

THE CITY OF DURHAM TRUST

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**Planning Appeal:
APP/X1355/W/23/3333600, land north and east of Sniperley Farm, Durham.**

STATEMENT OF CASE OF THE CITY OF DURHAM TRUST

1. The City of Durham Trust is a civic society founded in 1942 that works to protect and enhance the natural and built heritage of Durham City and its surroundings. The land at Sniperley Park falls within this area and the Trust has taken an active part in both the development of the County Durham Plan that allocates this site for housing and in the various consultations associated with the particular planning applications.
2. This statement supplements the Trust's Statement of Case of 29 November which covered the Bellway and County Durham Land (CDL) outline planning applications. Any of the Trust's objections to the Bellway outline application stated in its 29 November Statement of Case should be understood as applying also to the hybrid application. This supplemental Statement of Case covers, or expands upon, matters which were reserved in the outline application, and follows the same order of topics and headings where possible.
3. Most of the arguments in this Statement of Case have already been advanced in the letters of objection to the various applications which the Trust has submitted, which will be included within the documents provided to the Inspector, but these had to address various revisions to the application. The Trust has therefore endeavoured to set out again the main points within this Statement of Case to assist the Inspector, even though this will duplicate some material.
4. Where there is a need to refer to the 29 November Statement of Case, references will be of the form "main SoC para. XX".
5. References to the National Planning Policy Framework (NPPF) are to the December 2023 revision.

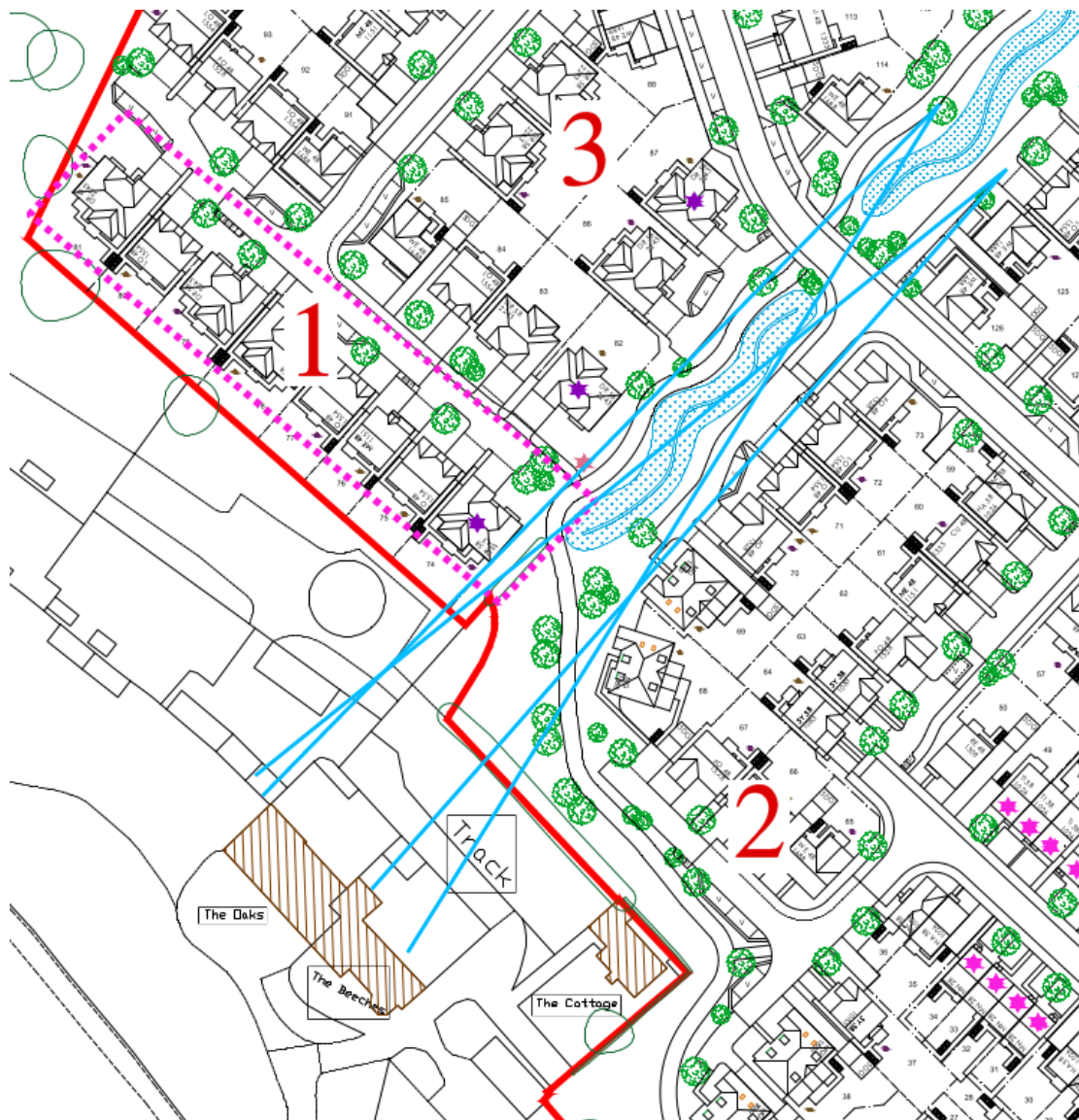
Design

6. Policy 5(e) requires the design to have regard to the character and setting of the Hall and Farm, *"including through the provision of public open space and the use*

