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**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK:  
DESIGN OF NEW DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT**

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**Responsible Cabinet Member – Councillor John Williams, Economy Portfolio**

**Responsible Director - Richard Alty (Assistant Chief Executive, Regeneration)**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To seek Council's agreement to adopt the Darlington Local Development Framework (LDF) Design of New Development Supplementary Planning Document (Design SPD) as Council policy, following which it will be a material consideration in making decisions on planning applications and in considering development proposals.
2. For Council to agree the transitional arrangements proposed, where developers are already engaged with the Council as part of pre-application negotiations. This will ensure the effective and consistent implementation of the Design SPD.

**Summary**

3. The Design SPD provides further detail and clarification on several Local Plan policies, setting out design guidance to raise the design quality of all types of new development in the Borough and help guide its form and location. It contains general design guidance for movement, community safety, sustainability, green infrastructure and public space, and heritage and local distinctiveness. It provides a zone map for the Borough with accompanying design codes which set out detailed design guidance for a range of issues such as height, built form, relationship to the public realm and materials.
4. The draft Design SPD was subject to stakeholder and community consultation from the 7 January-18 February 2009. Following a wide ranging consultation involving the community and stakeholders, and a further focus group consultation in May 2009, all responses made have been considered by Officers and where appropriate, changes to the Design SPD have been made. Details of the key issues raised and changes proposed are detailed in this report.

**Recommendations**

5. It is recommended that :-
  - (a) The contents of the Local Development Framework Design of New Development Supplementary Planning Document be agreed.

- (b) The Design of New Development Supplementary Planning Document is adopted as Council policy.
- (c) The transitional arrangements be agreed.

### **Reasons**

- 6. The recommendations are supported by the following reasons :-
  - (a) To continue to progress towards fulfilling the statutory requirements to have an up to date Local Development Framework in place.
  - (b) To fulfil the regulatory requirements of Local Development Framework document preparation.

**Richard Alty**  
**Assistant Chief Executive, Regeneration**

### **Background Papers**

- (i) Darlington Local Development Framework Design of New Development Supplementary Planning Document July 2009
- (ii) Darlington Local Development Framework Design of New Development Supplementary Planning Document Consultation Statement July 2009
- (iii) Darlington Characterisation Study July 2009
- (iv) Darlington Local Development Framework Design of New Development Supplementary Planning Document Sustainability Appraisal July 2009
- (v) Darlington Local Development Framework Design of New Development Supplementary Planning Document Habitats Regulation Assessment July 2009
- (vi) Darlington Local Development Framework Design of New Development Supplementary Planning Document Equalities Impact Assessment July 2009
- (vii) Darlington Local Development Framework Design of New Development Supplementary Planning Document Disabilities Equalities Impact Assessment July 2009

Karen Johnson: Extension 2047

S17 Crime and Disorder	Crime and Disorder is a specific theme (Promoting Community Safety) considered in the Design SPD, and is supplemented by detailed design guidance on Safety and Security for new development.
Health and Well Being	The Design SPD contains general and detailed design guidance for matters such as green infrastructure, sustainable transport provision, new housing for all and environment protection that will encourage and enable people to lead more active lifestyles and improve health and well being.
Sustainability	Improving Sustainability is a key theme of the Design SPD; sustainable building standards are set out and detailed guidance is provided on appropriate energy efficiency, renewable energy and microgeneration. A sustainability appraisal and Habitats Regulation Assessment have informed the preparation of the Design SPD and will be published alongside it.
Diversity	An Equalities Impact Assessment and a Disabilities Equalities Impact Assessment have informed the Design SPD and will be published alongside it.
Efficiency	The Design SPD emphasises the importance of pre-application negotiations and establishes the design requirements for new development. This should lead to savings in officer time and workload later in the planning application process, particularly for major and significant schemes.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	Preparation of the Design SPD has been achieved within the revenue budget allocated to the Local Development Framework for 2009/10.
One Darlington: Perfectly Placed	The Design SPD is the spatial expression of the design elements of One Darlington: Perfectly Placed.

## MAIN REPORT

### Information and Analysis

7. The LDF will guide the development and use of land in Darlington. One of its more detailed policy documents will be the Design SPD, providing further detail and clarification on several saved Local Plan policies:
  - (a) General design policies that apply to all forms of development (Policies E1, E10, E14, E25, E29, E46, R1, T13 and T24); and
  - (b) Criteria based policies where design is one element of the policy, relating to particular buildings or environments, or to a specific form of development (Policies E7-E9, E12, E15, E23-E24, E38, E42, E45, E49, H7, H11-H13, EP6, R7 and R13).

