



Office of the
Deputy Prime Minister

Creating sustainable communities

The Future for Design Codes

Further information to support stakeholders
reading draft PPS3

December 2005



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Introduction and background

Government is committed to raising the quality of new development in all areas.^{1 2 3} Different places face different challenges but high quality development is essential to success in all areas. In areas of high demand and poor affordability, where a step change in housing supply is needed to meet the needs and aspirations of the community, good design can achieve consensus around new development. In areas where the market has failed, high quality development can help to turn things around, create markets and boost local communities.⁴

The Government's response to the Barker Review⁵ and draft Planning Policy Statement 3: Housing (PPS3) set out how design codes are one mechanism that can help to achieve these outcomes. Design codes can improve the delivery of housing by ensuring high quality design and providing certainty for stakeholders and the community. With appropriate planning tools, codes can also improve the speed of delivery.

In May 2004 the Deputy Prime Minister announced a nation-wide programme to assess the potential of design coding in England. Seven pilot projects have been established to test design codes in a range of different contexts: private and public led development; different land ownership arrangements; different types of design codes and different scales of development, ranging in size from 400 to 4500 units. In addition, nineteen cases studies of large scale residential developments have been monitored and evaluated for their use of design codes or alternative design tools. For further background information on the pilot programme and the individual pilots see CABE's report "*Design Coding, Testing its use in England*."⁶

Early conclusions from the monitoring and evaluation of the pilot programme have informed this paper. Full monitoring and evaluation of the programme will be complete and published early in 2006. This paper aims to provide further information and explanation on design codes following the publication of draft Planning Policy Statement (PPS) 3: Housing, which was published for consultation on 5th December 2005.

1 Planning Policy Statement (PPS)1: Delivering sustainable development ODPM, 2005 stated "*Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted*".

2 By Design: Urban design in the planning system: towards better practice, DETR, 2001, aims to "*prompt greater attention to the principles of good design*".

3 Safer Places: The planning system and crime prevention, March 2004, aims to "*show how good planning can contribute to crime prevention and the creation of safer places and hence to well designed and sustainable communities*"

4 Homes for All and People Places and Prosperity, ODPM, January 2005, build on the vision set out in the Sustainable Communities Plan.

5 The Government's Response to Kate Barker's Review of Housing Supply, HM Treasury & ODPM, December 2005.

6 Design Coding – Testing its use in England, CABE, 2005, www.cabe.org.uk

What is a design code?

Although sparingly used in this country for many decades, design coding is actually a very old technique. It is the basis for much Georgian, Victorian and Edwardian town building – for example the much admired Letchworth Garden City. There are many forms of design coding, often referred to by other terms including ‘urban coding’ and ‘urban design coding’.

For the purposes of the pilot programme, ODPM, CABE and EP developed a working definition of a design code. **A design code is a set of specific rules or requirements to guide the physical development of a site or place. The aim of design coding is to provide clarity as to what constitutes acceptable design quality and thereby a level of certainty for developers and the local community alike that can help to facilitate the delivery of good quality new development**⁷. The process of producing and implementing a design code (design coding) is illustrated in Figure 3.

This paper, therefore, refers to one model of design coding – it does not attempt to suggest that this is the only way design codes can be defined or used – but aims to provide further explanation on a valuable tool for developers, land owners and local authorities to achieve better development. The process and function of design coding is likely to evolve as knowledge, skills and understanding on how it can apply in England emerges.

⁷ ODPM, CABE and EP working definition of design codes for the Design Coding Pilot Programme.

What do they look like?

Figure 1. Abode, Newhall, Harlow – a case study in the design coding pilot programme



Source: Tibbalds Planning and Urban Design

Abode, Newhall is the first phase (17.4ha) of a proposed urban extension of 2,800 homes and supporting amenities. The development is promoted by the landowner. Design codes have been prepared for each parcel of land that is marketed and form part of the brief to potential developers.

Photos of the development above show approaches by different designers, illustrating a variety of street characteristics.

Winner of winners in 2004 and winner of a project award in 2002 in ODPM's Housing Design Awards, John Prescott said Newhall was "a model of the communities that we have to build". It also received the 'Building for Life' gold standard in October 2005.

