

The use of urban
design codes

**Building sustainable
communities**



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Front cover

Abode | Harlow, Essex

Development based on
clearly defined palette of
colours and materials

Photo | *Peter Jenkins, CABE*

Introduction



Northshore |
St Mary's Island

Development shows
character and distinction

Photo | Chatham Maritime
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The way we plan and design places has a significant impact on their social and economic fortunes. This is true in the regeneration of existing neighbourhoods and the development of new communities. Good urban design can help increase property values, reduce crime, contribute to public health and ease transport problems.

The Government has placed the importance of high quality design at the heart of its plan to create sustainable communities, in both areas of housing growth and housing market renewal.

There are threats to realising this ambition. One is that the inherent bureaucracy of the land use planning and funding decision-making processes will hinder the speed and efficiency of development. A second is that the market will fail to respond adequately and consistently to the Government's desire to create high quality development that represents best practice in architecture and urban design, and high environmental standards.

The Government has recognised that these concerns are well placed. The quality of administration of the land use planning process around the country is highly variable with councillors in particular often under public pressure to slow down or refuse development. At the same time, there is significant public and political distrust in the ability and willingness of developers consistently to produce distinctive designs that reflect the local context. The legacy of 30 years of soulless housing estates pays testament to the dilemma.

The two concerns are indeed interconnected. The NIMBYism flows in part from the understandable fear of local

communities that new neighbouring development will detract from the quality of the local environment, perhaps dragging down house values as well as eroding the sense of community identity.

In looking for a way to address these concerns, the Government, in the person of the Deputy Prime Minister, has been examining international best practice. One model, used in parts of the United States, Australia and Europe is urban coding – a system whereby land owners establish the key components of the design of new developments up front and, through legal requirement, then require abidance by any developers subsequently wanting to build in the area covered by the code.

This paper seeks to introduce some of the issues relating to the use of design codes. It is very much a scene-setting paper with the intention of exposing some of the key questions about codes rather than reaching any firm answers. Those questions include:

- could codes result in higher quality, more efficient development?
- how might codes work as part of our planning system?
- how do codes relate to land ownership?
- what should be covered by a code?
- how prescriptive should a code be?
- are there alternatives to coding that should also be considered?

The main conclusion of the paper is that the Government should commit to a significant programme of research and pilot schemes to test the use of different forms of codes in different UK contexts.

Why code?

1

Our land use planning system does not have a strong track record of consistently producing high quality development. It sometimes manages to stop the very worst new schemes from being built but, with the exception of a small number of exemplary planning authorities, it tends not to be proactive in securing the highest quality new development.

The time is therefore right for experimentation within the planning system. As with other areas of Government policy, there is the opportunity to move away from a one-size-fits-all national template to administering the system. Making places is an art as much as a science, and there is no reason why the same control systems need to be applied by every authority to every planning applicant on every site. The Government's recent decision to pilot Business Planning Zones shows an openness to test alternative planning tools that could both speed up the system and result in higher quality development. The potential use of design codes offers another option.

Codes are not a new idea. They have been used in one form or another since the Renaissance, and possibly earlier. Some of our most cherished developments, from the Georgian period through to the Garden Villages and New Towns, were based on adopted codes. We do not have the opportunity to explore that history here and would refer instead to the valuable work undertaken by the Prince's Foundation in this area, and previously the Urban Villages Forum.

There are several recent UK examples of the use of urban design codes. The re-development of Hulme in Manchester in the early 1990s followed guidelines that were close to a code. More recently, the Prince of Wales' development at Poundbury laid down a prescriptive code based on the principles of traditional urbanism, and His Royal Highness is sponsoring the

development of codes for other projects within the Duchy. English Partnerships have also been working with the Prince's Foundation to apply codes to new schemes on ex-new town land such as Upton on the edge of Northampton. Defence Estates have also employed the use of codes in planning new residential development. There are also occasional examples in respect of commercial development.

The concept of an urban design code starts from the proposition that the design of a new development can be planned and regulated to achieve a higher quality outcome. It introduces an increased level of design control in an attempt to exert greater assurance over the quality of the product.

Most, although not all codes, are based on the further premise that there are certain rules or principles that apply to the process of making or re-making places that can be applied and interpreted for a given location and then captured in written and plan form.

CABE would agree with these propositions. We do consider that there are certain key components of good urban design that will help to determine whether a place will function well in providing a safe, attractive and desirable environment in which to live, work and play. We have already captured these principles in the companion guide to Planning Policy Guidance Note 1 *By Design* and PPG3 *Better Places to Live*. They have also been well articulated by English Partnerships and the Housing Corporation in their *Urban Design Compendium*, and by the Prince's Foundation in publications such as *Urban Villages*.



