

Cabinet

11 October 2023



County Durham Design Code, Trees, Woodlands and Hedges, Shop Fronts and Energy Efficiency, Renewables and the Historic Environment Supplementary Planning Documents

Ordinary Decision

Report of Corporate Management Team

Amy Harhoff, Corporate Director of Regeneration, Economy and Growth

Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economic Regeneration and Partnerships

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 The purpose of this report is to seek Cabinet's approval to commence consultation on the second draft of the County Durham Design Code and Trees, Woodlands and Hedges Supplementary Planning Documents and the first draft of the Shop Fronts and Energy Efficiency, Renewables and the Historic Environment Supplementary Planning Documents. All four documents support the County Durham Plan, adopted in October 2020.

Executive Summary

- 2 The County Durham Plan seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The Plan is a comprehensive document covering all aspects of planning however, to provide more detailed advice or guidance on the policies in the Plan, Government guidance allows the preparation of supplementary planning documents (SPDs). SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

- 3 The County Durham Design Code SPD sets down guidance for ensuring development is well designed and better suited to their context. It articulates an approach for developers to follow to enable their developments to reflect a meaningful understanding and evaluation of place. It is applicable to all scales and types of development. The SPD will be supported by Settlement Character Studies which provide a key evidence base for understanding the history and essential character of our settlements. It also fulfils a requirement to prepare a design guide/code as set out in the National Planning Policy Framework (NPPF).
- 4 The Trees Woodland and Hedges SPD sets out guidance to ensure that trees, woodlands and hedges are fully considered as part of the planning process, so that the multiple benefits they provide can be experienced by the residents of, and visitors to the county.
- 5 The Shopfronts Design Guide SPD provides guidance for shopfront design, restoration and refurbishment across County Durham.
- 6 The Energy Efficiency, Renewables and the Historic Environment SPD provides guidance to property owners considering making energy efficiency or renewable energy improvements within the historic environment.
- 7 If agreed consultation will be undertaken on the SPDs from 23 October to 3 December 2023. All consultation will be undertaken in accordance with the Council's Statement of Community Involvement.

Recommendation

- 8 Cabinet is recommended to:
 - (a) agree the second draft of the County Durham Design Code (Appendix 2) and Trees, Woodlands and Hedges (Appendix 3) Supplementary Planning Documents for consultation 23 October to 3 December 2023;
 - (b) agree to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the documents following consultation (if significant changes are required then the SPD will need to return to Cabinet for adoption); and
 - (c) agree the first drafts of the Shop Fronts (Appendix 4) and Energy Efficiency, Renewables and the Historic Environment Supplementary Planning Documents (Appendix 5) for consultation from 23 October to 3 December 2023.

Background

- 9 At a meeting of Full Council on 21 October 2020 the Council adopted the County Durham Plan. The Plan seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The Plan is a comprehensive document covering all aspects of planning however, to provide more detailed advice or guidance on the policies in the Plan, Government guidance allows the preparation of supplementary planning documents (SPDs). SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

County Durham Design Code Supplementary Planning Document

- 10 The County Durham Design Code Supplementary Planning Document (SPD) provides specific local design guidance for developments occurring in County Durham and fulfils a requirement to prepare a guide/code as required by the National Planning Policy Framework (NPPF). The SPD:
- Will help developers create well-designed places that are suited to their context and setting and ensure new developments reflect a meaningful understanding and evaluation of place;
 - Is based upon the essential characteristics of good design set down in national policy;
 - Identifies seven broad settlement typologies which should influence the design within each typology
 - Demonstrates how the design code will work by providing examples from each of the key settlement typologies (historical, 19th century industrial, new town, etc.);
 - It is focussed on residential development, however the approach and guidance are applicable to most scales and types of development; and
 - Will be supported by Settlement Character Studies which are being prepared for settlements across the County. These studies provide a key evidence base for understanding the history and essential character of our settlements.
- 11 The first draft of the County Durham Design Code SPD was consulted on from 24 February to 11 April 2023. 16 consultees made representations to the SPD. A Statement of Consultation is attached at Appendix 6 and the key changes made following the consultation are:

- The introduction has been redrafted to confirm how the document is intended to be used and how it fits with other policy documents in response to feedback that this part of the document in particular lacked clarity;
- A 'Vision' has been added to the document to clarify what the Council conceive by good design and what the document will 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 and the Council's design review process and to help identify the key characteristics of good design;
- A map of County has been added to provide useful context
- The list of Settlement Character Studies has been augmented as two settlements were not listed;
- The introduction to the model code section has been updated to ensure clearer description on how it is intended to work; and
- A number of minor detailed updates have been made to the model code to make it more consistent and to provide flexibility.

