

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

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## **Recommendation**

**Recommended decision: Conditional Approval subject to S106**

### **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-37 Plots 12A & 12B Elevations  
(A3) DrNo 1600-A-PL-36 Plots 12A and 12B Floor Plans  
(A3) DrNo 1600-A-PL-35 Rev C Plots 18 Floor Plan & Elevations  
(A3) DrNo 1600-A-PL-34 Rev C Plots 16 & 18 Plan & Elevations  
(A3) DrNo 1600-A-PL-33 Rev C Plot 17 Floor Plan & Elevations  
(A3) DrNo 1600-A-PL-32 Rev B Plots 14 & 15 Floor Plans  
(A3) DrNo 1600-A-PL-31 Rev B Plots 14 & 15 Floor Plans  
(A3) DrNo 1600-A-PL-30 Rev A Plot 11 Elevations  
(A3) DrNo 1600-A-PL-29 Rev A Plot 11 Floor Plans  
(A3) DrNo 1600-A-PL-28 Rev A Plots 10, 12 & 13 Elevations  
(A3) DrNo 1600-A-PL-27 Rev A Plots 10, 12 & 13 Floor Plans  
(A3) DrNo 1600-A-PL-26 Rev B Plot 9 Floor Plans & Elevations  
(A3) DrNo 1600-A-PL-25 Rev A Plots 6, 7 & 8 Elevations  
(A3) DrNo 1600-A-PL-24 Rev A Plots 6, 7 & 8 Floor Plans

(A3) DrNo 1600-A-PL-23 Rev B Plots 4 & 5 Elevations  
(A3) DrNo 1600-A-PL-22 Rev B Plots 4 & 5 Floor Plans  
(A3) DrNo 1600-A-PL-21 Rev B Plots 1, 2 & 3 Elevations  
(A3) DrNo 1600-A-PL-20 Rev B Plots 1, 2 & 3 Floor Plans  
(A1) DrNo 14.1600.PL-12 Proposed Materials Plan  
(A1) DrNo 1600-A-PL-11 Rev D Site Elevations  
(A1) DrNo 14.1600.PL-10 Rev E Proposed Site Layout Plan

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 contactors; 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. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

#### 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 900mm 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.

### 6. 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.

## Summary

Members will recall that this application was deferred at the Planning Committee on 30 May 2019 for the following reasons:

(a) Need up-to-date and further information regarding the exact level of need for Affordable Homes in the village. There is sufficient conflict in the information supplied by both ourselves, the applicant and the Parish Council;

(b) Evidence that the sequential test has been appropriately applied in respect of policy DM2 - check to see whether the identified need could be met at other more appropriate sites or within other Parish Council boundaries;

Since the application was deferred, the following actions have been taken in response to the deferral:

- An updated Housing Needs Survey was carried out in August 2019;
- The applicant has presented the results of the HNS to the Parish Council;

The applicant has also made some amendments to the application as follows:

- Revisions to the layout, house types and materials;



- Revisions to the housing mix, increasing the number of social rented properties from 3 to 4, but reducing the total affordable units from 8 to 7;
- The viability of the scheme has been re-assessed.

This report provides an update to the report of 30 May, which is attached as Appendix 1.

## Proposal

Full planning permission is sought for the erection of 18 No. dwellings 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 was 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 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. Following the deferral at committee a further Housing Needs Survey has been carried out by the applicant, identifying a need for 9/10 affordable homes within Oake Parish. In response to this survey the applicant has made some amendments to the proposed housing mix.

The housing mix taken to 30 May committee, and the housing mix now proposed is as follows:

<b>Dwelling Type</b>	<b>Proposed 30 May committee</b>	<b>Current Proposal</b>
1 bedroom affordable rent flats	2	2
2 bedroom affordable rent dwellings	1	n/a
2 bedroom affordable rent bungalows	n/a	2
2 bedroom discounted open market dwellings	3	1
3 bedroom discounted open market dwellings	2	2
2 bedroom open market bungalows	2	1
3 bedroom open market bungalows	2	2
3 bedroom open market dwellings	3	5
4 bedroom open market dwellings	4	4

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. A small section of pavement will be provided along the main road to the west of the vehicular access to the site, providing a pedestrian route to access the existing pavement to the south of the main road. 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 the 30 May deferral. This includes amendments to the house types to increase the number of bungalows and amendments to the palette of materials to add more variety. Following discussions with the applicant it has been confirmed that the proposal would include the provision of electric car charging points for all dwellings within the development. A Viability Assessment has been submitted, and has been made publicly available.