**Beaufort House,
Lillie Road | London**

A good example of integrated housing and amenities

Illustration | Feilden
Clegg Bradley, Architects

Photo | Mandy Reynolds,
Fotoforum

**Borneo Sporenberg |
South & East
Amsterdam Docks**

Diversity and creativity within
well-defined parameters

Photos | Peter Stewart and
Dan Thomson, CABE



Good urban design is of course not enough in itself to determine the quality of life in a neighbourhood. There are many other factors such as levels of economic activity, quality of education provision, community safety etc that will play their part, but good urban design can be the glue that binds other economic and social benefits together.

Those principles of good urban design include local distinctiveness based on historic character, ease of movement, legibility, quality of public space, continuity and enclosure, and adaptability. They can be achieved by the way that we arrange or rearrange streets and spaces, and how we plan the mass, scale and position of buildings within the landscape. The result is all the things we love about our best neighbourhoods – a clear centre with shops and community amenities, a place that is easy to walk around and also feels safe, different places for children to play and high quality public buildings such as schools and health centres. And most of all, it can give us a clear and distinct sense of place that marks out the place we live, and in which we can take pride.

Can all this be captured up front in a single document and plan? The answer is, thankfully, 'no'. Places evolve in the most unexpected and diverse ways. They are shaped and re-shaped by the people who live there, who own and inhabit the properties. But what a code can do is give a place a better start or a fresh start, by making sure the basics are right and by setting some clear parameters as to what can be done and what can't be done in changing and evolving the physical fabric of the neighbourhood. They can also stop bad things happening to neighbourhoods that can detract from everybody's quality of life, in particular, by making sure that developers who may not care as much as the communities themselves, have to care if they want to build. Indeed, the development of a code can be an excellent way of capturing and expressing community values.

**Homes for work
and change |
Hulme, Manchester**

Design features help
knit communities

Photos | Sabine
Englehardt & RUDI



What does a code look like?

2

Our first task is to decide what we mean by a design code. In thinking through this, we should first recognise that design codes can be destructive as well as constructive. There are bad codes. Indeed, the most widely used codes in this country are those which prescribe highways standards, which in prioritising the needs of the car have arguably prevented us from achieving a high quality built environment in many neighbourhoods. It is a good reminder that a code as a process is only a means, not an end. What matters is the content of the code. Ultimately, a code can only be as good as those who write it and those who implement it.

At its simplest, a code is a form of detailed guidance. Many scheme promoters and local planning authorities already draw up design guidelines that cover most of the elements of a code. These guidelines will often be adopted by the planning authority, following public consultation, as Supplementary Planning Guidance. This means that the guidelines are treated as a material consideration when planning decisions on individual planning applications are taken, to be weighed and balanced against other material considerations.

A code potentially goes further. The parameters and requirements it sets out are likely to be stricter and more exact, and where possible, compliance is likely to form part of the legal arrangements governing what and how development occurs in the area governed by the code.

The code is likely to comprise two related components:

- a three dimensional masterplan of the development area (and probably an area beyond) that shows clearly the intended arrangement of spaces and buildings, including massing, orientation, distribution of uses, densities, building lines, spaces etc.

- a supporting set of written requirements that explain the plan, including dimensions where relevant, and which address more detailed issues, including issues such as use of materials, landscaping and tenancy mix depending on the level of prescription required.

In the most prescriptive plans, such as those favoured by the Congress of New Urbanism in the US and the Prince's Foundation in the UK, the code will probably provide a pattern book, detailing clearly and exactly the limitations on the design of buildings, the choice of streetscape materials, private landscaping options, ornamentation restrictions etc. in different locations within the plan area.

Codes are therefore very diverse. Even within the same code, there may be different levels of prescription ranging through recommendations, options and fixed requirements, perhaps applied to different parts of the site. And, ultimately, the power of any code is dependent on the system of implementation including the levels of enforcement.



Bishops Mead | Chelmsford

Local distinctiveness based on historic character of the area

Photo | Mark Ellis

Fishing Village | St Mary's Island

Interpretation of Kent vernacular architecture and materials create a distinctive community

Photo | Chatham Maritime
© Countryside Properties

What sorts of codes are likely to work best in the UK?

3

The Deputy Prime Minister recently stated that he wanted sustainable communities to represent ‘coherence without conformity’ in making them distinctive and attractive at the start of the 21st century.

CABE would like to see the use of design codes that help to address the characterless homogeneity of much of our recent housing development. But they should also give ample room for the UK architectural and landscape architectural professions to work creatively with communities to shape their neighbourhoods to meet their own needs and desires.