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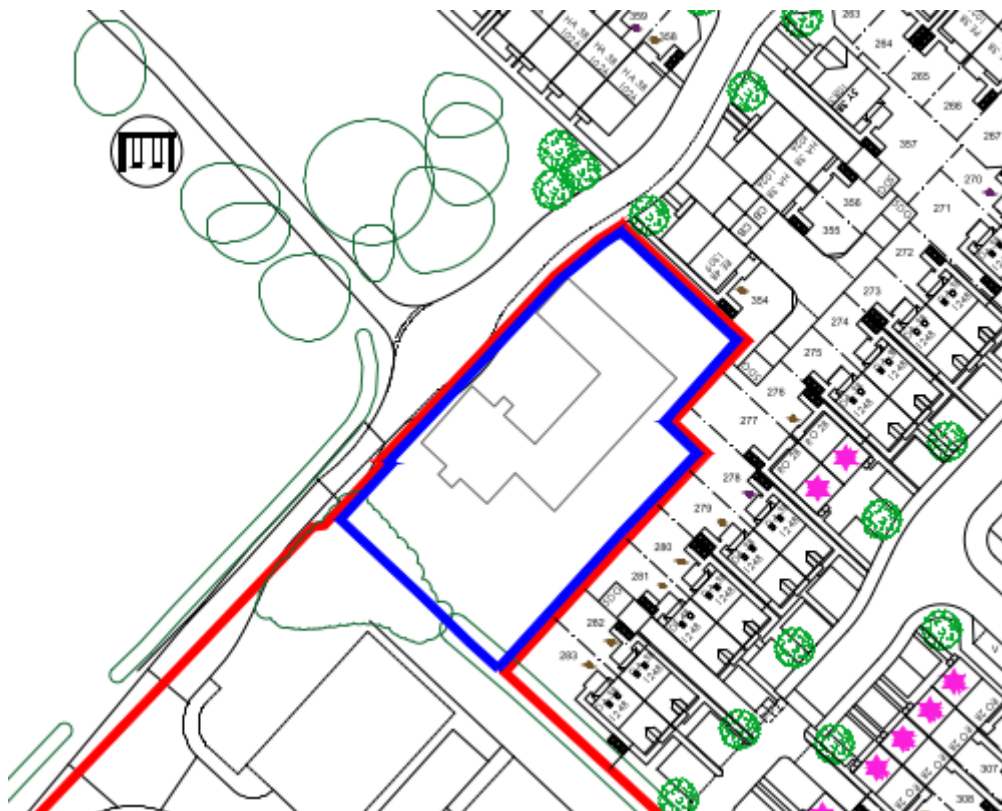
of reduced housing densities". Policy 5(g) requires the linear park to maintain "the relationship of the Hall with land to the north and with Sniperley Farm, having regard to their setting". The Trust's main SoC paras. 35-37 evidence the hybrid application's lack of conformity to this policy in respect of the open space.

7. Regarding the specific setting of the Hall, the layout of the housing immediately to the north of the Hall (labelled "1" on the following excerpt, and outlined in a pink dotted line) has eight houses back onto the historic parkland with 1.8m close boarded fences. This does not have regard to the character or setting of the Hall. The housing in the area marked "2" on the excerpt is better, as it faces the Hall across public space. The housing density in the area labelled "3" may be reduced slightly compared to the rest of the development, but only by providing more substantial private gardens. The houses labelled "1" which are closest to the historic parkland are comparatively dense with much smaller gardens. The setting to Sniperley Hall is basic in concept and fails to positively enhance either the Hall or the new development. The partial open space buffer is minimal with no screening other than a new hedgerow, and the remainder of the boundary area is formed from relatively small rear gardens, failing Policy 29(l). The whole arrangement falls substantially below the design quality expected by the policy.



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8. The Trust has overlaid sight-lines in light blue to the excerpt, demonstrating that it is not possible to see the whole Hall except at quite close range. The applicant has included only a single illustration in the Design and Access Statement (p. 63) showing a view from a point relatively close to the Hall. The layout appears to offer a very selective approach to protecting and enhancing only part of the setting to the Hall. The proposed development impinges on the view zone envisaged in the Durham County Council Masterplan (see also the Trust's main SoC, para. 37).
9. The proposals place very dense housing to the south-east and to the north of the Farm buildings (outlined in blue on the following excerpt). The relationship to the open space and public right of way is better than in the case of the Hall. Having the houses to the north presenting an active frontage onto the open space is welcome. The setting, however, does not use "reduced housing densities" in accordance with Policy 5(e). The open space itself is diminished in amenity value, being bisected by the access road, located adjacent to the A691 on the edge of the site, and being without path connections to the A691 or to the housing north of the Farm. The design approach adopted for these houses offers very little change from the standard house types otherwise proposed. There is little that is distinctive in the surrounding proposed development and the farm's distinctiveness is harmed by the new housing.



10. The Trust's main SoC included Appendix B, which consists of excerpts from the Trust's objections to the Bellway hybrid application, in order to illustrate the types of design issues which can result from going beyond the number of dwellings allocated in the County Durham Plan. The Trust is of the view that with a different balance of housing types a better overall design could be achieved. See also the section on Car Parking below.

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11. The Trust's objections will not be restated here, but a short summary of the topics and their relation to policies is provided.

- House orientation, solar gain and solar panels: policy 29(c)
- Variety of house types: policy 29(a) and DCC Adopted Masterplan
- Quality of the path network: policy 29(m)
- Design code: policy 29(a)

12. The Trust notes that since submitting its initial response in February 2023, the siting of the apartment blocks has been improved, and they are now set within small areas of lawn and trees rather than simply car park. The Trust withdraws that part of its objection which was reproduced in Appendix B of the main SoC.

Surface and foul water drainage

13. Policy 5(d) requires a surface and foul water drainage management plan incorporating SuDS. The submitted plans and information show substantial areas of the open space being taken up with SuDS drainage basins, including within the linear park. Detail of their actual performance in relation to persisting ground conditions or periods of anticipated water retention is not available. A SuDS scheme has to have deep enough ponds to hold the water and avoid the surroundings getting too wet, but this usually entails fencing or other barriers to reduce the risk of drowning, making them unusable parts of the landscape. The landscape plan assumes they will be wet grassland contrasting with the submitted detail (Drawing 20182 81 P1) that shows a section including a permanent pool. Great care will be required in their management to fulfil their potential without decreasing the functionality of the landscape areas as open space.

