

# PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

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

**Application No:** 1812/17/OPA

**Agent/Applicant:**

Grevan Ashmont Retirement  
Po Box 108  
Brixham  
TQ5 5BB

**Applicant:**

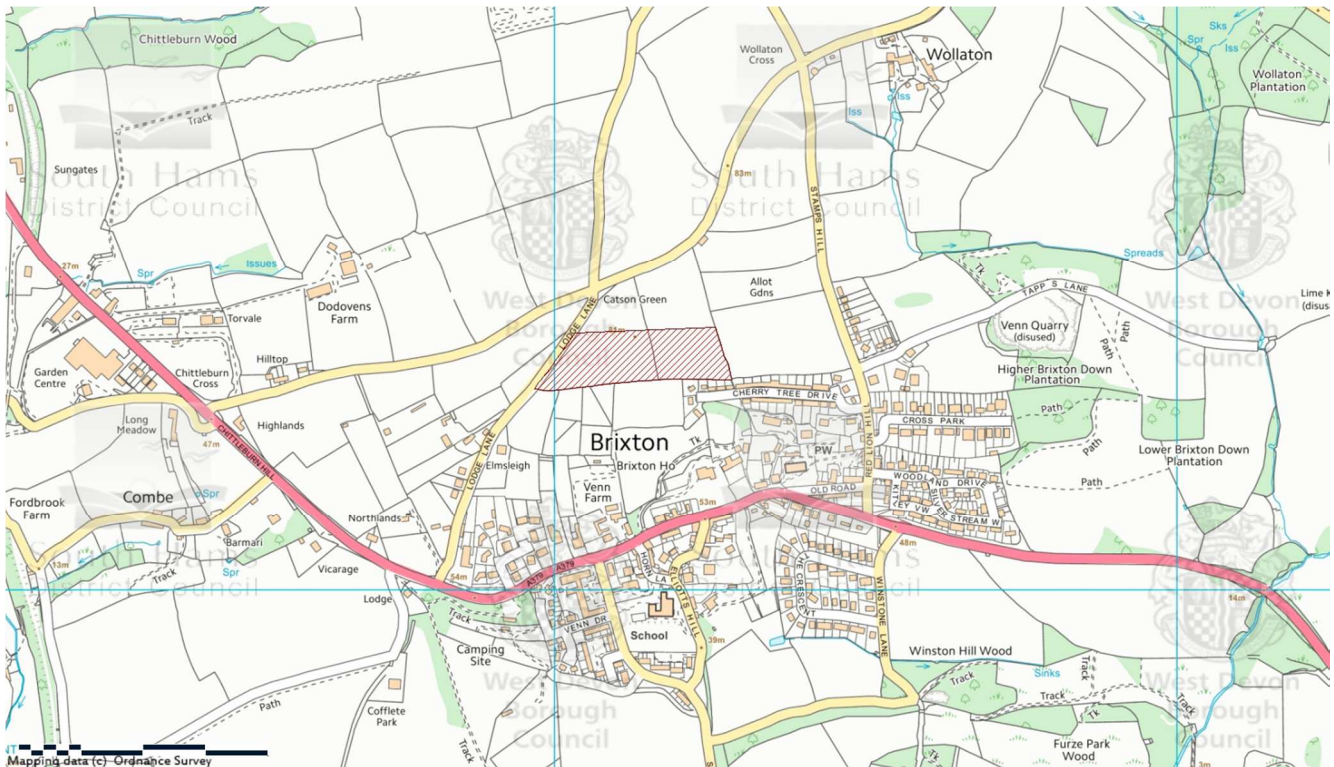
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**Site Address:** Proposed development site at SX 550 523, Land at Venn Farm, Brixton

**Development:** Outline application with all matters reserved for erection of circa 25no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public open space and visitor car park

**Reason item is being put before Committee:** The land owner is a Member of South Hams District Council.

Officers consider that the application as currently presented is invalid and as such have not proceeded to determine the application. An appeal against non-determination has nevertheless been submitted. If the Planning Inspectorate decide the application is valid they will consider the planning merits of the scheme and will want to know the recommendation of this Council.



**Recommendation:** That the Council resolve that were it in a position to determine this application it would refuse planning permission.

### **Reasons for refusal**

1. The proposed development in the countryside will result in a significant extension and expansion of the village of Brixton which already has sites coming forward providing significant amounts of new housing that exceed the housing needs of the Parish. The proposed development will add substantially to the cumulative impact of new development in the village that delivered as unplanned development in a short time frame will adversely impact on the social wellbeing and character of the village. As such the proposed development is not sustainable and is contrary to principles of the NPPF, in particular paragraphs 7, 14, 17 and 55 and is contrary to Policies CS1 and DP15 of the South Hams Local Development Framework and Policies SPT1, SPT2 and TTV30 and TTV31 of the emerging Plymouth and South West Devon Joint Local Plan
2. The proposed development fails to conserve or enhance the quality, character and local distinctiveness of the local landscape and adversely impacts on the setting of the South Devon Area of Outstanding Natural Beauty. As such the proposed development is contrary to policies CS9 and DP2 of the South Hams Local Development Framework, policies DEV24 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan, the provisions of the South Devon AONB Management Plan and the National Planning Policy Framework in particular paragraphs 109 and 115.
3. It has not been demonstrated that the proposed development can provide safe and convenient vehicular and pedestrian access to the site, including access for emergency vehicles. As such the proposed development is contrary to policy DP7 of the South Hams Local Development Framework, policies SPT2 and DEV31 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paragraph 32.
4. The proposal would generate a requirement for a signed Section 106 agreement to deliver identified planning obligations. The absence of such a signed agreement is contrary to policies CS6, CS8, CS10, DP5 and DP8 and of the South Hams Local Development Framework, policies DEV9, DEV28, DEV29, DEV32 of the emerging Plymouth and South West Devon Joint Local Plan and paragraph 203 of the National Planning Policy Framework.

### **Key issues for consideration:**

Whether the application as submitted is a valid planning application.

If the application is deemed to be valid then the key planning issues should be considered as follows:

The site lies outside of but adjacent to the settlement boundary. The site would be an extension to the village of Brixton which has had a high number of permissions for residential development granted in recent years and which is very close to the large urban development of Sherford.

South Hams District Council can demonstrate a five year housing land supply however its adopted housing supply policies are out of date. In such a situation, in accordance with paragraph 14 of the National Planning Policy Framework (NPPF) it is necessary to consider if any adverse impacts of granting permission for this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or if specific policies in the NPPF indicate development should be restricted.

In making this assessment key issues will relate to social impacts of the development on the village, landscape impact, highway impact, ecological impact and impact on residential amenity

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

It is estimated that this development has the potential to attract New Homes Bonus of £30,600 per annum, payable for a period of 4 years.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

### **Site Description:**

The red-line application site is a 2.24ha parcel of land immediately north of land on which outline planning permission was recently approved for 29 dwellings as 'Phase 3' of development on land originally known as Venn Farm, now known in part as Canes Orchard and also north of land which has planning permission for 17 dwellings as part of Phase 2a of the Canes Orchard development.

The site location plan includes a further area of land outlined in blue, north of the red-line site, which amounts to a further 2 ha (approx). The planning statement refers to 'the site' as extending to 4.2 ha and currently comprising two arable fields bisected by a hedgerow running north-south, the planning statement therefore refers to both the red line and blue line areas combined as the application site.

The 4.2 ha site is boarded by mature hedgerows with some trees. The site is in agricultural use and is Grade 2 agricultural land.

There is an existing field access on the northern boundary of the blue land. A public right of way crosses the eastern field diagonally linking Cherry Tree Drive to the road to the north. This forms part of the Erme-Plym Trail and is a popular and well used recreational route.

As acknowledged in the design and access statement the site is crossed by a ridge and falls to the south across the principal area for the proposed residential development. There are views across the village and its surroundings from the upper slopes.

The red-line application site adjoins Lodge Lane to the west, this is the only road from which it may be possible to provide a direct access, based on the site location plan submitted. The application site does not extend south to meet up with the road within Canes Orchard.

The South Devon AONB lies approx. 200m to the south of the site on the opposite side of the A379.

The site lies outside of the development boundary and was not included in the RA12 site

allocation which included the land now developed at Phase 1 and the land which has planning permission for Phase 2b and part of the Phase 2a site. This site allocation sought a mixed use development of 50 dwellings, 0.1ha of employment land and open space.

### **The Proposal:**

The application seeks outline planning permission for circa 25 age restricted bungalows/chalet bungalows, allotments, public open space and visitor car park. This is the description set out on the application form.

The application form states that the application is in outline with all matters reserved. This conflicts with the design and access statement which states the details of access are to be submitted at this stage and that access will be gained from the existing phased housing development (presumably on the land to the south).

The application is supported by an illustrative masterplan. This shows 25 dwellings located within the red line application site and an area of public open space to the south. The plan shows a vehicular access to the south of the site linking into the Phase 3 of Canes Orchard. This road however does not exist, reserved matters for this phase of development is yet to be agreed and the route of this road could change; this approved scheme may or may not come forward for development.

A substantial area of public open space, the allotments and a visitor car park, together with an emergency access are all shown on the illustrative masterplan as located within the blue line area of the site plan, therefore outside of the application site.

The illustrative plan shows bungalows located on the northern part of the actual application site and chalet bungalows on the southern, lower part of the site. A new Devon bank is indicated running east west across the existing fields, dividing the application site from the public open space and allotments to the north.

The illustrative layout will require the existing public right of way to be diverted, there is no mention of how or if it is intended to do this within the supporting documents. The illustrative plan has been amended so that it could be possible to achieve a link from the PROW into the site but there is no route diversion indicated on the plan.