In other words, CABE favours codes that ensure we get the fundamentals right but are not so prescriptive that they give too little scope for distinctive architectural expression. Coding can and should exert architectural discipline, in the same way as a good client brief, but it should not smother creativity. Our pursuit is for quality regardless of choice of style. Since CABE was created, we have commented positively on a number of developments that reflected a traditional architectural vernacular, executed with great craftsmanship and use of relevant quality materials. We have also commented positively on contemporary approaches that abide by key urban design principles but provide a contrasting architectural response to their context.

CABE believes that the UK has the best architects in the world, representing a broad mix of architectural traditions and philosophies. We therefore see one of our key roles as ensuring that we draw out the benefits of the whole architectural community. Consequently, one of our fears about the use of codes is that they could be used to favour only one form of architectural expression, be that traditional or modern. This would give licence to an architectural fundamentalism that could lead to artificial homogeneity, and development that would undoubtedly be

of a higher quality than the mass housing produced in the last 20–30 years, but which would produce excessive uniformity.

Sir Winston Churchill remarked that ‘we shape our buildings; thereafter they shape us’. Built form is bound to mirror society to some extent. The uniformity of earlier eras of building in this country is arguably less appropriate to a more democratic age where individual freedoms are recognised in law, and diversity is recognised as a positive shaping force in society and culture.

Any coding system therefore needs flexibility in its content and application. For example, we would consider that any code could be broken if relevant parties agree (just as any legal contract can be varied by mutual agreement). This is particularly important for longer development programmes where a rigid code could impede the detailed design of subsequent phases, preventing learning from experience or changing economic and social conditions. This flexibility is also important to stimulate excellence and innovation, particularly in exceeding minimum standards embedded within a code.

A generic list of issues that would need to be covered by a code is not a possibility. However, as a starting point, the issues covered by CABE’s Building for Life Standard are likely to lend themselves to coding – building lines, distances between buildings, street widths, energy performance.

The expansion of Freiburg in Germany is one good example of the flexible use of codes. At one town extension, Vauban, the code establishes building lines, heights, plot coverage, and energy efficiency, but allows almost complete freedom in other respects, for example, roof pitches can vary from 0 to 45 degrees, stairs to apartments over houses can be external or internal. This project shows how a code can produce great variety in the architectural and landscape design of buildings and spaces while abiding with key urban design principles, resulting in a rich and attractive environment.

Making coding work

4

Coding and the planning system

There is nothing to prevent a local planning authority adopting a design code as supplementary planning guidance at the current time, provided the code is in line with national and regional planning guidance and derives out of and is consistent with the policies set out in the authority's adopted development plan, to which it should specifically cross-refer. The code may have been devised by the planning authority themselves, by another public body such as an urban regeneration company, by a private sector promoter, or by a public private partnership.

However, under the current planning system, the code will only have the strength of a material planning consideration. The weight to be placed on that consideration by a planning committee or planning inspector will depend a lot on the strength of design policies and the recognition of the use of coding as a local process within the local development plan itself. Substantial weight will only be afforded to the code if it has been prepared in consultation with the general public, businesses and other interested parties and their views taken into account before the guidance is adopted by a formal resolution of the local authority. This process itself may have the unintended consequence of tending to produce lowest common denominator results.

One option open to the Government is to give coding a more explicit place within the planning system. This could be done in a number of ways:

- amending primary legislation to give codes explicit recognition as a device separate and perhaps more powerful than ordinary supplementary planning guidance, (although this raises questions as to how codes would then relate to and flow from the primary status of local plans under section 54A of the Town and Country Planning Act)

- a dedicated circular on the adoption and use of design codes, potentially backed by secondary legislation
- include design codes within PPG1 and/or PPG12 as a supported policy mechanism to achieve the delivery of sustainable communities, thus strengthening their status and weight as a material planning consideration
- explicitly link the coding to the use of simplified planning zones to combine speed of process and quality of outcome
- encourage local planning authorities to link the adoption of design codes to incentives for developers. For example, in some US cities, developers contract to follow design guidelines around public transport nodes in return for permission to build at higher densities than the authority would otherwise permit

Coding and land ownership

By far the most tested and effective way to use coding is as a land owner in controlling the development process over time to achieve a coherent outcome. Clearly, there is nothing to prevent a private land owner or consortium of owners from doing this in selling on freehold or leasehold interests, or in directly engaging individual contractors to develop the site. Such developments can vary from the highly prescriptive, such as Poundbury, to the more flexible, such as Abode in Harlow.

The real opportunity here for Government is the public holdings of its regeneration agencies, predominantly English Partnerships, and other public bodies such as the Ministry of Defence, Strategic Rail Authority and NHS Estates. One could foresee a scenario of compulsory masterplanning and coding for sites over a certain size intended for development or re-development as residential schemes.