Cycle parking

14. The appellant's Statement of Case para. 5.5 states that *"the hybrid application will over provide cycle parking bays when compared to the new SPD requirements"*. The Trust does not accept this claim. The new SPD (para. 4.17) requires a multi-purpose secure storage space of 2m by 2m (or sufficient for four cycles, a mobility scooter or a motorbike) whenever a dwelling is not provided with a garage. There must also be provision for residential flats (SPD para. 4.18).

15. The Design and Access Statement July 2023 para. 5.24 (repeated at para. 7.52) says a "publicly accessible cycle hub will be provided within the south east of the site near the apartment buildings. Individual properties will be provided with private and secure cycle parking in garages or in rear garden sheds where garages are not provided". On the face of it, this might appear to satisfy the SPD requirements, but the lack of any detail elsewhere in the application does not provide sufficient evidence to make that judgement, and there are a number of design issues that should be resolved, as detailed below.

Apartment blocks

16. As far as the Trust can tell, there is no information in the application on the provision of cycle parking for the apartment blocks. It is stated in para. 7.52 of the Design and Access Statement that a publicly-accessible cycle hub will be

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provided near the apartments but it is not clear if this is the means by which cycle parking is to be provided for the apartment block. The plans for the Beekeeper and Honeyman apartment blocks do not show any cycle parking built into the ground floor of the block. Without proper provision residents may be tempted to use some of the stairwell space on each floor to store bicycles, and this could be a risk during a fire evacuation. On the Proposed Layout drawings there is no sign of any secure cycle parking external to the apartment buildings, and the location of the “cycle hub” is not shown.

17. Best practice for apartment residents would be to provide storage for cycles and other mobility equipment in a secure area easily accessible within the ground floor of the apartment building. External cycle storage is more at risk from theft, and needs to be properly overlooked, as noted in the SPD para. 4.18.
18. The type of cycle parking proposed is not shown anywhere. A condition should be applied to ensure that the cycle parking does not just cater for standard cycles but also for equipment which may be used by families or disabled people, e.g. child/cargo trailers, adapted cycles. The SPD para. 3.13 requires provision for disabled people, and LTN 1/20 states (para. 11.2.1) that *“cycle parking provision should consider all types of cycle vehicle and all types of cycle user”*. Further details on parking design are given elsewhere in LTN 1/20 Section 11.

Houses

19. Most of the house designs have no internal space available for cycle storage, unless there is a garage. The applicant proposes to provide secure rear garden sheds, but these are inevitably less secure than storage within the house.
20. The hybrid application shows bin storage on the Adoptable Highways Plan, but not on the Proposed Layout sheets. The shed locations are not shown even though para. 5.81 of the Design and Access Statement says that the *“location and treatment of services including bin stores and cycle storage has been considered within the design proposal”*.
21. Access to back gardens is difficult with mid-terrace properties. Plots 48, 32 and 33 in the following excerpt from the Adoptable Highways Plan have access routes which go round the back of another property. It is regrettable that these affordable homes, where the occupants might particularly benefit from cheaper transport, will have difficulty accessing their cycle storage. Some non-standard types of cycle, needed for family or disabled use, may be impossible to manoeuvre down the narrow access routes, especially at the corners. Locations to store the dustbins and cycles at the front of the property would be much more convenient for the householders.

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Quantity of cycle parking

22. The appellant provided a memo entitled “Information regarding sustainable levels of car parking” on 15 August 2023. This states that 368 cycle parking spaces will be provided (one per dwelling including each apartment) and 6 visitor cycle spaces will be provided (2 per apartment block). It is claimed that this over-provides by comparison with the 2019 Parking and Accessibility Standards to the number of 291 spaces.
23. The 2019 Standards did, however, require 2 spaces per 5 bedrooms for any dwelling with no garage, including apartments, and one visitor space per 10 bedrooms for apartments. There is no easily-verifiable information on the number of different house types and bedrooms across the whole development, but it is possible to compile a spreadsheet from the “House Type Pack”. It is difficult, however, to work out how many houses have no garage, because in addition to house types with built-in garages (numbering 99 houses in total), around 46 stand-alone garages are proposed.
24. The memo appears to suggest that the 2019 Standards would only have required 77 cycle parking spaces across the whole development. Given that there are 223 dwellings without garages, it is totally implausible to believe that the requirement of 2 spaces per 5 bedrooms would result in only 77 cycle spaces. The claim of over-provision is incomprehensible.
25. The memo further claims that 27 spaces are provided beyond the requirements of the 2023 SPD. If the figure of 368 cycle parking spaces in the memo is taken as accurate, this is a severe under-provision of cycle parking, as each of the 223 dwellings without garages is required by the SPD to have its own secure storage with capacity for 4 bicycles or other equipment.
26. The Trust is therefore unconvinced by the appellant's claim, in para. 5.5 of the Statement of Case, to be exceeding the cycle parking requirements of the SPD. In fact, insufficient detail on cycle parking has been provided in the application to determine whether it complies with the policies: para. 5.24 of the Design and Access Statement is pretty much all there is. While a condition could be applied

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to resolve these details, this is less than ideal as it will not achieve the convenient location of cycle parking if this is hampered by the layout of the buildings and access. The condition proposed by the appellant on page 52 of the Bellway Statement of Case does not require the arrangements to meet the approval of the local authority.

Car parking

27. The Trust's main SoC paras. 27 and 42-49 cover the provision of car parking at a high level and the tensions inherent between the recently adopted Parking and Accessibility SPD, the Building for Life SPD, and the aims of Policies 5 and 21 to reduce car dependence. In considering the hybrid application, it is possible to see how these tensions play out in the detailed designs.

