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Dear Mr Kelleher

**County Durham Design Code Supplementary Planning Document (SPD)  
Second Stage Consultation Draft, October 2023**

Thank you very much indeed for the opportunity to comment on the above draft document which follows the consultation in the Spring on the first draft.

The City of Durham Trust re-affirms its strong support for the County Council's initiative in producing a range of SPDs to assist with interpretation and application of particular County Durham Plan policies. We share the desire to secure consistent and focussed planning applications and submissions that address the requirements laid down in policies and to remove the difficulties that have been experienced by Members, officers, applicants and consultees in some cases.

We note that the introduction has been redrafted to confirm how the document is intended to be used and how it fits with other policy documents. This is most welcome. In particular, we recognise that these aspects of our comments on the first draft document have been responded to positively: a Vision has been added to clarify what you understand by good design and what the document aims to achieve; new diagrams have been added to the introduction to provide a visual guide as to how the Design Code SPD will work alongside other guidance, your design review process, and to help identify the key characteristics of good design; and the introduction to the model code section has been updated to give clearer description on how it is intended to work.

However, we are disappointed that several comments offered by the Trust on the first draft have not been taken on board. We re-articulate and expand them below in the hope that they can be reflected in the final Code. Failure to adequately deal with Durham City will be to miss an opportunity to pursue better quality design often lacking in the City. Over-merging the City into the detail of a County wide code is not working.

# THE CITY OF DURHAM TRUST

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The National Character Area profile provides a sound basis, particularly where historic settlements relate to their geology through their building materials. However, it is of a landscape origin and over-reliance on this basis of geology, landscape character and settlement categories for simplifying coding leads to problems. The Design Code is more related to settlements and their adaptation to change. As an example, the Tyne and Wear Lowlands section doesn't even mention Durham City, only Peterlee and new towns. There is more that will be needed on how building materials have changed from a geological basis, through imported materials by railway and on to the current universality of supply. This can be incorporated at a high level for further detail as part of the settlement studies. This could be fundamental in aspiring to maintain and enhance settlement distinctiveness. It is a key issue for Durham City's new developments.

Sustainability in all its aspects needs to be more of a thread through the code. This underpins many of the topics and is a key issue in improving new development in Durham City. Biodiversity, as a further example, needs also to be more embedded as part of sustainability. Layout is key to solar gain and new developments need to be future proofed to ease meeting new energy standards.

The draft SPD moves on to further describe context and distinctiveness leading to settlement categories and then the generation of model design codes for the categories. It is this process and its conclusion that the Trust feels is insufficient to fully aid the production of design codes for developments in Durham City. It appreciates the complexity of the task and the extensive range of settlements leading to a heavy burden of background research. The result, in the view of the Trust, is a failure to adequately outline Durham City's characteristics even at a high level and to lead to code that will help in steering design codes for its future developments.

The first point where this starts to show is **Page 14** where Durham City is grouped with Barnard Castle, Bishop Auckland and Chester-le-Street to merge their characteristics together. (By the way, the examples refer to the "City of Durham" which is anomalous as a term for the former District and for the current Parish; better to call it Durham City as elsewhere in the document). This grouping may work in other contexts but not for this SPD. Durham City is significantly different by scale and complexity not to be simplified this way. Unique characteristics include:

- the World Heritage Site and its setting
- major administrative functions: County Council; Passport Office; NSI
- Durham University
- transport hub: Great North Road; East Coast Main Line; bus network

As a result, the current code shows detail in some areas while missing substantial areas needing greater guidance. The suburban wings of the City clearly need their own sections: there is no good reason why Langley Moor, Meadowfield and Brandon are listed separately on p. 13, but Framwellgate Moor, Newton Hall, Carrville and Belmont are not. The new City centre developments are large enough to demand coding if further development or change ensues. The University areas and Aykley Head equally need specific emphasis.

There is much that is shared in the typologies on **Pages 23-26**. However, for Durham City this misses the impact of the WHS in its entirety. It concentrates on the City core and inner City to

# THE CITY OF DURHAM TRUST

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the exclusion of the rest of Durham City with its large suburban ‘wings’ and extensive new inner-City developments. In its 20th century growth the City has absorbed formerly distinct settlements like Framwellgate Moor and Carrville which would otherwise fall under one of the other typologies, and these should also be recognised in the code. The Trust supports the suggestion from Historic England that a rough indication of the boundaries of the different typologies within the larger settlements should be provided.

Substantial change close to and within the City centre from the 20<sup>th</sup>C onwards has profoundly impacted on the City. Continuing adjustment following the collapse as a retail centre is currently consistently moving towards leisure uses, also with substantial impact. These need recognition within the code.