Once adopted by the Council, the Design SPD will carry considerable weight in making decisions on planning applications.

8. The Design SPD is closely linked to the themes in One Darlington: Perfectly Placed. Its aim is to influence and significantly raise the standard of design to help create a high quality, distinctive, safe and sustainable built and natural environment for Darlington's residents and those who wish to visit or invest in the Borough.
9. The content also reflects the approach taken in the draft LDF Core Strategy, particularly policy CS2 Promoting Good Quality, Sustainable Design and the adopted Open Space Strategy.
10. The Design SPD also elaborates on relevant national, regional and local plans and strategies that have been published since the Local Plan's adoption in 1997. These include government guidance, for example, Manual for Streets and the Code for Sustainable Homes, and the Regional Spatial Strategy (RSS).

### Community and Stakeholder Consultation Undertaken

11. In accordance with the Council's Statement of Community Involvement and to meet regulatory requirements regarding public participation in the preparation of a supplementary planning document, community and other consultations were carried out on the draft Design SPD between 7 January and 18 February 2009.
12. The consultation was widely publicised in the local media and the Town Crier and letters were sent to over 900 organisations, agencies and residents providing information about the draft SPD. Published information included the document itself, a technical and non technical summary and an introductory leaflet, the Sustainability Appraisal (SA) and its non-technical summary and the Habitats Regulation Assessment (HRA). All these documents, and the opportunity to reply to the consultation on-line, were available on a dedicated page about the draft Design SPD on the Council's website.
13. A further consultation, with a selected focus group of architects, housebuilders, planning consultants and local interest groups was held in May 2009 to ensure the changes made to the draft Design SPD helped address comments made during the formal consultation period. Overall, consultees have been satisfied with the revised document and were supportive of

the changes made in response to the comments made. The flexible approach set out in the Design SPD was supported although consultees considered Officers role in negotiations needed to be reinforced. This has been reflected in the Design SPD. Another comment related to biodiversity standards, which it was considered should directly mitigate the impact of the development. However Government Guidance clearly states that ‘opportunities for biodiversity should be maximised in and around new development as part of good design’. This approach will continue to be reflected in the Design SPD as a good design principle.

## **Consultation Statement**

14. A full summary of all comments made, including those by the focus group, the officer response and any proposed change to the draft Design SPD, including changes made as a result of the SA, HRA, equalities impact assessment and disabilities equalities impact assessment are set out in a Consultation Statement, prepared to meet the regulatory requirements for a SPD. The Statement also sets out a full list of all organisations and individuals who were consulted and provides details of the different consultation events undertaken.
15. The Consultation Statement is available to view on the Council’s website [www.darlington.gov.uk/planningpolicy](http://www.darlington.gov.uk/planningpolicy) or is available in paper form in Member’s rooms and in Room 407 at the Town Hall. Given the range of issues on which comments were made, only the key changes are covered in this report. A copy of the Design SPD is attached (**Appendix 1**).

## **Key changes to the Design SPD**

### ***Section 3: Three stage approach to design***

16. The draft Design SPD set out a new three stage approach for considering design, reinforcing the importance of incorporating local distinctiveness. However, developers and housebuilders considered this approach was too prescriptive, particularly the detailed design guidance that related to zones identified on the Darlington Zone Map. They suggested that there may be sites that would fall outside the broad characterisation, where an alternative design would more appropriately reflect site context and local characteristics.
17. To reflect the responses, the three stage approach has been clarified to ensure that it is seen as a starting point for discussion with Officers, from an early stage in the design process. An important element of the revised approach is the developer’s detailed design appraisal of the site and its locality. This appraisal should demonstrate an understanding of the area the development will be located, should recognise the site’s opportunities and accept any limitations it may have to reconcile the needs of the development. The site analysis should form the basis of ongoing negotiation with Officers, particularly for detailed design aspects of a scheme and will inform the Design, Access and Sustainability Statement required to be submitted with most planning applications.
18. This clear approach should give developers and housebuilders confidence that the Design SPD provides sufficient flexibility to choose appropriate design solutions for a range of design issues, particularly in relation to overall scale, density, massing, height, landscape, layout and access of new development, for traditional and contemporary, residential and non

residential development. This will ensure that the design reflects local character and distinctiveness, but is also appropriate to the type of development, its cost and the needs of the market.

