

27/18/0002

FIRST STEP HOMES (WESSEX) LTD

Erection of 18 No. dwellings (9 No. affordable) with pumping station, car parking, landscaping and formation of vehicular access on land to the east of Oake as amended revisions to Plot 18; increase in parking provision, revised visibility splays; provision of motorcycle parking; parking bay for the pumping station

Location: LAND TO THE EAST SIDE OF OAKE

Grid Reference: 315503.125605

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 160927-1.2-OT-TPP-NC Tree Protection Plan
(A3) DrNo 160921-1.0-OT-TCP-NC Tree Constraints Plan
(A3) DrNo 1600-A-PL-34 Plots 16 & 18 Plan & Elevations
(A3) DrNo 1600-A-PL-33 Plot 17 Floor Plan & Elevations
(A3) DrNo 1600-A-PL-32 Plots 14 & 15 Floor Plans
(A3) DrNo 1600-A-PL-31 Plots 14 & 15 Floor Plans
(A3) DrNo 1600-A-PL-30 Plot 11 Elevations
(A3) DrNo 1600-A-PL-29 Plot 11 Floor Plans
(A3) DrNo 1600-A-PL-28 Plots 10, 12 & 13 Elevations
(A3) DrNo 1600-A-PL-27 Plots 10, 12 & 13 Floor Plans
(A3) DrNo 1600-A-PL-26 Plot 9 Floor Plans & Elevations
(A3) DrNo 1600-A-PL-25 Plots 6, 7 & 8 Elevations
(A3) DrNo 1600-A-PL-24 Plots 6, 7 & 8 Floor Plans
(A3) DrNo 1600-A-PL-23 Plots 4 & 5 Elevations
(A3) DrNo 1600-A-PL-22 Plots 4 & 5 Floor Plans
(A3) DrNo 1600-A-PL-21-Plots 1, 2 an 3 Elevations

(A3) DrNo 1600-A-PL-20 Plots 1, 2 & 3 Floor Plans
(A1) DrNo 1600-A-PL-11 Site Elevations
(A1) DrNo 14.1600.PL-10 Proposed Site Layout Plan
(A0) DrNo 14.1600.PL-02 Existing Site Plan
(A1) DrNo 14.1600.PL-01 Site Location Plan
(A3) DrNo 1600-A-PL-29-Plot 11 Floor Plans
(A3) DrNo 1600-A-PL-27-Plots 10_ 12 & 13 Floor Plans
(A3) DrNo 1600-A-PL-20 Rev A-Plots 1_ 2 & 3 Floor Plans
(A1) DrNo 1600-A-PL-11 Rev B-Site Elevations
(A1) DrNo 14.1600.PL-10 Rev B-Proposed Site Layout Plan
(A0) DrNo 14.1600.PL-02-Existing Site Plan
(A1) DrNo 14.1600.PL-01-Site Location Plan
(A3) DrNo 1600-A-PL-23 Rev A-Plots 4 & 5 Elevations
(A3) DrNo 1600-A-PL-24-Plots 6_ 7 & 8 Floor Plans
(A3) DrNo 1600-A-PL-25-Plots 6_ 7 & 8 Elevations
(A3) DrNo 1600-A-PL-26 Rev AA-Plot 9 Floor Plans & Elevations
Land to the East of Oake email 3 25 Feb 2019
(A3) DrNo 1600-A-PL-27-Plots 10_ 12 & 13 Floor Plans
(A3) DrNo 1600-A-PL-28-Plots 10_ 12 & 13 Elevations
(A3) DrNo 1600-A-PL-29-Plot 11 Floor Plans
1600-A-PL-30-Plot 11 Elevations
(A3) DrNo 1600-A-PL-31 Rev A-Plots 14 & 15 Floor Plans
(A3) DrNo 1600-A-PL-32 Rev A-Plots 14 & 15 Elevations
(A3) DrNo 1600-A-PL-33 Rev B-Plot 17 Floor Plan & Elevations
(A3) DrNo 1600-A-PL-34 Rev B-Plots 16 Floor Plan & Elevations
(A3) DrNo 1600-A-PL-35 Rev B-Plots 18 Floor Plan & Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of SLRs submitted report, dated September 2016 and include:
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 3. Measures for the retention and replacement and enhancement of places of rest for the species;
 4. Details of any lighting.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Reason for Pre-commencement: To ensure that a ecological mitigation strategy has been approved before works start on site.

4. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before any onsite works take place and thereafter maintained at all times.

Reason: In the interests of highway safety.

6. Prior to first occupation of the development hereby permitted, access to covered cycle, and electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and support the use of electric cars.

7. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the highway works are carried out satisfactorily.

8. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of pedestrian and highway safety.

9. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

10. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety.

Reason for Pre-commencement: To ensure that adequate measures are in place to avoid traffic congestion prior to construction starting on site.

11. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement at the site, and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety.

12. The cycle storage facilities shown on the approved plan shall be constructed and fully provided prior to the buildings being occupied/use commencing, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

13. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to the occupation of the first dwelling. The

scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

14. Before any part of the development hereby permitted is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

Reason for pre-commencement: To ensure that appropriate measures are in place to protect the hedgerows prior to construction starting on site.

15. Details of the proposed boundary treatments on the application site shall be submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwellings hereby approved.

Reason: To safeguard the character of the area.

16. Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

17. i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the

location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.

- ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
- iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: To ensure the safeguarding of protected trees prior to works starting on site.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, outbuildings, gates, walls, fences or other means of enclosure shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

19. Prior to the occupation of the approved dwellings, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and/or the monitoring of travel habits. The development shall not be occupied until the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To encourage sustainable travel patterns.

Notes to Applicant

1. LEAD LOCAL FLOOD AUTHORITY ADVICE NOTE

- The Applicant should discuss flood risk with the sewerage undertaker and confirm that the risk of sewer flooding is low.
- The Applicant should demonstrate that infiltration will not be viable before

discharging to a watercourse. This should be supported by information about infiltration rates, ground water depth, land contamination, and/or the solubility of the ground.

- In line with the latest Environment Agency guidance, the Applicant's drainage calculations should use an FEH rainfall model
- The Applicant should include a surcharged outfall in their calculations or demonstrate that the risk of the outfall being surcharged is low.
- Flooding of roads is allowable during rainfall events larger than the 1 in 30 annual probability event. However, the applicant must demonstrate that water is retained within the site and does not pose a risk to people or property.
- The Applicant should confirm that they own the land where the proposed sewer will be laid to connect to the Oake Stream, or that they have permission from the land owner to undertake and maintain the proposed work.
- The Applicant should demonstrate how the proposed surface water discharge will not adversely impact the water quality of receiving water bodies, both during construction and when operational. This should include demonstration of how the first 5mm of rainfall (or 'first flush') will be managed.
- The Applicant should provide an overland flow drawing which shows overland flow routes for water landing on the site and for of water which may enter the site from elsewhere.
- The applicant must demonstrate that this water will not pose flood risk to the development o Water should be stored until it can enter the system and should not leave the site.
- The Applicant should confirm which organisations will adopt and maintain, which parts of the proposed drainage system.
- The Applicant should demonstrate that it will be possible to maintain the proposed attenuation tank.