**Pages 24 and 25** have relevance but need pushing further for the City. The illustrations are encouraging but not a reflection of where Durham City is with the design of new buildings. Outside the historic core the code over-emphasises conforming with the existing development patterns. There is a recognition in the National Design Guide that future designs need to be better than what has gone before. For example, to deliver sustainable transport, 15 minute neighbourhoods, and meet the demand for accessible and adaptable homes the design of infill development and larger developments will need to depart from current patterns, with gentle densification and a wider variety of built forms. Paragraph 8 of the Guidance Notes for Design Codes recommends two steps: (a) an analysis of the existing character of an area and (b) a visioning exercise to work towards a future enhanced vision for each area. It is not clear that such a vision is being articulated.

Take two examples where change might be necessary: density of development, and the type of housing. NPPF paragraphs 124 and 125 set out the framework for achieving appropriate densities, including the role of a design code. Topics include identifying the need for different types of housing, and for a significant uplift in the average density of residential development in certain circumstances. This demonstrates that design codes are expected to effect change, not just replicate existing built forms, either in infill or more extensive development. The proposed Design Code's “Settlement Edge – medium/large development sites” checklist would seem to favour rather low density development, but in the absence of any density ranges (which “codes should define” according to para. 52(i) of the National Model Design Code) how is one to tell? The Block Plan Form diagram for Edge of Settlement on p. 24 simply replicates the existing pattern. If a need for different types of housing is identified (e.g. flats, housing for those who are downsizing) how will that be accommodated? Our settlement edge typology already tends to be uniform, rather than the mixed use, varied and versatile development of the historic core. The Design Code could demonstrate how to embed the provision of housing for older people and people with disabilities within developments, in conjunction with Policy 15.

As stated in para. 8 of the Guidance Notes for Design Codes “the aim of the design code is to work towards a future enhanced vision of what each area type needs to be”. The Trust would like to see more signs of enhancement in the checklists.

The Trust supports the intention to preserve the legibility of historic burgage plots (p. 24), but is doubtful that a single bullet point in the Design Code would have enough weight in planning terms to prevent development outright. Developments like “Student Castle” on Claypath erase

# THE CITY OF DURHAM TRUST

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any historical context in that location. To avoid further harm, while allowing for sustainable development, perhaps a better approach is that of Policy H2 in the Durham City Neighbourhood Plan, which requires, at H2(c) that development proposals should take into account “respecting historic boundaries and curtilages”. Outside the historic core the code makes no comment on backland development, apart from an illustration of “backland site courtyard development”. Is this compatible with the code seeking “long private rear gardens” as listed in both the “Later Expansion” and the “Settlement Edge” requirements? With careful design, backland development can help to lift density, which may be desirable in areas with good availability and capacity in infrastructure and services (NPPF para. 124(c)) but this needs to be balanced against “maintaining an area's prevailing character and setting (including residential gardens)” (NPPF para. 124(d)).

**Page 26** does not adequately deal with the large City suburban developments – the design of the new expansion areas being a very significant current issue here.

**Page 27** and its landscape aspirations are well aimed but need a tighter City perspective. However, layout is at the heart of adequate design especially for larger developments. It is in this situation that the lack of any detail on design for Active Travel is most acute. The parking requirements for settlement edge sites will make it hard to achieve viability for public transport and entrench car dependency. As the Parking and Accessibility SPD has abdicated setting guidance for residential parking levels except for a simple county-wide requirement, the Design Code could provide clearer guidance of the lower levels which should be attainable in accessible locations. None of the parking plan forms on p. 27 fit with the assumptions of the Parking and Accessibility SPD for in-curtilage driveway and garage-based parking, but that is entirely commendable in the view of the Trust. Greater flexibility in parking arrangements would be welcome outside the Historic Core also.

Sustainability through layout relationship to solar gain should also be a factor but is conspicuously missing from new developments in Durham City.

As we said in our previous comments, the extensions section (**Page 50**) is very interesting and may indeed provide scope for future better design. The scale of rented accommodation extensions and suburban house enlargement in Durham City is a continuing issue. The pressure for these and the brutal reality of economics make for very different outcomes to the ideal bespoke developments illustrated. We repeat the comment in order to urge that this section is further developed for the City.

The Newton Aycliffe settlement character study is a solid and well produced example in our opinion. For the City it will inevitably be a crucial and more complex piece of work. How this integrates with the work on settings and Conservation Areas ought to prove useful in this.

## Topics Omitted

Page 6 introduces the ten key characteristics from the National Design Guide. The proposed County Durham Design Code is largely or entirely silent on a number of these characteristics, in particular:

# THE CITY OF DURHAM TRUST

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- Nature: high quality green open spaces that support play, water management and a rich and varied biodiversity. In view of the declaration of an ecological emergency far more attention should be given to this aspect of design.
- Public space: creating well-located and attractive public spaces which support social interaction.
- Use: a mix of uses, tenures, types and sizes, supporting social inclusion.
- Homes and Buildings: internal/external environment, attention to detail on storage, waste, servicing and utilities.
- Resources: energy hierarchy, materials and techniques, resilience. While materials are mentioned in the proposed code, this is from a visual perspective rather than one of sustainability.
- Lifespan: well-managed and maintained; adaptable to changing needs and evolving technologies; a sense of ownership.