The application includes draft heads of terms for Section 106 provisions which include the following:

- 30% on site provision of affordable housing (age restricted).
- On site provision of allotments and open space
- On site provision of landscape and biodiversity

### **Consultations:**

- County Highways Authority: Objection: It is normally the case that when a site exceeds 100 houses an emergency access should be provided. The Highway Authority would not accept the principle of a main site access from Lodge Lane it is 3m wide generally and has a poor junction with Stamps Hill at Wollaton Cross.

The land required to gain safe and suitable access to a Public Highway is not included within the application site, nor is the land within the control of the applicant such as to ensure that a satisfactory access can be achieved contrary to paragraph 32 of the National Planning Policy Framework.

- Environmental Health Section: No objection subject to the following conditions: universal condition for development on land affected by contamination, verification report and CEMP to include details of noise impacts, dust control and hours of operation.
- NHS: No comment to make
- Affordable housing: There is no identified need for over 55 affordable housing in Brixton that SHDC is aware of however the Brixton housing needs survey does indicate a demand for 3 units. A 30% on-site provision based on 25 dwellings would result in 7.5 affordable age restricted dwellings. The properties would need to be of a suitable mix to ensure that the affordable housing is indistinguishable from the open market housing ie we would need to think about size and type. It is likely that any RP taking interest in this type of property would only seek one bedroom accommodation due to the potential reliance on benefits, LHA bedroom cap would still apply to tenants who are in the 55 – 65 age range and therefore this proposal is potentially going to cause issues.
- Wales and West Utilities: Applicant may not build over any of their plant or enclose their apparatus.
- South West Water: No objection
- Natural England: No objection subject to a financial contribution to mitigate impacts on the Plymouth Sound and Estuaries Special Area of Conservation. Advise consultation with AONB Unit, recommend an LVIA is submitted.
- SHDC Landscape: Objection, contrary to Policies CS9, DP2 and emerging DEV24.
- AONB Unit: No comment received
- Barn Owl Trust: This is a suitable habitat for Barn Owls; no objection subject to planning conditions requiring the provision of a permanent accessible nesting space for Barn Owls within one or more of the developed buildings.
- Devon County Lead Local Flood Authority: No in-principle objections subject to pre-commencement conditions to secure a detailed surface water management scheme, a detailed construction phase surface water management scheme and details of the adoption and maintenance arrangements for the approved drainage scheme.
- DCC Public Rights of Way: The effect of a development on a Public Right of Way is a material planning consideration. Express permission from DCC is required to alter or stop up a PROW through a diversion or stopping up order.
- Historic England – Do not wish to comment.
- DCC Archaeology: No comment to make

- Police AOL – General advice plus the following comments: The public right of way linking into the public open space between 2 dwellings may prove problematic for residents in terms of undermining security and privacy

There is evidence in the county where inadequate and poorly designed in-curtilage parking is creating problems for new development, seeing residents and their visitors preferring or having no choice but to park on the highway, pavements or any available space. But this can create chaotic street scenes which can easily lead to safety implications and inconsiderate and obstructive parking, creating upset and angst amongst residents and the potential for this to escalate to incidences of antisocial and criminal behaviour, thus increasing demand on the Police and other relevant agencies. It is requested that adequate parking is provided.

The allotments should ideally have their own access and be well overlooked.

- Open Space Sport and Recreation: No evidence of demand for the allotments; open space provision is generous but proposed use may be inappropriate, an alternative better use of the open space may be possible. No objection, noting that the applicant will need further consultation with the community and Parish Council as to be best use of the public open space and subject to:

S106:

- Clause securing £892.50 per dwelling towards improvements to the recreational footpath and cycle network within Brixton Parish.
- Access to public open space in perpetuity, and management and maintenance in accordance with LEMP

Condition:

- Details of specification for public open space at Reserved Matters

Public Right of Way – this will require a s257 diversion order and the success of the order cannot be assumed. There is no indication in the submission of how it would be diverted; based on the illustrative layout it would require quite considerable diversion.

- Ecology: No objection subject to:

Conditions to secure:

- Pre-commencement submission of a Landscape and Ecological Management Plan
- Submission of a sensitive lighting plan at Reserved Matters

S106 Clause securing a sum to mitigate recreational impacts of new residents, by delivering actions within the Tamar and Yealm Estuary Management Plans, to be calculated in accordance with the adopted table at Reserved Matters.

- Brixton Parish Council: Object. The Parish have submitted a very detailed report to support their objection which is included in full at the end of this report. Their summary of objections is as follows:

1. The application is contrary to, and conflicts with a number of core principles and policies set out in the National Planning Policy Framework (NPPF). – Sustainability and promoting healthy communities

2. The application is not in accordance with the South Hams Local Plan (SHLP) – LDF Dev 15. *'Within the South Hams there is considerable pressure for new development in the countryside. Some proposals in the countryside can lead to unsustainable development which, individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development.'*

3. The application is not in accordance with the emerging Plymouth and South West Devon Joint Local Plan (JLP) 2014-2034, specifically Policies – SO10, TTV30 Figure 5.8, TTV31, DEV1, DEV24, DEV25, DEV30, and DEV32.

2014 - 2034, specifically Policies – Dev2. *Location, scale and character of development.*

*(a). Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views or skylines, local amenity, traffic, parking or safety.*

*b). Elsewhere in the parish development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location, or secures a viable long-term future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met.*

5. The application does not meet the sustainability criteria as established by the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

6. There are major safety issues for pedestrian and vehicular access to the site through Canes Orchard.

7. The site is not suitable for age restricted bungalows due to its topography, its isolation from the village and lack of public services.

8. There are not sufficient material considerations in favour of the development so as to outweigh the provisions of the Development Plan particularly in terms of restricting development in the countryside.

9. The adverse impacts of permitting these proposed developments would significantly and demonstrably outweigh the benefits.

10. There are serious and well-founded concerns in the local community that the continuing approval of applications for significant housing developments in Brixton village coupled with the new town of Sherford less than a mile away that Brixton will become an anonymous dormitory suburb with inadequate facilities resulting in an erosion of community identity and character.

## Representations:

Approximately 53 letters have been received raising objections on grounds that include the following:

- Impact on Public Footpath No 9 which will have to be diverted or closed – this PROW is an important safe pedestrian link via Monkey Lane for Sherford residents that could be lost.
- An excessive numbers of houses have already been approved in Brixton, well over the 10 identified in the JLP.
- No need for further housing – Sherford and existing consents in village
- Further new housing will destroy the character of the village
- Out of scale with the village
- Local services and infrastructure cannot support more housing – nearest health centre is in Yealmpton and it takes 3-4 weeks to get an apt.
- Not sustainable development
- Neighbourhood Plan has identified no need for retirement homes
- Residents will use the footpath between nos 30 and 32 Cherry Tree Drive as a shortcut and this will impact on amenity and security
- Development in the countryside on an unallocated site – contrary to policy
- Loss of green space
- Impact on wildlife
- Adverse landscape impact
- Limited public transport available
- The site is within 250m of South West Composting Ltd
- Local roads cannot cope with added traffic, they are narrow and congested; further traffic will compromise highway safety on roads with inadequate/lacking in footpaths.
- Transport Statement is inaccurate - and out of date relying on 2011 survey data
- Residents would drive as development is at the top of a hill
- New housing at Canes Orchard has not been affordable to locals and neither will the proposed.
- Sewage and drainage will be overloaded causing pollution of the Yealm Estuary.
- Evidence submitted from EA showing sewage spills in Brixton
- Yealm shellfish fisheries is being polluted – damage to environment and economy
- Site is isolated from village, not suitable for older residents
- Unreasonable for Canes Orchard residents, who were told there would be no more development, to have to endure more years of construction traffic and disturbance. Continued construction traffic on the narrow access road is dangerous.
- Will adversely impact on amenity of Cherry Tree Drive.
- There is retirement accommodation available at Venn Court
- A green buffer was promised between Sherford and Brixton and should be maintained.
- Wrong to assume that over 55's do not work and will not drive at peak times.
- No local demand for over 55 housing
- Orchard Road is sub-standard and cannot take more traffic.
- The application is correct to say the land is vacant, it is agricultural land – loss of productive agricultural land

2 letters have been submitted in support of the application for reasons that include:

- A welcome addition to the village



- Will be a nice place to retire to
- There is a need for this type of accommodation – will balance out the current permissions
- Bungalows are rarely built and will be eagerly sought out

## **Relevant Planning History**

07/2023/12/DEVBR – Development brief for proposed mixed use development comprising 27 dwellings and 0.1 ha of employment land – Approved

07/2022/12/F. Mixed use development comprising 27 dwelling and 0.1ha of employment land with associated access, car parking, landscaping and open space. – Conditional Approval.

07/1196/15/F – Residential development comprising 17 dwellings with associated access, car parking, landscaping, open space and associated works. – Conditional Approval

07/1197/15/O - Outline application (with some matters reserved) for residential development of up to 17 dwellings, with associated means of access and provision of landscape buffer to south (Phase b) – Conditional Approval

1825/16/OPA - Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access

**The applications above have granted planning permission for a total of 90 dwellings**

## **ANALYSIS**

### **Validity and status of the application**

The application is made in outline with all matters reserved. The site location plan outlines one parcel of land (the southern parcel) in red and the other parcel (the northern parcel) in blue. The red line should indicate the extent of the application site and the blue line should indicate adjoining land within the control of the applicant.

Paragraph 023 of the NPPG states the following:

*As a minimum, applicants will need to submit a 'location plan' that shows the application site in relation to the surrounding area.*

Paragraph 024 of the NPPG states that:

*The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.*

The description of development is for the erection of circa 25 age restricted bungalows/chalet bungalows, allotments, public open space and visitor car park (all matters reserved).

An illustrative plan supports the application and this shows the dwellings in the southern parcel with an area of POS adjacent the southern boundary, access coming from the south from within the as yet unbuilt Phase 3 land, a large area of POS, allotments and visitor car park in the northern parcel and an emergency access running through the northern parcel.