#### ***Section 4.1 Improving Movement: Cul de sac development***

19. In certain circumstances cul-de-sacs may be an appropriate form of development because of topography, boundary or other site constraints. The draft Design SPD proposed that cul de sacs of more than five dwellings should be discouraged to promote greater access for pedestrians and cyclists. However Durham Constabulary suggested that the number of houses permitted be increased to help design out crime whilst at the Economy and Environment Scrutiny Committee meeting on 6 November 2008, Members also requested the figure be increased.
20. Reflecting this, the number of dwellings permitted in a cul de sac has been raised to a maximum of 25. Through good design, 25 dwellings will create sufficient flexibility in the design to achieve adequate natural surveillance whilst meeting the technical requirements of providing access to a development.

#### ***Section 4.3 Achieving Sustainability: Code for Sustainable Homes standards***

21. Following the mandatory requirement for all new residential development to meet the requirements of the Government's Code for Sustainable Homes, and the RSS requirement for non residential development to meet the BREEAM 2008 Standards, the draft Design SPD set out the sustainable building standards required from new development. Reflecting Darlington's aspirations to be a 'low carbon Borough' they were slightly in advance of those set out by the Government.
22. However, the Government has recently consulted on the definition of, and the feasibility for, zero carbon homes by 2016 and several housebuilders expressed concern that with the technologies and knowledge available, and in the current economic climate, it would be unrealistic to expect new housing development to exceed the Government's targets by 2010. Reflecting this, and without local evidence to justify an alternative approach, the Code for Sustainable Homes targets have been revised to reflect national guidance:
  - Residential development for 2010-2016 as:
    - a. 2010: Code for Sustainable Homes rating 3
    - b. 2013: Code for Sustainable Homes rating 4
    - c. 2016: Code for Sustainable Homes rating 6
  - Non residential development:
    - 2010-2016: BREEAM 2008 standards 'very good-outstanding'
23. However, developers will be encouraged to exceed 2010 targets wherever feasible, as through good design from the conception stage of a scheme, sustainable design features can be incorporated to achieve minimum standards in the short term, at little extra cost.

#### ***Section 4.3 Achieving Sustainability: 10% of energy from on site renewable sources***

24. Based on the RSS, the draft Design SPD expected all major developments to provide at least 10% of their energy supply from on site renewable sources. Several consultees required clarification of the types of technologies that could be used to help meet the 10% standard as

well as expressing concern that providing renewable energy on site may make schemes unviable.

25. To reflect these concerns, the Design SPD requires all major developments to generate at least 10% of their energy supply from on site renewable and decentralised or low carbon technologies. Renewable energy includes wind and solar technologies, decentralised energy is combined heat and power, biomass and district heating, whilst low carbon technologies include ground source and air source heat pumps.
26. To address potential costs of incorporating these technologies, the Design SPD highlights the importance design should place on maximising energy efficiency and effective passive solar design so that overall energy supply of a development is reduced. This approach is particularly important for major and significant development as it will reduce the target level that will need to be reached by renewable and decentralised or low carbon technologies as part of the 10% requirement and is more cost effective. In those exceptional cases where the developer considers the 10% standard is not feasible, a revised viability test has been provided in the SPD for the developer to demonstrate this.

#### ***Section 4.4 Integrating Green Infrastructure and Public Space: Create exciting play spaces***

27. The draft Design SPD required new open spaces and play spaces for children and young people to be designed to encourage outdoor play and activity, be safe and have a high degree of functionality.
28. Following the recent publication of the Government's Play Strategy and considering the responses of the schools consulted, the design of new open spaces and play areas has been clarified to ensure a wide range of uses are situated close together, so children and young people of all ages can play near each other and be supervised safely. The design of new play areas should create more exciting and interesting spaces with a variety of equipment to stimulate and challenge children and young people whilst also providing spaces where families can enjoy safe, quality leisure time.

