

# Somerset West and Taunton Council

## Full Council – 7 December 2021

### **Public Realm Design Guide for Taunton Garden Town – Review of Public Consultation and Adoption as Supplementary Planning Document**

**This matter is the responsibility of Executive Councillor Member Mike Rigby**

**Report Author: Fiona Webb - Placemaking Specialist**

#### Executive Summary / Purpose of the Report

- 1.1 The purpose of this report is to seek approval of the Public Realm Design Guide for Taunton Garden Town for formal adoption as a Supplementary Planning Document (“SPD”). The SPD has been produced pursuant to policies DM4 of the Taunton Deane Core Strategy and D7 of the Taunton Deane Site Allocations and Development Management Plan, to provide additional guidance on how these and other relevant policies of the adopted development plan should be responded to in relation to securing high quality public realm design in Taunton Garden Town.
- 1.2 The Public Realm Design Guide for Taunton Garden Town was subject to technical stakeholder consultation from 3 February to 30 March 2020, since it was initially proposed to adopt this document as a material technical consideration. With the government’s significant agenda to increase local walking and cycling capacity and the public’s much heightened awareness of the importance of public open space since Covid, it was considered that full public consultation would be beneficial in order to adopt the document as SPD and provide greater weight to the importance of this matter. As a result, formal consultation was carried out for the Public Realm Design Guide from 11 December to 5 February 2021. Following on from SWT’s approval of its Climate Positive Planning guidance, there were several responses that considered that the Council was not going far enough in its response on climate change. As a result it was further updated to provide a greater focus on the climate and ecological emergency. This also coincided with the release by government of the National Design Guide 2021 and the National Model Design Code which also required an update of the draft Public Realm Design Guide. For this reason, and to ensure that the draft Public Realm Design Guide could be adopted as SPD, it was considered appropriate to carry out a third consultation between 5 July and 16 August 2021.
- 1.3. Following receipt of the comments on the draft document and consideration of the points received changes proposed to the draft document have now been prepared and the draft amended. The emerging Public Realm Design Guide for Taunton Garden Town is now brought forward as an SPD and adopted as a material planning consideration for the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes that result in proposals for works in public open space.

## Recommendations

### 2.1. Recommendations are that Full Council resolves to:

- 1) Approve the Public Realm Design Guide for Taunton Garden Town for adoption as a Supplementary Planning Document and a material planning consideration in the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes within Taunton Garden Town.
- 2) Having considered the consultation responses, note the outcomes of the consultations on the draft Public Realm Design Guide for Taunton Garden Town, undertaken 3 February to 30 March 2020, 11 December to 5 February 2021 and 5 July to Monday 16 August 2021 as set out in the consultation statement in Appendix 1 of this report.
- 3) Agree that the Director of Development and Place in consultation with the Planning and Transport Portfolio Holder be authorised to approve and make minor amendments to the Public Realm Design Guide for Taunton Garden Town Supplementary Planning Document prior to the final publication

## Risk Assessment

- 3.1 SPD's must be consistent with national planning policy, must undergo consultation and must be in conformity with policies contained within an adopted Local Plan. Potential risks that might impact on the preparation and timely delivery of the Local Plan and other Development Plan documents are set out the "Risk Assessment" section of the Local Development Scheme. It is not foreseen that any legal, financial, reputation or other risks will arise if the recommendations of this report are accepted.
- 3.2 This SPD provides clear policy guidance for the local planning authority, developers, statutory bodies and utilities which will support the delivery of sustainable public realm enhancement. The SPD will assist on the deliverability of public realm proposals since it clearly sets out guidance on the requirements of the Local Planning Authority and this can then be taken into account in any proposals. Similarly, the SPD clearly sets out Local Planning Authority's requirements for good design which will assist in officers making a balanced judgement against other policy and Council objectives.

## Background and Full Report

- 4.1 The purpose of the Public Realm Design Guide for Taunton Garden Town is to raise the standard of the public realm and streetworks consistently across the Garden Town. The guidance is aimed at guiding the design of public realm and street works by the highway authority, developers, utility companies and their agents and contractors. It also attempts to show how current principles of highway design and layout can be incorporated into good placemaking. If adopted by Somerset West and Taunton Council the Public Realm Design Guide for Taunton Garden Town as a Supplementary Planning Document (SPD) it will be a material planning consideration when determining relevant development proposals and applications. It will also inform discussions with our statutory consultees.
- 4.2 This means that the SPD will hold significant weight in the decision-making process.