Any third party reviewing and commenting on this application would reasonably assume that the illustrative plan is showing the likely form of development and would assume the proposal includes a large area of POS, allotments, parking and an emergency access. All these elements are mentioned in the description of development except for the access.

The POS, car park and access road and potentially the allotments are development requiring planning permission and as such should be within the application site, but are outside of the application site.

The means of access shown in the illustrative plan and referred to in the design and access statement does not link into any existing road network; the red line of the application site does not extend to any existing road. Again any third party would reasonably assume the proposal is to take access from Orchard Road and would comment accordingly.

The Design and Access Statement which forms part of the application states that access is not a reserved matter and will link into the approved scheme to the south. The application from states that access is a reserved matter.

The Planning Statement which also forms part of the application refers to the application site as being the entire 4.2ha site (both the north and south site combined). The application form states that the site area is 2.24ha..

The application is inconsistent and proposes development outside of the identified red line site location plan. As such the application is invalid. For this reason the LPA had declined to determine the application and instead asked the applicant to amend the application to include all the relevant land within the red line plan. The applicant has declined to do this and has instead appealed against non-determination.

Officers will inform the Planning Inspectorate that they consider the application to be invalid. In the event that the Inspector does not agree with this assessment however the planning merits of the scheme will then be assessed and the LPA will need to advise the Inspectorate of the decision it would have made had it been in a position to determine this application. This report therefore continues to assess the merits of this application notwithstanding the fact that officers consider the application to be invalid and misleading.

### **Principle of Development/Sustainability:**

The application proposes major development of circa 25 dwellings on an unallocated site in the countryside, outside of the Brixton settlement/development boundary.

The starting point for consideration is the development plan and the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2004 (replacing Section 54A of the Town and Country Planning Act 1990) that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would need to be in conformity with South Hams District Council (SHDC) Core Strategy (December 2006), SHDC Development Policies (July 2010) and the Rural Areas Site Allocations Development Plan Document (February 2011) to be acceptable in principle (These documents all form part of the Local Development Framework (LDF).

The Plymouth and South West Devon Joint Local Plan (JLP) is the emerging development plan which when adopted will replace the current LDF. The JLP is at an advanced stage having been submitted for examination and as such carries weight; the extent to which there are unresolved objections to relevant policies will influence how much weight individual JLP policies can be given.

Policy CS1 of the LDF identifies settlements in which the principle of development is acceptable and this includes Brixton. The site however lies outside of the settlement boundary, in the countryside. Policy CS1 states that outside of identified settlements development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.

Policy TTV31 of the emerging JLP addresses development in the countryside and states, inter alia, the following:

*Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.*

Within the JLP housing sites have not been allocated for villages, this has been left for Neighbourhood Plans to identify and bring forward. Policy TTV30 of the JLP identifies Brixton as a village able to accommodate around 10 dwellings.

Paragraph 49 of the National Planning Policy framework (NPPF) states that:

*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

This authority has a demonstrable 5 year housing land supply of deliverable housing sites, however the evidence base for this forms part of the emerging JLP which remains to be tested through examination. As such only limited weight can be applied to this 5 year housing land supply at present. The tilted balance of paragraph 49, in favour of sustainable development, is therefore relevant.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Addressing the first bullet point it is relevant therefore to consider whether the proposals accord with the development plan. To comply with policies CS1 and TTV31 there should be a local need for the development.

A recent Housing Needs Report for the Parish of Brixton, dated April 2016 has identified a need for 11 affordable homes and 18 open market homes within the next 5 years. The following planning permissions have recently been granted within the village:

07/2022/12/F -	Canes Orchard Phase 1 – 27 dwellings including 6 affordable units
07/1196/15/F -	Canes orchard Phase 2a – 17 dwellings including 4 affordable units.
07/1197/15/O -	Canes Orchard Phase 2b – 17 dwellings including 5 affordable units
1825/16/OPA -	Canes Orchard Phase 3 – 29 dwellings including 9 affordable units
2771/16/FUL -	Tuscany's Legion Lane – 4 dwellings

Plus extant consents for 20 further dwellings on smaller sites in the Parish. This equates to planning permission for circa 114 dwellings, granted since 2012.

Phase I of Cane's Orchard has been delivered, the affordable units were completed in 2015 and therefore pre-date the Housing Needs Report.

Phase 2a of Cane's Orchard is under construction and will deliver 4 affordable units and 13 open market dwellings.

The remaining permissions remain extant and will provide a total of 14 additional affordable units and 52 further open market dwellings.

The applicant argues that none of the extant consents will provide for older persons housing. The Brixton Housing Needs survey identified that 3 households were looking for older persons housing. The current application proposed circa 25 units, well in excess of this provision. It cannot be assumed that the extant permissions will not deliver accommodation suitable for older persons; dwellings do not need to be age restricted to be suitable for later life living.

It is demonstrated therefore that planning permission exists for development that will deliver well in excess of the identified local housing need in the Parish of Brixton and therefore there is no local need for further housing. As such the proposed development does not accord with either policy CS1 of the development plan or policy TTV31 of the emerging development plan; the development is not small scale and does not meet an identified local need.

The principle of the proposed development does not accord with the adopted or emerging development plans.

The Council's adopted policies regarding location of housing development are however out of date as they are based on housing supply up to 2016 only. Advice in para 14 states that where the development plan is out of date, if the development is sustainable, planning permission should be granted unless the adverse impacts of doing so would significantly and

demonstrably outweigh the benefits or if specific policies in the NPPF indicate development should be restricted.

It is relevant therefore to consider the following:

- i. is the development is sustainable;
- ii. are there any adverse impacts and if so whether they would significantly and demonstrably outweigh any benefits; and
- iii. do specific policies in the NPPF indicate development should be restricted

(The recent Supreme Court ruling of Suffolk Coastal has established that development plan policies that indicate that a particular development should be restricted are relevant in the context of footnote 9 in Para 14.)

## **Sustainable Development**

### Location

Policy CS1 - Location of Development, of the LDF sets out where development is acceptable in principle subject to detailed material planning considerations. Brixton is included as one of the districts' villages and is therefore covered by policy CS1, being a village with an appropriate level of infrastructure and service provision to accommodate some degree of additional development.

Policy TTV30 of the emerging JLP also identifies Brixton as being a sustainable village.

Policy TTV1 identifies development appropriate for sustainable villages as being that which will meet locally identified needs and which will sustain limited services and amenities; settlement boundaries are identified to focus development accordingly.

Policy TTV2 states that the LPA will support development of housing in a location where it will enhance or maintain the vitality of rural communities.

Policy SPT2 states that the LPA will apply principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area, this includes development being well served by public transport, walking and cycling opportunities

It is clear that Brixton, as a village, is sustainable however this does not necessarily mean it is sustainable for all types and amounts of development. In addition any sustainable development would need to be able to properly access the village facilities to benefit from them.

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

## **The Economic Role**

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area with some increase in the demand for local goods and services.

Paragraph 7 of the NPPF however does qualify this benefit; stating that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

Windfall sites such as this can only be required to contribute to local infrastructure insofar as the improvements are needed to mitigate the effects of a specific proposal. By contrast, residential development that is plan led can be brought forward together with necessary supporting infrastructure.

Increased spending power where local facilities are lacking can result in greater economic benefit to nearby larger centres, in this case Plymouth, with Brixton increasing functioning as a dormitory settlement; this minimises the local economic benefit.

In respect of the economic element of sustainable development the balance is considered to be marginally in favour of the development.

## **The Social Role**

In respect of the social aspect of sustainability a number of objections have been raised including the pressure on local services with the medical centre in particular being oversubscribed, added congestion on highways that are already dangerous, unsafe pedestrian access and impacts on existing residents who live nearby. Concern is also raised with regard to the cumulative impact of significant numbers of new house building on the social wellbeing and character of the village.

The NPPF places a priority on significantly boosting housing supply and the proposed development would be a clear benefit in this regard, delivering 25 homes of which 30%, 7.5 units, would be affordable.

Since 2014 approx. 115 dwellings have either been built or granted planning permission in the Parish of Brixton. In 2009 Venn Farm, now known as Canes Orchard was allocated for development that included up to 50 dwellings. Planning permission has been granted for this site and beyond the allocation boundaries, for 90 dwellings, of these 27 have been completed and 17 are under construction. This 115 new dwellings represents an approximately 28% increase in housing within the village.

There are very limited employment opportunities in the immediate area. It is likely that residents will rely on larger settlements such as Plymouth for employment. There is a real danger that constructing large amounts of new housing on the basis that its occupiers would commute out to Plymouth for work risks turning Brixton into a dormitory town, impacting on the character of the village.

The NPPF places importance on widening the choice of high quality homes, and ensuring that sufficient housing (including affordable housing) is provided to meet the needs of present and future generations. As discussed above, the proposed development would be of clear benefit in terms of the district's housing supply, however the NPPF does not identify a straightforward correlation between the construction of houses and ensuing social benefit. Paragraphs 54 and 55 explain that housing development should reflect local needs, and be located where it will enhance or maintain the vitality of rural communities.

An Inspector in the Feniton appeal 2014, (APP/U1105/A/13/2191905) commented that substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion. This type of impact is always hard to quantify, given the difficulties of obtaining tangible evidence. Prior to 2014, there were approx. 400 dwellings in Brixton village; planning permissions have been granted for the provision of 115 further dwellings. The current proposals would add circa 25 more, resulting in an overall increase of over 35%. This would constitute a sizeable expansion. Officers accept the Parish Council's argument that it would take the existing community some time to adapt, and may have adverse consequences for the social and cultural wellbeing of existing residents. There is evidence that many residents chose to live in Brixton specifically because it is a small, quiet, rural settlement.

The Inspector in the Feniton appeal commented that communities (quite rightly) expect that decisions about a settlement's capacity to take significantly more houses should be taken through the Local Plan process. The Inspector comments that in this context, a considerable quantity of new housing being allowed on appeal in advance of that process, shortly after permission having been granted for a significant number of new houses, could lead to hostility and resentment being directed towards the occupiers of the new housing. The Inspector concludes that the potential adverse impact on the existing community is a consideration which must be weighed in the overall balance.