## **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 (December 2019)**

*OAKE PARISH COUNCIL* - The Parish Council continues to OBJECT to the application and request that it is refused. The amended planning application remains non-compliant with planning policy as stated in previous objections. The Parish Council also raised additional concerns as follows:

No viability assessment has been submitted, contrary to Policy CP4 and the Affordable Housing SPD.

### **Sequential test**

The sequential test to establish whether a site is a true exception site for affordable housing and therefore appropriate to be outside a settlement limit should be in accordance with Policy DM2 and adhere to the following:

- An identified need of affordable housing should be established of people who are local and/or have a local connection.
- If this number of people/families in local need can be established accurately, this number of affordable properties should be sought in the rural centres, the closest being Cotford St Luke & Milverton. Both have a high number of affordable units, with further development sites underway and proposed. These villages have the potential to meet the DM2 policy by establishing new exception sites on the boundary of their settlement limits to accommodate local need.
- If it is established that there are no affordable units or plots of land available around the Rural centres, then a search for land in the settlement with the identified need (in this case suggested to be Oake) would have to be carried out. The settlement boundary is very tight around Oake, confirming the policy intent that no new dwellings are required. However, the sequential test search for sites could be extended to outside the boundary which was said to have been carried out. The developers have confirmed that no other sites were available or appropriate.

The Parish Council have always considered that this whole process of the sequential test from identifying the need to finding the site has not been carried out adequately. The number of people/families in need is still in dispute. The apparent lack of affordable units in and around the boundary of the rural centres is not correct. Affordable units are available as stated in the 2018 HNS survey, one family acquired a unit in Cotford St Luke. Finally, the available and appropriate sites search around Oake clearly missed land available from a local landowner who submitted two similar applications ( refs: 27/19/0006; 27/19/0029) which indicates a willingness to provide affordable units. Therefore, the Parish Council still believe that the sequential test has not been followed. This proposal cannot be accepted as an exception site for affordable housing. It is an open market housing site in the open countryside which does not meet SW & T planning policy.

### **Housing Needs Assessment**

The Housing Needs Assessment (HNA) 2018 carried out by Oake Parish Council, supported by the Community Council of Somerset (CCS), had a response rate of 29 versus the 23 response rate for the WYG 2019 HNA. The Parish Council has concerns regarding how the 2019 survey was conducted, incentives offered for completing the survey and the independence of the assessment.

Of 14 respondents to the 2018 survey expressing a housing need, three provided the required financial information and data consent, two were identified as being in potential housing need but did not give permission to proceed, the remaining nine respondents either wished to move away from Oake or were not eligible for

affordable housing. Therefore there has not been a consistent demand for affordable housing over the past five years. The Parish Council do not believe there is a need to the extent stated.

### **Housing Mix**

The housing need as stated in the 2019 survey is not met by the proposed housing mix.

### **Layout**

The layout of the site is somewhat improved by the addition of a greater variety of house types but the street view in terms of materials used and the building line is still limited and not inspiring or aspirational.

### **Climate Change**

There is great disappointment that no sustainable technologies have been incorporated. Residents on lower incomes in the social housing should be afforded these to ensure they are able to maximise their income. The viability issue is harder to dismiss in terms of the open market housing as buyers are becoming more aware of the need for sustainable living and are desiring it within a new build. With the increasing awareness of the climate changes the world is experiencing, it is scandalous that nothing (except water butts – hardly technology) are offered.

Electrical car charging points should be supplied to all units not just plots 3-18 and these should be the complete unit not the 'infrastructure for the connection'.

*SOMERSET COUNTY HIGHWAYS* - The Highway Authority do not object to the revised proposal however would wish to note that the applicant may wish to consider altering the level of visitor parking and increase the allocated parking level for the scheme (e.g. for plots 1-2).

Furthermore the Highway Authority do not see reason why Electric vehicle charging points cannot be provided for all residential units.

*HOUSING ENABLING* – The proposed provision of a mix of homes for social rent and discounted open market will address a significant proportion of the housing need identified in the 2019 Housing Needs Report.

As the application is for a mix of affordable and open market housing an independently verified financial viability appraisal will be needed to illustrate why the open market housing is required. Any profit from the open market housing must be used to subsidise the affordable housing.

The developer should seek to provide affordable homes through a Registered Provider on the Councils preferred affordable housing development partners list and the rented units should be allocated through the Choice Based Lettings system, Homefinder Somerset.

All the affordable units should be subject to the local connection and as such the local connection clause is to be included within a S106 agreement.

*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 (total £53,248). The contribution should be index linked and spent on play equipment within the vicinity of the development.

