

Officer Report on Planning Application: 14/01333/OUT

Proposal :	Outline application for the redevelopment and restoration of Lakeview Quarry to provide 42 dwellings, 1,000 sq metres workspace for B1 use and associated community and recreation facilities (GR:354790/130557)
Site Address:	Lake View Quarry Chistles Lane Keinton Mandeville
Parish:	Keinton Mandeville
NORTHSTONE Ward (SSDC Member)	Cllr J Calvert
Recommending Case Officer:	Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	23rd June 2014
Applicant :	Mr Cox
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

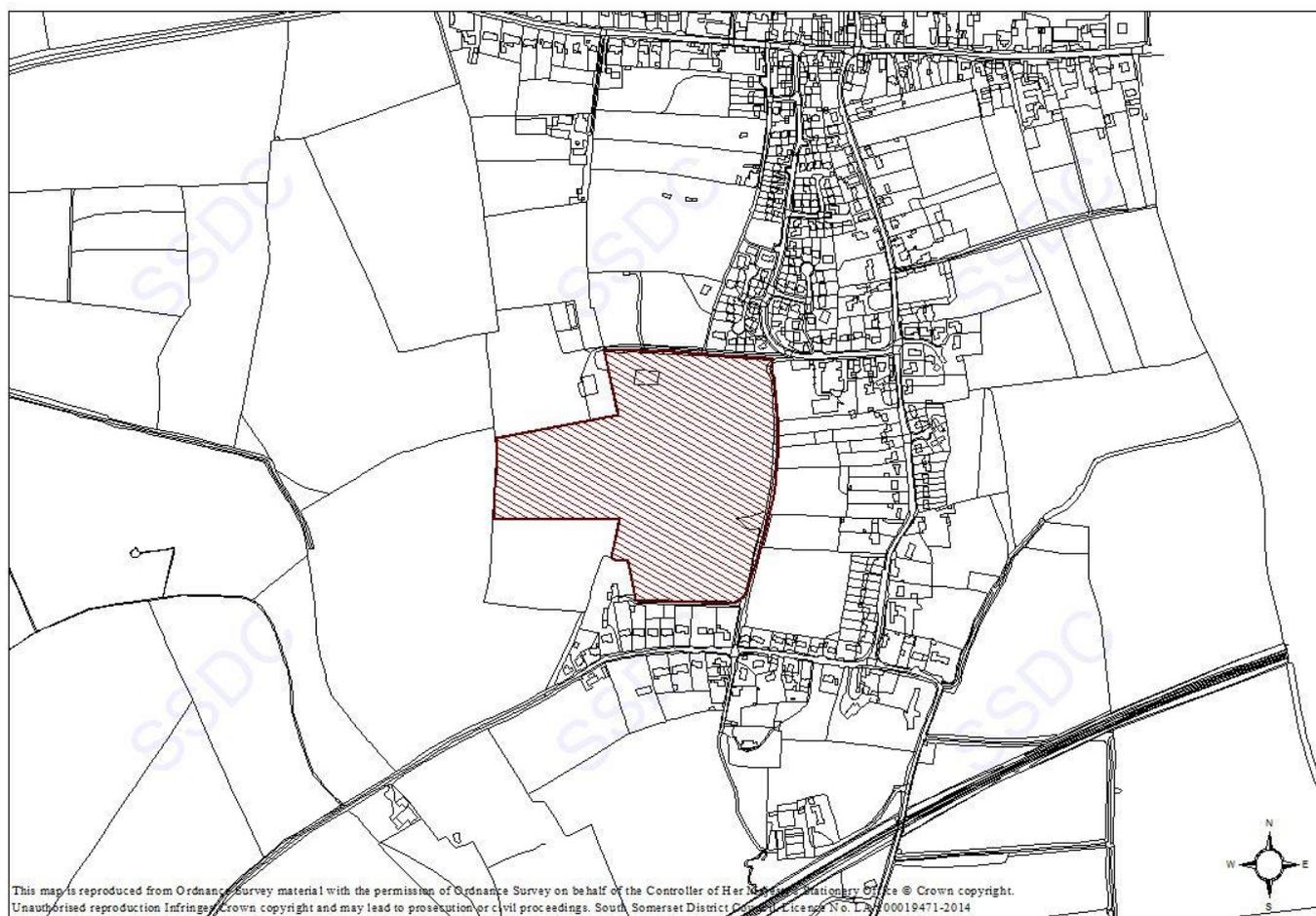
This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

UPDATE

This application was originally due to be considered by Committee at the meeting of 9th July 2014, however the matter was deferred to enable the applicant to commission a Great Crested Newt Mitigation Strategy to demonstrate that the proposal could be carried out without detriment to this protected species.

This strategy has been submitted to the Council, along with an updated Master Plan for the site and consultations have been carried out. The previous report has been updated and is now represented to Committee.

SITE DESCRIPTION AND PROPOSAL



This 3.15ha site is on the west side of Keinton Mandeville, lying between Chistles lane and Church Street, to the rear of properties in Queen Street. The village hall is to the north west of the site and the village primary school to the north east. There are residential properties to the south, east and north east, with the site bounded by agricultural land on all other sides.

The eastern part of the site is currently in use as a quarry, with the western part of the site comprising fallow land. The existing quarry access is from Chistles Lane and there is an industrial type steel framed building to the north west corner of the site. A public footpath runs along the eastern boundary. The Kingweston Meadows SSSI is approximately 250m to the west and the site is a designated county geological site.

The applicant advises that the reserves of good quality stone are close to being exhausted, with only poor quality stone remaining, suitable only for crushing for aggregate.