Basis for quantity of car parking

28. The information provided by the appellant regarding the quantity of car parking is particularly confusing and obscure. The 2019 Parking and Accessibility Standards (which were in force at the time the application was submitted) and the new Parking and Accessibility SPD each determine the quantity of in-curtilage and unallocated car parking on the basis of the number of bedrooms in each dwelling. But the appellant has not provided anywhere obvious any information on the number of dwellings of each size, whether they have no garage, a built-in garage, or a stand-alone one.

29. Using the information in the "House Types Pack" the Trust has compiled a spreadsheet which appears to be reasonably accurate regarding the total number of dwellings (361 versus the 368 stated). See Appendix E for the data. Using this spreadsheet it is possible to determine the car parking requirement according to the current and the superseded policy documents. In the following table the "Difference" row shows a positive number where the application is over-providing in relation to the requirement, and a negative number where there is underprovision.

Type of parking	2019 Standards	2022 SPD draft	2023 SPD	Application
In-curtilage	496	678	854	745
Unallocated	166	91	91	94
TOTAL	662	769	945	839
Difference	+177		-106	

30. The number of parking spaces provided in the application is taken from the "Parking Strategy Plan" whose key states that there are 618 allocated car parking spaces, 127 garage spaces, and 94 visitor spaces. Totalling the allocated and garage spaces gives 745 in-curtilage parking spaces. This is close to the 749 in-curtilage spaces stated as being the provision in the 15 August memo "Information regarding sustainable levels of car parking". The Trust does not have a great deal of confidence in actual application data, however, as the figures in the Parking Strategy Plan are suspect. By the Trust's calculations, there are 127 houses with built-in garages (28 of which are double garages), but from the plan it is possible to count around 46 additional stand-alone garages, some

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of which are also double. It would be helpful if the appellant could provide a fully-detailed spreadsheet to inform all parties.

31. The Trust's calculations suggest an underprovision in relation to the adopted SPD of 106 spaces in total, whereas the memo makes it 192. The appellant's Statement of Case, para. 5.5, refers to "a modest shortfall in car parking spaces" relative to the SPD but unfortunately declines to state the actual number. Establishing common ground on these calculations would be helpful.
32. In the memo the appellant argued the case for applying paragraph 4.3 of the SPD by quoting from the Council's Spatial Strategy Justification Document which made the case for the green belt land release. This document argued that locating housing in Durham City would maximise the use of sustainable modes of transport. The memo states that "it is clear that the application site is in a highly sustainable location".
33. The Trust has consistently argued that the Sniperley development could never result in a shift to sustainable transport modes without considerable upgrade to the walking and cycling network beyond the site, prioritisation of bus access, and design measures to reduce car use. The applicant claims that almost 5km of on-site walking and cycling routes will be provided in the Bellway application alone, connecting to 2km of upgraded cycle-routes off-site. The Trust can only reach the 5km total by including all the pavements. The upgraded off-site routes include a considerable stretch of the A691 which is unlikely to be used by many residents of the development for daily journeys, as it heads out of the city towards Witton Gilbert. The only "upgrade" on the A691 route is the cutting back of vegetation.
34. Obviously the appellant is now keen to promote the sustainable credentials of the application in order to justify the shortfall of car parking spaces against the new SPD. At earlier stages in the planning process, however, when the applicant's car parking proposals substantially exceeded the County Council's 2019 Parking and Accessibility Standards, no justification was given for this.
35. The Parking and Accessibility SPD went through three rounds of consultation, in 2021, 2022 and 2023. The Trust made representation at all three rounds, but according to the Statements of Consultation Bellway made representation only in 2022 and 2023. At the point the application was submitted, in December 2022, the 2019 Parking and Accessibility Standards were in force, but the 2022 draft SPD was available and known to the applicant. The 2022 draft excluded garages from the calculation of parking spaces, and so the 745 in-curtilage spaces provided in the application would have been counted as around 570 after deducting garages. This would have resulted in a shortfall of 106 spaces in relation to the draft SPD.
36. Among the points in its 2022 response, Bellway objected to the exclusion of garages. The Council's 2023 SPD, subsequently adopted without further significant amendment, allowed garages to count towards the allocation, but also increased the in-curtilage requirement. For example, the 2-bed parking requirement increased from 1.3 per dwelling to 2 per dwelling. At the time of submitting the application, the best information Bellway had as to the direction of the likely policy was the 2022 SPD draft. The application that was submitted was known to have a shortfall of 103 spaces relative to that draft. Relative to the

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adopted 2023 SPD there is a shortfall of 106 spaces. The situation is therefore materially unchanged since the application was submitted, and Bellway's concern about the lack of a transition period in the adoption of the SPD (Statement of Case para. 5.5) seems to be unjustified.

Quantity of car parking: view of the Trust

37. In its final response to the Parking and Accessibility SPD consultation the Trust proposed a car marking allocation model based on local car ownership levels and house sizes in the 2021 census. Areas of the county were placed into one of three bands according to car ownership levels in the 2021 census. The Sniperley site would be in the middle band, but the adjacent Framwellgate Moor area was in the lower band. Here are the allocations which would be required using the Trust's proposed model:

Type of parking	2019 standards	2023 SPD	Trust middle band	Trust lower band	Application
In-curtilage	496	854	406	406	745
Unallocated	166	91	188	157	94
TOTAL	662	945	594	563	839

38. One major feature of the Trust's model, that allows a lower rate of car parking, is the balance in favour of unallocated car parking. See the Trust's main SoC paras. 46-47. A greater proportion of unallocated parking is recognised as more efficient in land use by *Manual for Streets* para. 8.3.11, the *National Model Design Code: Part 2*, section M.3.i, and by the Council's own Building for Life SPD (para. 11.2). The draft County Durham Design Code SPD also allows for a wider variety of design solutions for residential car parking than the in-curtilage arrangements mandated by the Parking and Accessibility SPD.

