

PLANNING APPLICATION REPORT

Case Officer: Charlie Bladon

Parish: Brixton **Ward:** Wembury and Brixton

Application No: 1508/21/FUL

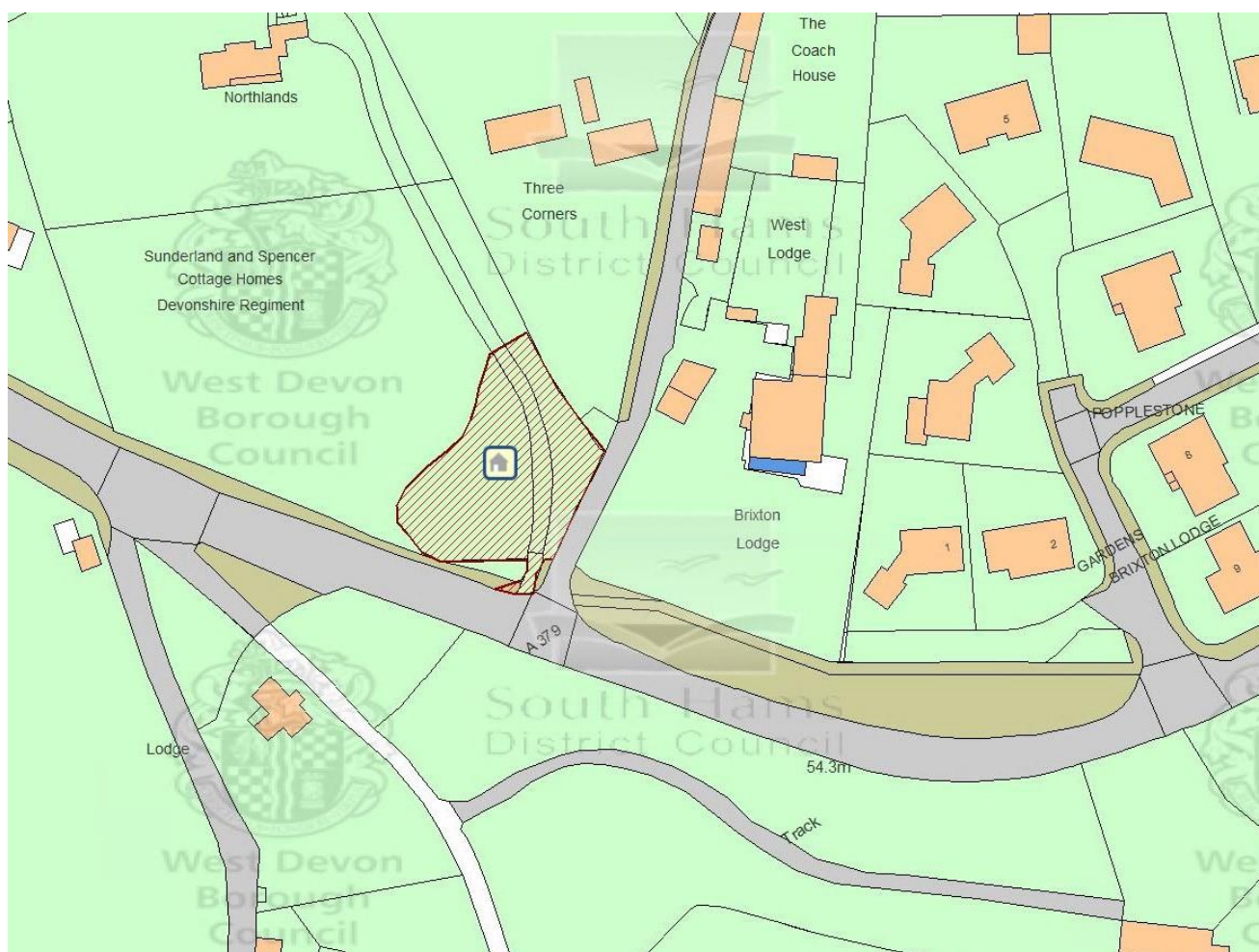
Agent/Applicant:

Elizabeth Bricknell
Design Development Ltd
Lansdowne House
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Mannamead
Plymouth
PL3 5DH

Applicant:

Mr D Bothma
Northlands
Chittleburn Hill
Brixton
PL8 2FL

Site Address: Land at Northlands, Chittleburn Hill, Brixton, PL8 2FL



Development: READVERTISEMENT (Revised plans received) Application for proposed single storey dwelling with associated access, driveway and private garden

Recommendation: To delegate authority to the Head of Planning to approve the application subject to completion of a Unilateral Undertaking to secure financial contribution to mitigate impacts on the Plymouth/Tamar European Marine Site (EMS).

Reason item is brought before Committee: Councillors Brazil, Chown and Brown have requested the item is determined by the committee for the following reason: *Due to the concerns noted by the Parish Council and local residents of a potential conflict with the Brixton Parish Neighbourhood Plan.*”

Conditions/Reasons for refusal (list not in full)

1. Time for commencement
2. Approved plan
3. Tree protection measures
4. Parking/Turning prior to occupation
5. Landscaping scheme to include indigenous species.
6. Remove PD rights
7. Climate reduction measures to be implemented prior to occupation

Key issues for consideration: Principle, Design/visual impact, amenity impacts, impacts on nearby trees, setting of Listed Building, AONB landscape, highways implications, ecology, eco-homes measures, Plymouth EMS.

Financial Implications (Potential New Homes Bonus for major applications):

The Government has advised that the New Homes Bonus scheme will end after the 2020-2021 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2019). A statement about a replacement scheme is expected in Autumn 2020.

Site Description: The site lies on the western edge of Brixton, outside but directly abutting the village boundary as defined in the Brixton Neighbourhood Plan. The site forms part of the original garden of a large detached dwelling, “Northlands”, which lies to the north. To the west of the site are four new dwellings that were also once part of the garden of Northlands and were granted permission and have now been completed. The current application site lies between these newly constructed dwellings and the existing urban fabric of the village to the east. The site is not within the AONB which lies to the south of the main road through Brixton. The site is not within a conservation area and there is a Grade I listed building known as Brixton House around 50 metres to the east.

The Proposal: Full permission is sought for the construction of a single storey detached dwelling on the site, with associated parking, access, and outdoor amenity space.

Consultations:

- County Highways Authority - The Highway Authority has no objections.

Note - Prior to commencement a S184 licence will be required to adjust the verge for the proposed driveway. A 12mm height kerb should be re-instated at the access for the vehicle crossing.

- Town/Parish Council – Object: Brixton Parish Council objects to this re-advertisement application 1508/21/FUL.

1. Brixton Parish Neighbourhood Plan - Brixton Village Settlement Boundary

The location of the site in this application is outside the Brixton Village Settlement Boundary as defined and marked in red in the adopted/'made' Brixton Parish Neighbourhood Plan 2014-2034 (page 41).

The planning policies contained in the Brixton Neighbourhood Plan are relevant and must be applied as the Neighbourhood Plan met the basic requirements for the Examiner in June 2019. It proceeded to the Referendum on the 15th October 2019 when 95% of the electorate of Brixton Parish who voted supported the Plan. The Plan and its policies were formally adopted/'made' at South Hams District Council on the 28th November 2019.

Notwithstanding point 1 above which on its own is sufficient to refuse this application the following reasons are also given to support this objection. (All of which carry equal weight)

2. Access

In 2016 planning consent was granted by South Hams District Council for an application to construct of 4 dwelling houses at Northlands. This consent included the closure of the existing access to the house at Northlands for vehicular traffic and construction of a new vehicular access on to the highway (A379). The new vehicular access would provide access to the 4 new dwelling houses, Northlands and other accommodation on the site. The closure of the existing vehicular access resulted in creating a pedestrian access to Northlands.