This is an outline application for up to 42 houses of which a third would be affordable, a third open market and a third 'self-build'. Access via Chistles Lane is to be considered now, with all other matters being reserved for subsequent approval. The application also provides for:-

- c. 1,000m² of employment space;
- allotments;
- a village green;
- additional parking and coach turning space for the school;
- and orchard/wildlife area;

- informal public open space;

The application is supported by:-

- A Planning Statement;
- An indicative Masterplan;
- Detailed drawings of the access;
- A statement of community involvement;
- A Highways Assessment;
- A Landscape & Visual Appraisal;
- A Flood Risk and Drainage assessment;
- A Minerals Assessment
- An Ecological Assessment;
- A design Guide;

The applicant has amended the Master Plan (20/06/14) to address concerns raised in consultations. Additionally a Great Crest Newt Mitigation Strategy and further amended Master Plan has been provided (08/09/14) to address ecology concerns.

RELEVANT HISTORY

07/04959/FUL Planning permission refused for erection 16 houses on the grounds:-

01. Having regard to the location of the site outside of the development area on a greenfield site, no special justification has been put forward to warrant departure from the development plan the proposal is located in an unsustainable location that does not support economic activity. As such the proposal is contrary to Policy STR6 of the adopted Somerset and Exmoor Joint Structure Plan Review 2001-2011 and Policy ST3 of the adopted South Somerset Local Plan 2006.
02. The development of the site would lead to the sterilisation of current existing mineral reserves leading to the loss locally distinctive materials in constructing the built environment. As such the proposal is contrary to Regional Spatial Strategy Policy RE3, Policy M31 of the adopted Somerset Minerals Local Plan and Policy 24 of the adopted Somerset and Exmoor Joint Structure Plan Review 2001 - 2011.
03. The site is located outside of the development area and is poorly related in terms of layout to the existing settlement form, detrimental to the appearance of the area. As such the proposal is contrary to Policies VIS1, VIS2 of the Regional Spatial Strategy and Policy ST5 of the adopted South Somerset Local Plan 2006.

97/02308/CPO Application permitted under Section 96 for determination of conditions on permission 2784/A and 25092 for quarrying of stone.

940152 Outline permission refused for erection of 5 dwellings

2784/A Extension of existing quarry approved 24/8/51

2784 Extension of an existing quarry approved 3/5/49

Also of relevance is 13/04143/OUT. This is a proposal for 6 dwellings at Barton Road Keinton Mandeville which was refused on the landscape and visual impact grounds. In the subsequent appeal decision letter the Inspector observed that:-

“...the proposed dwellings would be in a sustainable location, with a number of services and facilities available in the village that would be accessible to their occupiers.” (para. 13).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST3 - Development Area
ST5 - General Principles of Development
ST6 - The Quality of Development
ST7 - Public Space
ST9 - Crime Prevention
ST10 - Planning Obligations
EC3 - Landscape Character
EC8 - Protected Species
EU4 - Drainage
EH12 – Archaeology
EP1 – Contaminated land
EP6 – Construction Management
TP1 - New Development and Pedestrian Movement
TP2 - Travel Plans
TP4 - Road Design
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR4 - Amenity Open Space
HG7 - Affordable Housing

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes

Keinton Mandeville Local Community Plan (2005)

- Housing Objectives 2 (local infrastructure – housing developments over 10 will be resisted) and 3 (affordable housing).

- Transport Objectives 1 (reduction in traffic volumes and speeds, and removal of HGV rat-running), 2 (resolution of parking problems particularly at the cross roads, village store and school) and 3 (maintain and improve public transport).
- Youth Provision Objective 2 (additional sports facilities)
- Economy Objective 3 (resist loss of business premises)
- Environment Objective 1 (improve quality of footpaths)
- Leisure and Cultural Activities Objective 2 (encourage leisure and cultural activities), 3 (provision of community facilities, open spaces and play areas)

Habitats Regulations Reporting

An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement¹ in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

1. the development must meet a purpose of '*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*'
2. '*there is no satisfactory alternative*'
3. the development '*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*'.

CONSULTATIONS

Keinton Mandeville Council – raise concerns about increased traffic in narrow roads, lack of public transport, segregated nature of proposal, infrastructure issues (sewage, drainage, electricity and gas), poor junction at Christles Lane/Queen St, lack of employment, increased school roll, no need for the houses and inappropriate increase in size of village.

The benefits in terms of parking and turning for the school and proximity to the village centre are noted however refusal is recommended on the grounds that:-

"The site is an unsustainable location for a development of this size because of poor infrastructure including highways, drainage, sewerage, gas, electricity."

The Chairman of the Parish Council has raised concern that the village is being overwhelmed by speculative planning applications and that there is no District Council oversight of these applications or scrutiny of the effects on the community.

At the time of writing no comments had been received in relation to the Great Crest Newt Mitigation Strategy and revised Master Plan. An oral update will be made.

