

34/16/0010

MRS MELANIE ALFORD

**Outline application with all matters reserved for the erection of 2 No. two storey detached dwellings with double garages at Millgrove House, Staplegrove**

Location: MILLGROVE HOUSE, MILL LANE, STAPLEGROVE, TAUNTON TA2  
6PX

Grid Reference: 320526.126564

Outline Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Condition(s) (if applicable)**

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

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

(A4) DrNo 01 Location Plan  
(A3) DrNo 02 Existing Block Plan  
(A3) DrNo 03 Proposed Block Plan

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwellings are occupied and thereafter maintained as such, unless otherwise agreed in

writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (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, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. The dwellings hereby permitted shall not be occupied until works for the drainage and disposal of surface water have been provided on the site to serve the dwelling hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent surface water discharging onto neighbouring properties, in the interests of their residential amenities.

7. None of the dwellings shall be occupied until the sewage disposal [drainage] works have been completed in accordance with the details submitted and agreed in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

8. The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted and agreed in writing. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The development shall provide for covered and secure facilities for the storage of bicycles, details of which shall be indicated on the plans to be submitted and agreed in writing. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy DM1 of the Taunton Deane Local Plan

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk). Further information can be obtained from the New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

## Proposal

The proposal is an Outline application with all Matters Reserved for the erection of 2 no. two storey dwellings with double garages, on land at Millgrove House, Mill Lane, Staplegrove. This Outline proposal seeks determination on the principle of developing the existing paddock site which is located outside of the defined development limits of Staplegrove. Details of access, appearance, landscaping, layout and scale will be considered at the Reserved Matters stage.

## Site Description

The proposed development site is accessed off Mill Lane which currently serves a number of properties, including Lodge Farm, Millgrove House (currently used as a holiday let) and Staplegrove Lodge. To the west of an existing parking area, there is a small agricultural paddock area. This paddock is bounded by Millgrove House to the north, Lodge Farm to the east and the walled rear garden area associated with Lodge Cottage and Staplegrove Lodge. Staplegrove Lodge is Grade II listed.

To the west of the site there is an existing stream adjacent to the western boundary of the site and this also adjoins the land associated with Cross Keys Public House and Cross Keys garage.

The existing topography of the land falls from east to west from Mill Lane. Boundaries at the site comprise of existing 2m high painted render entrance walls and wooden double gates with raised banks either side fronting Mill Lane. To the north of the site is the side garden boundary of Millgrove House and gravelled circular parking and turning area with the entrance into the house itself. Beyond this is an existing large conservatory structure covering a swimming pool which is screened by a 2m high woven panel fence with mature shrub and some tree planting, plus 2m high close boarded fencing behind post and rail fencing between the garden of the house and the paddock. The western boundary falls significantly from the rest of the site towards back stream and where there is post and rail fencing to a height of approximately 1m with some mature tree planting adjacent but alongside the fence on the stream side. The southern boundary of the site is a raised (1m high) grass bank with 2m high close boarded fencing between the parking area and Lodge Farm. This fencing runs further southwards along to the rear of Lodge Cottage and the existing 3.5-4m high listed brick garden walling of Staplegrove Lodge and further 1m high post and rail fencing to the existing remainder of the paddock.

Existing views into the site are from the rear of properties along the A358 including Meadowsweet and Sunnymede (residential properties) and the Cross Keys Garage and the Public House. There are currently longer open view available towards the site from the Silk Mills roundabout and adjoining bus stop. The properties immediately adjacent to the site are constructed in a mix of materials from brick and render, clad with slate and tiled roofs. Further to the north along Mill Lane is Staplegrove Mills and Stillmans abattoir.

## Relevant Planning History

A previous application was submitted for Millgrove House (ref 34/07/0034) for the Erection of a detached triple bay garage, which was conditionally approved on 22/08/07. Officers are currently considering two planning applications which comprise proposals for an Urban Extension at Staplegrove on land surrounding this site. These two applications are referenced as 34/16/0007 and 34/16/0014. They are at an early stage of officer consideration and will be presented to Members later this year.

## Consultation Responses

### *STAPLEGROVE PARISH COUNCIL -*

The two new dwellings would be outside the current 'building containment line' and also be out of keeping with the large existing properties, particularly the Grade II listed Staplegrove Lodge.

Surface water run-off from Rag Hill to the east could be a problem.

### *LANDSCAPE -*

The landscape impact of this development is likely to be low.