What do they include?

A design code should build on the vision of the masterplan or development framework and provide a set of design principles or components (the design codes themselves) as a means to achieve the vision. A design code is a product derived from the consideration of relevant issues at a variety of different scales. These range from the layout of blocks and structure of public spaces to the architecture of individual buildings and even the performance of buildings, for example aiming to increase energy efficiency. The design code then provides an illustrated template for both the necessary and optional design components of a particular development, with instructions and advice about how these relate.

The level of detail defined and required by a design code will vary depending upon the circumstances of development. However, the design code should always be drawn up in partnership with a range of local stakeholders and, in order to provide certainty of outcome, it should carry some weight in terms of its role in the planning process or through developer agreements.

What do they do?

The delivery of design quality is the major benefit associated with design codes. Design codes can help deliver high quality contemporary as well as quality traditional architectural solutions but their focus is on making coherent places. They provide a valuable delivery tool for the masterplan vision that they support, and a means to deliver consistent quality thresholds across large scale developments that may involve different developer and design teams. And, once in place, can accelerate the development control process.

Design codes are *part* of the package of tools available in the development process, which also includes other forms of detailed design guidance such as urban design guidelines and detailed masterplans or site briefs. Further detail on the advantages of design codes is set out below. Whilst there are many positive aspects to design coding they are not necessarily the solution to all circumstances. ODPM and CABE will provide further guidance on the range of design solutions available and where design codes could be used to achieve success.

The benefits of design codes

Quality

The major benefit of design coding is in delivering high quality design. According to early conclusions from the evaluation of the pilot programme, developments produced with design codes are of notably higher quality, so much so that they are setting new quality benchmarks in the locations where they are used, and acting as flagship developments for their developers. There is no single model for design codes, although given the right contexts, a range of approaches are capable of delivering quality. The evaluation also suggests that development values are improved on design coded developments.

Several of the Design for Manufacture Competition sites, launched in April 2005, use design coding as a method to secure their objective to build good-quality, cost effective housing. For example, a 3.6 hectare site at Upton, Northampton, was chosen as part of the competition, where the criteria for the existing design code and brief will have to be met by the competition winners appointed to become development partners.

Although codes can play a potentially important role in delivering better quality development, this is only possible if other factors are also in place, including high quality designers and architects, a willingness to invest appropriate resources in design up front and, in particular, **the commitment to quality from all stakeholders from the outset and throughout the project.**

Speed of delivery

Under the right circumstances, incentives and information, draft design codes can be prepared in as little as two or three months. The refinement, agreement and processes leading to the adoption of design codes can take longer (up to two years), but this period is often determined by factors that may have little to do with the actual coding itself, for example agreeing changes to the masterplan. Moreover, in some cases, this early investment brings dividends during the later stages of the planning process.

To improve the speed of delivery of design coded development, appropriate resources, in terms of finances and skilled personnel familiar with the document are necessary, as well as the appropriate planning mechanisms to deliver the design code. In future, the use of Local Development Orders (LDOs) with design codes, as part of the new planning system, has the potential for compliant development proposals to be rolled-out quickly on sites covered by an LDO (LDOs are outlined briefly below).

Given the early and upfront investment in design and community consultation, local authorities can also determine planning applications quicker. Some local authorities have developed explicit development control policies where shorter decision periods are offered to applications that comply with a relevant design code, or where decisions are delegated for officer determination because members have been involved with the development of the code and are satisfied that future development would be high quality.

Certainty

All stakeholders can benefit from a greater level of certainty through design coding. Local authorities, councillors and local residents are aware of what to expect from a design coded development early on, and standard levels of quality can be guaranteed to be delivered across different phases of a development. Local planning authorities in receipt of proposals for a site covered by a design code may use the document as a checklist tool to rapidly determine compliance and identify shortfalls in the scheme. Developers applying for permissions for reserved matters can have greater certainty of quicker decisions providing the scheme is compliant with the design code. Furthermore the costing of units, and therefore entire developments, can be assured by the introduction of the degree of certainty and standardisation offered by a code, as demonstrated by the Design for Manufacture Competition.