In addition to the social pressures from on-going and proposed development within the village the urban expansion of Sherford which is bringing forward approx. 2000 new dwellings lies only 500m north of the village, the closest point being Wollaton Cross at the top of Stamps Hill, less than 500m from the application site. The development site will take the village boundary closer to Sherford, eroding the countryside buffer between the two. This could further erode the identity and social cohesion of Brixton.

The issue of congestion and highway safety is considered elsewhere in the report.

A further issue regarding the social aspect of sustainability relates to the sites location. As will be expanded on later in this report the application site cannot provide safe pedestrian access for all users into the village to access services and public transport. This could result in social isolation for some residents.

#### Neighbour Amenity -

Existing neighbours, in particular those residents on Cherry Tree Drive that back on the application site have raised concerns regarding loss of amenity; this includes concern about increased use of the public footpath and the loss of privacy, security and noise disturbance that could arise.

This is an outline application with all matters reserved. The revised illustrative site layout shows public open space acting as a buffer at the rear of properties on Cherry Tree Drive. The plans indicate that it should be possible to achieve a development that would not significantly impact on the residential amenity of neighbours. Increased use of the existing footpath would not justify the refusal of planning permission.

On balance, it is considered that the adverse social impacts of this proposal weigh against the development

### **The Environmental role**

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape including the AONB; ecology and bio-diversity; impacts of the local composting facility; heritage assets and surface and foul water drainage.

Looking at the principle of development on this green field site, the likely increase in vehicular traffic would conflict with the aim of minimising pollution. Building houses on undeveloped parts of the countryside would also conflict with the core planning principles set out in paragraph 17 of the NPPF of conserving and enhancing the natural environment and encouraging the effective use of land by reusing land that has previously been developed.

The proposal is on Grade 2 arable land which is one of the categories of best and most versatile land. Paragraph 112 of the NPPF states that LPA's should take into account the economic and other benefits of the best and most versatile agricultural land. The loss of good quality agricultural land is an adverse impact to be weighed in the overall planning balance

### Landscape Impact:

The Councils landscape specialist has assessed the proposal and has commented as follows:

### **Landscape Character and Visual Impact**

*The site and surrounding area lies wholly within Landscape Character Type 3E: Lowland Plains. The key characteristics of this area include the undulating landform, with undeveloped areas comprising predominantly arable farmland, bound by banked and wide mixed hedgerows. Whilst settlements including Plympton, and the smaller villages at Yealmpton and Brixton are noted as more densely settled areas, long views across the landscape towards Dartmoor to the north and the coast to the south are key characteristics, along with recreational value from footpaths and tracks providing quiet enjoyment and ready access to the natural environment from these settlements.*

*Recognising the context of new and consented development immediately to the south, along with efforts to bring down the scale of proposed development through the suggested use of single-storey development and the introduction of new landscape features, there are however still landscape concerns in relation to this application and the principle of development at this site. Whilst visibly extending the urban form of Brixton, the previous developments in this area have maintained the historic pattern of the village; on land sloping down to the valley to the south and south east, with a tangible connection to the road network and historic settlement pattern in this area. The site now proposed loses this connection, with development breaching and over-topping the high-point of the ridge to the north of the village.*



*Experiencing the character of the site and its surroundings from the public footpath passing through the eastern parcel of land, there is very limited association with the village; with only the top edge of dwellings on Cherry Tree Drive and the new build development on land below to the south visible. The character and visual quality of the site is clearly that of the rural landscape north of the village; the rolling arable farmland landscape, with an intact field pattern typical of the Lowland Plains LCT.*

*Breaching the principle pattern of development form of this area would undermine these key characteristics in an area with an otherwise robust and intact landscape character. Visual impacts would be significant and adverse locally; introducing residential development into an area with little or no context, and restricting the rural experience of a well-used stretch of footpath (and long distance Erme-Plym Trail) offering one of the few recreation access points to and from the village.*

*Wider visual impacts from the south would be less affected, but would consolidate and solidify the presence of development on the ridgeline above Brixton. From the north and west, views are restricted by topography to glimpses from lanes, but would experience the introduction of residential built form (ridge tops and rooflines) into a currently visually undeveloped landscape.*

### **Protected Landscape**

*Although not within the South Devon AONB, the village of Brixton and its surrounding landscape lie within the setting of the designation. The Special Quality of the AONB relating to setting has the following distinctive characteristic: The inland boundary of the AONB is mostly not marked by a distinct change in scenery and the landscape character continues seamlessly into the neighbouring countryside. The hinterland of the AONB – particularly the rural largely undeveloped countryside, farmland and woodland – is particularly significant as a setting for the AONB.*

*The AONB Management Plan contains policies and objectives to protect its setting, including Lan/P7, Lan/O2, and Plan/O6. The changes to character and visual amenity set out above resulting from the development would conflict with these. Due to the distances of available views of the site from within the AONB, despite this management plan conflict, I would not object solely on AONB grounds, but note that impacts upon its setting are a material consideration.*

### **Arboricultural Impact**

*It is possible that the proposed development could be achieved at this site without impacting on any significant trees or hedgerows and I would therefore raise no objection on arboricultural grounds, subject to securing appropriate protection for the existing vegetation during construction. However, if the scheme were to move forwards, the layout would need to be amended to remove the Category B hedgerows from private rear gardens so that their future management and integrity can be secured.*

### **Policy**

*In light of the above issues and identified landscape and visual effects of the proposed development, I would conclude that the proposals fail to meet policy tests in the adopted Core Strategy, the Development Policies DPD, and the emerging Joint Local Plan in relation to landscape character and visual impact. Although these impacts are fairly localised in nature, the policy tests of CS9 and DP2 are not ones of degrees of harm; they are explicit in requiring that development proposals conserve and enhance the quality and character of the*

*natural environment (CS9) and conserve and/or enhance landscape character (DP2). The same principles are carried forward into emerging draft policy DEV24. Therefore, the localised effects predicted would still fail these policy tests.*

The adverse landscape weighs heavily against the application.

### Ecology:

Detailed comments have been provided from the Council's ecology specialist as follows:

*The submission is supported by a Preliminary Ecological Appraisal. The site is described as comprising two arable fields with natural vegetation limited to narrow field margins adjacent to the species-rich hedgerows which border the fields. A small area of dense bramble is present in the southwest corner of the site.*

*Wildlife interest was predominantly considered to be restricted to the boundary hedgerows and included assumed dormice presence, bat foraging and commuting, and bird nesting.*

*The PEA includes a Conservation Action Statement which shows how impacts can be mitigated to an acceptable level, namely by:*

- *Fingertip search of bramble scrub before removal*
- *Sensitive lighting scheme*
- *Timing of works to avoid sensitive nesting/breeding seasons*

*The Conservation Action Statement outlines measures which could reasonably be expected to enhance the wildlife value of the site including:*

- *Species-rich hedgebank planting*
- *Wildflower mix planting*
- *Tree planting*
- *Bird and bat boxes*

*Given the location of the development within the Zone of Influence for new residents leading to recreational impacts on the Plymouth Sound and Estuaries SAC, the submission acknowledges the requirement for a contribution to be secured by s106 towards mitigating this impact by delivery of actions within the Tamar and Yealm Estuary Management Plans. Subject to securing this payment to mitigate impacts, the proposed development would not have an adverse impact on the European Site.*

Impacts on bio-diversity are considered to be acceptable

### **Impact of the local composting facility**

The illustrative layout indicates that it would be possible to locate all dwellings more than 250m from the Venn Farm composting facility and as such no issues arise in this regards. In any future reserved matters application it would be important to ensure this minimum distance is maintained.

## **Heritage**

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

A Heritage Statement is submitted in support of this application which considers the impact on a number of listed buildings in the area and concludes that there will be no material impact on an identified heritage assets or their settlings.

The result of this statement are accepted; there will be no adverse impacts on heritage assets as a consequence of this development.

## **Drainage/Flood Risk**

Concern has been raised by local residents and the Parish Council about capacity in the foul drainage system that the development would connect into. There is concern that sewage spills have an adverse impact on the Yealm Estuary SSSI and shell fish industry.

South West Water raise no objection to the development.

Devon County Flood Risk have reviewed the drainage details submitted and raise no objection subject to pre-commencement conditions.

The statutory bodies responsible for surface and foul drainage raise no objection to this scheme and as such it is concluded that impacts in this regard are acceptable.

## **Environmental dimension balance**

The proposed development will have an adverse impact on the visual amenity and character of the landscape, including an adverse impact on the setting of the AONB. Great weight should be given to conserving landscape and scenic beauty in the AONB. The proposal will result in the loss of Grade 2 agricultural land and the loss of green space. Any ecological 'benefits' identified are essentially mitigation.