### *SCC - FLOOD RISK MANAGER -*

This application falls below the requirements for LLFA Statutory consultation. SCC does not provide support for drainage engineering queries on applications that fall below statutory consultee requirements.

### *SCC - TRANSPORT DEVELOPMENT GROUP -*

Observations awaited.

I refer to the above planning application, received in my Department on 22 December 15, a site visit was undertaken on the 29<sup>th</sup> of April 2016 to which I have the following observations on the highway and transportation aspects of this proposal.

The proposed development site is located to the west of Mill Lane, which is unclassified highway up to the access point of the proposed development site. The road is subject to the national speed limit, however given the narrow in nature of Mill Lane it is unlikely that speeds over 30mph are achieved. There is no footway or Street Lighting present along the existing site frontage. Road Records held by Somerset County Council indicate that PIA's (Personal Injury Accidents) that have occurred within the vicinity of the site over the past five years have occurred on the A358, specifically at the Cross Keys and Silk Mills roundabouts. The proposal of two dwellings is not considered to increase the level of PIA's in this location.

### Proposed development -

The proposed development consists of:

- 2, Two storey dwellings with double garages – with all matters reserved

As this is an outline application with all matters reserved the applicant has not provided detailed information regarding a number of matters that the Highway Authority would need to considered at an reserved matters stage, therefore general

comments have been made below.

### Access

The Highway Authority cannot provide detailed comments on a proposal without any drawings indicating the point of access in detail, at present only a redline plan has been provided.

I would require a drawing indicating the points of access in detail, providing the following; its formation/construction, site layout, turning and internal site arrangements, parking, and bin storage, provision of drainage; vehicular visibility. Until such information is provided I can only indicate what the Highway Authority would consider acceptable:

It is presumed from the Proposed Block Plan Provided (Indicative) Drawing No.03 that access is to be gained via the existing driveway for Millgrove House.

With regards to vehicular visibility, the Highway Authority require a suitably scaled drawing indicating the available level of visibility (y distance) from the site access to the nearside carriageway edge (x distance of 2.4m is appropriate). Suitable drainage provision should be provided to prevent any surface water from discharging onto the adopted highway.

Visibility would typically expected to adhere to MfS, which is unlikely to be achieved in this location due the width and characteristics of Mill Lane, however, given the proposal to increase the number of dwellings utilising the existing access it is requested visibility to the access is improved to ensure safety is not compromised.

The site visit identified that at present a wheelie bin appears to be located within the existing visibility splay. Sufficient bin storage should be provided internally to ensure the visibility at the access point is not blocked or obscured at any time.

### Parking

Vehicle and cycle parking should be provided in line with the County Council's adopted Parking Strategy, dated September 2013

<http://www.somerset.gov.uk/policies-and-plans/strategies/transport-strategy/>

NOTE A: The car parking standards set out here are optimum standards; the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision. Proposals for provision above or below this standard must be supported by evidence detailing the local circumstances that justify the deviation and must be provided.

### Trip Generation

The TRICS data base has been used to obtain appropriate trips rates for the proposed development. The proposed development is expected to generate in the region of 16 movements a day. The developments generation is not considered to cause a severe impact to the safe and efficient operation of the existing Highway network.

### Flood Risk Assessment

The Flood Risk Assessment has been reviewed by the Development and Engineering Team who have made the following comments. 'As access to the new dwellings is via an existing access off Mill Lane leading to a private gravel drive, there are no implications to the drainage of the existing public highway. I therefore have no comments on the contents of the submitted Flood Risk Assessment'.

### Construction Management Plan

Given the nature of Mill lane it is requested that a Construction Management Plan and Condition survey are provided to ensure the construction traffic does not impact adversely on Mill Lane.

### Summary

In summary the Highway Authority have no objection to the above application subject to the following conditions:

Prior to commencement of development the proposed access including visibility splays shall be constructed in accordance with details shown on a submitted plan, and shall be available for use before works commence on the development. Once constructed the access shall be maintained thereafter in that condition at all times.

The Development hereby permitted shall not be occupied until parking spaces in accordance with Somerset County Council parking standards have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

The Development hereby permitted shall not be commenced until a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

A bin storage area shall be in place prior to first occupation of the development. Such areas shall be kept clear of obstruction at all times and shall not be used other than for bin storage in connection with the development hereby permitted.

The proposed internal layout, 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.

No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme

for the site showing details of gullies, connections, soak ways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

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.