Consensus and buy-in to development

Design coding provides the mechanism to bring together key decision-makers in one place at important junctures, which is critical to maintaining momentum in the development process. It involves a high degree of professional and technical collaboration, and the evaluation has shown that most participants feel that this leads to improved outcomes. However, achieving this spirit of partnership and co-operation between the various parties takes time, effort and commitment.

Design codes are technical documents and are therefore not necessarily best used as the sole means of engaging the wider community. The evidence suggests that community consultation is best achieved at an early stage in the design process, when aspirations which define the physical vision are captured and precede the drafting of the design code, for example through the masterplanning process. However, community consultation is also a key part of adopting design codes to be used in planning processes. Where a code is adopted and becomes part of the new Local Development Framework (outlined below), public consultation is a key part of the process. For example, where an Area Action Plan (AAP) is produced and includes public consultation in the general procedure of drafting. Following the consultation process and implementation, design codes bring together technical expertise to ensure the vision of stakeholders and the community can be delivered, maintaining the buy-in achieved at an earlier stage.

Where and how might design codes be used?

Where might design codes be appropriate?

The pilot programme has tested design codes in a range of development contexts. Figure 2 lists some of the pilots and additional case studies to illustrate the different contexts where design codes have been applied. Design codes are most likely to offer benefits to developments on large or strategic sites. In all cases a design code should operationalise the aspirations of the masterplan or development framework previously established. Early evaluation suggests benefits can be achieved in varying contexts but are particularly valuable in:

- Introducing coherence to large scale major residential developments.
- Fostering the most efficient use on brownfield and greenfield sites.

Design coding is becoming an increasingly popular mechanism to assist developments in a variety of contexts. Recently, design codes have been used successfully by English Partnerships (EP) as landowners in Northampton, Upton, and other similar sites across the country. Through the use of design codes at Upton, EP has sought to provide a flexible framework to ensure quality development when seeking to create a high-quality urban extension to the town. EP have used their position as landowners to implement the design codes. The approach has been so successful in their experience, that they are considering using design codes on all large scale development sites with lengthy and/or complex delivery arrangements.

Developers also recognise the benefits of using design codes, for example, Newhall (the example illustrated above) was a developer-led design code. Design codes offer developers a range of benefits. These include specific guidance for the development of the site, ensuring that the settlement created is one of the highest quality and grounded on sound design principles embracing urban form, landscape and community. Development values appear to be increased on design coded developments as a result. They also give clear guidelines for different housebuilding companies operating on the same site and provide the means to co-ordinate the development of individual elements within a plan for a specific site or area.

How might design codes be used for planning and delivering development?

The development of local design policies and design codes for specific developments will be framed by relevant policies and strategies at the national, regional and local level. At the national level, Government has recently set out strong policies to support the achievement of high quality development in PPS1 and encouragement to use design tools such as design codes in draft PPS3.^{8 9}

8 Planning Policy Statement (PPS) 1, Delivering Sustainable Development, Office of the Deputy Prime Minister, 2005

9 Draft Planning Policy Statement (PPS) 3: Housing, Office of the Deputy Prime Minister, 2005

Applying a design code successfully needs leadership, commitment, and specialist skills. Whilst the local authority, landowner or developer will likely lead the process of preparing and promoting the design code, **it is essential in all cases that the process is done in partnership** to secure buy-in from those required to deliver the requirements of the design code. Design codes may be produced in-house or by stakeholders depending on where resources and specialist skills are available. Alternatively the decision may be taken, by the promoter of the design code, to commission specialist consultants to carry out the task.