It is concluded that the adverse environmental impacts weigh heavily against the development

## **Other Matters:**

### **Open Space, Sport and Recreation**

The Council's OSSR Specialist has considered this application and provided comments as follows. These comments assume that all the land and proposals shown on the illustrative plan form part of the application proposal:

*The submission outlines an area for allotments in the northwest of the site, and public open space in the north east (in addition to alongside the southern boundary).*

*Whilst allotments would typically be welcomed, there must clearly be a local demand. The Parish Council in their consultation response advise that in the 2016/17 Neighbourhood Plan consultation there was no evidence of a requirement for additional allotments in Brixton.*

*The development incorporates a significant amount of open space. The space would more than meet the needs of the new residents. The point made by the Parish Council however is a good one – in such a location this open space is likely to be used by neighbouring developments (no bad thing in itself) – but due to its peripheral and unsupervised location it is likely to attract anti-social use and likely to be at odds with housing for over-55s or indeed their use of the site.*

*It is considered that the offering of open space comprising the outlined allotments and ‘public open space’ is generous for a site of this size, and that with further consultation prior to Reserved Matters a use of this area which better meets the needs of the community might be secured (not least given that the Parish Council consider that the phases of the Venn Farm development to the south underprovide for public open space). Alternatively it may be possible to revise the layout to better incorporate the open space into the development to make it more of a focal point/integral to the site.*

*New residents from the development would be expected to use sport and recreation facilities within the locality. Surveys relating to the Neighbourhood Plan have identified a requirement for improvements to the recreational footpath and cycle network around Brixton, and these will be formulated into projects within the Brixton Open Space, Sport and Recreation Plan which is expected to be an appendix to the Neighbourhood Plan. Whilst these specific projects are not yet identified, it is considered that new residents will make regular use of the recreational footpath and cycle network across Brixton, adding pressure to the network, and that these impacts should be mitigated. These new residents will benefit from investment in improving the network.*

*Acknowledging that the dwelling size mix is not yet known, and that developments for over 55s may have a smaller occupancy rate, SHDC has recently taken the approach on a number of similar developments of seeking only the sports/recreation component of ‘OSSR’ (i.e. not the play area component), which is £595 per resident as per the SHDC OSSR SPD (2006), and applying an average of 1.5 residents per dwelling.*

*Recommendation – No objection, noting that the applicant will need further consultation with the community and Parish Council as to best use of the public open space offering, and subject to:*

*S106:*

- Clause securing £892.50 per dwelling towards improvements to the recreational footpath and cycle network within Brixton Parish.*
- Access to public open space in perpetuity, and management and maintenance in accordance with LEMP*

### Public Right of Way

A Public Right Of Way crosses the site. This would require a s257 diversion order (application separately made to the LPA) to divert the PROW in relation to facilitating the proposed development. The success of a diversion order cannot be assumed and is subject to its own consultation process. The illustrative plans do not show how it is intended to divert the route nor is the diversion mentioned in any supporting documentation.

The PROW forms part of the well-used long distance Erme Plym Trail, the urbanisation of this part of the route will detract from the enjoyment of this part of the trail. It is not clear to what extent the route may become less convenient.

The proposed development is likely to have a negative impact on the enjoyment and convenience of this PROW.

## **Highways/Access**

Concerns have been expressed by local residents and the Parish Council with regard to vehicular and pedestrian access to the site in terms of pedestrian and highway safety and congestion. These concerns are based on the assumption that access will be from Orchard Road, this is a narrow winding route which is a shared surface. There is concern about congestion here and conflict with increased numbers of pedestrians.

Access is a reserved matter. The application site (red line) however adjoins only Lodge Lane to the west. The access road shown on the land to the south does not exist and the application site does not extend further south to link into the existing estate road, Orchard Road. The Design and Access Statement indicates that this is the proposed route for the access but it cannot be secured via the current application.

If planning permission is granted for this scheme the only access link that does not appear to rely on third party land would be onto Lodge Lane. The Highway Authority have stated that Lodge Lane is not suitable as a principle point of access into the site being only 3m wide and having a poor junction with Stamps Hill at Wollaton Cross. It should also be noted that there is no footway along Lodge Lane and walking distances into the village would be excessive.

It is normally the case that when a site exceeds 100 houses as would be the case here, an emergency access should be provided. The emergency access indicated to serve this site falls outside of the application site.

The Highway Authority initially provided detail comments on this application, on the basis that access would be from Orchard Road; they raised no objection. The Highway Authority are now aware that this access cannot be secured through this application and consider that as satisfactory access cannot be secured the application is contrary to paragraph 32 of the NPPF which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Policy DP7 of the LDF states that development should

*a. provide priority to cyclists and users of public transport, over the private car. This will be achieved, in part, through the creation of links between new development and existing pedestrian, cyclist and public transport networks;*

*b. provide for safe, easy and direct movement for those with mobility difficulties;*

*c. have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal;*

*d. not materially impair highway safety or traffic movement; and*

*e. not detract or conflict with the transport function of the road.*

Policy DEV31 of the emerging JLP states that development, where appropriate, should:

- 1. Consider the impact of development on the wider transport network.*
- 2. Provide safe and satisfactory traffic movement and vehicular access to and within the site.*
- 3. Ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network.*
- 4. Limit / control the overall level of car parking provision at employment, retail and other destination locations.*
- 5. Provide for high quality, safe and convenient facilities for walking, cycling, public transport and zero emission vehicles.*
- 6. Mitigate the environmental impacts of transport including air quality and noise pollution.*
- 7. Incorporate travel planning, including Personalised Travel Planning (PTP), which helps to maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network.*
- 8. Ensure that access and infrastructure delivered as part of the development meets the need for walking, cycling and public transport connectivity both within the development and in the wider area alongside supporting place-shaping objectives.*
- 9. Contribute to meeting the wider strategic transport infrastructure needs generated by the cumulative impact of development in the area.*
- 10. Locate new homes in locations that can enable safe, secure walking, cycling and public transport access to local services and amenities.*

The failure to provide safe and convenient vehicular and pedestrian access for all users, from the site into the facilities within the village, is contrary to the NPPF, the adopted LDF and the emerging JLP. This weighs against the development.

### **Planning Balance**

Whilst this authority can demonstrate a robust 5 year housing land supply based on the emerging JLP the evidence base for this remains to be tested at examination and therefore carries limited weight. The Council's adopted policies for the supply of housing are out of date as the adopted development plan makes provision only up to 2016. As such it is relevant to consider this application in the context of paragraph 14 of the NPPF.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development subject to two criteria, the first being that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole:

#### Benefits of the development:

- Provision of 25 new dwellings within the District

- Provision of circa 7.5 new affordable homes within the District
- Economic benefit to the local economy during construction.
- Economic benefit to the local economy through added spending and use of facilities by new residents.

Significant adverse impacts of the development:

- Adverse impact on the social wellbeing and character of the village of Brixton as a consequence of unplanned, cumulative, large scale, new development within a short time frame and where there is no local need for further housing.
- The application fails to conserve or enhance the local landscape character and the setting of the AONB
- The development would adversely impact on the rural character and possibly the convenience of use of this part of an important PROW.
- It has not been demonstrated that a safe and convenient means of vehicular and pedestrian access can be delivered
- There is a limited opportunity to provide any meaningful public open space within the application site; the illustrative plan relies on land outside the application site
- In the absence of a signed Section 106 agreement the application would fail to provide necessary provision of affordable housing, ecology mitigation and contributions towards recreation/open space

The second criteria is that planning permission should be granted unless specific policies in the NPPF indicate development should be restricted. As established in the Supreme Court ruling in the case of Suffolk Coastal, such restrictions can include development plan policies. Adopted LDF policy CS1 and emerging JLP policy TTV31 seeks to restrict unsustainable development in the countryside which should only be allowed in response to small scale, local need. There is no identified local need for further housing within the emerging plan period and the proposed development is not small scale.

As such the development proposal fails the tests of paragraph 14 of the NPPF; it is not sustainable development and the adverse impacts of the development significantly outweigh any benefits. The proposed is contrary to NPPF, adopted and emerging development plan policies; it is recommended that planning permission be refused.

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

### **Planning Policy**

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.

The relevant development plan policies are set out below:

### ***South Hams LDF Core Strategy***

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment  
CS10 Nature Conservation  
CS11 Climate Change

### ***Development Policies DPD***

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking  
DP15 Development in the Countryside

### **Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

### **PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT11 Strategic approach to the natural environment  
SPT13 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV3 Strategic infrastructure measures for the Main Towns



TTV29 Site allocations in the Smaller Towns and Key Villages  
TTV30 Empowering local residents to create strong and sustainable communities  
TTV31 Development in the Countryside  
DEV1 Protecting amenity and the environment  
DEV2 Air, water, soil, noise and land  
DEV3 Sport and recreation  
DEV4 Playing pitches  
DEV5 Community food growing and allotments  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Accessible housing  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Conserving the historic environment  
DEV22 Development affecting the historic environment  
DEV24 Landscape character  
DEV27 Nationally protected landscapes  
DEV28 Protecting and enhancing biodiversity and geological conservation  
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)  
DEV30 Trees, woodlands and hedgerows  
DEV31 Specific provisions relating to transport  
DEV32 Meeting the community infrastructure needs of new homes  
DEV33 Waste management  
DEV34 Delivering low carbon development  
DEV37 Managing flood risk and Water Quality Impacts  
DEV38 Coastal Change Management Areas  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

## **South Devon AONB Management Plan**

### **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.

## **Full comments of Brixton Parish Council**

### **1. Summary of objections:**

1. The application is contrary to, and conflicts with a number of core principles and policies set out in the National Planning Policy Framework (NPPF). – Sustainability and promoting healthy communities

2. The application is not in accordance with the South Hams Local Plan (SHLP) – LDF Dev 15. *'Within the South Hams there is considerable pressure for new development in the countryside. Some proposals in the countryside can lead to unsustainable development which, individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development.'*

3. The application is not in accordance with the emerging Plymouth and South West

Devon Joint Local Plan (JLP) 2014-2034, specifically Policies – SO10, TTV30 Figure 5.8, TTV31, DEV1, DEV24, DEV25, DEV30, and DEV32.

2014 - 2034, specifically Policies – Dev2. *Location, scale and character of development.*

*(a). Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views or skylines, local amenity, traffic, parking or safety.*

*b). Elsewhere in the parish development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location, or secures a viable long-term*

*future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met.*

5. The application does not meet the sustainability criteria as established by the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

6. There are major safety issues for pedestrian and vehicular access to the site through Canes Orchard.

7. The site is not suitable for age restricted bungalows due to its topography, its isolation from the village and lack of public services.

8. There are not sufficient material considerations in favour of the development so as to outweigh the provisions of the Development Plan particularly in terms of restricting development in the countryside.