2. HIGHWAYS DRAINAGE ADVICE

The following observations, which should be taken into consideration as part of any detailed design process.

1. The surface water management strategy makes reference to the potential for the use of oversized pipes positioned within the area of prospective highway. If such storage is permitted under prospective highway areas then any pipe with a clear span of 900m or greater will be considered as a structure requiring Highway Authority approval and will be subject to the DMRB AIP process and detailed design approval.
2. The access to the site should be designed to fall away from Oake Road with all surface water runoff incorporated into the on-site drainage infrastructure. A gully should also be provided upstream of the new bellmouth junction to intercept surface water runoff.
3. Drainage provision will be required immediately upstream of the uncontrolled pedestrian crossing points proposed on Oake Road.

3. ECOLOGY ADVICE NOTE

The condition relating to wildlife requires the submission of information to protect bats and birds. The Local planning Authority will expect to see a detailed method statement clearly stating how bats and birds will be protected through the development process and be provided with a mitigation proposal

that will maintain favourable status for the bats and birds that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

4. PUBLIC RIGHT OF WAY ADVICE

The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.

5. HIGHWAYS ADVICE

The applicant will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

Proposal

Full planning permission is sought for the erection of 18 No. dwellings (9 No. affordable) with a pumping station, associated car parking, landscaping and the formation of a new vehicular access off the main road through the village. The application is supported by a Statement of Community Involvement; Ecological Impact Assessment; Arboricultural Impact Assessment; Transport Statement, Landscape and Visual Impact Assessment; Ground Investigation report; Drainage report; Housing Needs Assessment; Viability Assessment and Design and Access Statement.

The application has been drawn up following the Housing Needs Survey carried out by the Community Council for Somerset in 2014, in partnership with First Steps Homes and Taunton Deane BC on behalf of the parish council. This identified a need for up to 10 affordable houses within the Oake Parish. Pre-application consultation has been carried out with the Council. An Open Day within the village was held to canvas local opinion and further meetings held with the Council and the parish.

The housing mix comprises the following:

- 4 no. 4 bedroom open market dwellings;
- 3 no. 3 bedroom open market dwellings;
- 2 no. 3 bedroom open market bungalows;
- 2 no. 2 bedroom open market bungalows;
- 2 no. 3 bedroom discounted open market dwellings;
- 3 no. 2 bedroom discounted open market dwellings;
- 1 no. 2 bedroom affordable rent dwellings; and
- 2 no. 1 bedroom affordable rent flats.

A new access road will be formed off the main road which will require the removal of the existing roadside hedgerow to provide visibility splays. The new dwellings will be arranged in a linear form on either side of the new access road, with a turning head at the end of the cul-de-sac. The proposed materials are red brick with tiled roofs. A total of 46 parking spaces will be provided which includes 8 visitor parking spaces and parking for the pumping station. There will be 5 double garages and 4 single garages provided. Cycle storage will be provided within garden sheds and the garages. A small pumping station will be provided adjacent to Plot 14 which will discharge foul water into the existing system.

The plans have been revised since originally submitted. This includes amendments to the visibility splays at the access; an increase in visitor parking; re-aligning Plot 18 to have a frontage onto the main road and an increase in the size of the units.

Site Description

The site forms part of a large arable field located on the north eastern edge of the village. It lies outside the defined settlement boundary within open countryside. It is largely flat and it has wide ranging views towards the Blackdown Hills, The Quantocks and Taunton. The site is also visible from the main Hillcommon Road further to the north of the village. The north west boundary is defined by a bank with an established hedgerow. This adjoins a public footpath. There are some large trees on the north eastern field boundary along with some native hedgerows of approximately 1-1.5m in height. These oak trees are protected by a Tree Preservation Order. There is currently no immediate eastern boundary to the site as

this is part of a larger agricultural field. The south western boundary along the roadside comprises of a grass verge with low grass bank and an extensive length of native hedgerow species. On the opposite side of Regent Street to the south, lies existing social housing in Oake Acres, which is situated within the settlement boundary.

Relevant Planning History

27/15/0019/ENQ - Pre-application advice was sought in 2016 for residential development of up to 16 dwellings on this site. The advice given was that the site could be categorised as a rural exceptions site provided that a justified housing need could be demonstrated to support the provision of affordable housing.

Consultation Responses

OAKE PARISH COUNCIL - The Parish Council has provided a series of detailed objections citing that the development conflicts with a number of planning policies. Due to the level of detail, the submissions have been summarised below.

ORIGINAL COMMENTS MARCH 2018 - The Parish Council wishes to OBJECT to the application and request that it is refused.

The proposal conflicts with Policy DM2. It is outside the settlement boundary of Oake. The site is well related to some existing facilities in the village such as the school, shop and reasonably well located relative to the village hall and playground but it is poorly related to public transport and to other basic facilities such as a pharmacy and doctor's surgery. Proximity to good public transport links and the full range of basic facilities is why policy ensures development is focussed at or around rural centres.

Nowhere in the application is it discussed that the local need cannot be met in the nearest rural centre. The housing needs survey did not identify why this need cannot be met in the nearest rural centres. Our nearest rural centre is Cotford St Luke, closely followed by Milverton as they are our neighbouring parishes. To meet the above policy the developer must assess the available sites and housing in at least Cotford St Luke to find out whether they can meet the specific needs of the families or individuals in Oake who have said they require affordable housing.

No such assessment has been made. Given that housing land supply is in excess of a 5 year period (ref TDBC SHLAA 2017) in the allocated areas, including affordable housing overall in Taunton Deane, there does not appear to currently be any justification for development in the open countryside around Oake.

First Step Homes also appear to own the whole piece of land. This could leave Oake being open to future development.

The proposal does not meet Policy CP1 as Oake is in an unsustainable location for development where people will have to use their car to travel to work. This is because there is relatively poor public transport provision and there are no significant employers in the Parish. There is no provision for the protection of water in terms of water conservation or recycling measures. There is no evidence of the most basic consideration of sustainable drainage(SuDS)]. As a minimum SuDS ensures adequate treatment of run-off from development to protect existing local

watercourses, and ideally in this location would provide ecological benefit as well.