SSDC Planning Policy – initially commented as follows:-

"Keinton Mandeville has a relatively good range of services and facilities including a

primary school, shop, public house, and a bus service, which would all be accessible from the proposal's location. The emerging Local Plan (eLP) has been afforded 'moderate' weight in a recent (October 2013) appeal decision at Templecombe (APP/R3325/A/13/2196919). Policy SS2 in the emerging plan limits development that should be permitted at Rural Settlements, such as Keinton Mandeville, to that which provides employment opportunities, and/or creates or enhances community facilities, and/or meets identified housing need. The employment land would help deliver the scale at Rural Settlements in eLP Policy SS3 (as proposed to be amended). The eLP gives a broad guideline of 50 dwellings as the limit for development at an individual Rural Settlement in the plan period (2006 – 2028), although development in excess of this could be justified in 'unusual circumstances'. The scale of the proposal is within this guide, but other recent proposals and the potential cumulative impacts of development at Keinton Mandeville should also be considered. A recent proposal for 30 dwellings (13/05130/OUT) would have meant the cumulative impact was an issue to consider, but this was refused permission – the cumulative impacts should be considered if future development proposals come forward at Keinton Mandeville, such as the impact on the character and appearance of the settlement.

“Overall, the proposal is contrary to ‘saved’ policy ST3 of the adopted Local Plan, but the current lack of a 5 year housing land supply means that there must be significant reasons to object to the scheme. The proposal generally accords with the emerging Local Plan, particularly Policy SS2, in providing employment opportunities, community facilities, and meeting housing (including affordable) need. Therefore, I do not raise a planning policy objection against the principle of development; although it should be considered whether any significant adverse impacts are raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing provision, employment land and community/recreation facilities at Keinton Mandeville.”

Subsequently, in light of the now demonstrable 5 year housing land supply it is clarified that “with or without a 5 year housing land supply there must be significant reasons to object to the scheme”,

County Highway Authority – No objection subject to conditions. It is observed that:-

“...the site currently has an extant planning consent which potential to generate a significant number of vehicle movements and in order that the change of use of the site is assessed properly, the applicant has submitted a comprehensive Transport Assessment produced by LvW Highways Consultants which assesses the current usage of the site and the level of traffic likely to result from the change of use. This assessment also describes in detail the development proposal and access arrangements, including potential changes to the Chistles Lane and Queen Street, although these are at an early stage and will require additional work to be undertaken as part of a future S278 Agreement, should the LPA grant planning consent subject to appropriately worded Grampian conditions.

“That said, the content of this Transport Assessment has been reviewed, including the section of traffic impact and I can confirm that the Highway Authority considers its findings to be acceptable, with the overall impact of the development being considered not be material in this particular case, with the reduction in HGV movements and proposed drop off and pick up area for the existing school being beneficial from a road safety viewpoint.”

Somerset County Council Minerals and Waste Team – accept the resources review (dated June 2013) provided with application which advises that there is likely to be 12-18

month production remaining at the site and therefore at the current time resources are likely to be very low. No objection raised on the grounds of “mineral sterilisation”.

SSDC Economic Development Officer – no objection to loss of quarry as an employment site, however has no evidence that there is a demand for the proposed B1 space. A surplus of B1 office units in the district is noted.

SSDC Area Engineer – no objection subject to agreement of appropriate drainage details at reserved matters stage or by condition.

Somerset Drainage Boards Consortium – no objection subject to agreement of drainage details by condition

Environment Agency – no objection subject to conditions to secure agreement of drainage details.

SSDC Environmental Protect Unit – no objection subject to a contaminated land safeguarding condition and part of the site may be contaminated.

SSDC Climate Change Officer – no objections raised subject to agreeing appropriate measures at reserved matters stage.

SCC Rights of Way – no objection subject to keeping rights of way clear during construction and obtaining any necessary consents.

Landscape Architect – notes the generally linear form of Keinton Mandeville and initially observed:-

“The overall site is poorly related to the existing development pattern, in that it does not tie with properties in Queen Street, but rather it is separated by a mix of small fields; paddocks and extended gardens. Linkage with built form at the north end is limited. Due to this lack of correspondence, the relationship of the site with the village is not convincing, and in laying outside open land that currently buffers the village street from the wider countryside, its built extent disproportionately extends the village envelope. Consequently, relative to local character, this is not a site that has landscape support.”

However it was further commented that the site is visually contained and is typified by the working quarry. The potential to safeguard the setting of the Roman villa is welcomed. Consequently it was concluded that:-

“Balancing out these issues results in a landscape view that is very much on the cusp. Whilst I am not convinced by the relationship of the site with the main village, I agree that it is potentially low-profile, and utilises previously developed land, and secures a historic asset. However, there are certain elements of the proposed layout that do not convince. These have been commented upon by [the conservation manager] in detail to you, of which I share some reservation over the open space adjacent the school, but I also have particular concerns over the setting of the villa, which was discussed in detail at pre-app, but is not yet resolved. If there is scope to positively amend the layout to our satisfaction, then we may be able to reach a position that tips the landscape balance in favour of the application.”

On this basis a number of revisions to the Masterplan were suggested and an amended indicative plan provided. This has been further amended in response to the new strategy to

which the landscape architect has observed:-

“...this will make the detailed design work an even greater challenge, particularly in positively integrating the habitat proposals with the functional layout and intended uses. However, I do not see any elements that will compromise the proposal, and the latest masterplan provides an acceptable arrangement on which to base a detailed scheme should the proposal go forward.”

Conservation Officer – initially raised a concern that, in principle this site is not well related to the village form being separated from the built form of Queen Street by the paddocks behind the west side properties and advised:-

“The way new extensions to villages connect to an existing built area and road network is a key to their successful integration. Too often new development takes the form of a dead end; one access point, no through routes, too few other connections to provide for convenient access to a variety of destinations. This is a case in point; one road in only does not provide for the most permeable and integrated site for development, although thankfully it is helped by a potential foot/cycle connection at SE corner.”