9. The adverse impacts of permitting these proposed developments would significantly and demonstrably outweigh the benefits.

10. There are serious and well-founded concerns in the local community that the continuing approval of applications for significant housing developments in Brixton village coupled with the new town of Sherford less than a mile away that Brixton will become an anonymous dormitory suburb with inadequate facilities resulting in an erosion of community identity and character.

## **2. Irrevocable destruction of the identity and character of Brixton as a village and as a parish community**

2.1 Very serious concerns continue to be expressed by the whole community about the destructive impact of any further housing development in and around Brixton village. The village of Brixton, gateway to the South Hams, is centred on the Church, a shop with a part time Post Office, a pub and a primary school. The village has a strong sense of identity based on its history and significance as a rural community where change has been incorporated incrementally over the years. Gradual development and change reflecting the needs of the community over time has given the village distinctiveness, continuity and character and for its residents an appreciation of Brixton as a special place with integrity and stability.

2.2 No other development in the village over the years has concentrated so many houses in

one particular area. The national census data evidences that from 2008 – 2011 the housing stock in Brixton Parish increased by 28% with the construction of houses at Carrollsland at Staddiscombe. Since 2011 there was further increase of 16% in the housing stock in the parish and of that increase 25% was in Brixton village. Since 2014 the developments at Venn Farm, known as Canes Orchard, total 44 houses with full planning permission and 46 dwellings with outline planning permission creating a total of 90 new houses on this site to date. A planning application has been made for 64 houses at Stamps Hill and a further 25 bungalows at Venn Farm (still to be determined) Thus the number of dwellings in these applications increases the figure to a total increase of 179 which, if approved, has the accumulative effect of a 45% increase on the existing number of houses within Brixton village in 3 years.

2.3 This magnitude of the increase in housing at Canes Orchard/Venn Farm and Stamps Hill within a short time scale will erode the individual distinctiveness, unique character and identity of the village and its community. **This continuous attrition of what residents believe to be a healthy and happy place to live is starting to have a serious impact on the physiological well-being of the whole community.**

2.4 This application relates to land which is outside the village development boundary. It is part of the agricultural heritage and landscape of the village and parish and is being used for arable farming.

**2.5 In 2009 following consultation by the Princes Trust South Hams District Council as part of the Local Development Plan agreed that 50 new houses should be built in Brixton village. The chosen site was land at Venn Farm. Since that time the number of houses on the now Canes Orchard development has increased to potentially 115.**

2.6 A further 32 new homes have been built in and around the village or have planning approval as part of infill or change of use. Canes Orchard will potentially provide the village with an urban estate of 115 homes impacting on the identity and the integrity of Brixton as a village in a rural and farming community located in the South Devon Area of Outstanding Natural Beauty. The Plymouth and South West Devon Joint Local Plan 2014 - 2034 (JLP) currently out for consultation has identified that 10 houses are needed in Brixton in the lifetime of the plan - 20 years. A previous Officer's Report (App. Ref. 1825/16/OPA – Canes Orchard) suggested that this indicative figure of 10 dwellings was a minimum figure and not to be regarded as a ceiling, although there is no clear basis for this particular interpretation of housing need. Given that since 2014 a total of 211 houses have been built, have planning permission or are in the process of obtaining planning permission the need for this amount of housing has already been met and exceeded in the parish.

2.7 Brixton village has a very limited range of local facilities. No new facilities have been provided or are planned in Brixton as a result of this excessive house building. In fact the services offered have reduced with a part time Post Office which opens mornings only Mondays, Tuesdays, Wednesdays & Fridays and Thursday afternoons. There is no Saturday service. There is an unreliable bus service during the week and no Sunday service.

2.8 A Housing Needs Survey conducted in April 2016 by the Brixton Neighbourhood Plan Group on behalf of South Hams District Council did not identify the need for specialist housing

for the over 55's. It identified the need for 11 affordable homes for younger people to maintain family and employment links with the Brixton community. Appendix 1

2.9 Furthermore, it should be noted that although previous Officer's Reports have found Brixton to be a "sustainable location" for residential development, it does not follow that any and all further residential development must necessarily be sustainable too. The question of whether or not a particular proposal constitutes "sustainable development" is not simply a matter of location, but involves a wide variety of other considerations.

2.10 The capacity of any individual settlement to absorb residential development is clearly subject to constraints and that capacity cannot, in any event, be regarded as limitless. Any objective consideration of this current development proposal must take into consideration the cumulative impact of this proposal together with those residential developments already permitted. The effect of those permissions when taken together with this current application would be to increase the adverse impacts of this proposal in both a significant and demonstrable manner, in terms of overall sustainability, adverse transport effects, and increased journeys by private car, social inclusion and over-development of the settlement.

2.11 The consideration of the location of residential development, the imposition of specific numerical limits and such matters as objectively assessed housing need are all matters that will be considered at the Examination in Public, which is the proper forum for such analysis. This process should not be usurped by speculative and opportunistic development proposals seeking to take advantage of the 5 year housing land supply situation.

2.12 The emerging JLP now that the Regulation 19 Consultation phase has been completed, will be subject to an Examination in Public (EiP) this Autumn, and the Councils hope that the new JLP will be adopted relatively shortly thereafter. As such, the JLP may be regarded as at an advanced stage and consequently afforded significant weight in the assessment of this application.

2.13 This application is a quasi-urban development in the countryside linked opportunistically to the Canes Orchard development.

### **3. Policy - Development in the countryside**

3.1 This proposed development does not meet the policy of the existing South Hams District Council LDF nor comply with the Policy for thriving towns and villages as identified in 'The Plymouth and South West Devon Joint Local Plan' (JLP) for 2014-2034 and it is contrary to the Policy for development in Brixton in the emerging Brixton Parish Neighbourhood Plan 2014- 2034.

3.2 This proposed development is outside the development policy boundary for Brixton village.

3.3 LDF policy CS1 makes it clear that any development outside the development boundary will be strictly controlled and can only be permitted where it responds to a demonstrable local need. **There is no identified need for further housing in Brixton and no identified need for age restricted housing.** This application is essentially development in the countryside. DPD policy DP15 sets out the criteria for development in the countryside: such development

must require a rural location and support the needs of agriculture or meet the essential, small scale and exceptional local development needs of a settlement which cannot be met within development boundaries. This proposal conflicts with the objectives of LDF policy CS1, DPD policy DP15 and the NPPF, intended to protect the countryside from unnecessary development. It takes further valuable agricultural land for housing from the village environment and potentially destroys the character of Brixton as a rural village community.

3.4 In 'The Plymouth and South West Devon Joint Local Plan 2014-2034' (JLP) Brixton is listed as a sustainable village in the JLP's Thriving Towns and Villages policy. The JLP's strategic objective for sustainable villages is *'characterised by strong social networks and traditions. Development will have contributed to enhancing their character and local distinctiveness and helped provide a more balanced demographic profile and greater resilience to change for rural communities.'* This application does not respect the existing networks and traditions of Brixton and does not respect the character and local distinctiveness of the village by attaching an exclusive housing mass for people over 55 in a field at the top of a hill and on the edge of this essentially rural village. It does not enhance the character and local distinctiveness and does not provide a more balanced demographic profile and greater resilience to change it in fact has the opposite impact. Policy TTV31 identifies that LPAs will protect the special characteristics and role of the country side, it continues that housing development adjoining or very near to an existing settlement will only be supported where it meets essential, small scale local development need of the community and provides a sustainable solution. This application is in clear conflict with this policy as there is no identified need for age restricted accommodation in the village and this is contrary to the sense of community and inclusiveness experienced living in Brixton. The 10 identified houses for Brixton in the JLP in the Thriving Towns and Villages policy has already been greatly surpassed.

3.5 JLP Para 5.154 *'The JLP does not identify sites for development in the villages as being the sustainable villages. Rather, an approach is taken which aims to enable development to come forward in these villages which reflects their sustainability, and which will respond to local needs. In these locations, it is clearly important to strike a balance so that development maintains or improves the viability of the villages whilst also being of an appropriate scale and meeting the needs of local people. It is important that any development in the Sustainable villages also respects the character of the villages and particularly any landscape designation such as the AONBs.'*

3.6 The National Planning Policy Framework (NPPF) identifies three dimensions for sustainable development (see para.7) and NPPF para. 8 states *'to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system'*. This proposed development in this application does not meet the criteria for sustainable development as required by the NPPF under the three dimensions identified.

3.7 For development to properly be regarded as sustainable all three roles need to be fulfilled, so that even if a proposed development may contribute an economic and social role, if such fails to perform in terms of the environmental role proposed development should be refused.

3.8 For example, is the site in question actually of the right type, in the right place and at the right time "to support growth and innovation?" The analysis set out in this document strongly suggests that the land is not of the right type, being open, undeveloped countryside, is not in the right place, as the site is not sustainably located,

and is not at the right time in that there is no proven local need for housing of this scale.

3.9 The Applicant fails to address how the addition of up to 25 age restricted dwellings will positively contribute to performing a social role, and set against any purported benefits are the observations that the addition of some 25 new dwellings will simply serve to increase pressure on existing facilities to the detriment of the area, thus not fulfilling a positive social role as required by the NPPF, where emphasis is placed on “accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

3.10 This view was reiterated at the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

3.11 In addition, the Inspector took the view, in the context of para 9 of the NPPF which states that sustainable development involves seeking positive improvements in people’s quality of life, that constructing large amounts of housing on the premise that its occupiers would commute out, risked turning Feniton into a dormitory town. This was described by the Inspector as “a real danger” (para 85), and contrary to para 9 of the NPPF.

3.12 Furthermore, all the evidence suggests that the proposed development will be heavily car-dependent, in terms of access to employment, services and facilities, thus clearly conflicting with key principles of sustainable development.