The proposal currently fails to demonstrate that it complies with policy CP4 as it does not appear to be in accordance with the settlement hierarchy established in policy SP1, and the prescribed mix of affordable housing does not reflect a locally evidenced need in respect of type, size and tenure. The 50% proportion proposed is very low for what aims to be an affordable housing site, supplemented by only the minimum necessary element of market housing to make it viable.

The applicant has not entered into any meaningful discussion with the Parish Council regarding what community facilities or local services the Parish may need now or as a result of the proposed development under CP5. Furthermore, the Parish are building evidence for their Neighbourhood Plan which is highlighting other facilities and services which the community would support, therefore further discussion would be welcomed.

The proposal is not in accordance with Policy CP6 as it is not located near a strategic road network or rail link, it does not improve links to Taunton and Wellington or the college or hospital. The service to Wiveliscombe & Taunton, which the applicant claims is an approx. 800m walk away, is well beyond the accepted rural walking distance stated by Taunton Deane of 300-400m. There is no public transport to Wellington.

This is an unallocated Greenfield site outside the settlement boundary and should be protected and where possible enhanced. The site is relatively large (given that it should be seeking to serve a small defined group of households whose needs can only be met in Oake). Due to its scale and location it would likely be intrusive on the landscape outside the main settlement boundary of Oake. The current surface water design does not provide ecological enhancement to mitigate for the loss of the open countryside. Although the applicant proposes to provide a new hedge line along the eastern boundary, the 'ornamental' hedge to the south would be inappropriate in this location and should be planted with naturally and locally occurring hedge plants and trees. This conflicts with Policy CP8.

This proposal is not at all in accordance with policy SP1. Whilst they have submitted a document they refer to as a 'sequential test', it does not conduct the test required by SP1 and jumps straight to considering sites around Oake without justification. There is no assessment submitted with the application to indicate that the closest minor rural centres (Milverton &, Cotford St Luke etc.) or the major rural centres (Wiveliscombe & Bishops Lydeard), which are all close to Oake, have been assessed for available and appropriate sites.

Local Need was assessed in 2014 with a Housing Needs Survey which is submitted with the application. 4 years have passed since this survey was carried out and it was not married with a detailed analysis of the actual households whose needs could only be met in Oake Parish. Given the limited scope of questioning, and lack of detailed matching of the development with households, we do not consider that it demonstrates an up-to-date picture of the needs in the Parish. Page 7-8 of the AH SPD para 1.15 indicates that the survey should be of a standard to provide robust evidence, and that exception sites will require the local housing need to be demonstrated through an up-to-date Parish Survey. The Parish Council do not

believe that the document submitted fits with this description. In addition, with our joint work with Somerset Community Council (SCC) we have been told that Surveys undertaken in 2014 are considered a poor attempt, which provided limited results compared to the surveys which are now carried out by SCC.

The Parish Council are carrying out the Neighbourhood Plan Process, therefore a better presented application could reflect an up-to-date and comprehensive housing need survey which we will be carrying out in the next month, rather than the ageing inadequate survey submitted.

The proposed design of houses is far from exemplar. To meet this SADM Policy D7, the design should be creating places with locally inspired or otherwise distinctive characteristics and materials and integrating into the surroundings through reinforcement of connections and the creation of new ones, to create legible and connected street networks.

Finally, an important omission seems to be the lack of any mention of moving the 30 mph zone out past the golf club entrance. When this was discussed with a highway engineer we understood this would be an integral part of the scheme. We would hope that a 20mph. sign would replace the present 30 mph sign. Evidence from our local speed watch team show that vehicle speeds along this route far exceed the speed limit and this must be addressed before any new development takes place.

FURTHER COMMENTS JULY 2018 -

Our Objection dated March 12th, 2018 still applies. A fully up-to-date housing needs survey (HNS), carried out by Community Council for Somerset (CCS), has just been completed by residents and the results are being collated. This will entirely supersede the ageing survey undertaken by the applicant and help identify the actual tenure, mix, and number of dwellings to meet an identified need in Oake for the next 5 years. The current HNS survey has asked questions that will allow a proper assessment of need to be undertaken, whereas the out-of-date survey's questions were less specific.

FURTHER COMMENTS NOVEMBER 2018 -

We write further to the email submission from TDBC's Housing Enabling Lead dated 3rd October 2018 which we have recently had an opportunity to consider as a Council. We are concerned that the response rates referenced in the email misinterpreted the structure of the 2018 survey, which makes the response rate to the housing Survey specifically (rather than the recent survey as a whole) an irrelevant and misleading comparator. We have written to explain this error and which we trust clearly sets out why the 2018 data is up-to-date, valid and should entirely supersede the 2014 survey. The community council for Somerset have described it as such : The 40% response rate, representing around 2 in 5 households in the Parish is statistically robust, and in CCS's experience is a strong community response.

FINAL COMMENTS - The Parish Council still OBJECT to the application and request it is refused. The applicant has not overcome all the issues we raised regarding this application. We refer you to our previous letters.

SOMERSET COUNTY HIGHWAYS - The proposal is for the erection of 18

dwellings with associated parking, vehicular access, landscaping and a pumping station. The proposal site sits off the classified Bradford Road in Oake. For clarity, the Highway Authority raises no objection in principle to the current application but does have concerns regarding some of the details of the application as submitted.

Transport Statement

The submitted application included a Transport Statement (TS) which has been analysed. On reviewing the submitted documentation, peak hour traffic generation was in reference to TRICS database calculations. Weekday peaks of 08:00-09:00 and 17:00-18:00 were provided although no justification of the selected time periods was given.

It is envisaged by the applicant that dwellings in areas such as the site in question typically have a trip rate of around 0.6 - 0.7 trips per dwelling in the peak hours where the residential development scheme is anticipated to generate a total of 11 two-way vehicular movements in the AM peak hour and similarly, 12 two-way vehicle trips in the PM peak hour. It is in the opinion of the Highway Authority that the current proposal would not require assessment or junction modelling in this instance. It is unlikely the traffic of this proposal on the highway would be severe. However any additional movement over and above the anticipated levels may require full travel details in the future.

Travel Plan

No Travel Plan Document was submitted with the current application. For clarity, a Measures-only Travel Statement with robust measures would be required for this proposed development and agreed once the relevant information is received and be secured via a S106 agreement. The submitted Transport Statement includes everything required from a Measures-only Travel Statement, apart from a list of measures. Car parking and cycle parking is in accordance with SCC Parking Strategy 2013. However please note, appropriate covered areas should be provided for cycle and motorcycles. A commitment to electric vehicle charging points should also be included. This is standard policy requirement.