**Notes: SECTION 171 LICENCE**

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

*WESSEX WATER -*

The site lies within a non sewerred area of Wessex Water.

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water. Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

I trust that you will find the above comments of use, however, please do not hesitate to contact me if you require further information or clarification.

*DRAINAGE ENGINEER -*

SCC does not provide support for drainage engineering queries on applications that fall below statutory consultee requirements.



## *HERITAGE -*

No objections

## *FOOTPATH DIVERSIONS OFFICER -*

The access route to the proposed site also provides access to the south west end of the Public Footpath T24/7.

If planning consents are granted for the development adequate Health and Safety measures should be put in place raising public awareness of additional/increased vehicular use during the construction process.

## **Representations Received**

24 letters of representation have been received, although 11 of these are additional comments from people who had already written in. So there are comments from 13 different members of the public. Four of these specifically state that they have no planning related comments to make. Of the letters received, 11 support the proposal.

Six letters of objection have been received raising issues relating to additional traffic and highway safety on Mill Lane, additional noise, overlooking, the green wedge, existing building line, dwellings out of character, not in councils core strategy or an allocated development site, flooding & drainage, wildlife and the nearby public footpath. These issues will be discussed within the report.

One letter of comment has been received making the case that representations have been received from existing tenants of Millgrove House and two properties at Staplegrove Mills, both of which are properties associated with the owner of the proposal site.

## **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), saved policies of the Taunton Deane Local Plan (2004), 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. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP8 - CP 8 ENVIRONMENT,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,

## Local finance considerations

### Community Infrastructure Levy

This is an outline application so no definite floor areas are known.

Proposed Block Plan state each house to be 200m<sup>2</sup> totalling 400m<sup>2</sup>.

The application is for residential development outside the settlement limits of Taunton and Wellington where Community Infrastructure (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £50,000.00. With index linking this increases to approximately £59,00.00.

### 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   | £2,158 |
| Somerset County Council | £ 540  |

#### *6 Year Payment*

|                         |         |
|-------------------------|---------|
| Taunton Deane Borough   | £12,948 |
| Somerset County Council | £ 3,238 |

## Determining issues and considerations

The main issues and considerations of this Outline proposal are:

- Principle of development
- Impact on the character and appearance of the area
- Impacts on residential amenity in the area
- Highway Safety
- Public Rights of Way
- Flooding/Drainage

### Principle of development

The relevant policies for consideration of this proposal are DM1, DM2, CP6, CP8 and SP1 from the Core Strategy and the provisions of the National Planning Policy Framework (NPPF).

The site is located outside of the defined settlement limits of Taunton and would be subject to Taunton Deane Borough Council's (TDBC) policy DM2 from the adopted

Core Strategy, which is related to developments in open countryside locations. This policy is not generally supportive of new residential units in such locations. Technically, this application is a departure from this policy and a sequential test under policy DM2 would preclude residential development in areas of open countryside. However it should be noted that the proposals site is surrounded on three sides by land allocated to the Staplegrove urban extension in emerging policy TAU2 of the Site Allocation and Development Management Plan (SADMP). This is a material consideration. Planning policy officers have no objections on the principle of the site being developed albeit the land is classified as a rural location outside of defined settlement limits. The pragmatic view is that once built-out the site will be on the outer edge of the urban extension taking place to the south and south-east of Mill Lane on higher ground. Therefore, it is not considered that a policy objection to the principle of this proposal should be raised in this instance, despite the location.

Policy DM1(a), from the TDBC Core Strategy states that proposals should make the most effective use of land, with preference given to the redevelopment of previously developed land sited in sustainable locations. The proposed development site, although within the curtilage of a residential dwelling, (Millgrove House), is currently used as a paddock adjoining and sharing the existing access and parking area. The land has not previously had development upon it, and has historically been in an open countryside location. The NPPF advises against development within back gardens (paragraph 53) and policy DM1(d) of the adopted core strategy advises that proposals which harm the appearance and character of landscapes, buildings and streets will not be supported. However, given the acceptance that the future of this area is likely to undergo significant change due to the allocation under TAU2, and given the lack of an objection from the landscape officer, it is considered that there would not be a justifiable argument for refusal of this proposal. The sustainability of the area in general terms was considered before the Urban Extension was proposed as an allocation; the site is well located to the road network and bus routes; this is not an isolated rural location; and the proposal can be seen as justifiable infilling.