39. The Trust recognises that there may be reasons such as marketing and design approaches which would lead a developer to prefer a greater proportion of allocated car parking. The Trust's model included options for calculating the unallocated parking requirement based on the design decisions on the number of in-curtilage spaces to be provided. The tables included estimates of the likely wastage of allocated spaces that would result.

40. It is emphasised that the Trust's model caters for car ownership levels in the different areas of the county as they existed in 2021. The County Council's Climate Emergency Response Plan 2, adopted in 2022, envisages a progression towards a future with lower personal car ownership, with shared services such as car clubs and public transport becoming more prevalent. Even without any special sustainable transport measures, it should not be necessary to exceed the Trust's middle band allocations in the Sniperley development, and it may be possible to reduce these further by applying appropriate transport interventions such as the establishment of new bus routes and the Healthy and Active Travel Connectivity Plan. Opportunities for using Park and Ride spaces to double as residential provision could also allow reductions: see the Trust's main SoC para. 49.

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Design issues

41. The general layout, with car parking mostly in front of houses, will make streets unattractive and dominated by parked cars, offering no cope for tree-lined streets. This is particularly the case with smaller semi-detached houses where most of the street frontage is taken up with parking spaces. The council's Building for Life SPD paragraph 11.5 recommends at least half of the street frontage to be landscaped to reduce vehicle domination and suggests alternative car parking solutions for higher density situations. Paragraph 5.21 of the Design and Access Statement acknowledges this issue, and says that on-street parking "will be carefully designed to be typically no more than 4 spaces appear [sic] in a row, and areas of landscaping and/or planting should be used to break up the appearance", but does not offer any solution for the on-plot parking.



Excerpt from Parking Strategy Plan: each blue dot is a parking space

42. The Guidance Notes for Design Codes section M.3.i favours unallocated parking as an efficient use of land, and also suggests options such as parking courts and car barns to concentrate allocated parking provision. While locating residential car parking in front of each house does simplify the provision of electric car charging points, this is by no means the only possible solution to encourage the use of electric vehicles, as demonstrated by the appellant's commitment to charging provision at all visitor parking spaces. The council's Building for Life SPD paragraph 11.2 recommends on-street parking for its potential to be more space efficient and to encourage social contact.

43. The Transport for the North Decarbonisation Plan recommends actions which local authorities can take to help decarbonise transport. These include car-free zones and streets, and unbundling the cost of parking from new housing prices to incentivise take-up of car-free or car-lite development.

44. By proposing an unimaginative street plan the developer has failed to address various requirements of NPPF. For example paragraph 108 requires development proposals to realise the "opportunities from existing or proposed transport infrastructure" (e.g. proximity of the Park and Ride site) and "changing transport

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technology and usage” (e.g. transport decarbonisation entailing demand reduction and a move away from the private car) and to assess the “environmental impacts of traffic and transport infrastructure” (e.g. the land requirement for access roads and parking) “including appropriate opportunities for avoiding and mitigating any adverse effects” (e.g. by not providing parking allocated to every plot) with the aim that “patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places” (rather than streets dominated by car parking).

45. In the Trust's view, the appellant has not seriously considered these fundamental requirements. The result is a standard volume housebuilder's proposal rather than a “high quality, zero carbon, well-designed community that will stand the test of time and leave a legacy which Durham will be proud of” – an excerpt from the Masterplan quoted on the second page of the Design and Access Statement.

Active travel network within the site

46. The Trust's main SoC para. 68 sets out the general context of the Trust's objections. NPPF para. 116(a) states that applications for development should “give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas”. While deficiencies in the detail of the outline application could, in theory, have been resolved through reserved matters applications, those in the hybrid application must now be addressed through the appeal process. These are set out at some length, and some concerns may initially appear trifling, but cumulatively the Trust considers that this evidence demonstrates that the application does not meet the national and local policy requirements.

Design quality

47. The Transport Assessment para. 5.22 states that the footway widths throughout the site will be 2.0m “exceeding DCC standards” but meeting the recommendations of *Manual for Streets*. The Trust was critical of the continued adherence to 1.8m in the Council's guidance, and welcomes this increase. However, the submitted Adoptable Highways Plan shows the widths are still 1.8m. The Trust would like to see revised plans submitted, or the 2.0m width secured via a condition. Active Travel England's toolkit for planning application assessment also judges applications against a 2.0m footway width (see, for example, criterion ATEPAF_105 as referred to in the Trust's main SoC, Appendix C).
48. For cycle routes, high quality would now entail compliance with LTN 1/20, the current national guidance for cycling design, as stipulated in the policies of the County Durham Strategic Cycling and Walking Delivery Plan which, according to Policy 21, “all development should have regard to”. This is confirmed by NPPF paragraph 114c which requires the design of transport elements to reflect current national guidance. The Trust considers that to comply with Policy 21 applications must take into account such design guidance and that any departure from the guidance must be justified by the applicant.