Design codes may be formalised through the planning system, landowner agreements, or other legal means. The common approach to supporting a design code within the existing planning system is through the use of planning conditions. The new Local Development Framework (LDF) offers a range of tools to support codes in different circumstances through the plan-led approach. All local authorities would need to start by setting out in their LDF their intention to achieve high quality design, through for example, the production of a design code for a particular site. With a policy in a local development document, local authorities and their partners can develop different approaches, depending on the circumstances of the site or area. The following approaches are available under the new planning framework:

- Area Action Plans (AAPs)
- Supplementary Planning Documents (SPDs)
- Conditions to planning permissions
- Local Development Orders (LDOs)¹⁰

Area Action Plans (AAPs)¹¹ – The benefit of adopting a design code as part of an AAP is that it will form part of the Development Plan and planning applications should be determined in agreement with it unless material considerations indicate otherwise. Adopting as an AAP gives increased certainty about what is required by developers, and gives the LPA a more certain basis against which to decide applications complying with the design code. The local community is also actively engaged in the production of an AAP. The preparation of an AAP development plan document may take up to 3 years from start to adoption. It requires detailed community involvement from the outset and the preparation of preferred options. A sustainability appraisal (SA) is required as well as an Independent Examination.

An Area Action Plan could provide benefits to the following contexts:

- large sites
- high number of residential units planned (1000s)
- possibly taking place in phases, over a number of years
- where different developers exist
- areas identified for growth or regeneration

¹⁰ Available following commencement in 2006 – Planning and Compulsory Purchase Act, HMSO, 2004 & Changes to the Development Control System, Office of the Deputy Prime Minister, 2005, (Second Consultation Paper)

¹¹ Creating Local Development Frameworks, A Companion Guide to PPS12, Office of the Deputy Prime Minister, 2005

Supplementary Planning Documents (SPDs) – SPDs expand or supplement on policies in Development Plan Documents. An SPD has a faster preparation process than a DPD. It could be prepared and adopted within 12 months. There is no requirement for the preparation of preferred options but there should be community involvement and participation. A SA is usually required though not mandatory, if sufficiently covered by the SA on the DPD (see PPS12). The local community are also consulted. However, there is no need for producing ‘options’ or an independent examination for SPDs. SPDs do not have the status of the Development Plan and therefore carry less weight legally in planning, although they are a material consideration and therefore can form a reason for refusal should a development not comply with the design code.

SPDs could be used for similar contexts as AAPs but may not have to be prepared at the same time as the DPD so allows more flexible timing:

Conditions to planning permission – Local planning authorities may choose to add a condition to planning permissions granted on a coded site, to require that developers comply with the relevant design code. This may have the benefit of further securing adherence to the design code adopted as an AAP or SPD. Moreover, a local authority could also condition an outline planning permission to require the developer to produce a design code for the site, to bring about its production. This is a particularly useful tool should resources be minimal in-house, and has been used on some of the pilot sites. This procedure will work in the same way as conditioning planning permission for a detailed masterplan for a site, an exercise already common practice for many local planning authorities.

Local Development Order (LDO)¹² – A design code may be used with a LDO by a local planning authority to extend permitted development rights and aid the speedy delivery of developments while retaining high quality design content. Although a new mechanism which has not been tested by the Pilots, the frontloading involved in producing an LDO along with the grant of permitted development has the potential to deliver greater speed later on in the build out of a development. Local authorities would need to balance the risks associated with this mechanism. For example, development which emerges that later transpires to not comply with a design code could result in the usual procedure for enforcement action by the LPA.

All stakeholders have the potential to benefit from the use of an LDO. Local authorities that choose to use LDOs with design codes have the additional benefits over and above the standard GPDO permitted development rights, with the option of prescribing ‘must haves’ (for example road widths and building heights) and allowing some leeway for meeting requirements where the principle must be met (for example sustainable drainage). A risk for the writer of the design code with this route is that it would be tempting to over prescribe each and every detail of development to be permitted in the design code. The intention of

¹² Planning and Compulsory Purchase Act, HMSO, 2004 & Changes to the Development Control System, Office of the Deputy Prime Minister, 2005, (Second Consultation Paper)

LDOs is not to over prescribe development as this would have limited benefits above detailed planning permission.

Once the LDO was set up, the developer would be able to progress with greater speed and certainty, providing the scheme is compliant with the design code and the terms of the conditions of the Order. Furthermore, if for example, this method is applied to relatively minor developments where permission is invariably given, such as small-scale householder developments, the local authority can anticipate a valuable saving of officer time, offsetting the perceptible loss of fee income, with officers available to work on larger more detailed and controversial proposals. The local community also have the added certainty of knowing in advance the details of potential development which will take place in their area.