## Policy Context

- 4.3 National planning and design policy underline the need for local authorities to ensure that the quality of the design of new development is both sensitive to the positive aspects of the character of local areas and to incorporate the principles of placemaking, to achieve viable resilient neighbourhoods. The National Planning Policy Framework (NPPF), the National Design Guide and the National Model Design Code advocate that local authorities produce design guides and design codes as a means to achieve a higher quality of development which addresses the aims above. The NPPF recommends Design Guides should be adopted as Supplementary Planning Documents (SPDs) in order they are given as much weight as possible in the decision-making process,
- 4.4 Section 12 of the NPPF – Achieving Well Designed Places sets out the government's agenda for good design. Paragraph 126 states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'.
- 4.5 It should be noted that the NPPF was updated in July 2021. This now places the additional requirement for development to be 'beautiful' as well as high quality and sustainable. This update also emphasises the importance of guidance contained in the National Design Guide and the National Model Design Code. In addition, there is new guidance for the requirement of street trees in Paragraph 131 which states 'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.' These new requirements align with the government setting up a new Office for Place and significantly highlight the attention afforded to high quality design in national policy and weight afforded to local design guidance such as this SPD.
- 4.6 The draft Public Realm Design Guide for Taunton Garden Town SPD (see Appendix 2) has been produced pursuant to policies DM4 of the Taunton Deane Core Strategy and D7 of the Taunton Deane Site Allocations and Development Management Plan, which aim to promote high quality design.
- 4.7 Regarding public art, existing adopted planning policies in the former Taunton Deane area set out requirements for public art in policies D13 and D7 of the Site Allocations and Development Management Plan (SADMP), policies ED1 and ED2 of the Taunton Town Centre Area Action Plan (TCAAP) and DM4 of the Core Strategy. The policies all either refer to the Public Art and Design Policy adopted by the Council in 2007, the Public Art Code adopted in 2010, or otherwise refer to public art being provided at 1% of development costs either via commissioning and integrating public art into the design of buildings and the public realm, or by a commuted sum. Additionally, in the case of Taunton, they refer to the Town Centre Design Code SPD which includes specific codes relating to public art and which identifies specific art and design sites relating to the public realm areas. The Public Realm Design Guide and Districtwide Design Guide refer to this

existing policy context and recommend that public art is primarily integrated into the design of buildings and the public realm and is part of what constitutes good design.

## Consultation

- 4.8 A draft Design Guide was considered by Members at their Executive meeting on 28 January 2020 and approved for key stakeholder consultation. Key stakeholder consultation took place between Monday 3 February to Monday 30 March 2020. Due to the covid pandemic, a number of consultations were significantly delayed including that with Somerset County Council (SCC).
- 4.9 As a result of comments from SCC Highways about the highway principles set out in the overall Districtwide Design Guide, a series of workshops took place between officers which resulted in an expanded section in the Districtwide Design Guide on Streets, Parking and Placemaking. As a second round of public consultation was necessary for this expanded section, it was decided by officers to take the opportunity to also take the Public Realm Design Guide for Taunton Garden Town out to public consultation (rather than just key stakeholders). The public consultation on the Public Realm Design Guide for Taunton Garden Town was carried out from 11 December to 5 February 2021.
- 4.10 As a result of SWT approving the final version of Climate Positive Planning, there were a number of responses to this consultation that commented that the Council was not going further in its response on climate change. To address these the Public Realm Design Guide for Taunton Garden Town was updated to provide a greater focus on the climate emergency. This also coincided with the release by government of the National Design Guide and the National Model Design Code which also required an update of the draft Public Realm Design Guide. For this reason, and in order to ensure that the Public Realm Design Guides for Taunton Garden Town could be adopted as SPD, it was considered appropriate to carry out a third consultation from 5 July to Monday 16 August 2021.
- 4.11 During the three consultations, the majority of the consultees welcomed the Public Realm Design Guide SPD and saw the document as an opportunity to provide an emphasis on high quality public open space, giving greater emphasis to people and less to cars.
- 4.12 A total of seven representations were received during the first consultation on the draft Public Realm Design Guide for Taunton Garden Town SPD, three during the second consultation and nineteen during the third consultation. These consultation responses were from members of the public, amenity bodies, police, Environment Agency, Historic England, SCC Highways and internal staff. A table showing all representations received is set out in the table in Appendix 1 of this report together with SWT's responses and proposed amendments to the guidance.
- 4.13 Consideration of representations received during the three public consultations on the Design Guide has resulted in proposed changes within the Public Realm Design Guide for Taunton Garden Town, as summarised below:
- 4.14 First and Second Consultations (3 February to 30 March 2020 and 11 December to 5 February 2021)