The nearest bus stop is 750m from the site. To access this, pedestrians will have to walk on a grass verge in an un-lit area. The likelihood of a resident walking this distance on their own, with a buggy or in the dark is unrealistic. Given 50% of the proposed development is for affordable housing, consideration should be given for a stop nearer to the site. Please note, the function of the Travel Plan Coordinator (TPC) will need identifying. The Travel Plan (TP) must state the following: *The TPC will be responsible for implementing the TP and reporting against the Measures-only Travel Statement action plan. The TPC function will be fulfilled from the construction of the development, to occupation.* The TP must also state the amount of time per week that the TPC will have to manage the TP (please refer to Table 3.2 of the SCC TP guidance for guidelines) and give a commitment to getting the TPC qualified further to training provided by ACT Travelwise. The TPC should be given a budget to implement TP initiatives. Physical measures and features shown in the Transport Statement are to be included within the Measures-only Travel Statement.

Access

The proposal is for a simple T junction for means of access into the proposed development which in this instance is considered acceptable. It is noted from the

drawing provided than an 'x' distance of 2.4m is to be provided for the new junction access which is in accordance with Manual for Streets and is considered acceptable to the Highway Authority. It is noted from the drawing provided that a 'y' distance of 60m will be provided for the junction access. The current posted speed limit for the classified road is 30mph. The Highway Authority does note the proximity of the derestricted signage south of the proposed access and accepts the proposed 60m 'y' visibility splay in both directions in this instance.

However, the proposed uncontrolled crossing is to be across the classified road to connect to an extended footway on the southern side of Bradford Road. No visibility splays are shown for this uncontrolled crossing. An 'x' distance of 1.5m and an appropriate 'y' visibility splay for this uncontrolled crossing will be required. The proposed 5.5m width of the internal access road to be provided and the 6.0m junction radii is considered acceptable to the Highway Authority. The submitted swept path analysis for the largest associated vehicles to the site appears acceptable. The 2m proposed footways are in accordance with DfT's inclusive mobility.

The approach gradient for the access road to Bradford Road should be a maximum 2% uphill gradient over 15m where it connects into the channel line of Bradford Road. This will ensure that surface water drains back into the site and not out onto the highway. It will also provide a level section of carriageway for vehicles to pull out safely. Carriageway cross section drawings for each chainage across the frontage of the site would need to be submitted to show appropriate features such as channel line levels, tops of kerbs, centre line of the carriageway etc. whilst encompassing the full width of the adopted highway. Longitudinal or contour drawings haven't been submitted. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely. Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards.

It is recommended that suitable and sufficient road markings are provided for consideration whilst the 'gateway' arrangement to the east is amended to improve the traffic calming nature of the feature. The designer must submit a comprehensive set of traffic management drawings and sign schedules for approval by the SCC area traffic engineer. The Highway Authority would recommend the following:

1. Refresh the carriageway markings forming the gateway entry feature
2. Replace the existing offside 30 mph sign with a new yellow backed sign to the same size as the near side sign and in line with the nearside sign in the new verge to increase the impact of the gateway feature.

Estate Roads

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code.

The proposed tactile paved crossing location between plots 17 and 18 must be located outside of the extent of the driveway serving plot 18.

An adoptable 2.0m wide footway should be provided between the back of the parking bays and plots 6-8. The length of footpath that extends between the boundary wall of plot 6 and the parking bays serving plot 5 will not be adopted by the Highway Authority and should therefore be privately maintained. The parking

bays fronting plots 6-8 should be constructed to a minimum length of 5.5m as measured from the back edge of the prospective public highway boundary. For clarity the junction of the proposed site access should incorporate 6.0m radii.

The applicant will need to confirm who will be responsible for the future maintenance of the grass areas with trees adjacent to plots 1-2, 4-5 and northeast of plot 14. Surface water from private areas, including drives and parking bays will not be permitted to discharge onto the prospective public highway. Private interceptor drains shall be provided to prevent this from happening. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required, with a copy forwarded to the Highway Authority. The gradient of the proposed access road shall be no steeper than 1:20 for a distance of 10m as measured from the edge of the existing public highway. It has been presumed that the internal estate road will take the form of a type 4 bituminous macadam carriageway. On this basis, the carriageway should be designed with a longitudinal gradient no slacker than 1:90/1:100.

It is noted that the turning arm between plots 13 and 14 will provide access to a field. If this access is to be used by farming machinery any gates hung must be set back an acceptable distance to allow a vehicle to be parked off the highway when opening the gates, and the gates should be hung to open inwards.

With regard to the pumping station, parking bays should be provided for vehicles using the facility, especially when carrying out maintenance works etc.

Where private access paths crossover the prospective public highway margins they should be constructed as per typical footway specifications. Paving slabs will not be permitted.

Any planting either within or immediately adjacent to the prospective public highway will need to be supported by the submission of a comprehensive planting schedule to the Highway Authority for checking/approval purposes. Any planting within the highway will need to be supported by a commuted sum payable by the developer. Allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers.

No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

The developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance of this requirement.

The developer shall be held responsible for any damage caused to the public

highway by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the SCC Highway Supervisor showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.

Any existing service located within the carriageway, verge or footpath fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services to be lowered to a depth to allow full road construction, inclusive of capping material, to be constructed over. Any design must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 64 NRASWA 1991.

A Section 50 licence will be required for sewer connections within or adjacent to the highway. Licences are obtainable from BSupport-NRSWA@somerset.gov.uk. At least four weeks' notice is required. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

Drainage

Whilst there are no objections in principle to the proposed surface water management strategy proposed within the submitted documents from the applicant, the Highway Authority wishes to make the following observations, which should be taken into consideration as part of any detailed design process.

1. The surface water management strategy makes reference to the potential for the use of oversized pipes positioned within the area of prospective highway. If such storage is permitted under prospective highway areas then any pipe with a clear span of 900m or greater will be considered as a structure requiring Highway Authority approval and will be subject to the DMRB AIP process and detailed design approval.
2. The access to the site should be designed to fall away from Oake Road with all surface water runoff incorporated into the on-site drainage infrastructure. A gully should also be provided upstream of the new bell mouth junction to intercept surface water runoff.
3. Drainage provision will be required immediately upstream of the uncontrolled pedestrian crossing points proposed on Oake Road.

Conclusion

The Highway Authority considers that the TS submitted in support of this application, is broadly acceptable and the traffic impacts anticipated from the proposed development cannot be regarded as 'severe'. Therefore the Highway Authority does not object to this proposed development. If the Local Planning Authority were minded to grant planning permission the Highway Authority recommend the following conditions are attached:

1. Prior to the commencement of the development, a Travel Plan is to be

submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and or the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

2. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before any onsite works take place and thereafter maintained at all times.
4. Prior to first occupation of the development hereby permitted, access to covered cycle, and electric vehicle charging points will need to be available to all dwellings. This is to be provided within the garages or through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
5. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
6. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
7. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
8. No work shall commence on the development hereby permitted until details of amendments to all associated access roads including pedestrian and vehicle visibility splays have been submitted to and approved in writing by the Local Planning Authority. This is to include but not limited to adjacent speed reduction features (e.g. potential signs and gateway features). Such works to the accesses shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before the development is brought into

use.

9. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
11. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement at the site, and thereafter maintained until the use of the site discontinues.

Note

The applicant will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

SOMERSET COUNTY COUNCIL HIGHWAYS (Final Comments) - It is noted that Transport Statement produced, together with a summary of action plan covers a vast majority of what is required within a Measures-only Travel Statement. However, It should be noted within the summary of measures that EVC's, car share and Travel Plan Management Fund to cover promotional events are also required and will be delivered. In this instance a suitable Measures-only Travel Statement can be agreed in writing and conditioned prior to first occupation, given it falls into the lower threshold.

It is also noted that there are changes to the latest proposed Site Plan (14.1600.PL-10 B), whilst no comments have requested to date, any further comments will be made at the S38 stage (subject to consent) should the site be offered up for adoption.

WESSEX WATER - No comments received.

LOCAL LEAD FLOOD AUTHORITY - The Applicant proposes the construction of 18 dwellings with associated infrastructure (including a pumping station). The site occupies an area of 0.79 ha and is currently used for agricultural purposes. The

Oake Stream is located approximately 150m northeast of the site at an elevation of 40m AOD. The nearest Main River to the site is the Hillfarrance Brook, approximately 850m to the south. The topography of the site is relatively level, standing at approximately 50m AOD.

We recommend that the following information is provided prior to the Council granting planning permission for this development:

- The Applicant should discuss flood risk with the sewerage undertaker and confirm that the risk of sewer flooding is low.
- The Applicant should demonstrate that infiltration will not be viable before discharging to a watercourse. This should be supported by information about infiltration rates, ground water depth, land contamination, and/or the solubility of the ground.
- In line with the latest Environment Agency guidance, the Applicant's drainage calculations should use an FEH rainfall model.
- The Applicant should include a surcharged outfall in their calculations or demonstrate that the risk of the outfall being surcharged is low.
- Flooding of roads is allowable during rainfall events larger than the 1 in 30 annual probability event. However, the applicant must demonstrate that water is retained within the site and does not pose a risk to people or property.
- The Applicant should confirm that they own the land where the proposed sewer will be laid to connect to the Oake Stream, or that they have permission from the land owner to undertake and maintain the proposed work.
- The Applicant should demonstrate how the proposed surface water discharge will not adversely impact the water quality of receiving water bodies, both during construction and when operational. This should include demonstration of how the first 5mm of rainfall (or 'first flush') will be managed.
- The Applicant should provide an overland flow drawing which shows overland flow routes for water landing on the site and for of water which may enter the site from elsewhere.
- The applicant must demonstrate that this water will not pose flood risk to the development. Water should be stored until it can enter the system and should not leave the site.
- The Applicant should confirm which organisations will adopt and maintain, which parts of the proposed drainage system.
- The Applicant should demonstrate that it will be possible to maintain the proposed attenuation tank.

However, should the Council be minded to grant planning permission, we recommend that the Applicant submits the information requested above along with the following information requested in suitably worded planning conditions:

- Demonstration of how proposed measures have been incorporated into the proposed development, which ensure no increased risk to people and property elsewhere;
- Detailed construction layout drawings that demonstrate the inclusion of SuDS, where appropriate, and the location and size of key drainage features;
- Detailed construction drawings of proposed features such as infiltration structures, attenuation features and outfall structures;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event;
- Calculations that demonstrates there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authority;
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company;

LANDSCAPE - The submitted LVIA is sound. I have no landscape objection to the proposal, subject to the proposed new hedgerow planting.

BIODIVERSITY - The application is for the erection of 18 dwellings with pumping station, car parking and landscaping and formation of vehicular access on land to the east of Oake. Approximately 85m of hedgerow will be lost to the development. In compensation, 110 m of new hedgerow will be planted along the eastern boundary of the site along with 80 m of hedging to the south of the site.

SLR carried out an Ecological Impact assessment on the land dated September 2016. Findings were as follows:

Bats

Bat transect surveys were undertaken on three occasions and two emergence surveys were carried out on the barn and the four oak trees on site. In addition an anabat was placed on site.

No bats emerged from the trees but the surveyor noted three bats emerging from the eastern gable of the outbuilding. Hedgerows on site provide opportunities for commuting and foraging bats mainly pipistrelle but also serotine and noctule bats. No artificial lighting shall be permitted on the eastern gable of the barn and retained hedgerows should also remain unlit. I support the proposal to erect bat boxes.

Dormice

One hundred nest tubes were placed in the hedgerows on site but no evidence of dormice was found.

Great crested newts

Twelve ponds were identified but permission for access was only given for eight of the ponds. Surveyed ponds had low HIS scores and so low potential for GCN.

Birds

Vegetation on site provides suitable nesting habitat for birds.

A barn owl was observed during the October bat survey flying along the western hedgerow.

Clearance of vegetation should take place outside of the bird nesting season. I support the proposal to erect bird boxes.

Reptiles

Habitat for reptiles is restricted to the hedgerow margins and an area of rank grass within the western corner of the site.

An adult grass snake was observed basking at the base of the western hedgerow in June. I support suggested precautionary measures with regards to reptiles.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of SLRs submitted report, dated September 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any lighting

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new

bird and bat boxes and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

The condition relating to wildlife requires the submission of information to protect bats and birds. The Local planning Authority will expect to see a detailed method statement clearly stating how bats and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the bats and birds that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

ENVIRONMENT AGENCY - No comments received as site is in Flood Zone 1.

HOUSING STANDARDS - No comments received

HOUSING ENABLING – A Housing Needs Survey was undertaken in 2014 which highlighted the need for 10 affordable homes, in the form of Discounted Open Market and rental properties, of which 7 showed a need within the next 2 to 5 years. Furthermore, the current Homefinder Somerset figures indicate 5 applicants for rented properties stating Oake as their Parish First Choice.

The proposed mix includes:

- 6 Discounted Open Market Units – 3 x 2b4p and 3 x 3b5p
- 3 Affordable Rent – 2 x 1b, 2 x 2b

Taking into account the results of the Housing Needs Survey, along with the current Homefinder figures, the proposed mix and tenure is considered to meet local demand.

Housing Enabling are concerned that the proposed discount of only 20% would not be affordable to local residents. A discount of at least 30% would be required to provide an affordable housing option within the reach of the local incomes. The developer should seek to provide the rented units from Taunton Deane's preferred affordable housing development partners list and should be allocated through the Choice Based Lettings system, Homefinder Somerset with a local connection requirement.