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49. Although the applicant mentions LTN 1/20 in the documentation, various features of the proposed path network do not comply. There are many examples where compliance could be achieved without major rearrangement of the layout of the development.
50. The indirectness of the path network across the wider housing allocation has been described (main SoC, paras. 36, 117, 124), but at the micro level the paths seem to be unnecessarily wiggly. Two examples, showing the main path to the local centre and the main path to the primary school:



51. A path network which deviates substantially from the desire lines reinforces the feeling that paths are just for a pleasant wander, and that the “grown up” route network is the road.
52. Policy 5(j) requires “suitable, convenient, safe and attractive cycleways and footpaths” to achieve sustainable and cohesive communities. The penultimate paragraph of Policy 5 requires “safe and high quality ... pedestrian and cycle routes” in order to “reduce the dominance of car traffic”. The adopted Masterplan Principle 10 says that there “should be a strong emphasis on providing new direct, safe and attractive pedestrian and cycling routes” both through the built development and the park. Paths which are needlessly indirect are not suitable, convenient or attractive alternatives to motor vehicle use.
53. By contrast, the Key Design Principles (KDPs) of the Healthy Active Travel Connectivity Plan recommend the use of “horizontal deflection, such as intermittent road narrowing and chicaning to reduce speeds” to be applied to the road network, certainly not the paths! There is no use of such techniques in the design of the road network. The appellant's Design and Access Statement, para. 7.26 states that the spine road will incorporate “traffic calming features located in appropriate locations to encourage low vehicle speeds” but it is not obvious in the plans where these might be or what they consist of.

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Examples of detailed design issues

54. The following excerpt from the Adoptable Highways Plan illustrates a number of design deficiencies:



55. The short cycleway (shown in pink) near the top of the excerpt links the housing that is accessed from the Fire Station turning on the A691 to the rest of the site. The verge and visitor parking space prevent users joining the main cycleway on the other side of the road.

56. Where the main cycleway crosses the cul-de-sac the cycleway surface ends. The latest edition of the Highway Code advises that vehicles should give way to pedestrians and cyclists crossing side roads. Among the KDPs are recommendations for raised entry treatments and continuous footways. Such treatments would help to “*give priority first to pedestrian and cycle movements*” in accordance with NPPF paragraph 116 and reinforce observance of the Highway Code. This would “*reduce the dominance of car traffic*” in accordance with the penultimate paragraph of Policy 5.

57. The KDPs recommend tightening side road radii in order to reduce entry/exit speeds. This is also a reasonable response to Policy 5's penultimate paragraph. The radius shown here appears to be 6.0m which comes from guidance which is now outdated. *Manual for Streets 2*, para. 9.4.10 states that “*advice contained in TD 42/95, that minimum corner radii should be 6m in urban areas, should therefore not be taken as best practice when the needs of vulnerable road users are to be prioritised*”. Tight corner radii are recommended by LTN 1/20 in paras. 7.6.10 and 10.5.4. Paragraph 10.5.16 suggests corner radii of preferably no more than 4.0m.

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58. The excerpt shows both the cycleway and the footway (shown in green) on the opposite side passing a large number of driveways. Both abut the carriageway. Typical street construction over the last few decades has the footway sloping towards the carriageway whenever a drive is crossed. This creates an undulating surface which is harder to use with wheeled equipment such as buggies, wheelchairs and cycles, and can be dangerous on foot in icy conditions. The DCC Residential Design Guide asks for a minimum width of 800mm at the back of the footway with crossfall of no more than 1:40. There is no DCC guidance given for cycleways. As the cycleway is 3.0m wide, the Trust suggests that at least 2.0m of the width should have the crossfall limited to 1:40. This could be secured by applying a condition.
59. Where the cycleway abuts the carriageway, if the kerb is the normal height then Table 5-3 of LTN 1/20 would require an additional 200mm width to maintain the effective width of the cycleway. This has not been provided.
60. Similar issues can be found elsewhere on the Adoptable Highways Plan. In two or three places, a double line is shown across the carriageway, but these may only indicate a change of surface (e.g. a band of setts) rather than raised tables which would actually deliver priority for pedestrian and cycle movements. There is no clear evidence of priority being given to pedestrian and cycle movements anywhere in the scheme. The cycleway as currently proposed will be unattractive and potentially less safe than using the carriageway because of the poor side-road crossing treatments. It therefore fails various aspects of Policy 5.

Path network: connections

61. There is a significant inconsistency in the application documents regarding the designation of the paths which connect the Bellway and the CDL portions of the Sniperley allocation.
62. The covering letter accompanying various revised documents, dated 2 May 2023, describes in section 2(a) various changes to the walking and cycling network. It states that
- a continuous surfaced route is provided along the north-eastern boundary with additional connections into the adjacent application site;
 - the north-eastern connection into the land under the control of County Durham Land has been upgraded to a pedestrian and cycle connection;
 - the pedestrian connection north of Sniperley Hall has been upgraded to accommodate cycle movement.
63. None of these assertions are consistently reflected in the rest of the submission. There is usually a standard condition applied to any planning permission to require that the development be built to correspond with the submitted plans. It is essential that the correct plans are identified in the condition, and it may be necessary to require corrected drawings from the applicant.
64. The inconsistencies are as follows:
- Page 55 of the revised Design and Access Statement seems to be largely consistent with the covering letter, showing two off-road cycle connections at the northern end of the site (north-east from Sniperley Hall) and through the

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green space surrounding the power lines, and a shared pedestrian/cycle path alongside the link road. A connection heading east, just north of the proposed link road, is shown as pedestrian only, whereas in the previous iteration of the Design and Access Statement this was shown as a cycle route (though it is probable that that version was mislabelled). The shared pedestrian/cycle route alongside the road from the Park and Ride car park as far as the junction with the link road is incorrectly shown as pedestrian-only.

- The key on the separate Movement Hierarchy Plan labels the purple-dotted off-road routes as pedestrian only, and the orange-dotted routes as shared pedestrian/cycle routes. It seems likely that the key is incorrect, as simply interchanging the two would bring this plan into consistency with the Design and Access Statement and the covering letter. The shared pedestrian/cycle route alongside the road from the Park and Ride car park is again incorrectly shown as pedestrian-only.
- The Adoptable Highways Plan, however, only shows two adoptable cycle paths linking to the County Durham Land site: that alongside the link road, and that through the space under the pylons. The link at the north end of the site is shown as “adoptable pavement in open space”. Moreover the internal path which follows the public right of way to Sniperley Hall, then heads north-east through the public open space, and continues round to meet the path by the pylons, is also shown as pedestrian only, contrary to points 1 and 3 from the covering letter. In each case the widths on the plan appear to be 3m and therefore suitable for shared use.