A number of suggestions were made to improve the indicative layout:-

- The green might give more benefit if it could be used as a focus for surrounding houses. Here three sides are wasted as roadway or car parking. Similarly the community orchard is a missed opportunity to be used as an outlook to houses – not a single house would benefit.
- Relationship between houses and the site land on west side is a lost opportunity for good outlook even with level difference.
- What will be the use of this land to the west?
- Too many dead end roads. As only one road connection is possible to the rest of road network, I would favour at least incorporating loops within the layout - roads should for preference lead somewhere rather than being cul-de-sac.
- Long straight roads will not assist traffic calming. Shorter lengths between changes of direction needed.
- The allotment parking could be integrated with the orchard to provide for both and mitigate appearance; the current position provides a poor outlook for adjacent houses
- Poor relationship with village hall and failing opportunity to improve its connection to village.

With regard to the latest Masterplan the following comments are offered:-

1. *The proposed layout incorporates protection of the setting of the archaeological site by allowing sufficient space between it and the built area*
2. *While my reservations about the detachment of this site from the built form of the village remain, the proposed development at the lower level of the quarry in its central area surrounded by landscaped buffer/habitat zones would appear to have limited impact.*
3. *I remain unconvinced about the layout of the ‘village green’ area and its poor relationship to the village hall caused by the intervening employment site, but there could be adjustments to this to make it work better at a later stage.*

SSDC Ecologist – initially raised no objections subject to conditions to agree appropriate mitigation measures for reptiles, safeguarding measures for nesting birds and an

invertebrate survey and assessment. The Great Crested Newt Mitigation Strategy is accepted. In detail it is observed:-

“The proposals will require the loss of two ponds. However, the pond containing the majority of great crested newt larvae in July 2014 is proposed to be retained. Three new ponds for newts are also proposed.

A large proportion of the site consists of suitable terrestrial habitat for foraging and hibernation (ponds are used primarily for breeding in the spring and newts occupy terrestrial habitat outside of the breeding season.) Although much of the site is suitable for newts in their terrestrial phase, it’s very unlikely that the current extent of terrestrial habitat would be necessary to conserve the newts at their current population size.

A wide wildlife corridor around east, south and west boundaries is proposed. This will be fenced off to limit public access (except for footpaths). Along with some additional wildlife area in the south west of the site, it will amount to 1.6ha of terrestrial newt habitat.

A management plan is proposed for the optimum management of the wildlife corridor and wildlife areas for great crested newt.

Other proposed mitigation measures include fencing, and trapping and moving newts from construction areas to safe receptor areas.

I support the recommendation for a low wall between the breeding pond and the main access road to minimise risk of harm to dispersing newts from traffic.

As Great Crested Newts are subject to protection under the Habitats Regulations, the proposed mitigation is necessary to satisfy the legislation.”

A condition is recommended to ensure that the proposed mitigation strategy is suitably detailed and adhered to.

With regard the three derogation tests the following is offered:-

“See Natural England guidance on tests 1 and 2.

In respect of test 3, I conclude that favourable conservation status is likely to be maintained due to the retention and protection of the priority breeding pond and the retention and protection of associated terrestrial habitat. A management plan for optimum management is proposed.”

Natural England – notes proximity to Kingweston Meadows Site of SSSI and considers that subject to strict adherence to recommendations of ecology report the development would not adversely affect the site. Any further comments in relation to the newt mitigation strategy will be reported to Committee.

Somerset Wildlife Trust – supports findings and recommendations of submitted ecological report. The recommended measures should be achieved by condition.

SSC Archaeologist – no objection subject to a condition to agree a program of archaeological work.

SSDC Housing Officer – requests that 35% of the dwellings be provided as affordable housing with a tenure split of 67/33 in favour of social rent.

SSDC Community Health & Leisure Coordinator – requests a contribution of £5,036 per dwelling (total £211,518) as follows:-

Local Facilities

- £36,289 towards enhancing the equipped play area at Keinton Mandeville Village Hall
- £33,987 towards enhancing the changing facilities at Keinton Mandeville Playing Field or providing new changing facilities at the village hall
- £65,058 towards enhancing the existing village hall in Keinton Mandeville
- £23,695 as a commuted sum towards the maintenance of the above.

Strategic Facilities

- £13,206 towards expanding and enhancing the Octagon Theatre in Yeovil.
- £3,392 towards the provision of a new 3G AGP at Huish Episcopi Academy School (Policy AGP 1)
- £7,723 towards the development of an indoor swimming pool in the Langport/Huish Episcopi area (Policy SP1) or towards the development of a centrally based 8 lane district wide competition pool in Yeovil (Policy SP2)
- £9,999 towards the provision of a new indoor tennis centre in Yeovil, likely to be within Yeovil Sports Zone (Policy ITC1).
- £16,074 towards the enhancement of the sports hall at Huish Episcopi Academy School (SH3) or towards the development of a centrally based 8-court district wide competition sports hall in Yeovil (Policy SH2).

Community Health and Leisure Service Administration Fee - £2,094

SCC Education – suggest s that 42 dwellings would generate a demand for eight primary school places at £12,257 per place (total £98,056). With regard to the additional land for the primary school it is observed:-

- The proposed car park must be for school use only and wholly under the control of the school. It must be fully constructed, marked-out, fenced and gated prior to transfer to SCC;
- It is not clear how coaches will park/turn, but certainly the school car park as proposed is unsuitable for coach turning, being long and narrow, requiring any coach to reverse into or out of it, and between the rows of cars;
- The proposed layby and footpath linking the new development to Chistles Lane cross the frontage of the access into the car park, creating potential conflict between pedestrians and vehicles. There appears to be insufficient visibility for vehicles turning right on leaving the school car park.