## **Representations Received**

One further letter of objection was received following the consultation on revised plans in December 2019 summarised below:

- Sequential test has not considered any potentially more suitable sites around Cotford St Luke, Milverton and Oake
- Viability appraisal should be subject to independent review and made public
- 2019 Housing Needs Survey was not carried out in accordance with the Affordable Housing SPD and was not objective or independent
- 2018 Housing Needs Survey should be the primary survey used to determine housing need within Oake
- Proposal does not fully meet identified need
- Proposal is not in a sustainable location in relation to facilities and services within Oake
- Proposal is not well located to existing bus stops
- Proposal does not deliver an adequate drainage strategy
- Proposal must consider the cost of connecting to foul drainage

## **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,

CP1 - Climate change,

The Taunton Deane Affordable Housing SPD (2014) is also a material consideration.

## **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 £238,125. With index linking this increases to approximately £338,140.

It should be noted that affordable dwellings are eligible for exemption from CIL (subject to an application process) and this may reduce the CIL receipt by an estimated £90,350 to £247,790.

## **Determining issues and considerations**

This application was deferred at the Planning Committee on 30 May 2019 for the following reasons:

- (a) Need up-to-date and further information regarding the exact level of need for Affordable Homes in the village. There is sufficient conflict in the information supplied by both ourselves, the applicant and the Parish Council;
- (b) Evidence that the sequential test has been appropriately applied in respect of policy DM2 - check to see whether the identified need could be met at other more appropriate sites or within other Parish Council boundaries;

### **Identified Need for Housing**

Two previous Housing Need Assessments (HNA) were undertaken in Oake Parish in 2014 and 2018. The 2014 HNA was carried out 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. The 2018 HNA was carried out by Oake Parish Council as part of their Neighbourhood Development Plan process and identified a need for 3 affordable dwellings.

Following the 20 May deferral a comprehensive HNA update (October 2019) has been carried out by White Young Green on behalf of First Step Homes. The applicant was responsible for arranging and paying for this survey as required by para 1.10 of the Affordable Housing SPD, which states: *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.*

The 2019 HNA was reviewed by the West Somerset & Taunton Housing Enabling Team. This review included contacting and double-checking the eligibility and need for each of the households identified as being in housing need. The Housing Enabling Team have confirmed that the HNA is comprehensive and can be relied upon as an up-to-date assessment of housing need within Oake.

The 2019 HNA draws the following conclusions:

- There is a consistent need for affordable housing within Oake of 9-10 homes however those with interest are reluctant to pass on personal details and as such all survey results should be treated very conservatively.
- There has been a shift in need from affordable home ownership to social rented units over the last 5 years.
- The greatest need is for houses however both the 2014 and 2019 revealed a smaller demand for bungalows as well.
- There is a consistently high demand for 2-bed properties, with a much smaller demand for 1 and 3 beds and no demand for 4 beds.

The 2019 HNA found need for 9 affordable dwellings, and suggested the following potential mix and tenure, which is compared to the affordable mix proposed by this application:

#### Social Rented

No. Bedrooms	No. Required (2019 HNA)	Proposed
1	2	2
2	4	2
3	1	0
TOTAL	7	4

#### Affordable Home Ownership

No. Bedrooms	No. Required (2019 HNA)	Proposed
2	1	1
3	1	2

Officers consider that the 2019 HNA provides further information which should be considered sufficient evidence of a Local Housing Need within Oake.

### **Sequential Test**

Policy DM2 identifies affordable housing as being suitable development within the countryside in the following circumstances:

*(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.*

Paragraph 77 of the NPPF is also a material consideration, which states as follows:  
*In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.*

Oake is defined as a village in Policy SP1 with the nearest rural centres being Milverton and Cotford St Luke. The households who responded to the 2019 HNS all identified a local connection to Oake Parish, and these local connections were confirmed by the Housing Enabling Team. While there is an element of sequentiality within Policy DM2 the wording is sufficiently flexible to allow the development of rural exception sites adjacent to villages where these relate well to existing facilities and where they respond to an identified local need.

In the case of Oake this village does contain a number of facilities and services including a primary school, village store/post office, recreation ground and community hall. Officers consider that while facilities and services are limited, Oake has greater provision than many other settlements identified as villages within the settlement hierarchy. It is considered that the site meets the first of the requirements for part (b) of DM2, being well related to existing facilities.

With regard to the second requirement of part (b) of DM2, it is considered that the identified need is local to Oake and that it cannot be assumed the households require or indeed will be offered housing in Milverton or Cotford St Luke. While there may be sites available within or adjoining these rural centres, the Oake households would not be top priority for accommodation, instead households with a local connection to the respective rural centre would be prioritised. Furthermore, it would not be desirable to accommodate households away from facilities that they use on a day to day basis (e.g. the primary school). It is therefore concluded that the local need identified at Oake cannot be accommodated within either Milverton or Cotford St Luke and the proposal has met both the requirements of DM2 (b).