65. As the Adoptable Highways Plan is the only one of these four documents which might be described as being of engineering quality, is likely to form part of the process of formally adopting the network, and yet contains the most errors, the Trust would like to see it corrected before the application is determined.

66. A more minor issue, affecting about 15 dwellings in a cul-de-sac, can be seen in the following excerpt. No formal connections are shown to the path that skirts the edge of the site. People will inevitably create a path by walking across the grass, but there should be a properly designed connection to ensure wheelchair accessibility.



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67. The Trust pointed out these issues, which could be easily corrected by the appellant, in a letter of 8 June 2023. Subsequently the Adoptable Highways Plan was further revised by the appellant, but these issues were not addressed. The appellant's Statement of Case refers briefly to some of the Trust's objections at paragraph 6.4, but then in paragraph 6.6 dismisses all the public objections as either irrelevant, or already addressed and mitigated against.
68. The appellant states that they were “working to the Council's adopted Healthy Active Travel Connectivity Plan” (Bellway Statement of Case, para. 5.7) and that they are “in general conformity with the Council's Sniperley Masterplan” (para. 1.15) but the resulting proposals do not leap off the page as being designed to “*promote active travel over the use of cars*” in accordance with the Masterplan principle 10.

Active travel: off-site improvements

69. The Trust's main SoC paras. 102-111 covers the relevant matters for the hybrid application also. Discussion of conditions and phasing of the interventions is included in this letter, beginning at paragraph 81.

Travel Plan

70. Paragraphs 112-114 of the Trust's main SoC cover the Travel Plan assumptions for the outline applications in general terms. The hybrid application is accompanied by a Travel Plan, and because no matters are reserved other than the Park and Ride extension, it is possible to assess the Travel Plan more thoroughly.

Travel Plan targets

71. The 73% initial car/van trip share proposed in Table 6.2 of the travel plan (contained within the Transport Assessment) is based on the 2011 census figures for E02004310, the middle-layer super output area (MSOA) within which the site falls. This is quite a wide area, and includes Witton Gilbert, Bearpark, parts of Ushaw Moor and Broom Park, all of which lie firmly outside the core Durham urban area. The reduction target is 5 percentage points, giving a Car Driver target of 68%.
72. By comparison, the 2011 census figure for Car Drivers in the MSOA covering Framwellgate Moor and Pity Me was 63%. The new “sustainable urban extension” would be expected to have different travel to work patterns from the existing villages which make up the bulk of the E02004310 census area. Indeed, this was part of the argument for making the green belt release in the first place. However, without much more frequent bus services, it would not be possible to attain the lower car driver figures of Framwellgate Moor.
73. Census results are also available for smaller areas. Area E00105090 mainly consists of the housing at Witton Grove, between Sniperley roundabout and the site, and Westcott Drive, just east of the A167. It had a a car share of 68.1%, and a pedestrian share of 13.4%, over double the target figure for walking proposed in the travel plan.

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74. This suggests that, based on the location and the policy context, the modal share targets need to be substantially strengthened if the site is to match and improve upon the sustainability of neighbouring areas.
75. The Trust considers that the Travel Plan should be front-loaded, to aim for a much lower starting target, reflecting the urgency of the climate emergency and the fact that the best time to get people to change their travel habits is when they move house. With the correct approach, this is achievable. For example, the DfT's Propensity to Cycle Tool suggests that the area could generate a travel to work share of 11% by bike (an increase from 1% at the 2011 census) if good cycleways are provided to key destinations. Increased bus service frequencies, initially supported through developer contributions, would also have an impact. Policy 5 requires that the Travel Plan reduce reliance on the private car, yet the proposed targets would simply entrench it. Every effort should be made to realise CDP Policy 5's vision of a Sustainable Urban Extension.
76. To arrive at a reasonable set of targets, we could take the 68% figure for the Witton Grove area as a baseline, which is a compromise between the Witton Gilbert / Bearpark 73% and the Framwellgate Moor 63%. Front-loading half of the 5% reduction suggested by the developer would give a starting point of 66% with a 3 percentage point reduction to be delivered over five years. Even this is probably less ambitious than is required: the Council's Climate Emergency Response Plan 2 requires a reduction in fossil fuel car use equivalent to a 25% reduction in vehicle miles by the end of 2023.
77. See also the Trust's main SoC para. 112 in which the applicant and National Highways are quoted as considering the proposed 5% reduction target as not ambitious.
78. The Trust considers that the above improvements can be achieved by imposing a suitable condition, perhaps by amending the wording proposed by the appellant on page 56 of the Bellway Statement of Case.

Proposed Travel Plan measures

79. Overall the Travel Plan promises an information pack, vouchers – the value of which is not stated, discounted cycle equipment, some surveys, and setting up a Bicycle User Group, which, by the estimates of trip generation, would contain about three members! There is no offer for more costly interventions should the travel survey results demonstrate they are needed.
80. The Travel Plan cannot make up for the poor design decisions which repeat the mistakes made at countless suburban estates built over the last few decades. The Travel Plan appears to have had no impact on design decisions such as car parking provision. A Travel Plan is no substitute for actually designing developments which promote sustainable transport through their layout, density, connections, and quality of environment, as is required by the NPPF.