TDBC Core Strategy policy CP8 'Environment' states that the Local Planning Authority (LPA) will act to conserve and enhance natural and historic environments unless there are material factors outweighing any harm that proposals would cause. The proposal to develop two new dwellings on this site would be adjacent to an historic walled garden belonging to Staplegrove Lodge. This will be discussed further in the report, but it is concluded that there would be no adverse impact on the listed building or its setting. The addition of two detached dwellings in this location would have some material change to the setting of the listed building but this should be taken in context with the proposed significantly larger proposed urban extension adjoin Staplegrove Lodge and the proposal site to the south of its curtilage and in the surrounding area. An increase in the density of development would lead to further impacts in terms of traffic, and further pressure for developments of a similar nature in gardens in the area, however, this proposal would continue the existing built development of land between Millgrove House, Lodge Farm, Lodge Cottage and Staplegrove Lodge. Advice received is that there are no landscaping reasons for refusal, and as the land is already used for domestic and urban purposes, there is unlikely to be any wildlife on the site requiring protection. The proposal can therefore be seen as meeting the requirements of policy CP8.

The submission version of the Taunton Deane Borough Council Draft Site Allocations and Development Management Plan (SADMP), guides in policy TAU2,

that the Staplegrove area has been identified within the Core Strategy as a suitable location for development in the period after 2015. Policy TAU2 also advises for protection of the Rag Hill Special Landscape feature by not allowing built development to break the skyline. The application site is on the lower slopes of Mill Lane and Rag Hill therefore the existing skyline will not be broken. This policy also seeks that development should have direct and safe walking routes and access to existing bus services on the A358. An existing Public Right of Way at Rag Hill meets Mill Lane and the nearest bus stop is located to the south west of the site and before the Silk Mills roundabout. It is not considered that this current proposal breaches any of the requirements of emerging policy TAU2.

Further policy SB1 (settlement boundaries) within the SADMP, advise that to maintain the quality of the rural environment and ensuring a sustainable approach to development outside of settlements (open countryside) as identified in the Core Strategy, SP1 will be assessed against core policies CP1, CP8 and DM2 unless the development accords with a specific development plan policy or proposal; or it is necessary to meet the requirement of environmental or other legislation; and in all cases is designed and sited to minimise landscape and other impacts. Again, this policy is not considered to be breached by the current proposal.

Given the above commentary, relevant policies, advice from planning policy and other colleagues, together with the likely future urban extension in the immediate area, it is considered that the principle of developing two detached houses in this area is acceptable in policy terms.

### **Impact on the character and appearance of the area**

The existing site is not located within a designated Conservation Area, but is adjacent to an existing green buffer to the south as per Taunton Deane's SADMP submission document. Rag Hill directly opposite the access to Millgrove House is a Special landscape feature (defined in the saved adopted Taunton Deane Local Plan -policy EN3). The nearest Listed Building is Staplegrove Lodge which is Grade II listed and includes the existing curved walled garden that directly adjoin the curtilage of the site to the south and west.

The setting of a heritage asset is defined by the Framework (NPPF) as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve'*. However, setting is not a heritage asset in its own right, nor is it a heritage designation in its own right. Its importance lies in what it contributes to the significance of the heritage asset. The Framework goes on to clarify that *'Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'*.

Para 134 of the NPPF guides "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". The Council's heritage officer has no objections to the proposal in respect of impacts of the listed building and particularly the existing 'D' shaped walled garden.

The submitted indicative proposed block plan (dwg. no. 03) shows the two dwellings being sited between the end of the Millgrove house rear garden and the initial curve of the wall of Staplegrove Lodge. The dwelling (Plot 2) to the south of the pair, is shown as being approximately 10m from the adjoining Staplegrove Lodge boundary. These positions are considered acceptable in terms of the impact on the listed building and it is expected that any reserved matters application will replicate these positions. However it should be noted that this proposal does not contain any significant details with regards to the definite siting, landscaping, materials, layout and scale just an indicative layout seeking approval in principle for developing two detached dwellings on the site. The finer details are to be submitted at a later stage and could be liable to vary. If they did then those details would need to be considered on their own merits.

Comments received from the Councils Landscape Officer conclude that the landscape impact of this development is likely to be low. It is not therefore considered that there can be a landscape impact reason for refusal. Any additional landscaping that might be deemed applicable to help screen the proposal and/or assimilate it into the wider countryside beyond is a consideration for the reserved matters.