Likely use of LDOs with design codes:

- prominent or strategic sites
- sites that are likely to be developed in multiple phases
- where landownership and development partners are known (necessary to secure S106 agreements if they are sought)
- where a local authority wants to secure development quickly and good relationships exist, or are capable of being forged with the landowner and the developer.

In the future this mechanism might also be appropriate for small scale, borough wide householder and self-build developments (for example, rear extensions and loft conversions).

Other levers

Alongside planning mechanisms, other levers are necessary to deliver all the requirements that might be contained in a design code. Either the design code needs to limit itself to requirements that can be influenced by planning, or those producing the design code need to draw upon other levers, such as landowner agreements, to deliver the requirements set out in the design code.

As landowners, English Partnerships have used their position to more effectively implement design codes. However, it should be noted that the landowner arrangements demonstrated, for example by at sites like Upton and Newhall when using design codes, may not be readily available in all instances and a combination of levers can ensure more effective cooperation of developers, landowners and local authorities.

Next steps

ODPM and CABE will be producing guidance next year that will provide more detail on design codes; criteria for selecting an approach for particular circumstances; and how to achieve successful design coding.

Figure 2: Examples of design codes in use

	Advanced Case Studies					Pilot Projects						
	Greenwich	Hulme	Fairfield Park	Fairford Leys	Harlow	Ashford	Aldershot	Cirencester	Newcastle	Hastings	Rotherham	Swindon
Millennium Community												
	✓									✓		
High/Low Demand Area												
Growth Area – High Demand					✓	✓						✓
Pathfinder/Market Renewal Area									✓		✓	
Brown/Greenfield												
Brownfield	✓	✓	✓			✓	✓		✓	✓	✓	
Greenfield				✓	✓			✓				✓
Landownership												
Public Owned	✓	✓							✓	✓		✓
Private Owned			✓	✓	✓	✓	✓	✓		✓	✓	✓
Multiple Ownership										✓	✓	
Developer												
Public		✓				✓	✓		✓	✓	✓	
Private	✓		✓	✓		✓	✓	✓	✓		✓	✓
Multiple		✓			✓	✓			✓	✓	✓	
Design Code Lead Organisation(s)												
Developer	✓	✓				✓		✓				✓
Local Authority		✓	✓						✓		✓	✓
Land Owner	✓	✓		✓	✓					✓		
Project Size (Units)												
>500								✓			✓	
500-1500	✓		✓			✓				✓		
1500-2500				✓					✓			
2500+					✓		✓					✓

Figure 3: Stages in the design coding process

Decision to prepare a design code
Project partners decide, having considered the scale of, and context for, development, that a design code should be prepared to set rules and requirements for proposed development.
Initial development
Initial issues and contents of the design code are ideally considered in conjunction with, or at least subsequently to, the preparation of a visioning exercise expressed through a masterplan or detailed framework.
Drafting
Rules or requirements (design codes) to guide the physical development of a site or place are determined. Issues and potential requirements will be considered in collaboration with key stakeholders, eg the developer, local planning authority, highways department, local councillors and landowners.
Adopting the Design Code
The design code is given formal status through the planning system, either by adoption or conditioned to a planning permission. It could also be formalised by the landowner stipulating adherence to the design code as a condition of sale or development.
Implementation
The detailed design of the development is progressed in accordance with the design code. This will normally be in multiple phases.
Monitoring a development against a Design Code
The local planning authority, and in some instances the landowner, assesses compliance with the design code during the detailed planning or reserved matters application. The design code may need revision, to keep pace with changes in the development context or improvements in standards. This is only likely where the development will take place over a number of years.
Using a Design Code to manage a development after completion
Some design codes will include requirements relating to the ongoing management and maintenance of the development, for example upkeep of landscaped areas, or design of house extensions. This may place obligations on the ultimate owners of the development and, in some cases, on the management company.