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Conditions

81. The Trust's main SoC paras. 18-20 sets out concerns regarding the phasing of the build-out of the Bellway development. The Trust would like to see conditions imposed which would ensure that the parts of the site closest to the Park and Ride are prioritised, in order to maximise the active travel and public transport journeys. See also Appendix A of the Trust's main SoC.
82. The Trust considers that the conditions proposed by the appellant under the heading "Sniperley Active Travel Plan" on pages 56-59 of the Bellway Statement of Case are not adequate to ensure the take-up of sustainable modes of transport from the site. Several of the proposed conditions refer to occupation of the 250th, 300th or even the 350th dwelling (out of a total of 368 proposed). Even then, the conditions tend to relate to submitting proposals for addressing an issue, with the implementation then following according to a timetable to be agreed. There could therefore be a period of several years after the occupation of the first dwelling before measures which are necessary to enable active travel are actually put into effect. This will entrench car dependency.
83. The Trust would like to emphasise that, at present, all amenities that might need to be accessed by residents of the new development are on the other side of the A167, and that walking or cycling to these amenities involves crossing junctions where the facilities are inadequate. The Inspector may refer to the junction assessments in the representation by Space for Durham dated 21 Sept. 2023.
84. The appellant's Statement of Case is made harder to interpret because references are to the July 2023 revision of the Sniperley Active Travel Plan, rather than the version adopted in 2021. The latter is the only version so far made available to the public. References in this letter are therefore to the earlier version, abbreviated HATCP.
85. The conditions proposed by the appellant cover the following. The numbers indicate the deadline for submission of the scheme for approval.

Scheme description	HATCP reference	Deadline
Widen shared use path from new access roundabout to Sniperley roundabout.	20 (part)	1st dwelling
Clear vegetation on shared use path between new access roundabout and Witton Gilbert.	20 (part)	1st dwelling
Improving drainage of the A167 underpass	10	250th dwelling
Lighting from the underpass to Alexandra Close and New College	11	250th dwelling
Finchale Road active travel corridor (to be implemented only if the previous two schemes are not implemented)		350th dwelling
Cycle track or shared use path on Dryburn Road	18	250th dwelling
Improved signposting to green space.	27	300th dwelling
Mobility Hub provision.		300th dwelling
Signalisation of the Sniperley Roundabout		350th dwelling

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86. The Trust considers that the timing of the measures is inadequate to develop sustainable transport habits among the occupants of the new housing. The improvement of the underpass and the lighting will not benefit occupants until the development of the CDL portion of the site is well underway. That almost the whole of the Bellway portion could be developed before the alternative Finchale Road corridor is improved is quite unacceptable. Children might have spent half their time at primary school being driven there from Sniperley by the time this is implemented.
87. The two measures which would have greatest impact on active travel from the site, namely safe crossings of the A691 Park and Ride roundabout and the main Sniperley Roundabout are either omitted or will not come about until the development is nearly complete. These should be delivered prior to the occupation of the first dwelling, or perhaps within a set time limit of occupation.
88. There are also no draft conditions relating to public transport provision.

Refusal on transport grounds

89. The Trust is of the view that the transport deficiencies of the application are sufficient for refusal to be justified on those grounds alone. Securing sufficient modifications to the design by attaching planning conditions would be challenging, because improving the walking and cycling access and adding bus stops might require alteration to the street layout, as would a sustainable car parking strategy.
90. An earlier version of the NPPF included a paragraph which stated that “development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety”. Developers were fond of quoting this paragraph in order to argue that whatever transport deficiencies there might be with their designs, they were not sufficient to justify refusal of planning permission. It was clearly not the government's intention to forbid refusal of applications which failed to support sustainable transport. More recently what is now paragraph 115 of the NPPF was amended to refer to refusal “on highways grounds” making it clear that it is appropriate to refuse applications if a development proposal fails to identify and pursue opportunities to promote walking, cycling and public transport, even if the impacts on highway safety are minimal. In this way the NPPF supports the urgent need to improve and promote sustainable transport as part of the nation's response to the climate crisis.
91. The Trust considers that this application has failed to comply with local and national planning policies relating to transport to such an extent that it would be appropriate for the Inspector to refuse the appeal on those grounds alone.

Conclusion

92. The Trust considers that there are grounds for refusal which are robust and are supported by local and national policy. Importantly, the reasons for refusal

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advanced by the Trust were put forward independently of the County Council, in our objections of 8 June, 14 June and 18 September 2023. This demonstrates that our contribution to this Appeal is well-founded and drawn from our own careful consideration of the appellant's planning application.

93. The appeal proposals are contrary to Policies 5, 21, 22, 24 and 29 of the adopted County Durham Plan and to the provisions of the NPPF as set out above, and in the Trust's main Statement of Case for the outline applications. There are no compelling grounds for setting these policies or provisions aside. Accordingly, the City of Durham Trust submits that these appeals should be dismissed.

Yours sincerely

John Lowe,
Chair, City of Durham Trust

January 2024

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Appendix E: house types

Data on the quantity of each type of house and the number of bedrooms derived from the House Types Pack supplied by the appellant. This is provided to allow other parties to reproduce the calculations in paragraphs 29-40.

House type	Beds	Garage spaces	No of dwellings
Manciple	2	0	13
Coiner	2	0	6
Chandler	3	0	2
Harper	3	0	27
Blemmere	3	0	7
Tillman	3	0	11
Sawyer	3	1	10
Mercer	4	1	6
Reedmaker	4	0	6
Cutler	4	1	9
Forester	4	1	20
Bowyer	4	0	4
Lorimer	4	1	20
Weaver	4	0	18
Magnolia	4	0	4
Watchmaker	5	0	4
Draper	5	2	28
Beekeeper apartments	2	0	16
Honeyman apartments	1	0	3
Honeyman apartments	2	0	15
Rosemary	2	0	20
Oxalis	2	0	17
Orchid	3	0	10
Alyssum	3	0	13
Perilla	3	0	26
Petunia	3	0	6
Begonia	3	1	4
Myrtle	4	1	2
Daphne	3	0	20
Delphinium	4	0	14
TOTAL			361