Substantial Revisions and Additions:

- Section 1 Introduction - Clarity on its intention for use by competent professional public realm/ highway designers – i.e., the guide is to steer the design approach being tailored towards different parts of the urban area and enhance the Garden Town street environment for walking and cycling particularly. It is not a design manual and requires interpretation by designers, whether public highway authority or private developers.
- Section 2.3 General Standard Conservation Areas – add to map and explain that Town or Core Standard may be applied by Conservation Officer in these areas.
- Section 2.20 Conservation Area lighting – amended lighting to all standards after detailed additional consultation with SCC lighting engineer and heritage advisor.

**Other Changes:**

- SCC will not adopt setts laid in carriageways and require imprinted asphalt instead. This has been altered and described.
- Cycle track colours – colours amended to CORE terracotta, TOWN terracotta, GENERAL red, GREEN – red
- Blue street name plates traditional to Taunton will be applied to Core Standard Area.
- Minor changes to layout of Outer Gateway design illustrative exemplar to show more traditional cycle junction on a re-engineered A38 section as a new gateway to Monkton Heathfield.
- References added to recent or more explicit guidance:
  - National Planning Policy Framework 2021
  - Gear Change A bold vision for cycling and walking, DfT 2020
  - Local Transport Note 1/20, Cycling Infrastructure Design, DfT 2020
  - Beyond the Bicycle - An introduction to inclusive cycling, SWECO 2020
  - Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure, DfT, 2005. and
  - DfT Minister's letter September 2018 on Shared Space schemes
  - SCC Commuted Sum policy – SCC require commuted sums from private developers when including non-tarmac surfaces, street tree planting<sup>i</sup>
  - Local Transport Note 2/09, Pedestrian Guardrail, DfT, 2009

4.15 One house builder commented and agreed with the main content and need to raise standard of street works. They commented that street lighting suggestions were too utilitarian in appearance. We have worked to refine the proposals in light of what SCC Street Lighting are able to deliver.

4.16 Third consultation - 5 July to Monday 16 August 2021

**Substantial Revisions and Additions:**

- Additional section on public art added, cross referencing the Public Life for Public Space, Public Art Code SPD, 2006.

**Other Changes:**

- Highlighted in section 1.1.8 the need to conserve historic paving in the Garden Town and strengthen the wording on potential for streetworks to affect the historic environment and need to conserve existing historic materials and furniture, including lighting.
- Equalities and inclusion section 1.1.9, has noted DfT advice in LTN 1/20 that cycles must be treated as vehicles and not as pedestrians. We will though ensure

our streets are accessible for disabled cycle users to access all areas. On urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians.

- Added guidance note to this section on need for public spaces to be designed to enhance community safety. We will add that designers shall take into consideration Secure by Design principles and minimize opportunities for crime.
- Additional note section 2.4 and 2.20.21. that materials and components at river and canal side locations may be subject to a Flood Risk Activity Permit (FRAP) from the Environment Agency. Signs on the canal may need to comply with Canal & River Trust design standards.
- 2.18 tree planting - Notes added on consideration to be given to tree planting potential size at maturity and potential to affect nearby buildings, structures or underground utilities and not obstruct walking and cycling routes. Care to be taken to avoid impacts on heritage assets. Tree planting shall be supported by a management plan. Sourcing of trees should be from UKISG endorsed nurseries to reduce the risk of introducing pests and diseases.
- Notes added to River and Canal corridor section 3.5 that riparian planting should not damage the riverbank. Nature conservation enhancements shall have a long-term management plan approved prior to implementation.
- References added:
  - Active Design, Planning for health and wellbeing through sport and physical activity, Sport England, 2015
  - Designing for Physical Activity, Routes and Wayfinding, Sport England, 2019
  - Streets for All, Advice for Highway and Public Realm Works in Historic Places. Historic England, 2018
  - Streets for All South West, Historic England, 2018
  - External lighting of historic buildings, Historic England, 2020
  - Designing, Installing and Maintaining an External Lighting Scheme, Historic England, 2020
  - Secure Stations Scheme, British Transport Police Authority and DfT. 2018
  - Cycle Rail Toolkit 2, Cycle Rail Working Group, Rail Delivery Group 2016
  - Secured by Design, Design guides, Police Crime Prevention Initiatives, various

