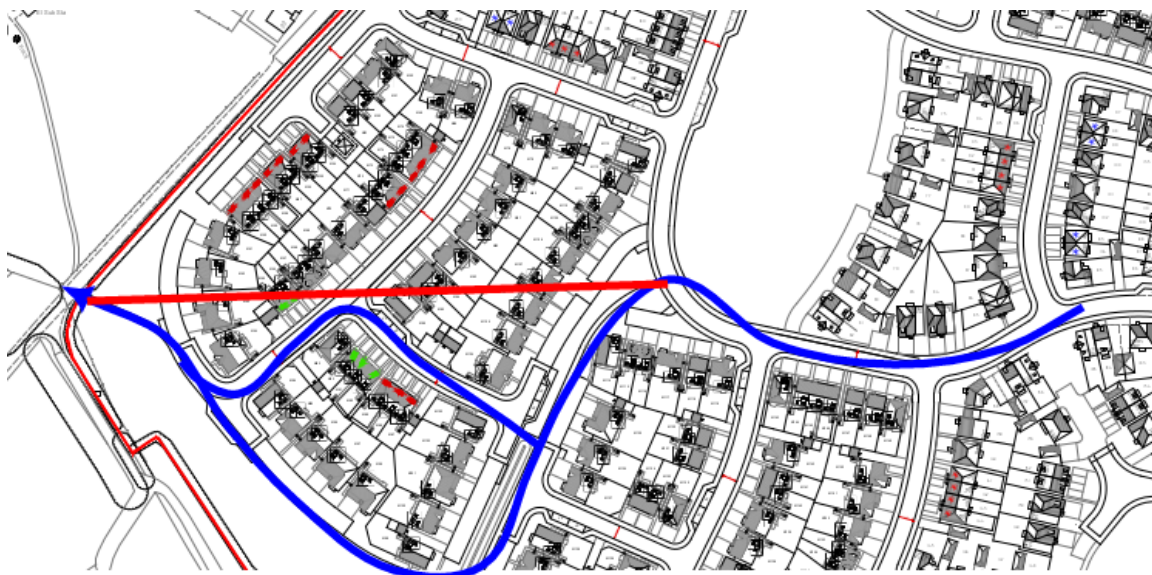
Green infrastructure and landscape (final paragraph of Policy 5)

The proposals fail to deliver a network of good quality multifunctional green infrastructure with different types of open space. The only significant open areas are reserved for retention drainage and other uses will be curtailed with no opportunity, for instance, for play provision or seating. Only two of the five small spaces shown as having a 'potential' play allocation are large enough to be able to sustain this use. The required enhancement of the A1 'woodland' is very minimal with nothing on two thirds of the boundary and an access road and house units pushed close to the A1 boundary fence. The interior of the development has minimal street tree planting – the central avenue is one side only. Other tree planting is on the open space edges or in private gardens – with no controlled management of the latter.

The other failings in dealing adequately with compensatory landscaping and in mitigating against harm to the WHS (and also Old Durham) setting and approaches has been noted above. Cumulatively, all these missed opportunities offer little benefit for Durham. Specifically the development landscaping simply does not deliver the requirements and aspirations of Policy 5.

Policy 21 Delivering sustainable transport

Much has been covered under Policy 5 above, but it is worth noting Policy 21(a) which prioritises walking, cycling and public transport, and Policy 21(b) requiring *"appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities"*. The overall layout of the development does not provide the most direct routes for walkers and cyclists to access the surrounding amenities. Access from the southern part of the site to the SW for travel into Durham city centre via Old Durham and the riverbanks could be made more direct by realigning the road layout. Compare the proposed alignments in blue with the direct route in red in the excerpt below. The layout was primarily designed around the vehicular access. Cycling access appears to be entirely via the road network.



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The detailed plan for access at the south-west corner of the site shows a chicane barrier. Use of this type of restriction is strongly discouraged by LTN 1/20 and this should not be installed. Any anti-social behaviour should be dealt with initially via enforcement. Barriers that can impede access for disabled users and those with non-standard cycle equipment should be a last resort.