3.13 With reference to the environmental role of sustainable development, the likely overall increase in car journeys resulting from the proposed development conflicts with the NPPF’s aim of minimising pollution, and building on previously undeveloped countryside also conflicts with core planning principles set out in para 17 of the NPPF, of conserving and enhancing the natural environment and encouraging the effective use of land by using land that has been previously developed. The NPPF Para 30 states that ‘encouragement should be given to solutions to reduce green gas emissions and reduce congestion. Para 32 emphasises the importance of safe and suitable access for all people’.

3.14 On balance, in terms of the three dimensions of sustainable development, it is clear that the limited benefits arising from the proposed development are significantly and demonstrably outweighed by the adverse impacts.

for Brixton Parish states that *‘All new development should be of high quality and appropriately designed for the context in which it is proposed with respect to its neighbours and the rural character of Brixton village and Parish. Development should take into account topography, layout, building orientation, massing and landscaping (including any associated public realm) to minimise visual, ecological and social impact’*. This application does not meet this draft policy.

3.16 The emerging Brixton Neighbourhood Plan 2014 - 2034 is at a relatively advanced stage and consequently should be afforded reasonable weight in the consideration of this application.

3.17 This site has not been previously identified in any of the above policies or plans for housing development.

#### **4. 5 Year Housing Land Supply**

4.1 It is very difficult for Brixton Parish Council in making an objection to this application to refer the current 5 year housing land supply (HLS) as South Hams District Council has been apparently unable to provide any up to date information. Whilst it is understood that SHDC is, at the present time unable to demonstrate a 5 year HLS, its Housing Background Paper dated Feb 2017 produced for the JLP states that there will be a 5 year HLS by the end of March 2018 (p.57 para 8.13).

4.2 The recent Supreme Court judgement (10 May 2107) on NPPF paras 14 and 49 took the view that despite an absence of a 5 year land supply, existing policies restricting development must still be afforded due weight in the determination of planning applications. Consequently South Hams LDF Policy DEV15 is still an important material consideration. It states “Within the South Hams there is considerable pressure for new development in the country side. Some proposals in the countryside can lead to unsustainable development which individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development”. This application clearly conflicts with this policy.

4.3. Furthermore, in this context LDF Policy CS1 should be regarded as a policy protective of the open countryside, not as a policy restrictive of housing. Despite the 5 year HLS, Policy CS1 should not therefore be regarded as out-of-date.

#### **5. Urban Sprawl on Plymouth fringe – proximity to the new town of Sherford**

5.1 This site is less than one mile from the edge of the Sherford New Town development and there is significant concern in the community about the danger of urban sprawl into rural Devon.

5.2 As a parish, in addition to the 45% increase in house building in the village itself, the new town of Sherford will bring just over 5,000 new homes into the parish area. Considering the geography of the parish and the impact of these developments there are serious concerns regarding the long term future of the character of Brixton as a rural parish; and its capacity to absorb any more house building without existing for Brixton Parish states that *‘All new development should be of high quality and appropriately designed for the context in which it is proposed with respect to its neighbours and the rural character of Brixton village and Parish. Development should take into account topography, layout, building orientation, massing and landscaping (including any associated public realm) to minimise visual, ecological and social impact’*. This application does not meet this draft policy.

Considering the geography of the parish and the impact of these developments there are serious concerns regarding the long term future of the character of Brixton as a rural parish; and its capacity to absorb any more house building without existing

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs*
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community*

□□ *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'*

## **The application for 25 age restricted bungalows on Canes Orchard does not meet these planning requirements.**

6.3 This site and the increase in the number of dwellings exceeds the original RA12 (Rural Allocation) boundary and allocation defined by South Hams District Council and exceeds the boundaries of the developer's Master Plan for Brixton agreed in 2012.

6.4 Illustrative numbers on the outline application - an undertaking is required that the illustrative figures of numbers of bungalows for this site must not be varied or increased as part of any reserved matters application from the applicant if the outline application is approved.

## **7. Numbers of houses**

7.1 The planning statement reports that there are 810 dwellings in Brixton village. This is incorrect and misleading as there are approximately 800 houses in Brixton Parish with only approximately 400 houses in Brixton village. The remainder include a major settlement at Carroll Island, the smaller hamlets of Spriddlestone, Combe, Brixton Torr and Chittleburn and other isolated houses and farms.

### **7.2 Incremental increase in numbers**

The original developer's master plan for Venn Farm site (2011) was for 50 houses. This increased to 61 when planning applications for Phase 2a & 2b were approved. Outline planning consent for Phase 3 for circa 27 houses has been granted for this site and with this proposed application increases the number to 115 in 2 years. The allocation for new housing in Brixton has therefore been met and indeed exceeded by a substantial number. Assurance is needed that if outline planning permission is granted that the figure of 25 will not be exceeded to increase the density in any later planning application and/or the number increased as evidence 'for economic reasons'.

## **8. Open Space and Allotments**

8.1. Open Space has been allocated on the site plan this open space is away from the rest of housing on the Canes Orchard site. Phases 1-3 have inadequate open space. Children playing in this open space will need to be supervised due to its isolation away from the main housing development. Its remoteness could encourage anti social behaviour in an area close to housing for vulnerable older people.

8.2 8 Allotments have also been included in this application. From the Neighbourhood Plan consultation (2016-17) there is no evidence of any further need/ demand for allotments in Brixton as there are already 29 in Stamps Hill. Allotments will also attract additional car users to this site via Orchard Way

9.1 Drainage and surface water run off. As arable land these fields are known to have poor drainage with considerable surface water accumulating in periods of heavy rain. The risk of problems identified by Brixton Parish Council and residents relating to drains and surface water run off on from Canes Orchard were ignored by planners and builders in the applications for Phases 1, 2a & 2b and 3 subsequently have been dealt



with inadequately. Resulting flooding and problems with both surface water run-off and blocked domestic drains are already being experienced by residents of Phase 1, in Bramley Close and Orchard Road. This is before the loading is increased by Phase 2a currently being constructed and Phases 2b and 3 which are still to be built. (Temporary fixes of earth trenches by the developer are unsustainable).

This phase with 25 bungalows will further lead to the encroachment of water onto to the Phase 1 and 3 sites and increase the risk of further local flooding. Based on this information serious concerns remain for residents of Canes Orchard and the Parish Council about the continuing risk of flooding from drains and surface water on and from this site.

Existing infiltration solutions for a 1 in 100 year's event plus 30% for climate change have already proved to be ineffective in Phase 1 in the past 2 years. As the weather pattern of frequent heavy downfalls of rain since 2015 evidences that the 1 in a 100 years target is unrealistic and inadequate.

**9.2 Sewage – No information has been provided to ensure that the current sewage system can cope with increased capacity.** There is evidence in the public domain provided by the Environment Agency that the sewage filtration plant below Brixton is not performing well and has insufficient capacity to manage the current demand. It shows that the following raw untreated sewage spills have occurred at Mudbank - 58 spills total 620 hours or spilling for 2 days (48 hours each month) into the River Yealm. This is occurring before the 63 houses for Phases 2a, 2b & 3 at Canes Orchard are built so the impact of the capacity from a further 25 houses to this water treatment plant must be taken very seriously. This level of contamination puts at risk the water quality in the river Yealm which is used for commercial oyster farming, for leisure and recreation and supports valuable wildlife habitats.

Brixton Parish Council requests that evidence is provided from SWWA to the Development Management Committee to clarify that the current sewage plant at Mudbank has sufficient capacity for this further increase in number of houses in Brixton and to also protect the River Yealm from pollution.

**9.3 Roads in Canes Orchard –** There are serious road safety issues for residents of Phase 1 of Canes Orchard due to the cul-de-sac road layout of Orchard Road which is restrictive in that the narrowness of the road and pavements forces people to walk in the road when cars are parked. Vehicles larger than a Tesco's delivery van have difficulty in manoeuvring and turning in the current configuration of roads and pavements. Given the tightness of the bend as well as narrowness of the road - there is no adequate turning area for delivery vans or indeed any vehicle. The families living in Canes Orchard have significant concerns about traffic movement, poor parking arrangements and inadequate turning head. These safety concerns will be exacerbated by the further increase in traffic from Phase 2a, 2b, Phase 3 and if this application is approved. Assurance is needed that all emergency vehicles can safely access the site.

The Manual for Streets – Department of Transport Guidance para 5.7 describes designing streets as social spaces *'The public realm should be designed to encourage the activities intended to take place within it. High-quality open space is a key component of successful neighbourhoods. Para 5.91 the space between the front of the building and the carriageway, footway or other public space needs to be carefully*

*managed as it marks the transition from the public to the private realm. Continuous building lines are preferred as they provide definition to, and enclosure of, the public realm. They also make navigation by blind and partially-sighted people easier'.6.1.1 Street design should be inclusive. Inclusive design means providing for all people regardless of age or ability. There is a general duty for public authorities to promote equality under the Disability Discrimination Act 2005.1 There is also a specific obligation for those who design, manage and maintain buildings and public spaces to ensure that disabled people play a full part in benefiting from, and shaping, an inclusive built environment.6.1.2 Poor design can exacerbate the problems'*

As this application for development is for older people, the likelihood of them having increasing long term mobility difficulties, sight and hearing impairment and other disabilities throughout their lives, safe access through Orchard Road with its narrow shared surface and current limitations cannot be guaranteed alongside other road users. More than 70% of over 70 year olds have some form of hearing loss, 14% of people over 65 have sight loss which affects their day to day living; this increases to 35% for those aged over 75 and 50% for those over 90 Source 'Later life in the United Kingdom July 2017' The width of Orchard Road was raised in the planning application for Phase 3 of Canes Orchard when it was found that the road did not meet the required widths by Devon County Highways. The road has now been designated for joint pedestrian and vehicle use. This is of great concern to residents as children can play in the road where a minimum of 250 traffic movements may take place during the day. This does not include people accessing the proposed allotments by car.