REPRESENTATIONS

17 letters have been received raising the following areas of concern:-

- Impact of additional traffic on narrow roads, blind junctions and school;
- Impact of construction traffic;
- Traffic calming measures would be ghastly

- Traffic situation is exacerbated by HGVs using the village as a route between M5 and A37
- Submitted traffic assessment is inaccurate and is disputed
- Insufficient parking shown
- Visual impact
- Cul-de-sac layout relates poorly to existing village and ignores the established linear form
- Gardens are too small
- Additional facilities not needed
- No demand for employment space
- Insufficient allotment space
- Not enough affordable units particularly 1-bedroom units
- Turning area would not solve the problem
- Drainage problems ignored by FRA
- Impact on wildlife;
- Stone from quarry is still needed
- Keinton Mandeville only needs a further 10 houses; this many houses are not needed and would overgrow the village
- The quarry is required to be returned to a greenfield at the end of its use; it is not brownfield;
- Limited service and facilities in village could not cope;
- Utilities cannot cope;
- Site could come under pressure for further development
- There are proposal for 121 new dwellings in the village with no improvements to infrastructure. This is not sustainable.

6 letters making general comments have been received:-

- Badger report must be complied with
- Owner has taken out hedging
- Who will prepare the allotment/open space? This should be the owner.
- Demand for employment space questioned
- Access and highways impact needs careful consideration.
- Main access should be moved to Church Street
- Additional houses across all current applications needs consideration in terms of infrastructure, particularly the school, sewage, community facilities etc.
- Clarification needed of parking and turning area for school;
- Who will pre-school be provided
- Drainage needs to be looked at carefully

11 letters of support have been received, with one letter on behalf of the occupiers of 4 properties in Queen St:-

- My son would be interested in moving back to the village if new build houses were available in the village;
- The accessible stone in the quarry is running out; the aggressive techniques need to extract deep stone would greatly impact on the village;
- This is a positive opportunity especially for local who are priced out of the existing housing market
- Having lived in the village for 40 years this would be a central and suitable area for development and we hope the position taken by the parish council can be reconsidered
- We need some houses for people house have been brought up here and want to

- stay as well as for those who want to downsize and stay;
- This would tidy up the site and be of benefit to school, hall, church and sports field
- Queen St is only bad in the mornings and at school time. Any problems are not so great as stand in the way of a development that would bring benefit to the wider community
- I commute through queen St and don't consider 40 houses would be problematic, in any case Keinton Mandeville will always have to cope with traffic finding a way through to and from Yeovil, Street, Castle Cary, Somerton etc.
- Parking for school would alleviate problems
- Improvements could be made to ease flow of traffic in Queen St
- The children from this site would walk to school
- If the pre-school moves here it would be good for Keinton Mandeville as most of the children are from the village
- We all suffer if things don't move on
- We have a very good village shop, pub, butchers shop, milk farm and deliveries and we need to keep them going
- The benefits far outweigh any negative impacts
- Additional development is the only way to secure funding for the over stretched school
- This is a brownfield site which generates HGV movements past the school, housing is preferable
- Site relates well to village hall and playing fields
- The utility companies may only improve the situation in response the additional pressure – things probably aren't bad enough to warrant significant expense.

Additionally a letter of support has been received from the Chair of Barton St David Pre-School:-

- There would be huge benefits of having the pre-school facility on a single site at the Keinton Mandeville Primary School;
- There are inconveniences at Barton St David due to having to share with other users (re-arranging furniture; taking down drawings/posters etc.) and lack of an outside area.

A letter has also been received from the headteacher of Keinton Mandeville Primary School:-

- Whilst the school is at capacity a contribution from the developer could only have a positive effect
- Much of the traffic issues arise from inadequate and unsafe parking in Chistles Land and the lack of turning areas. There are only 7 spaces in the school car park for 12 members of staff. A purpose built parking and turning area could only alleviate the problem
- The proposal would allow a pre-school to be established at the primary school with benefits for the children and parents – purpose built facility at a one-drop stop.
- The possibility of continued, deep quarrying and additional lorry movements would be a major concern for the school

At the time of writing no further comments in relation to the Great Crested Newt Mitigation Strategy and updated master plan had been received and an oral update may be necessary.

APPLICANTS CASE

“...the application comprises a comprehensive and sustainable package of proposals whose components will offer a wide range of benefits to the local community. This has been possible because, as a landowner led application, the scale of the development has been determined by the minimum number of dwellings considered to be needed to make the overall package financially viable, rather than by seeking to maximise the maximum amount of development achievable with the minimum of contributions to community facilities, which might otherwise have been the case. This balance between the scale of development and the provision of community benefits can be secured through the provisions of a legal Agreement.

“It has been comprehensively demonstrated that the proposals comply fully with all relevant policies of the Development Plan and National Planning Policy and that in accordance with the presumption in favour with sustainable development established in the NPPF we respectfully request that planning permission is granted.”