- 4.17 Of the nineteen respondents to the third consultation, five comments were received from developers, four of whom sent very similar responses. All supported the production and aims of the Public Realm Design Guide, which they agreed should be a valuable and helpful tool to raise design standards within Taunton's public realm but were concerned with the availability and cost of materials in some situations. They suggested that the Design Guide needs to recognise that in some cases a lesser design approach or other materials will or may be equally acceptable and that the materials and specifications requested might not be available and (or) better solutions for paving could materialise in the future. – In response, SWT has produced the design guide as ad hoc materials selections have led to poor quality public spaces. We acknowledge that materials or specifications may need to change in future, but this does not prevent us from addressing what is required now. The guide will need to be revisited in future to maintain its relevance to current standards and availability of materials and furnishings.

Developers also expressed concern over any conflict between what SWT and SCC require on highways, such as road materials, street trees, street furniture and sustainable urban drainage measures in the public realm and suggests the Guide does

not offer further clarification as to how this would be addressed. They wish the implications of requiring enhanced materials on future commuted sums to be clear. - In response, a note to clarify the role of the planning officer to negotiate highways designs has been included in the document.

One developer suggested the guide was not for SWT to require but for the highway authority. – In response, this is noted but SWT as planning authority is responsible for determining applications that involve place making, urban design for health, environment, and movement on and off the highway network often before the highway authority get involved. This is the opportunity to raise design standards.

#### Adoption as a Supplementary Planning Document (SPD)

- 4.18 In order to be legally compliant, an SPD must be prepared, consulted upon, and adopted by resolution of Full Council in line with certain regulations as set out in the Town and County Planning (Local Plans) (England) Regulations 2012. Appended to this Report is a draft Adoption Statement (Appendix 4) and Consultation Statement (Appendix 3). Together, these documents set out how the SPD is legally compliant and comply with key regulations.

#### Strategic Environmental Assessment (SEA)/ Habitat Regulations Assessment (HRA) Screening

- 4.19 Under the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), an SEA is required for all plans which may have a significant effect on the environment. In addition to this, under Article 6(3) of the EU Habitats Directive and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an HRA is required when it is deemed that the implementation of the plan is likely to cause significant negative effects upon protected European Sites (Natura 2000 sites).
- 4.20 An SEA/HRA Screening Assessment has been undertaken to ascertain whether or not significant effects are considered likely to arise as a result of the district-wide Design Guide SPD, requiring full SEA/HRA. A draft Screening Assessment was consulted on with the statutory consultees, and the final report (see Appendix 5) takes account of comments received. The conclusion of the assessment is that the SPD does not require full SEA or HRA to be conducted.

### 5. Links to Corporate Strategy

- 5.1 Theme 1 – objectives towards the District **Carbon neutral by 2030'**; clear vision and delivery plan for the Taunton Garden Town'; ‘Provide and maintain green open spaces and parks, enhanced public spaces, as well as additional opportunities to safely walk or cycle in order to encourage active and healthy lifestyles’. This theme is highly relevant as the main purpose of the design guide is to raise the standard of the public realm and streetworks consistently across the Garden Town and encourage active travel.
- 5.2 Theme 3 – objectives to ‘Increase the number of affordable and social homes in our urban towns, rural and coastal communities; Facilitate the development of the residential blocks at Firepool, Taunton, in order to deliver new homes and public open spaces’; and ‘Seek additional funding for new strategic infrastructure and regeneration projects from developers, investors, Government and other funders, which support or enable existing or new communities within our district’. This theme is relevant as the main purpose of

the design guide is to raise the standard of the public realm and streetworks consistently across the Garden Town and encourage active travel. Firepool is a strategic regeneration site at the heart of the town and a high quality public realm will be an important consideration in any proposal.

## 6. Finance / Resource Implications

- 6.1 The cost of preparing the Public Realm Design Guide for Taunton Garden Town has been funded from the Local Plan Reserves. The cost of public consultation on the guide has also been funded by Local Plan Reserves.

## 7. Legal Implications

- 7.1 The preparation of the draft Public Realm Design Guide for Taunton Garden Town and the period of public consultation is in compliance with relevant legislation and guidance regarding supplementary planning documents including the Town and Country Planning (Local Development) (England) Regulations 2012 and the government's Planning Practice Guidance. Appended to this Report is a draft Adoption Statement (Appendix 4) and Consultation Statement (Appendix 3). Together, these documents set out how the SPD is legally compliant and comply with key regulations.