Turning to the consideration of suitable sites adjoining Oake, the selection of this site follows a sequential 'site search' that was carried out by the applicant in 2015 with the support at that time of both Taunton Deane DC and Oake Parish Council. Full details of the sequential search within Oake can be found in the submitted Affordable Housing Statement & Sequential Test Report January 2017. The sequential search identified six sites around Oake that could potentially be used for affordable housing and assessed them against criteria including suitability, availability, site access for vehicles and pedestrians, distance to local services and development impacts. The document concludes that the application site is the best site in terms of its relationship to the village and availability for an affordable housing development.

The application site is situated adjoining the settlement boundary of Oake, less than 200m walk from the primary school and village store/post office, and about a 500m walk from the recreation ground and community hall. Future residents would have to walk about 750m to the B3227 to access bus services however a site significantly closer to bus services would in probability be further from the school and village store/post office, so would not be considered sequentially preferable.

It is acknowledged that since the 2015 'site selection' survey other sites may have become available which were discounted in 2015 due to a lack of interest from landowners. Alternative sites may be able to deliver the identified housing need in an equally suitable location. However, it is not considered that there is any site adjoining Oake which is sequentially preferable to the application site.



In summary, officers consider it has been demonstrated that the requirements of Policy DM2 have been met. In light of this it falls to determine this proposal in accordance with paragraph 11(c) of the NPPF which requires decision makers to *'[approve] development proposals that accord with an up-to-date development plan without delay'*.

### Housing Mix

In response to the conclusions of the 2019 HNA the applicant has made some amendments to the proposed housing mix, which is now proposed as follows:

#### Affordable Units

Dwelling Type	Required Social Rent	Proposed Social Rent	Required Affordable Home Ownership	Proposed Affordable Home Ownership	Required TOTAL	Proposed TOTAL
1 bed	2	2	0	0	2	2
2 bed	4	2	1	1	5	3
3 bed	1	0	1	2	2	2
TOTAL	7	4	2	3	9	7

#### Open Market Units

Dwelling Type	Proposed
2 bed bungalow	1
3 bed bungalow	2
3 bed house	5
4 bed house	3
TOTAL	11

The mix was revised in response to the results of the HNA, which identified several households in need of two bedroom social rented properties, with a preference for bungalows.

The housing mix delivers a good proportion of the identified need, and the proposed affordable housing reflects the locally evidence need in respect of type, size and tenure. The market housing is more heavily weighted towards 3/4 bedroom properties. However, as the delivery of market housing is only required in order to generate viability for the affordable dwellings this is considered acceptable.

### Viability Assessment

The application proposes seven affordable dwellings, providing 39% of dwellings on the site as affordable. Four of the proposed affordable dwellings are for Social Rent, a tenure which is particularly unviable to build, but which provides homes for rent at the most affordable level. A Viability Assessment has been submitted by the applicant and independently assessed. The independent assessment concluded that the proposal is fair and reasonable, and that the scheme is not able to provide additional affordable housing to that proposed.

### Design and Layout

The design and layout of the scheme is broadly similar to that considered by committee on 30 May. In response to the Housing Needs Assessment and comments from the Parish Council, the plans have been amended to provide more variation in the street scene and development line, and to introduce a wider palette

of materials. The layout now provides a view down the access road towards the frontage of dwelling no 12A, rather than the previous view towards a garage, which is considered an improvement. The design and layout continues to be considered acceptable.

## **Highways**

Following comments from Highways the applicant has amended the plans to provide more allocated parking spaces for units 1 & 2, and to include provision for electric charging points for all units. Highways have confirmed their acceptance of the amendments.

## **Renewable technology**

Renewable technologies have not been included within the scheme. The inclusion of any such technologies would decrease viability, ultimately requiring a reduction in the amount of affordable housing. On balance officers are of the opinion that affordable housing delivery should be prioritised on this site. A condition secures the provision of electric car charging points.

## **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. Further evidence has been provided which demonstrates how the proposal accords with Core Strategy CP4 which supports Rural Exceptions Sites where there is an identified local housing need. Further evidence has also been provided which demonstrates that the proposal complies with Policy DM2.

It is recommended that planning permission should be granted subject to conditions and a Section 106 agreement to secure:

1. the affordable housing
2. a financial contribution of £53,248 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.

**Contact Officer: Urusla Fay**

## **Appendixes**

Appendix 1 - Committee Report 30 May 2019