HOUSING ENABLING (FURTHER COMMENTS) - Following the Housing Enabling comments made in March 2018, a revised Housing Needs Survey has been provided by the Parish showing a reduced level of need for 3 affordable homes.

The response rate for the Oake Parish July 2018 Housing Need Survey was 8% . A response rate of around 20% upwards is generally considered a reflection of a Parishes housing need. The 2014 Housing Needs Survey had a 32% response rate.

In light of the low response rate to the recent survey, Housing Enabling have reviewed Homefinder Somerset Choice Base Lettings data. The information shows 7 applicants currently expressing Oake as their Parish first choice of which the 2 x 1 bed and 1 x 2 bed proposed rented homes would contribute to meeting this housing need.

In terms of low cost home ownership, Housing Enabling have taken into consideration the 2014 Housing Needs Survey that identified a need for 5 - 6 Low Cost Homes during the next 2-5 years, along with the lack of low cost home ownership options currently available within the parish.

Housing Enabling therefore support the mix and tenure proposed in the application. However, Housing Enabling re-iterate that the proposed discount of only 20% would not be affordable to local residents. A discount of at least 30% would be required to provide an affordable housing option within the reach of local incomes.

The developer should seek to provide the rented units from Taunton Deane's preferred affordable housing development partners list and should be allocated through the Choice Based Lettings system, Homefinder Somerset with a local connection requirement.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comments received.

POLICE ARCHITECTURAL LIAISON OFFICER - No objections subject to the following comments –

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

"Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."

Guidance is given considering '*Crime Prevention through Environmental Design*', '*Secured by Design*' principles and 'Safer Places.

Layout of Roads & Footpaths – vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features such as road surface changes within the development helps reinforce defensible space giving the impression that the area is private and deterring unauthorised access. Such changes are indicated in the communal parking area near the entrance to the development and the innermost junction and I recommend they also be considered at the entrance to the development. The single vehicular entrance/exit also has advantages from a crime prevention viewpoint in that it can help frustrate the search and escape patterns of the potential offender. I have some concerns regarding the proposed footpath link to the PROW between Plots 10 & 11, as this increases the permeability of the cul-de-sac and enables the potential criminal to legitimately gain access to the entire development. It also increases the potential vulnerability of the adjacent Plots.

The alternative route to the entrance to the PROW is not that long and, from a crime prevention perspective, it would be preferable if this footpath link were omitted from the proposal. Presumably, the field access indicated opposite this footpath link is required by the landowner for maintenance purposes etc.

Orientation of Dwellings – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. From the Site Layout Plan, this appears to be the case, with dwelling frontages being mainly laid to lawn with low level shrub planting to front gardens.

Vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. The Site Plan indicates that the existing rear hedgerow boundary will be retained where feasible and new native hedge planting where necessary. This new hedging may require reinforcement with fencing until established. The plan also indicates that timber close board fence will be installed in rear gardens which, provided it is the above recommended height, should prove sufficient for the crime risk. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable.

Car Parking – parking comprises a mix of in-curtilage garages and parking spaces and two areas of communal on street parking spaces, the former being the recommended option. Both of the communal parking areas are small, close to and overlooked by the dwellings they serve, which is also recommended for communal parking.

Landscaping/Planting – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

Street Lighting – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

Physical Security of Dwellings – in order to comply with **Approved Document Q: Security - Dwellings**, all external doorsets and easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

Secured by Design - if planning permission is granted, the applicant is encouraged to refer to the 'SBD Homes 2016' design guide available on the police approved Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

SCC RIGHTS OF WAY – I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs alongside the western boundary site at the present time (footpath WG 9/6). Any proposed works must not encroach on to the current available width of the footpath. The link from the development to the footpath is welcomed and if the estate road is to be adopted then the link to the public footpath should be included as part of any adoption agreement.

We have no objections to the proposal, but the following should be noted: The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.

LEISURE DEVELOPMENT – In accordance with TDBC adopted Plan policy C2 and appendix D (SADMP), provision for children’s play should be made for the residents of these dwellings. An off-site contribution for children’s play of £3150.00 per each 2 bed+ dwelling should be made. The contribution should be index linked and spent on play equipment within the vicinity of the development.

PLANNING POLICY - Oake is identified as a village in Policy SP1 of the adopted Taunton Deane Core Strategy. The application site is situated outside the existing settlement limit and in open countryside. The boundary of the site touches the settlement limit at two points; adjoining the main street through the village and the property called The Forge. Oake has limited services and facilities albeit more than many of the other smaller settlements not recognised as Minor Rural Centres in the adopted Core Strategy

Policy DM2 (Development in the Countryside) permits affordable housing outside settlement limits but states that it should be located within the nearest rural centre (Milverton and Cotford St Luke), and then in other locations as defined by local need and where it is well related to existing facilities.

The Affordable Housing Statement & Sequential Test Report accompanying the

application includes a sequential appraisal of sites adjacent to the settlement limits of Oake. There appears to be no information about consideration of sites within Milverton and Cotford St Luke and, whilst the 2014 evidence to support local need shows requirements up to 5 years, how housing need may have changed since then (particularly important as since this time new development has been consented in Cotford in-particular which has made provision for new affordable housing).

It is primarily for our Enabling colleagues to comment on the justification for the scheme in respect of local need.

TDBC's adopted Site Allocations and Development Management Plan (SADMP) contains detailed development management policies on specific planning issues not included in the Core Strategy.

Policy A1: sets our car, motorcycle and cycling parking provision. The application exceeds the maximum car parking spaces to housing type, and under provides for visitor spaces (0.2 spaces per dwelling where less than 50% of parking is unallocated). It does not provide any motorcycle spaces (A minimum of 1 motorcycle parking space per 5 dwellings or 1 motorcycle space per 20 car spaces, whichever is the greater) or cycle parking spaces (a minimum of 1 per dwelling).

The scheme or indeed, any proposed housing scheme within Oake is unlikely to fully comply with Policy A5 on transport accessibility standards. This is because of the rural nature of the village and its relative remoteness from higher order services and facilities.

Policy D10: sets minimum internal floor space, storage and external space requirements for new dwellings. Plots 2, 4, 5, 9, 14 and 15 fall below this minimum standard for internal floor space, and plots 1 and 2 do not appear to have access to a shared outdoor garden or usable outdoor space.

Oake Parish Council have recently undertaken to produce a Neighbourhood Development Plan for their Parished area. At present this community-led plan does not carry any material weight.