The final draft Public Realm Design Guide for Taunton Garden Town has been prepared in line with the relevant planning regulations. The draft Public Realm Design Guide for Taunton Garden Town SPD (see Appendix 2) is clearly identified as having been produced pursuant to policies DM4 of the Taunton Deane Core Strategy and D7 of the Taunton Deane Site Allocations, which aim to promote high quality design in the district.

The final draft Public Realm Design Guide for Taunton Garden Town SPD has been subject to consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Following consultation and adoption by Full Council, the SPD will be a material consideration in the determination of all relevant planning applications. However, the SPD will be without any prejudice to any decisions that the Council may take as Local Planning Authority in respect of individual site/s and any future planning applications.

## 8. Climate and Sustainability Implications

- 8.1 Completion, adoption and implementation of the Public Realm Design Guide and the Districtwide Design Guide are identified in the Council's Carbon Neutrality and Climate Resilience Action Plan as key actions. The Public Realm Design Guide recognises that sustainable, energy efficient and climate resilient design is integral to what constitutes good design. It is considered that the Public Realm Design Guide will have positive implications in terms of sustainability through guidance including the integration of placemaking and sustainability principles. This includes the following:

- Green Streets – requires streets to be designed to be greener which could include more street trees, swales, and planting/hedgerows for garden boundaries.
- Water – requires that priority is given to sustainable drainage processes and that a drainage strategy should help to shape the design of the open space, landscape and streets.
- Biodiversity – identifies how development can provide a net gain in biodiversity by including design features at the scales of neighbourhood, street and individual

house.

- Air Quality – the issue of air quality is addressed throughout the document through requiring that developments: - Prioritise active travel (walking and cycling) and public transport. - Incorporate street trees, planting, open spaces and landscape. - Include EV charging points for vehicles.
- Greenhouse Gas Emissions - The draft design guide should help to reduce greenhouse gas emission impacts through prioritising active travel and public transport over the car, making developments greener with more trees and landscape, requiring the provision of electric vehicle charging points and encouraging better energy efficiency in homes.

9. Safeguarding and/or Community Safety Implications

9.1 A priority of the Public Realm Design Guide for Taunton Garden Town is to create safe access and movement for all with direct routes, choice of routes, clear routes, and permeability.

10. Equality and Diversity Implications

10.1 An Equality Impact Assessment has been carried out and is appended to the report at Appendix 6. Additionally extensive public consultation has taken place in accordance with the Council's adopted Statement of Community Involvement. No representations were received from the community or from groups representing people with Protected Characteristics suggesting or requesting changes be made to the design guide.

11. Social Value Implications

11.1 The Public Realm Design Guide for Taunton Garden Town Design Guide is intended to have a positive influence on the quality of life, resulting in economic, social value and environmental benefits for the community.

12. Partnership Implications

12.1 As part of the Duty to Co-operate requirement (Town & Country Planning (Local Planning) (England) Regulations 2012), we will be expected to work with other public bodies, particularly neighbouring planning authorities and the County Council on any cross-boundary issues. Close working has particularly taken place with SCC Highways through a number of workshop meetings.

13. Health and Wellbeing Implications

13.1 The Public Realm Design Guide for Taunton Garden Town is intended to have a positive influence on the quality of life, resulting in economic, social value and environmental benefits for the community. A key aim is to encourage active travel, cycling and walking have a positive benefit for health and wellbeing.

14. Asset Management Implications

14.1 None at this stage, however the Council will consider opportunities for use of its assets to contribute to the delivery and promotion of high quality and sustainable built environments.

15. Data Protection Implications
- 15.1 None at this stage.
16. Consultation Implications
- 16.1 The consultations on this document have been in line with the SWT's Statement of Community Involvement and the Council's legal obligations. Following the consultation exercises, this report considers what modifications need to be made to the Public Realm Design Guide for Taunton Garden Town.
17. Executive Recommendation(s)
- 17.1 The Executive unanimously supported the recommendations of this report.

**Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – Yes**
- **Full Council – Yes**

**Reporting Frequency:** X Once only

**List of Appendices (delete if not applicable)**

Appendix 1	Schedule of Responses to Consultations
Appendix 2	Taunton Public Realm Design Guide - <a href="#">Appendix 2 - Taunton Public Realm Design Guide Part One</a> and <a href="#">Appendix 2 - Taunton Public Realm Design Guide Part Two</a>
Appendix 3	Consultation Statement
Appendix 4	Adoption Statement SPD
Appendix 5	Strategic Environmental Assessment and Habitat Regulations Assessment
Appendix 6	Equality Impact Assessment

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