Image 8 on the Design Statement for this current application is incomplete as it does not show the whole area covered by the consent made in 2016.

This re advertised application proposes changing this pedestrian access back to vehicular traffic to allow vehicles onto this site. As a result on the ground, over a distance of 15 meters there will be three exits onto the A379. These exits are from Lodge Lane, this proposed change from pedestrian access to vehicular access and the consented vehicular access (2016) to the 4 houses in Chittleburn Close, the house at Northlands and three holiday lets. All three access points onto the A379 will cross the footway.

This proposed access is immediately adjacent to tactile paving which is on either side of Lodge Lane at this point.

In the 2016 planning application the standard of the existing vehicular access at this junction to Northlands was considered to be 'poor', being situated immediately adjacent to the main road junction for Lodge Lane with a resultant potential conflict between vehicle users at the two junctions.

3. Surface Water Drainage

Brixton Parish Council is committed to the improvement of water quality of the River Yealm by ensuring that all planning applications for new housing have sustainable and appropriate drainage plans for the disposal of all surface water within the proposed site of the development. For this application planners must be satisfied that the drainage plan ensures that all surface water will be managed on the site and that there will be no run off into the main drains.

This is particularly important on this site as at periods of increasingly frequent heavy rainfall there is considerable flooding where Lodge Lane joins the A379. Any surface water runoff from this site will exacerbate an already serious problem of flooding for the residents of Lodge Lane.

The drainage plan quotes the capacity of the soak away which includes 1:100 year event for flooding. From current recent experience of increased rain fall due to climate change this event has already happened. Plans need to be in place to ensure that there is no surface water runoff from the site to reduce the risk of increased flooding in Lodge Lane.

4. Renewable Energy

Given the drive nationally and South Hams District Council's policies on climate change the issue of using renewable energy in this application appears to be limited to solar panels. Other sources of renewable energy for heating should also be considered e.g. ground source heat pumps, etc.

- Landscape Officer – No objection in principle although some concerns and reservations remain about the species proposed.
- [Officer note: This can be dealt with via the imposition of a landscape condition].
- Tree Officer - No objection on arboricultural merit subject to the noted documents being made approved plans if consent follows.

Representations:

Representations from Residents

Comments have been received and cover the following points: 2 objectors
Site is outside village boundary and so development contrary to neighbourhood plan.

Relevant Planning History

4074/20/PR4 - Pre Application Enquiry For -Proposed single storey dwelling with associated access, driveway and private garden – Partial Support

1660/15/FUL - Construction of 4no. dwelling houses, closure of existing access to vehicular traffic and construction of new vehicular access onto highway – Conditional approval

ANALYSIS

Principle of Development/Sustainability:

The site falls outside but adjacent to the development boundary for Brixton set out in the Neighbourhood Plan, however it is well-related to the settlement and is sited between existing dwellings, therefore the site is considered to be sustainable and well linked to the existing settlement. Whilst development in the countryside remains under strict control, the National Planning Policy Framework (NPPF) is supportive of sustainable development and the Joint Local Plan (JLP) supports development immediately adjacent to development boundaries where it meets local need. In addition, while the site is outside of the Brixton Development Boundary, it is surrounded by existing residential properties. Spatially the site is considered to relate well to Brixton Village and is well connected to the facilities and services provided within it as well as transport links. Finally, the policy in the Neighbourhood Plan does not specifically restrict development outside the defined settlement boundary of Brixton.

The principle of development is therefore accepted subject to all material planning considerations.