Trees, Woodland and Hedges Supplementary Planning Document

12 The Trees, Woodland and Hedges Supplementary Planning Document (SPD) sets out how the Council will deal with planning applications that affect trees, woodlands and hedges. It includes guidance related to:

- Tree Surveys;
- Arboricultural Impact Assessments;
- Protecting Ancient and veteran trees and ancient woodland;
- Protecting of trees and hedges of high landscape, amenity of biodiversity value;
- Protecting and integrating existing trees, woodlands or hedges into development;
- Compensating for any loss of trees, woodlands or hedges;
- Planting new trees, woodlands or hedges, including street trees;
- Tree Preservation Orders and trees in Conservation Areas;

- Translocating hedges; and
 - Maintenance and management of trees and hedges.
- 13 The first draft of the Trees, Woodland and Hedges SPD was consulted on from 24 February to 11 April 2023. 16 consultees made representations to the SPD. A full Statement of Consultation is attached at Appendix 7 and the key changes made following the consultation are:
- Clarification on the County Durham Landscape Strategy and the objectives for field boundaries to which the strategy comprises has been added;
 - Landscape character guidance has been referenced to provide useful information;
 - Minor detailed updates on the planning application process with regards to the required tree and hedgerow assessments and Arboricultural Impact Assessments;
 - Clarification on Ancient Woodland 15m buffer zones and where this buffer zone starts;
 - Minor detail on the design principles of active development frontages in regard to woodland and ancient woodland, and minor clarification that examples of active frontages are indicative only has been included;
 - The inclusion of Durham specific pictures to add greater context to the SPD;
 - Detail on tree planting in soft and hard landscapes with reference to root requirements and drainage functions; and
 - A new detailed section on the qualifications relating to street trees is to be included to provide clarity.

Shop Fronts Supplementary Planning Document

- 14 The Shopfront Design Guide Supplementary Planning Document (SPD) sets out guidance to promote good shopfront design, restoration and refurbishment with an emphasis on heritage assets and conservation areas, and includes the following sections:
- Policy context and considering heritage requirements;
 - Development management and pre-application enquires;

- Key elements of shopfront design; and
- Design principles to ensure good design and how best to incorporate corporate logos, signage, canopies, lighting, maintenance and security.

Energy Efficiency, Renewables and the Historic Environment Supplementary Planning Document

15 The Energy Efficiency, Renewables and the Historic Environment Supplementary Planning Document (SPD) sets out guidance for property owners considering making energy efficiency or renewable energy improvements within the historic environment. This can include works to listed buildings, non-designated heritage assets, and to properties within conservation areas. The document includes the following sections:

- Heritage and planning context;
- Fundamental principles of energy efficiency;
- Energy generation and opportunities around renewable energy systems;
- Building fabric improvements; and
- Step-by-step planning.

Next Steps

16 If agreed consultation will be undertaken on the SPDs from 23 October to 3 December 2023. All consultations will be undertaken in accordance with the Council's Statement of Community Involvement. Subject to the scale of the changes required following the consultation the County Durham Design Code and Trees, Woodlands and Hedges SPDs can be adopted using delegated powers. Second drafts of the other SPDs will be consulted on in later in 2024.

Background papers

- County Durham Plan – Adopted 2020

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Appendix 1: Implications

Legal Implications

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out how to prepare development plan documents and supplementary planning documents. Before the SPDs can be adopted, it is necessary to undertake two rounds of public consultation.

Finance

As the SPDs progress there will be some costs for appropriate evidence gathering, consultation and printing which will be met from the Spatial Policy budget.

Consultation

The programme of consultation has been agreed with the Council's Corporate Communications Team and the Council's Consultation Officers Group and will be undertaken in accordance with the Statement of Community Involvement and the 2012 Local Plan Regulations.

Equality and Diversity / Public Sector Equality Duty

The Council acknowledges that, in exercising its functions, it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation. An Equality Impact Assessment was prepared for the County Durham Plan which considered the impact of all of the Plan's objectives and policies, including those that relate to each of the SPDs for consideration.

Climate Change

Climate change is a thread running through the County Durham Plan. The importance of tackling and adapting to climate change is recognised in the Plan's Vision, Objectives, Sustainable Development Statement, spatial strategy and a number of policies. As the SPDs sit below and reflect the policies and strategies of the County Durham Plan they similarly reflect this approach.

Human Rights

Human Rights issues were considered as part of the preparation of the County Durham Plan and in particular Article 8 which protects people's right to respect for their private life, family life and home and Protocol 1, Article 1 which protects a person's right to enjoy their property peacefully. As the SPDs sit below and reflect the policies and strategies of the County Durham Plan they similarly reflect its approach.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

If required, consultants may need to be commissioned to deliver evidence studies.