(extract from conclusion of Planning Statement)

CONSIDERATIONS

The key considerations are considered to be:

- Principle of Development
- Level of Development
- Highways
- Visual Amenity
- Ecology
- Residential Amenity
- Planning Obligations

Principle of Development

At the District Executive Committee meeting on 5th June 2014 a report was accepted that set out that the Council can now demonstrate a five-year housing land supply, with appropriate buffer. Nevertheless, with or without a five-year housing land supply it is important to judge each application on its merits, taking account the impacts and benefits that the scheme provides. In this context the application must be considered in light of the saved policies of the 2006 Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

It is accepted that the policy framework provided by the previous Local Plan (1991 - 2011) is increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework. Whilst the proposal is contrary to Policy ST3, it is considered Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

The Council is currently in a period of transition where regard should be had to the emerging Local Plan. The policies within the emerging Local Plan have weight and should be borne in mind, particularly where there are concerns as to the out-of-date nature of existing policies. The emerging local plan defines Keinton Mandeville as a Rural Settlement, where policy SS2 would apply; this supports development where:-

- It would provide employment facilities
- It would create or enhance community facilities
- It would meet an identified housing need, particularly affordable housing

and would be commensurate with the scale and character of the settlement and increases the sustainability of the settlement in general. It is stated that “*Proposals for housing development should only be permitted in rural settlements that have access to key services.*”

Keinton Mandeville has a local convenience shop, a pub, a play area/sports pitch, a village hall, faith facility and a primary school and there is access to bus services. On this basis it is considered that the village has the services and facilities that make it appropriate for suitable development. It is noted that the proposal provides for employment, community facilities and would provide affordable housing.

Additionally it should be noted that as a previously used quarry site the proposed re-development would not result in the loss of a greenfield site or the best and most versatile agricultural land. It is accepted that under the county mineral extraction permission there is a requirement for the site to be restored at the end quarry, however this should not prejudice the determination of this application in light of current planning policies.

The loss of the quarry, previously objected to by the County on the grounds of the loss of a source of local stone, has been justified by the an assessment of the remaining stone as being of limited value for stone work. This assessment is accepted by the County as the authority for waste and minerals planning.

Accordingly, the focus should not be on whether the Council has a five-year land supply or not, rather a balanced judgement has to be made with regard to the impacts and benefits of the scheme in light of the existing Local Plan, the NPPF and the emerging Local Plan. Particular reference should be made to NPPF Paragraph 14 where its states that where the development plan relevant policies are out of date, there should be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Therefore, although the site is outside the defined development area, and notwithstanding the various local concerns in relation to the principle of development it is considered that the principle of a mixed use re-development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts.

Highways

Whilst there are clear local concerns about the impact of the development on the local highway network the county highways authority do not object to the proposal. They point out that the extant permission has the potential to generate a significant number of vehicle movements. Whilst current vehicle movements may be low, this could change without the need for further permission should the quarry owner seek to exploit the aggregate grade stone remaining.

The provision of additional turning and parking facilities for the school is welcomed, along with the reduction in HGV movements. The findings and recommendations of the applicant's traffic assessment are accepted by the highway authority and there is no evidence to demonstrate that this is unreasonable or that there would be a severe adverse impact on highways safety. Accordingly it is not considered justified to override the advice of the highways officer in this instance. Whilst there are local concerns about the accuracy of the submitted highways assessment no evidence is provided to demonstrate why it should be regarded as unreliable.

On this basis it is considered that, in highways terms, the proposal complies with saved policies ST5, TP1 and TP4.

Level of Development

The proposal is for up to 42 dwellings. This is within the 50 indicated as the upper end applicable to emerging policy SS2. Keinton Mandeville is considered to be one of the more sustainable Rural Settlements, having a reasonable range of local services and facilities. Given that this is a large, previously used site it is not considered that the proposal is so out of kilter with Keinton Mandeville (pop. 1,068; 417 dwellings according to the 2011 Census) that planning permission would justifiably be withheld on the grounds of over development.

With regard to other developments, either approved or in the pipeline, it is not considered that, cumulatively, Keinton Mandeville would exceed its status in the District's hierarchy of settlements. As a number of respondents, including the school, point out growth will sustain services and encourage investment.

Visual Amenity

Whilst the landscape architect's initial reservations about the site's relationship to the built form of the village are noted it is accepted that this is a visually self-contained, previously used site. The applicant has sought to address the issues identified by the landscape architect, who has indicated that he considers that an acceptable layout can be achieved.

The Masterplan shows substantial areas of open space as part of the development that would help mitigate any adverse visual impact and safeguard the setting of the Roman villa; these include:-

- The western field retained as 'recreation land'
- A village green to the north of the site;
- Landscaped areas around the west and south sides of the proposed development
- Allotments to the south of the development.
- Ponds would also be provided with the landscaped areas as part the newt mitigation strategy

It is accepted that this site is set back from the linear form of the village, however it is a previously used site that is well related to existing development and would simply infill an area between Chistles Lane (between the school and the village hall) and existing development in Church Street. The conservation officer's comments about the village green are noted; however as he points out adjustments could be made at the reserved matters stage. It is considered that this could facilitate a link to the village hall and promote a positive relationship between the hall and the green.

Whilst local concerns are noted it is considered any landscape and visual impact could be sufficiently mitigated and any harm would not be so severe as to justify withholding planning permission on the grounds of conflict with saved policies ST5, ST6 or EC3 or the provisions of the NPPF.

Ecology

Whilst there are local concerns, no ecological objection has been raised by the Council's ecologist, Natural England or Somerset Wildlife Trust.

Nevertheless, as advised by the Council's ecologist the Council must be satisfied that the 3 derogation tests are satisfied. In this respect the following comments are offered:-

1. The benefits of the development in terms of a variety of much needed housing (affordable, self-build and open market), school parking, open and amenity space, employment space, and allotments are considered to be material benefits that constitute a public interest.
2. The scheme uses an existing quarry in preference to green field land. It is accepted that in Keinton Mandeville there is no other previously used site upon which the benefits identified above could be delivered.
3. The Council's ecologist accepts that favourable conservation status of the newts would be maintained due to the retention and protection of the priority breeding pond and the retention and protection of associated terrestrial habitat.