#### ***Section 6.1 Standards: Residential Density Standards***

29. The draft Design SPD set out residential density standards for each zone. Housebuilders and architects considered, from their experience, that these standards would be difficult to achieve, without providing dwellings the market no longer finds desirable e.g. apartments and townhouses. Housebuilders also considered the changing economic market may lead to a greater demand for starter homes and family homes which by their nature, require slightly larger plots and tend to be built at lower densities.
30. The RSS requires new housing development to be built to densities of 30-50 dwellings per hectare on average across the Borough. Until local standards justify an alternative approach, this standard will be reflected in the Design SPD, but to promote flexibility, higher densities will be encouraged near strategic and local transport hubs and centres of activity like the town centre, district and local centres and the railway station.

#### ***Section 7.2 Darlington Design Review Panel***

31. The draft Design SPD proposed investigating establishing an independent Design Review Panel to advise on the design implications of major or innovative schemes and help determine the Design Awards, presented annually to developments that have incorporated high quality design. This proposal was seen by consultees as being most beneficial for innovative, contemporary schemes or those that differ in approach to the SPD. Following this, the Design SPD sets out the requirement to establish a Design Review Panel. Its membership and terms of reference will be considered by the Urban Design Officer as part of ongoing work to improve design quality in the Borough.

### **Sustainability Appraisal and Habitats Regulation Assessment**

32. The revised Design SPD has been re-appraised against the Sustainability Appraisal (SA) and scores positively against SA objectives, recognising that the promotion of design quality should have a positive economic, social and environmental effect on the Borough and further afield. In particular it should:
- a) enhance the economic value of a new development;
  - b) provide a safer environment for the community;
  - c) promote a higher standard of sustainable development;
  - d) generate health benefits for the community through more functional spaces;
  - e) produce improved quality homes generating a higher standard of living; and
  - f) improve air and water quality in the long term.
33. The HRA considers that the Design SPD will generate no adverse impacts on any European sites of wildlife and habitat importance (outside the Borough).

### **Equalities Impact Assessment and Disabilities Equalities Impact Assessment**

34. A generic Equalities Impact Assessment (EQA) and a Disabilities Equalities Impact Assessment (DEIA) have been carried out. The generic assessment found that the Design SPD promotes equality of access to shops, services, work and green infrastructure for all across the Borough, including for those with disabilities, with impairments and those with young children. The Design SPD also encourages the incorporation of lifetime homes where practicable to help address the changing needs of residents over their lifetime.
35. The DEIA recommended that the Design SPD should ensure that the Borough's roads, streets and paths are designed to ensure safe and easy movement for disabled persons and that all buildings should provide access to disabled persons, even in exceptional circumstances where this is through a separate entrance. The assessment recommended that the car parking standards show the amount of disabled car parking provision in all new development.
36. The Design SPD has been revised to reflect the outcome of the assessment. However, the chair of Darlington Association on Disability has proposed reference to Local Plan Policy R2 'Access for People with Disabilities' because it provides a policy 'hook' in discussing proposals with developers. Policy R2 is now covered by Part M of the Building Regulations and providing further detail would be outside the scope of the SPD. However, it is considered that the Design SPD provides sufficient tools to safeguard appropriately the interests of disabled people in the Borough.



## **Transitional Arrangements**

37. Since the start of the consultation period, Officers have been referring developers to the draft Design SPD, particularly in relation to the new approach and standards. However, in instances where developers have been engaged with the Council in pre-application discussions, prior to adoption of the Design SPD, and where the details of new design requirements, such as sustainable building standards, have not been mentioned, it would be unreasonable of the Council to require it at a late stage in negotiations. These instances are now likely to be exceptional, but where developers have made irreversible financial commitments on the basis of advice at the time this would be reflected in any contribution to be sought and would be stated in Officers' reports to Planning Applications Committee.

## **Monitoring and Review**

38. The effectiveness of the Design SPD in helping to secure design quality will be monitored through the LDF Annual Monitoring Report and annually by the Design Review Panel, particularly through the Darlington Design Awards. It will enable the Council to identify and monitor the number of developments that meet identified standards across the Borough. Review of the SPD may be triggered on the adoption of Core Strategy policies which replace the Local Plan policies identified in paragraph 3, particularly if through monitoring, it becomes clear the Design SPD is insufficiently effective in delivering high quality design.

## **Next Steps**

39. Training sessions will be held for Members to discuss the approach of the Design SPD and its use when considering planning applications. An additional event to raise awareness of Council's adoption of the Design SPD will also be held with developers, housebuilders, architects and planning consultants to ensure the Design SPD is used efficiently and effectively.