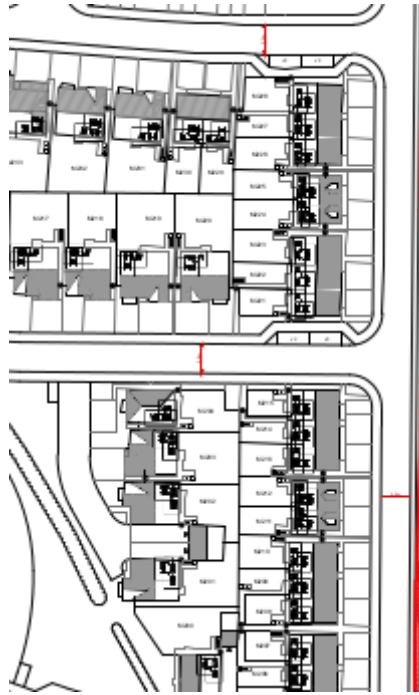
Policy 29 Sustainable Design

As previously stated, there is scant information - just a couple of paragraphs in the Design & Access Statement - about how the applicants will achieve the standards required by CDP Policy 29 on Sustainable Design. Requirement (a) is about creating locally distinctive and sustainable communities; (b) is about adaptability; (c) is about net-zero carbon buildings, and (d) is about minimising the use of non-renewable and unsustainable resources. Then there are requirements on Places and Spaces, and on Buildings. The Reserved Matters application's Design and Access Statement devotes a half page to sustainability, failing to recognise never mind seek to meet the very specific requirements of Policy 29. Of the seventeen house designs proposed in the 'Barratt Energy and Sustainability Report' only two have EPC 'A' ratings; Miller Homes do not provide any information on EPC ratings. This is a grossly unsatisfactory approach to the climate crisis; the Trust believes that every new house design from now on should achieve EPC 'A' ratings. It also leaves the new residents having potentially to retrofit piping or radiators to install heat pumps – the proposal is mainly reliant on conventional gas – soon to be superseded. The proposals fail to deliver car charging, leaving this to the house purchasers to retro-install. Again, Durham and the new residents are being sold short.

Requirement (n) of Policy 29 seeks to maximise the number of green ratings assessed against the Building for Life SPD. The applicant's Design Compliance Statement provides little evidence to support the uniformly green ratings assigned, and some answers (e.g. 1c) are bordering on incoherent. The response to question 1b on pedestrian and cycle only routes omits to mention that there are few, if any, cycle connections. Question 2d asks if the layout encourages use of sustainable transport to access amenities. The response refers to designated pedestrian/cycle routes to the site boundaries, yet the paths do not appear to cater for cycling as their width and design does not meet the LTN 1/20 guidance.

The layout does not promote pedestrian access to Damson Way or Dragon Lane: the alignment of pedestrian routes has been dictated by the main vehicular access. The applicant offers nothing on promoting public transport in section 3, beyond noting the site's location. The response to section 4 on housing needs simply states what the applicant proposes to build and provides no assessment or evidence on the local needs. Regarding well-defined streets and spaces (section 7) the applicant asserts that buildings turn corners well, but in fact the layout is remarkably rigid and rectilinear (see below), and inferior to the indicative layouts in the approved masterplan.

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The on-plot car parking (section 10) is clearly going to dominate most streets (see excerpt below with on-plot car parking spaces in blue), and visitor car parking bays are very unevenly distributed. Overall many of the responses are disappointing and in the Trust's view would only merit an amber rating.



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Conclusions

As well as all the above CDP policy failings, the inadequacies regarding sustainability and design are in ever sharper focus now as the climate crisis worsens. Over and above the County Durham Plan policies there is the national and indeed Durham County Council much-heightened realisation of the climate emergency. The County Council has set out its vision and plan in the approved 'Climate Change Strategy & Climate Emergency Response Plan 2022-24 (Version 2)' and should apply it to major housing development schemes such as this. The Reserved Matters application is chronically deficient in meaningful net-zero design and all the other aspects of sustainability.

Accordingly, the Trust considers that the Reserved Matters application is a retrograde step away from the Banks inadequate proposals and should be refused on grounds of non-compliance with County Durham Plan Policies 5, 21 and 29 and the now compelling requirements for meeting the climate emergency.

The Planning Portal shows the decision on this application will be through officer delegation; the Trust considers that the scale and content of the matters left open under the outline approval, and the particularly controversial departures from the policies of the County Durham Plan, invoke part (e) of the scheme of delegation in the County Council's constitution and therefore this Reserved Matters application should be dealt with by Members in Committee, as indeed sought by Cllr Jopling when the Banks outline application was considered.

Yours sincerely

John Lowe

Chair, City of Durham Trust