TREE OFFICER - Overall, the proposed layout appears to locate the houses so that they are far enough away from the boundary hedges and trees to not cause undue harm to the roots. Whereas initially I was concerned about the loss of the oak on the western boundary, having inspected this tree more closely, I find that I agree with the assessment in the tree survey, in that it is an old coppice tree that has decayed and partially split apart. The existing foliage is clearly sparser than normal for the species, with minor dead wood throughout. It therefore does not merit a TPO, and should not be considered a constraint to development.

Although the mature trees along the northern boundary (protected by TPO) are far enough away to avoid being significantly damaged by the new houses, with regards to the roots, I do have some reservations about having dwellings this close to mature trees that typically have minor dead wood throughout, drop leaves and generally cause concern to new residents because of the fear of them falling, or branches falling. The trees would inevitably be more vulnerable because of the new

proximity to 'targets', i.e. people and property.

Shame about the loss of hedgerow along the front boundary. Although new hedgerow can be planted, under the Hedgerow Regulations this would not be considered a justification for removing an important hedge. It should also be noted that if houses are built on the site, the boundary hedges would no longer be protected by the Hedgerow Regulations, so there would need to be a condition that protected the hedges indefinitely.

Representations Received

Six letters of objection have been received and are summarised below:

- the village school is at capacity;
- the roads are too busy and the new access close to a blind corner is dangerous;
- there is no need for more housing in the village;
- only part of the field is included within the site, what happens to the rest of the field?;
- the scheme fails the sequential approach to identify rural exceptions site;
- alternative sites are available north west of Saxons Close;
- excessive amount of open market housing;
- loss of greenfield agricultural land;
- insufficient detail on drainage/SUDS
- unsustainable location.

A further 6 letters of objection have been received following the submission of revised plans earlier this year.

A letter from the Oake, Bradford & Nynehead CEVC Primary School states:

"Pressure on road safety: Traffic flow and speed is already an issue on the public road through Oake. We monitor this as part of our Health & Safety responsibilities from the perspective of the school, but are concerned that measures need to be taken to mitigate the impact of the increased traffic due to the development to ensure the safety for both pedestrians and vehicular traffic. We ask the planners to consider Highway improvements. We believe the following traffic calming measures would be beneficial:

- > Speed table on corner of road to reduce traffic speed and enable a safer children's / pedestrian crossing;
- > Safe road crossing serving school e.g. Zebra crossing;
- > Improve ease of access to school site.

Pressure on school places: Our pupil numbers are currently comfortably within our four-class school structure this year. We expect numbers to rise to 115 next year leaving 5 places before we are at capacity. With the addition of 11 three bedroom plus family homes and smaller homes which are 50% affordable, by design we believe that a higher proportion of homes will have young families that will need our school facilities. This would require us to run a 5th class which we would be pleased to implement, but we would need investment in the school building to achieve, the ideal solution would be to convert the existing hall into a classroom and construct a new hall that is fit for purpose for 120 plus children. We ask the planners to consider

contributing CIL to fund improvements to the school to provide extra school capacity.

Pressure on school grounds: Although our outdoor space is a brilliant resource, it is substantially under the required guidelines at 0.4875 hectares and we need additional grounds of at least 0.3319 hectares to meet national recommendations for delivering education. We ask the planners to consider contributing CIL to fund increasing the school grounds to address an issue the development will worsen.

Planning requirements could potentially be met in partnership with our school: We are a community space for the village where young people naturally meet due to education, after school clubs etc. We think there is potential for:

- **Community playground:** We are the natural location for the community playground TDBC have specified as a planning requirement in the vicinity of the development. It would be used by the wider community outside of school hours as well as by our pupils during school hours, and provide the greatest possible scope for community use. The design might include elements that support play for the Oake youngest children in addition to fixed fitness equipment that could be used by everyone in the community, whatever their age.
- **Wildlife area:** It might be possible for an extension of school grounds to support the provision of a location for a new wildlife area to provide replacement habitat and increase species numbers. Oake plantation is directly behind the school and if grounds were extended in this direction would provide the ideal base while the area was established. It might be possible to provide a learning base for children to learn about nature and to establish a forest school while also allowing the wildlife to flourish.

We ask the planners to consider making the school part of the solution to planning requirements of the development and to make CIL contributions available to enable this. The school would be pleased to take on these areas for the benefit of the community. The school could work in partnership with TDBC and First Step Homes to address our and the communities' concerns with the aim of developing a solution that leaves a worthy legacy for our community."

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,
SP4 - Realising the vision for rural areas,
CP8 - Environment,
D10 - Dwelling Sizes,

D12 - Amenity space,
D7 - Design quality,
A1 - Parking Requirements,
SD1 - Presumption in favour of sustainable development,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed dwellings measure approx. 1700sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £212,500.00. With index linking this increases to approximately £282,750.00.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough	£21,943
Somerset County Council	£5,486

6 Year Payment

Taunton Deane Borough	£131,659
Somerset County Council	£32,915

Determining issues and considerations

The Principle of Development

The Taunton Deane Core Strategy 2012 sets out the most accessible and sustainable locations for development within the Borough. Policy SP1 sets out a settlement hierarchy with the Taunton urban area being the main focus of growth. Within the rural areas, Oake is identified as a smaller village where settlement boundaries will be retained. Development outside of these boundaries will be assessed as being in open countryside under Policy DM2.

Policy DM2 states that affordable housing will be supported outside settlements if:

- a) adjoining settlement limits, provided no suitable site is available within the rural centre,*
- b) in other locations well related to existing facilities and to meet an identified local need which cannot be met in the nearest identified rural centre.*

Core Strategy Policy SP4 relating to the vision for rural areas seeks to encourage a "step change" in the provision of rural housing, including Rural Exceptions Sites.

Such sites are to be considered under Core Strategy Policy DM2.

The proposed development is considered to fall into the Exception Site criteria set out within the Affordable Housing SPD adopted in May 2014. It recognises that some affordable housing needs and priority sites for affordable housing within or adjacent to rural settlements can be acceptable as long as there is an identified housing need.

The SPD states that *"the Council will expect these developments to be small scale and should:*

Meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met. Local housing needs will need to be demonstrated via an up to date Parish survey. The cost of the survey is to be borne by the applicant.

Be within or adjacent to the settlement boundary, well related to existing community services and facilities and sympathetic to the form and character of the village.

Consider all available sites around a settlement in order to identify the most suitable site. The development should be of an appropriate size as not to have an overbearing impact on the settlement or the countryside.

Arrangements will be secured to ensure that initial and subsequent occupancy of the dwellings is restricted first to those having an identified local need for affordable housing through the use of appropriate safeguards, including planning conditions or Section 106 obligations.

In the event that a small proportion of cross subsidy through open market housing is required to facilitate the provision of the remaining affordable housing to meet an identified local need, this will need to be discussed with the planning officer and housing enabling lead prior to submitting a planning application. A detailed statement, including viability information independently verified at the applicants cost by the Council's preferred independent assessor should be submitted with the planning application."