#### 9.4 Access to Health Care/Social Care and Medical Provision

There are no medical services/ provision in Brixton village. The health and social care needs of the residents of this development will not be met in Brixton village. This development will not be benefitting the local economy as there are no medical or social care facilities in Brixton. Currently residents travel to get the best value for their money, their time and where services are safely and easily accessible.

Access to all medical provision from Brixton is highly dependant on travel by car. The nearest Health Centre is at Yealmpton which can only be safely accessed by bus, taxi or car. There is also a dentist and optician at Yealmpton. Silverbridge Way, a permissive footpath running parallel to the A379, is 1.8 miles from the village and can be walked by fit and well people to access the Medical Centre. This path is very steep in places. Other GP Practices used by current residents of Brixton are in Plymstock 3 miles away these can only be accessed by public transport, taxi or car by older people. This location provides the services they need at one location i.e. GP, dentist, optician, pharmacy, and choice of retail for weekly shopping. As the bus service is unreliable more older people use taxis to access these services in Plymstock as is the most cost effective and accessible choice of location.

Derriford Hospital is a round trip of 22 miles by car from the site and if travelling by bus would require a change in Plymouth City Centre and Kingsbridge Hospital used by patients of the Yealm Medical Centre is a round trip of 28miles. There is an unreliable hourly bus service during the week and no Sunday service. Access to either hospital is dependant on travel by car for patients, carers and family visitors. Other medical services provided for people with disabilities are located in Plymouth and again would involve a change of bus in the City Centre to access services at Mount Gould and other health and social care provision around the City.

Given the limited and unreliable public transport facilities for Brixton the residents of the over 55's development will need to be car drivers or car dependent and be able to continue to drive in later life. Many elderly people with complex health conditions the prevalence of which increase in later life, i.e. dementia, heart failure breathing conditions etc. have to give up driving. This site is very isolated, at the top of a hill with a significant gradient and is at least 500 meters walk to the main road and another further walk to the bus stop or Post Office. People living on this site will be remote and socially cut off from the community.

The application does not identify what the need of the residents of this development would be. For example, there is no attempt made to calculate or project what percentages of residents of the new development would be likely to be still working and travelling to work, what percentage would use public transport, cycle or walk. It is simply asserted residents could access a range of services and facilities lying within given distance of the site entrance. 400 metres is most commonly cited as a standard distance for walking to public transport, whereas an alternative accessibility methodology, PTAL, used in London, has a cut-off of 640m for walking to a bus stop, and 960 for rail, beyond which only insignificant numbers would be prepared to walk. Even though such distance-decay is implicit in The Institution of Highways and Transportation -Guidance for Providing Journeys on Foot Guidance (distinguishing between "desirable", "acceptable" and "preferred maximum"), there is no distancedecay effect taken into account.

Outside large towns and cities the standard approach to measuring accessibility is to use data on stops and services to produce different gradations of access by public transport, often defined as access to the nearest significant employment and shopping services.

By way of illustration, Transport for Greater Manchester uses the Greater Manchester Accessibility Levels (GMAL), which is included in "Transport for Sustainable Communities: a guide for Developers" dated March 2013. It states at page 13; "As a rule of thumb, 400 metres (about 5 minutes' walk) is often taken as the distance people are prepared to walk to a bus stop. In general, people are prepared to walk further to rail or Metrolink services: up to 800 metres or more. In terms of assessing the accessibility of a new development, however, distance criteria are an oversimplification because they take no account of factors such as where services go to, how frequent or reliable they are or whether they are likely to endure in the future." When set in this context, the proposed development site lies in a "sustainable location" is unsupported by any reliable evidence.

The Institution of Highways and Transportation -Guidance for Providing Journeys on Foot states *'Planning for pedestrians should be a specific and positive part of the Development planning process. It should not be treated as something that can be fitted in once decisions about road layouts have been made.'* In this case the road layout and its width has already been determined and is not suitable for pedestrians with increasing age related disabilities.

#### 9.5 Public Right of Way (PROW)

Currently there is a PROW across the field from Cherry Tree Drive to Catson Green. This not referred to in the application and there is no indication of its location should it need to be moved on the plans. There is no comment from Devon County Council PROW Officer on the footpath.

## **10. Traffic Statement 14/3/2017**

### **10.1 Traffic Flow**

The evidence in the Traffic Statement concerning traffic flow through the village is out of date. The survey took place in June 2011. In the intervening 6 years new housing has been built in Brixton, Yealmpton (50), Ermington and Modbury resulting in increase in traffic along the A379.

10.2 An up to date report on traffic flow through Brixton village and traffic generation from Canes Orchard needs to be available as evidence to the Development Management Committee.

### **10.3 Traffic Generation –**

In the Transport Statement (14/3/2017) the traffic generation and flows to and from the site are underestimated. In total with 25 bungalows there will be vehicles from 121 houses (90 new houses, 4 barns, Venn Farm House and The Wheelwrights) accessing and exiting from this site. This access is directly onto the busy A379 the main commuter road into Plymouth from the South Hams. It is not 'lightly trafficked' as described in the Transport Statement. The mini roundabout is not a 'traffic calming device' it provides access to Steer Point Road. Although the bungalows are age restricted it is likely that most residents will continue to work, particularly given the very recent announcement that the retirement age be raised to 68. Up to date information needs to be available to provide an informed impact assessment of the traffic flow from 96 dwellings onto the A379.

## **11 Design and Quality**

11.1 The design of these bungalows must ensure that sufficient garage/parking, visitor parking and turning space for the numbers of cars and vehicular movements likely to be generated from this site is properly accommodated and safe. The design of Phase 1, 2 & 3 of Canes Orchard does not demonstrate an understanding of the character of Brixton village, with its suburban design and poor detailing of the public realm.

11.2 Loss of privacy for neighbours in Cherry Tree Drive - there is no buffer zone between Cherry Tree Drive and the houses proposed in the development. Further consideration must given to reconfiguration of the road layout to ensure that there is privacy and their right to an outlook for the residents of Cherry Tree Drive whose outlook will be ruined if this application is granted.

11.3 The All Party Parliamentary Group for Excellence in the Built Environment (July 2016) states that 'we need to ensure that consumers are buying homes that are fit for purpose, are of enduring quality, perform to the requisite levels of maintenance cost and energy efficiency and give peace of mind, pride and enjoyment to those who occupy them'. This homes need to be fit for purpose for the over 55's and suitable to meet their long term health and other needs in later life.

## **12. Energy Efficiency**

12.1 Any new housing should be very thermally efficient and incorporate renewable energy sources.

## **Conclusions.**

1. The application is contrary to, and conflicts with a number of core principles and policies set out in the National Planning Policy Framework (NPPF). - Sustainably and promoting healthy communities.

2. The application is not in accordance with the South Hams Local Plan (SHLP) – LDF Dev 15. *‘Within the South Hams there is considerable pressure for new development in the countryside. Some proposals in the countryside can lead to unsustainable development which, individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development.’*

3. The application is not in accordance with the emerging Plymouth and South West Devon Joint Local Plan (JLP) 2014-2034, specifically Policies – SO10, TTV30 Figure 5.8, TTV31, DEV1, DEV24, DEV25, DEV30, and DEV32.

4. The application is not in accordance with the emerging Brixton Neighbourhood Plan 2014 - 2034, specifically Policies – Dev2. *Location, scale and character of development.*  
**(a).** *Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views or skylines, local amenity, traffic, parking or safety.*  
**b).** *Elsewhere in the parish development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location, or secures a viable long-term future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met.*

5. The application does not meet the sustainability criteria as established by the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

6. There are major safety issues with pedestrian and vehicular access.

7. The site is not suitable for age restricted bungalows due to its topography, its isolation from the village and public services.

8. There are not sufficient material considerations in favour of the development so as to outweigh the provisions of the Development Plan particularly in terms of restricting development in the countryside.

9. The adverse impacts of permitting these proposed developments would significantly and demonstrably outweigh the benefits.

10. There is a serious fear in the community that medium density urban housing of a ubiquitous and monotonous mass as proposed in this application develops a model which will erode the character of Brixton as a rural village.

**For the reasons set out above this application should be refused.**

## **Appendix A Executive Summary and Conclusion of Brixton Parish Housing Needs Survey dated April 2016**

### **1 Executive Summary**

#### **Principal Conclusions**

The survey identified a need for 11 affordable homes within the next 5 years.

#### **Key findings**

A total of 25 households stated they wanted or needed to move home within the next 5 years.

#### **Affordability**

The survey found 7 households in housing need who could not afford to buy in the open market.

4 additional replies were received by households on Devon Home Choice who had not completed the survey but were eligible for affordable housing in the village.

#### **Tenure**

10 of the households in housing need qualified for affordable rent, 1 may be able to afford a shared ownership property.

#### **Size of Property Required**

6 x 1 or 2 bedroom properties for singles or couples

3 x 2 bedroom properties for families

2 x 3 bedroom properties for families

#### **Other Findings**

800 surveys were delivered and 233 survey forms were returned. The response rate was 29%. This is a good response rate, with the average response being 25%.

47% of those who answered the question said they would be in favour of a small development of affordable housing for local people. 25% were against any development and 28% stated they may be in favour depending on the circumstances.

### **9. Conclusion - Future Housing Need for Brixton**

Overall, it must be remembered that this Housing Needs Survey represents a snapshot in time. Personal circumstances are constantly evolving. Any provision of housing, would, by necessity, need to take account of this. However, given the level of response to the survey, and in spite of the potential for circumstances to change, the Parish Council can feel confident in the results of this survey. The survey has identified a need in the near future for 11 units of affordable housing and a further 18 units of open market housing.

As the needs of households are constantly evolving the level and mix of need in this report should be taken as a guide. In particular it may be appropriate to vary the mix of sizes provided. This report remains appropriate evidence of need for up to five years. However if there is a significant development of affordable housing in the parish which is subject a local connection requirement and substantially meets the need identified in the report it will normally be necessary to re-survey the parish before any further development to address local needs is considered.