In conclusion, it is considered that in terms of impacts on the character and appearance of the existing area, two additional dwellings is justifiable infilling of the land which would not significantly harm the existing quiet nature of the built development. It is therefore considered that the proposed development is acceptable in terms of the character and appearance of the area and accords with policies DM1 and CP8 of the adopted Taunton Deane Borough Councils Core Strategy 2011 -2028 in this regard.

### **Impacts on residential amenity in the area**

Several representations have been received from the general public against this proposal.

The objections cover a wide range of concerns from visual impact to access, drainage, noise, overlooking, highway safety and character and appearance. These issues have been largely addressed within this report, however, the finer details such as scale, siting, landscaping, materials and access are all to be considered at a later stage as part of any reserved matters proposal. Only an indicative proposed site plan has currently been submitted. This is sufficient to demonstrate the principle of the development on the land currently being considered at this stage.

The indicative site plan shows that 2 dwellings can be satisfactorily placed on the site without any undue adverse impact on existing residential amenity. In fact the resulting density would still be quite low compared to usual urban scenarios. Therefore it is not felt that there is a residential amenity argument for refusal.

### **Highway Safety**

The site is accessed by an unclassified 'D' road which runs directly from the main A358 route between Taunton and Minehead. The existing Mill Lane is a single track

narrow lane that serves a handful of other residential properties and agricultural buildings but the current situation represents a very low scale collection of houses and buildings set within substantial plots and built to a low density scale. Within the site itself, from the entrance point there is a modest gravelled drive and circular turning area. The paddock (development site) is adjacent to this and currently divided by a field gate and post and rail fencing which would be removed for the new housing to share the existing access.

Some comments have been received from Somerset County Councils Highways Department with further correspondence.

Additional comments received from the Highways Department stating they have no objection to the application subject to a series of conditions. These conditions recommended by highway are largely matters of detail to be picked up at Reserved Matters stage. It is not considered reasonable to require a Highway Condition Survey or a Construction Environment Management Plan for two dwellings.

### **Public Rights of Way**

Comments have been received from the Councils footpath diversion officer, confirming an existing Public Footpath that is both the access route to the proposed site and also provides access to the south west end of the Public Footpath from Mill Lane. It is also advised that if planning approval is granted that adequate Health & Safety measures should raise awareness during the construction period of the development.

### **Flooding/Drainage**

Land at a lower level adjacent to the site and a part of the site along the eastern boundary with Back Stream is within designated floodzones 2 and 3. The applicant has submitted a Flood Risk Assessment stating that according to The Environment Agency Flood maps, the site is located outside of the extent of extreme flooding (flood zone 3), with only part of the lower boundary of the site located in an area at risk of flooding from rivers or sea without defences (floodzone 2). This is not contested.

The current submitted indicative layout shows the two detached houses being located on higher ground well away from Floodzone 2 (as per proposed Block plan no. 1608/03). Therefore subject to this siting being confirmed at a later stage, the new dwellings would not have an adverse effect on current flood risk at the site and are unlikely to be at risk of flooding themselves.

Consultation comments from members of the public have referred to the Back Stream data as being out of date, with the Environment Agency currently remodelling this data. The submitted Flood Risk Assessment has been based on the existing information. It is also noted that correspondence received mentions that the western edge of the site adjoins an existing Mill Leat that has sluices up and can flood from up stream. Third party comments also state that run off from Rag Hill springs from the steep sides of Mill Lane has historically run down the track and Millgrove House drive. One objector has made the point that soakaways are unlikely

to be acceptable due to the clay subsoil. However, these are all issues that would need to be, and can be, resolved at the reserved matters stage. There is nothing in the submission which indicates that the site has or would create a flood risk or drainage problem that is unsoveable such that the proposal should be refused.

Wessex Water have advised on the new connections required.

## **Conclusion**

On balance, it is considered that the principle of developing two detached houses on this site is acceptable. There is a technical objection on planning policy grounds as the site is defined as being in open countryside. Whilst this is currently the case, the site is surrounded by the allocated land for the Staplegrove Urban Extension. This proposed allocation is considered to carry substantial weight, so it is reasonable to conclude that the proposal will amount to justifiable infilling at the edge of the urban extension, in accordance with the NPPF and the relevant policies of the Adopted Core Strategy and the emerging SADMP. All other concerns are matters that will be considered in detail at the Reserved Matters stage.

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

**Contact Officer: Sue Keal**