Design/Landscape:

The application site is located outside the South Hams AONB and is in proximity to a listed building known as Brixton House which lies around 50 metres east of the site. The application site is well-screened from the surrounding environment by existing mature trees and shrubs within the site and surrounding properties. The proposed development would comprise a single storey dwelling with a flat roof design, presenting a low visual profile in the context of surrounding development which is mostly two storey and higher. The proposed dwelling would have a modern design that would not detract from the mixed architectural character or the surrounding area and would not harm the setting of the nearby listed building. In respect of the JLP, the design is considered in accordance with the requirements of policy DEV20 (Place Shaping and Quality of Built Environment)

Neighbour Amenity: The proposed dwelling would be sited a sufficient distance from other nearby dwellings to maintain adequate privacy and amenity. The trees and hedges within and along the boundaries of the site would further contribute to privacy and amenity between the site and surrounding land. It is considered that the proposed development is acceptable in the context of JLP policy DEV1 (Protecting health and amenity).

Highways/Access: The county highways authority have reviewed the proposal and determined that it would not result in significant harm to the safe operation of the highway network. The concerns of the Parish Council are noted, however the proposal seeks to re-instate an existing disused vehicular access and will provide sufficient space for turning and parking within the site. It is considered that the proposed access would not harm highway safety and would not prejudice pedestrian access. On balance therefore it is considered that the proposed access, parking and turning arrangements are acceptable.

Other Matters: A tree impact assessment and protection plan was submitted with the application; the tree officer has reviewed the submitted details and is satisfied with the measures proposed. The foliage within the site contributes to the aesthetic appeal and visual screening of the site, and it is reasonable to condition that the protection measures are followed.

The application proposes a new septic tank to the rear of the plot, away from the proposed dwelling, for foul waste and a soakaway system for surface water drainage. It is considered there is sufficient space to provide adequate drainage system to meet the needs of the development.

The proposal includes measures to ensure the sustainability of the development with respect to climate change. There are a number of measures proposed including high thermal efficiency construction and installation of solar photo-voltaic panels on the roof of the building. It is considered that the proposed development would satisfy the requirements of JLP policy DEV32 with regard to sustainability.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar

European Marine Site can be appropriately secured by unilateral undertaking and this approach has been agreed by Natural England.

The agent has indicated willingness to enter into a Unilateral Undertaking to secure the necessary financial contribution identified above, but this has yet to be secured. It is recommended that the committee delegates authority to the Head of Planning to approve the application subject to the LPA first securing the necessary Unilateral Undertaking.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering Sustainable Development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing Flood Risk and Water Quality Impacts

Brixton Parish Neighbourhood Plan: Env2, Env7, Dev2, Dev4, Dev5, Dev6, Dev7

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Conditions:

1. The development hereby approved shall in all respects accord strictly with the following drawings/documents:

Received 24/05/21:

Landscape Plan

1327-942-1301 Rev.A

1327-942-1101 Rev.A

TC210208-TS.TCP-02.2021

TC210208-AIA.TPP-02.2021

Arboricultural Impact Assessment

Received 02/07/21:

1327-942-1202 Rev.A

1327-942-1201 Rev.A

1327-942-0001 Rev.B

Received 02/08/21:

1327-942-1001 Rev.F

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Before the development hereby approved is brought into first occupation, the proposed access and parking facilities shall be provided as detailed on the approved plans and thereafter be so retained.

Reason: In the interests of highway safety.

4. The development hereby approved shall be carried out in accordance with the tree protection measures set out in the approved Arboricultural Impact Assessment and supporting Tree Protection Plan. Reason: In the interests of visual amenity.

5. Before the development hereby approved is first brought into use and notwithstanding the submitted landscaping scheme, details of indigenous species planting shall be approved in writing by the Local Planning Authority and thereafter be so maintained.

Reason: In the interests of visual amenity.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

(a)Part 1, Class A (extensions and alterations)

(b)Part 1, Classes B and C (roof addition or alteration)

(c)Part 1, Class D (porch)

(d)Part 1, Class E(a)(swimming pools and buildings incidental to the enjoyment of the dwellinghouse)

(e)Part 14, Class A-I (renewable energy)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

7. The development shall be carried out in accordance with the energy and sustainability measures outlined in the submitted Design and Access Statement. Reason: To secure low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.