In this case, the site is located adjacent to the village settlement boundary to the west and to the south. Although the village is classified as being within the lowest tier of settlements under Policy SP1, it does benefit from some services. The village has a primary school in close proximity to the site and there is also a small community shop, post office, pre-school and a well served community hall and recreational ground. Although the village is not served by public transport, this is a common feature of rural areas. Pedestrian access to these existing local facilities makes this site an acceptable sustainable location for the proposed housing. It is therefore considered that the site can be treated as a Rural Exceptions site provided that an identified housing need can be demonstrated.

Identified Need for Housing

A Housing Need Survey (HNS) was carried out in 2014 by the Community Council for Somerset in partnership with First Step and Taunton Deane BC on behalf of Oake Parish Council. It identified a need for up to 10 affordable houses within the parish. This survey has a lifespan of up to 5 years and so remains a material consideration in the determination of this application. The application proposes 9 affordable units

on site to meet the identified need, a provision of 50%. The Viability Assessment has demonstrated that the scheme would not be viable without the proposed 9 no. open market dwellings.

The Parish Council has robustly objected to the proposed development, citing that the current HNS is out-of-date and was not properly executed. However, the HNS was carried out using standard methodologies and is still of relevance. It is acknowledged that the Parish carried out their own HNS in 2018 as part of their Neighbourhood Development Plan process. This survey concluded that the housing need was much lower at 3 dwellings. However, this has not been subject to scrutiny or balanced with objective data at this current time. This plan is at an early stage of preparation and is not an adopted document. Therefore very little weight can be given to it in planning terms.

With regards to the comments from the Housing Lead over the discount applied, the applicant has agreed to 30%. This will bring the affordable housing option within the reach of local incomes. The Housing Lead is satisfied that the development would meet an identified need for affordable housing. It is also concluded that there are no sequentially preferable sites within the parish.

Design and Layout

The character of Oake is derived of a mixture of older traditional red brick houses, interspersed with rendered or brick bungalows and more recent development in Saxon Close. The proposed layout shows a mix of bungalows and two storey terraced, semi-detached and detached dwellings arranged around a central access road and cul-de-sac. The scale of the proposed dwellings in terms of their height will be in keeping with the rest of the village. The proposed materials of red brick with reconstituted stone window heads and cill fits in with the predominant materials used in the village. Plot 18 has been re-orientated to have a frontage onto the main road adjacent to the main road. Plots 1 - 3 will have rear elevations and rear gardens backing onto the main road, which is not ideal in visual terms. The size of each unit has been increased so that the internal floor areas exceed the prescribed National Space Standards, which are incorporated within SADM Policy D10. Overall, the design and layout of the scheme is considered to be fairly standard. However, this is a Rural Exceptions Site being driven by the need for affordable housing which will benefit the local community. The development is considered to broadly fit in with the mixed character of development in the surrounding area. On balance, the design and layout is considered acceptable.

Highways

The plans have been revised to amend the car parking provision in relation to an increase in visitor parking and revised visibility splays. A footpath link will connect to an existing Public Right of Way (PROW) to the west of the site boundary. No objection has been raised by the PROW officer subject to no damage being caused to the public path. In addition, a new pedestrian path will provided to the west of the new access, which will terminate where the existing footway on the opposite side of the road begins. Somerset County Highways has raised no objection in principle subject to the imposition of a number of conditions. These will ensure that the

highway works are carried out satisfactorily.

Trees

The site comprises an arable field with well defined boundaries of hedgerows and trees. There are 5 oak trees on the north west field boundary which are protected by a Tree Protection Order. The proposed development will be sited sufficiently far from these trees so that the trees will not be directly affected. It is acknowledged that future residential occupiers may in the future wish to cut back branches. However, any works to the protected trees will require consent and therefore the extent of any future surgery can be controlled. It is proposed to fell a young oak tree within the western hedgerow in order to facilitate the development. The arboricultural survey notes that this tree has lost a principal branch and has a major wound at the base. It is therefore assessed as a Category C tree, of low quality. There will also be loss of part of a hedge along the west boundary to enable the proposed pedestrian connection to the adjoining PROW. In addition, the hedgerow on part of the southern boundary will be lost to enable an access into the site. This hedgerow is also assessed as being Category C. Whilst the loss of the hedgerow is regrettable a new hedgerow will be planted and secured by condition. The protection and retention of the remaining boundary hedges will also be controlled by condition.

Ecology

The proposal will result in the loss of an 85 metre section of hedgerow. It will be compensated by a 110 metre new hedge on the eastern boundary and a further 80 metre section to the south of the site. This is considered acceptable subject to appropriate conditions. The ecological report noted that there was no evidence of dormice. The hedgerows along the boundaries provide commuting and foraging areas for bats. The proposed ecological mitigation measures are the erection of bat and bird boxes which will be secured by condition.

Public Open Space

Development on the site would generate a requirement for a financial contribution towards off-site play equipment. There is an existing well-equipped play area close to the village hall. The applicant will need to liaise with the Parish Council as to how the financial contribution can be best utilised. This can be secured via Section 106 agreement.

Flood Risk and Drainage

The site is located in Flood Zone 1, an area of the lowest flood risk. The nearest main river, Hillfarrance Brook, is located 850 metres to the south. The site is therefore not at risk of significant fluvial flooding. The area is also identified by the Environment Agency as being of "very low" risk of surface water flooding. It is also at low risk of ground water flooding. There has been no evidence of historic flood events in this area.

Soakaway drainage via a SUDS system is not appropriate for this site due to the underlying geology of mudstones. It is proposed to install a surface water drainage system comprising of oversize pipes and an underground storage tank which will discharge into the Oake Stream to the north. Due to gravity, it will not be possible to drain the new foul water into the existing public foul water system. The new dwellings will drain to the new pumping station and then will discharge into the public manhole in Oake Close by a rising main.

The principle of the proposed drainage systems is considered acceptable. This is subject to planning conditions and the submission of further information to the drainage and highway authorities for separate approval.

Conclusion

The NPPF encourages a proactive approach to providing affordable housing in areas where there are identified needs and where open market housing is also required to allow the site to be developed. The proposed housing scheme also accords with the wider aims of the Taunton Deane Core Strategy in providing for sustainable mixed and inclusive communities for housing for people in need. The proposal accords with Core Strategy CP4 which supports Rural Exceptions Sites where there is an identified local housing need. The proposal also complies with Policy DM2 as the site adjoins the settlement boundary and is within walking distance of local services.

It is recommended that planning permission should be granted subject to conditions and a Section 106 agreement to secure a financial contribution for off-site play provision.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

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