While the National Model Design Code makes it clear that design codes are not expected to cover all of these issues, there is no rationale in the proposed code for which aspects have been included. Paragraph 27 of the NMDC lists certain topics which should be included as a minimum and paragraph 28 advises on others which would be expected for codes which cover large-scale development.

The National Design Guide and Model Design Code both include three main themes within the Movement characteristic. The Active Travel theme has been omitted from the summary on **page 6** and from the proposed code. The only aspect of Movement treated in any detail within the proposed code is car parking, and this is very weak in terms of effecting better design. While the NMDC para. 49 identifies parking as one of two key variables for Movement, that does not mean other design aspects should not be covered. The point is that parking is a *variable*: the quantities and types of provision will vary by area, and as mentioned earlier, the Design Code could fill the gap left by the Parking and Accessibility SPD. It is clear from Figure 2 on page 7 of the NMDC that many other aspects of Movement would be expected in a design code, and would probably fall into the part of the code which would apply to all developments and settlement typologies, as envisaged in section 3.B of the NMDC. It is noticeable that there is no code-wide guidance in the proposed County Durham Design Code.

The recent planning applications for Bent House Lane and Sniperley Park illustrate the car-first approach to layout which will eventuate if this omission is not addressed. The code should cover the macro-level, in terms of the primacy of the walking and cycling network and the layout of that network in relation to amenities, and the micro-level such as junction design, as covered by section M.2.ii of the Guidance Notes for Design Codes.

The Trust notes the Council's response to the previous submission, stating that some topics have been omitted because the SPD is to focus on "setting down a framework and methodology for developers and groups ... to ensure key principles are adhered to". Surely a framework and methodology can cover all the above points? Better design guidance is sorely needed.

The NPPF paragraph 111(c) requires applications to "give priority first to pedestrian and cycle movements" and the County Durham Plan Policy 24(c) requires that infrastructure make "safe and proper provision for all users which prioritises the movement of pedestrians, cyclists and

# THE CITY OF DURHAM TRUST

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public transport” but few recent developments in the county have actually achieved these, primarily because of lack of attention to design. Why should this not be a topic for the Design Code?

Checking recent development proposals against the Active Travel England (ATE) planning application assessment toolkit reveals a number of failures of design. The Council's Highways Design Guide for Residential Developments is rather outdated, and not readily available on the web site. The Design Code could serve a valuable function by illustrating design features such as continuous footways, filtered permeability and network design, and setting the key parameters for corner radii, footway widths, network density and bus stop provision. This need not entail much work, as existing national guidance including LTN 1/20 and the model national design code could be referenced or drawn upon. The Healthy Active Travel Connectivity Plan for Sniperley Park, produced with the assistance of WSP, includes general material which could easily form part of the Design Code SPD. The descriptions of best practice from the ATE assessment toolkit are another useful source.

Paragraph 4 of the Guidance Notes for Design Codes states that effective design codes rely on visual and numerical information rather than detailed policy wording. The visual aspects are reasonably well covered with the illustrations (though substitutes for some, like the shared courtyard parking at Thomgate, Barnard Castle, featured on page 27, should be found). The Trust commented on the lack of numerical information such as density, floor area ratios and plot ratios. The Trust notes the Council's response to our previous submission, but does not agree that consideration at design review or site-specific masterplanning are adequate to compensate for not codifying these key parameters in the Design Code. How is the Design Code to steer the design of new infill development, or redevelopment of brownfield sites, if there is no up-front guidance on these matters in the Design Code? If a developer, in the absence of guidance, has incurred the expense of producing a full set of plans to a particular density, it is very hard to achieve significant changes through the planning process.

Generally the greatest weakness for Durham City is in layout and the essential basis needed for development. Finding an adequate response to new house design for the larger new housing areas that responds to the best of Durham City needs more work and substantial assistance through pointers in this upper tier code. These issues are very conspicuous failings in plans and design guides submitted with major housing submissions.

## **Typographical errors**

The final sentence of p. 10 still refers to “Magnesium Limestone”. The correct full National Character Area reference is “15. Durham Magnesian Limestone Plateau (NE435)”

## **Conclusion**

The Trust looks forward to the final Code with hope that the above comments will be reflected in achieving the welcome purpose of this Supplementary Planning Document.

Yours sincerely

**John Lowe,**

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Chair, City of Durham Trust