If the Government is supportive of coding, it could also place a greater accent on strategic land acquisition by public agencies through CPO and other forms of land assembly. This might in turn have repercussions for how funding is allocated to physical regeneration projects, with greater weight being given to schemes where design control can be exacted through the use of coding.

Coding and public funding systems

A less effective but, nevertheless, supportive approach is to embed the importance of coding within relevant public funding systems, particularly those of English Partnerships, Regional Development Agencies and the Housing Corporation. For example, the requirement of a coded approach to large housing association led schemes could be valuable.



Abode | Harlow, Essex

Development based on clearly defined palette of colours and materials

Photo | Peter Jenkins, CABE



Beyond coding

5

In CABE's view, coding is never going to provide a one-size-fits-all solution. It is likely to be applicable to a proportion of larger schemes, particularly town extensions, major brownfield redevelopment sites and brand new settlements. It will not necessarily work, except in a very loose and flexible form, for complex infill development schemes.

At the same time, there must be realism about the Government attempting to code decisions that only the market can make. For example, rigidity over the location and mix of neighbourhood retail is pointless if the market determines that the location and mix should work differently.

A good example of the need for flexibility is the development of Brindleyplace in the centre of Birmingham. Originally conceived as a public sector masterplan, the scheme was evolved and adapted over time by the private sector as market opportunities and circumstances changed. If the original masterplan had been adopted as a rigid code, it is questionable whether the development would have been undertaken in anything like its current form or with the same level of commercial success.

In issuing caution on the use of codes as a panacea, it raises the question of what else the Government might consider to capture quality and efficiency. Part of this process is to ensure that planning authorities are already making best use of the tools already available to them. There are a series of guidance documents that can help local authorities in this respect, including:

Protecting Design Quality in Planning, CABE (2003)

By Design, ODPM/CABE (2000)

Beyond the existing mechanisms of SPG, design statements, conditions, agreements and enforcement powers, the Government

may want to consider two more radical ideas:

- **Licensing Proven Development Teams:** It is an unsurprising reality that there are certain developers and architects who can be trusted to produce high quality development, while there are others who will seek to get away with a lowest common denominator scheme that just scrapes its way through the present system. There is an argument that, as in the parable of the talents, trust should beget further trust. The Government could introduce a system to license development consortia based on their development track record, giving them exemption from key parts of the development control process, perhaps limited to designated sites. Clearly, this would need to be a status that could be lost as well as won. It would, however, be a way of rewarding the best and incentivising the rest while freeing up local planning authority resources to deal with the recalcitrants.
- **Design Audit:** On a wider base the Government could introduce, as part of the planning process a design gateway for all residential schemes over a certain size. Again, the reward would be that those schemes passing successfully through the review process would then enter a fast-track decision-making process, perhaps based on an unfettered entitlement to develop the scheme in accordance with the agreed designs.

In both cases, the main downside is the potential diminution of the role of the local democratic process in undertaking development control. This is a matter that the Government would need to consider carefully although our final observation would be that the track record of planning authorities' to date to achieve design quality has been patchy and limited.



Brindleyplace | Birmingham

Desirable environment to live, work and play

Photo | Alan Barber

Conclusion

CABE is a supporter of the use of design codes in the right circumstances. They are particularly useful in respect of new neighbourhood development, more so where there is a single land owner which can enforce the code intelligently as a matter of contract.

At the same time, we believe that the Government should proceed with some caution in expanding the use of codes, piloting different approaches to test the waters. In the last few years, we have seen evidence of at least some developers recognising the need for masterplanners, urban designers and architects to deliver development, giving an increased emphasis on good design. It is therefore important that any Government sanctioned use of codes builds on this success, rather than encouraging developers seeing the need to respond to a code as a technical compliance issue, rather than a creative design challenge.

Where codes are introduced, our preference will generally be for codes

that are exacting in terms of the urban design principles and more flexible in respect of the architectural response in relation to individual buildings.

We would recommend that the Government commissions a substantial piece of research on the potential use of codes that could explore in much more detail some of the issues raised in this paper. One positive option would be to pursue this work with the recently established Charter for European Urbanism which is committed to many of the principles set out in this paper.

Subject to the results of the research and pilot projects, we would, in principle, welcome the strengthening of planning law in support of codes.

We would, however, also encourage the Government not to think of coding as a panacea, but rather one of several possible tools that could be introduced to give us greater certainty of high quality development delivered more efficiently in our pursuit of sustainable communities.

cabe

Commission for Architecture
& the Built Environment

The Tower Building
11 York Road
London
SE1 7NX

T 020 7960 2400
F 020 7960 2444
E enquiries@cabe.org.uk
W www.cabe.org.uk