It is accepted that the proposal would affect a population of great crested newts. However, on the basis of the above it is considered that the benefits of the development to the local community, the lack of alternative sites in Keinton Mandeville that could deliver these benefits and the agreed mitigation measures (that would safeguard the favourable conservation status of the newts) satisfy the requirements of the 3 derogation tests.

Given the large amount of open space/landscaping shown on the indicative layout the safeguarding conditions recommended by the Council's ecologist are considered to be reasonable and appropriate. On this basis it is considered that the proposal complies with saved policy EC3 and the policies contained within the NPPF.

Residential Amenity

It is considered that there is sufficient space within the site to ensure that the amenities of existing and future residents would be safeguarded, in terms of garden size, parking provision, separation between properties etc. This could reasonably be assessed at the reserved matters stage. On this basis the proposal complies with policy ST6.

Planning Obligations

Whilst there is concern about the impact of the proposal on the local infrastructure no statutory provider or consultee has objected. The applicant is agreeable to the obligations in respect of affordable housing and sports, arts and leisure provision. Furthermore the proposal would provide benefits in terms of an enlarged school site to provide additional parking and turning space to alleviate a clearly identified local problem; this would also facilitate the freeing up of existing space to enable the pre-school to relocate. The provision of allotments and recreation space is also welcome.

It is considered that these obligations are reasonable and clearly related to the development and as such can be delivered by a section 106 agreement in compliance with saved policies ST5 and ST10. Such agreement should provide for:-

- At least 35% of the dwellings to be delivered as affordable housing to the satisfaction of the Council's Strategic Housing Manager.
- A contribution of £5,036 per dwelling is provided for to mitigate the impact of the development on sports, arts and leisure facilities, as set out by the SSDC Community Health & Leisure Coordinator to the satisfaction of the Assistant Director (Wellbeing).
- Provision for the delivery, and subsequent management in perpetuity, of the additional land for school use, allotments, the village green and recreational land, including any items of archaeological interest to the satisfaction of the development manager.
- Possible education contribution if requested by County education authority.

Other Issues

The contents of the Keinton Mandeville Local Community Plan are noted as a material consideration. Whilst the proposal for up to 42 dwellings is clearly at odds with housing Objective 2, the limitation to 10 dwellings is not supported by District Council policies and this could not justify withholding permission. It is considered doubtful whether a development of less than 10 could viably deliver the benefits of this application; at less than 10 the affordable housing requirement would not normally be triggered.

As it stands the proposal delivers affordable housing (Housing Objective 3), will remove quarry related HGV traffic (Transport Objective 1), would address parking problems at the school (Transport Objective 2), will generate more potential users to support public transport (Transport Objective 3), will provide recreation areas and allotments (Youth Provision Objective 2, Leisure & Cultural Activities Objectives 2 and 3), will allow for the enhancement of the footpath along the eastern edge of the site (Environmental Objective 1) and will provide for replacement employment space (Economy Objective 3).

On this basis it is considered that the proposal would positively meet the broad objectives of the Keinton Mandeville Local Community Plan. Where the proposal is in conflict with this plan there is also a conflict with District and national policies which do not justify limiting development sites to 10 dwellings. Accordingly it is not considered that a refusal could be sustained on the basis of conflict with the Community Plan.

The proposal includes self-build homes and employment land. Notwithstanding concerns about their justification, are welcome and would be provided at the applicant's risk. The government is very strongly supportive of self-build and this would be an opportunity for serviced plots to be made available to those who wish to construct their own home. A condition is suggested to agree a 'Design Code' to ensure a consistency of design over these plots. If there proves to be insufficient taken up them house builders would no doubt step in and build to market demand.

With regard to the employment land whilst demand may currently be low that is not to say there would be no take up in the future. Its inclusion at outline stage is not objectionable in policy terms and is supported by emerging policy SS2.

There is no evidence that an appropriate drainage solution could not be achieved or that the submitted FRA is defective. Accordingly it is considered that detail can reasonably be conditioned as suggested by the Environment agency and the Council's engineer.

Although the need for the houses is disputed, the District Council needs to plan for 15,950 new homes over the plan period (2006-2028). With a residual of 5,822 still to be found it is accepted that there is a clear district wide need. If some of this need can sustainably be met in Keinton Mandeville without significant harm then the NPPF and local policies indicate that it should be supported.

There is often concern that the approval of one development will set a precedent that other will follow. Nothing can prevent other land owners seeking permission for development, however each application would be treated on its own merits and approval of this application would not mean other proposals in Keinton Mandeville could not be resisted if there would be a clear harm.

Finally it is considered that this comprehensive redevelopment of the site, under a different policy regime and with the mineral resource issue now resolved, addresses the previous reasons for refusal.

Conclusion

It is accepted that this proposal has generated considerable local opposition; however it has also stirred similar levels of support. As ever the balance has to be struck between the benefits and harm arising from development. In this instance the positives are noted – the provision of a diversity of housing – open market, self-build and affordable; allotments; open space; additional space for the school which will enable a longstanding local issue to be addressed; the safeguarding of the Roman villa and employment land.

Against this are concerns about highways safety, ecology, particularly the impact on great crested newts), the impact on infrastructure, visual impact, the relationship with the existing built form and the level of development. Neither the highways authority nor any other statutory provider object to the proposal and it is considered that up to 42 houses is a reasonable level of development for a single site in Keinton Mandeville, especially a previously used one such as this. Whilst there are concerns about the relationship with the village and the visual impact, it is considered that these can be reasonably mitigated and fully considered at the reserved matters stage and do not outweigh the benefits of the proposal as a whole.

With regard to ecology, the applicant has provided a Great Crested Newt Mitigation Strategy that the Council's ecologist accepts would safeguard the newt's favourable conservation status. In terms of the benefits, there are no alternative sites in Keinton Mandeville that could deliver these benefits, which are considered to be in the public interest.

RECOMMENDATION

That this application be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
1. At least 35% of the dwellings are delivered as affordable housing to the satisfaction of the Council's Strategic Housing Manager.
 2. A contribution of £5,036 per dwelling is provided for to mitigate the impact of the development on sports, arts and leisure facilities to the satisfaction of the Assistant Director (Wellbeing).
 3. Provision is made for the delivery, and subsequent management in perpetuity, of the additional land for school use, allotments, the village green and recreational land, including any items of archaeological interest to the satisfaction of the development manager.
 4. Provision is made for an education contribution of £12,257 per primary school place as requested by the County education authority.

and

- b) the following conditions

Justification

It is considered that the benefits of the development in terms of the delivery of a variety of housing types and community benefits, along with the cessation of the potentially disruptive quarrying activities, outweigh any limited landscape and visual harm arising from the

development of the site. The proposal would not have a severe impact on highways safety or a significant impact on ecology, drainage, residential amenity and provision has been made for the reasonable and necessary planning obligations to address the identified impacts on infrastructure. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework and is in general accordance with the direct of policy in the Emerging South Somerton local Plan.

CONDITIONS

01. Details of the appearance, landscaping, layout and scale (herein after called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin not later than 3 years from the date of this permission or not later than 2 years from the approval of the last “reserved matters” to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The residential component of development hereby approved shall comprise no more than 42 dwellings and shall be carried out generally in accordance with the layout indicated on the revised master plan no. 403 (00) 03H dated 20/06/14.

Reason: To ensure that the development is commensurate with the scale of the settlement and with the agreed mitigation measures in accordance with saved policies HG7, CR3, ST5 and ST10 of the South Somerset Local Plan (2006).

04. Prior to the submission of any application for the approval of the reserved matters in relation to the self-build houses, a Design Code setting out the parameters for the scale, appearance and palette of materials shall be submitted to and approved in writing by the Local Planning Authority. This shall then be used as the basis for all submissions of applications for approval of reserved matters for these houses.

Reason: To ensure a high quality form of development in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan (2006).

05. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to:-

1. line, level and layout of the access road junction (as shown generally in accordance with submitted plan 403 (00) 04 Rev A and
2. off site highway works as shown on (but not limited to) Queen Street as shown generally in accordance with Figure 21 page 33 Lvw Transport Assessment, including its means of construction and surface water drainage.

The approved access road junction and off site highway works shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 prior to the occupation of any unit hereby approved.

Reason: In the interests of highways safety in accordance with saved policy ST5 of the South Somerset local Plan (2006).

06. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, 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 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: In the interests of highways safety in accordance with saved policy ST5 of the South Somerset local Plan (2006).

07. 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 highways safety and the amenities of future occupiers in accordance with saved policies ST5 and ST6 of the South Somerset local Plan (2006).

08. Prior to the commencement of the development, a framework for the preparation of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The framework shall set out the proposed contents of the plan, in accordance with best practice. Within one year of the first occupation of the buildings hereby approved, a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include measurable outputs and arrangements for appropriate monitoring and enforcement.

Reason: In the interests of sustainable development in accordance with saved policy TP2 of the South Somerset local Plan (2006).

09. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). 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, temporary pedestrian and cycle links and a condition survey of the existing public highway along with measures to remedy any damage to the highway occurring as a result of this development to the satisfaction of the Highway Authority once all works have been completed on site. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and the amenities of local residents in accordance with saved policies ST5 and EP6 of the South Somerset local Plan (2006).

10. Before the new development is first brought into use, the pick-up/set down arrangements and parking areas for the existing school (as shown generally in accordance with the submitted plans) use shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety in accordance with saved policy ST5 of the South Somerset local Plan (2006).

11. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological potential of the site in accordance with saved policy EH12 of the South Somerset local Plan (2006).

12. The development hereby permitted shall not be commenced (including any ground works or site clearance outside of the current area of quarrying) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with saved policy EC8 of the South Somerset Local Plan (2006), and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

13. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with saved Policy EC8 of the adopted South Somerset Local Plan (2006).

14. The development hereby permitted shall not be commenced (including any ground works or site clearance outside of the current area of quarrying) until a survey to determine the value of the site to invertebrates along with a method statement detailing measures to avoid harm to any protected species of invertebrate found to be present, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with saved policy EC8 of the South Somerset Local Plan (2006), and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

15. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.
 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
 5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.”

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with saved policy EP1 of the South Somerset Local Plan (2006).

16. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with saved policy EU4 of the South Somerset Local Plan (2006).

17. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason – To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes in accordance with

saved policy EP1 of the South Somerset Local Plan (2006).

18. The development hereby permitted shall not be commenced (including site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a great crested newt mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Further great crested newt surveys undertaken between March and June and using methods and survey effort to enable population class size assessment to be confirmed shall be submitted with any full or reserved matters application.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

Informative

1. You are reminded of the contents of the Environment Agency's letter of 22/04/14, a copy of which is available on the Council's website under the application reference number.
 2. You are reminded that before this development can commence, a European Protected Species Mitigation Licence (under *The Conservation (Natural Habitats, &c.) Regulations 2010*) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
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