

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

4 March 2022

**Applications to be Determined by the Committee**

Report of the Head of Development Management

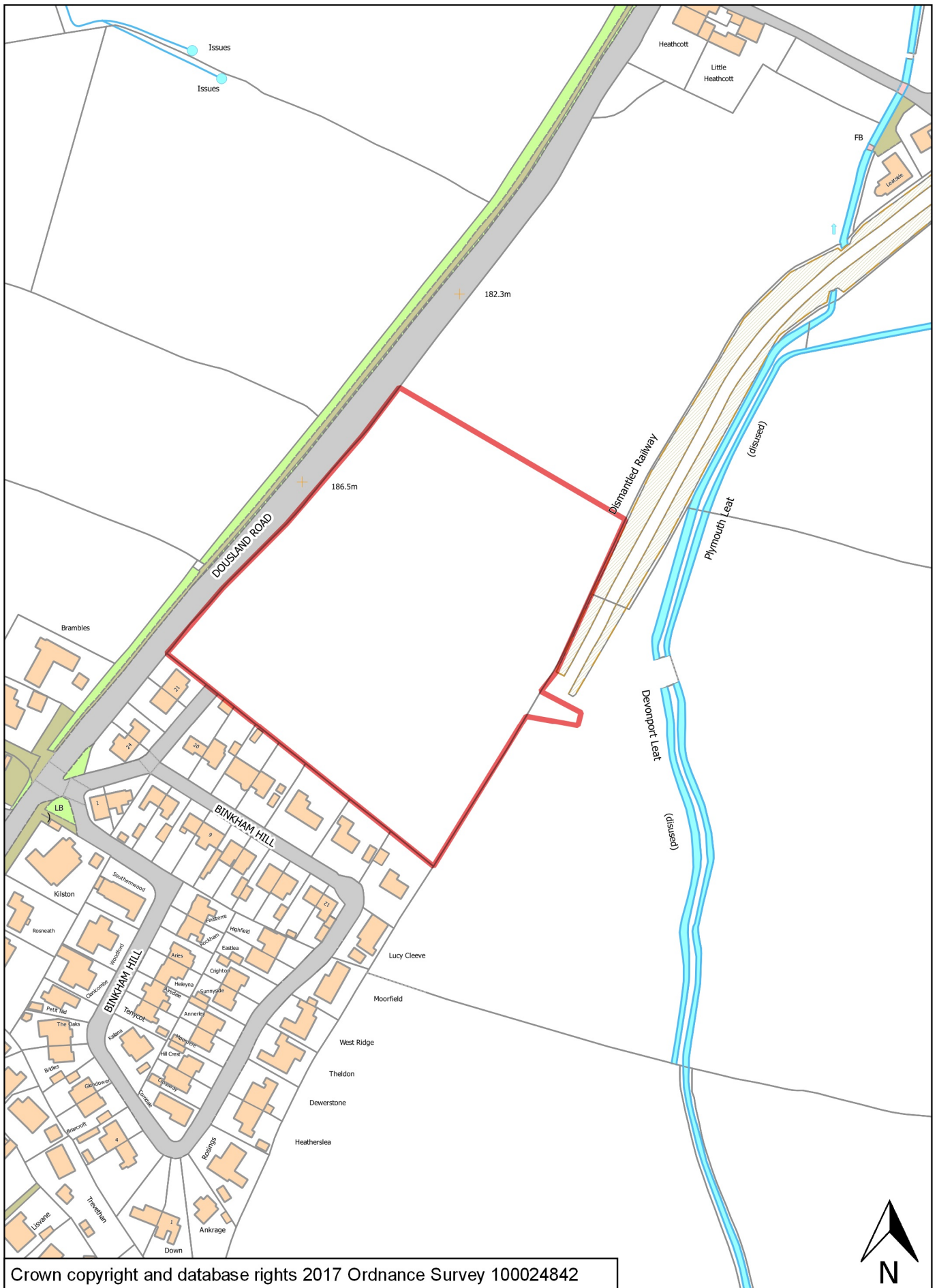
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<u>Item No.</u>	<u>Description</u>	<u>Pg. No.</u>
1.	<b>0266/21</b> Development of 41 houses (22 open market, 19 affordable dwellings), associated access, parking and creation of open space. <b>Land at Binkham Hill, Yelverton</b>	6

# 0266/21 - Land at Binkham Hill, Yelverton



Scale 1:2,000



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1.

Application No: **0266/21** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission** Parish: **Buckland Monachorum**  
Grid Ref: **SX52646819** Officer: **Phil Twamley**  
Proposal: **Development of 41 houses (22 open market, 19 affordable dwellings), associated access, parking and creation of open space.**  
Location: **Land at Binkham Hill, Yelverton**  
Applicant: **Greenvolt Development Ltd & Winston George Tucker**

Recommendation: **That, subject to the completion of a s106 legal agreement to include:**

- i. The affordable housing as a mix of affordable rented and shared ownership properties in perpetuity including future review of viability.
- ii. Maintenance of all landscaping and areas not within the ownership/control of individual properties.
- iii. Implementation of biodiversity mitigation measures.
- iv. Maintenance of the proposed surface water network including SuDS drainage system.
- v. A contribution of £12,414 towards education transport requirements.
- vi. A highway authority contribution of £5,000 towards the investigation, consideration and if approved, installation of a reduced speed limit in the vicinity of the site access.
- vii. A contribution to open spaces to be confirmed by WDBC Open Spaces Team.

**permission be GRANTED**

### **Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with drawings numbered:  
PL020, TCXX(90)4001(1of2) and TCXX(90)4001(2of2), valid 25 May 2021, PL004 rev.D, valid 9 September 2021, PL003 rev.J, PL004 rev.C, PL005 rev.C, PL006 rev.D, PL007 rev.A, PL010 rev.A, PL011 rev.A, PL012 rev.A, PL013 rev.A, PL015 rev.A, PL016 rev.A, PL017 rev.C, PL018 rev.C, PL019 rev.B, PL201 rev.D, PL202 rev.D and PL203 rev.B, valid 23 November 2021.
3. No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - (i) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with Devon County Council groundwater monitoring policy.
  - (ii) Evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins/tanks.

- (iii) A detailed drainage design based upon the approved Sustainable Drainage Assessment dated February 2021 and the results of the information submitted in relation to (i) and (ii) above
- (iv) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (v) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (vi) A plan indicating how exceedance flows will be safely managed at the site.
- (vii) A detailed assessment of the condition and capacity of the Devonport Leat, should this option be progressed at the next stage. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.
- (viii) Evidence there is agreement in principle from either South West Water or the third party landowner, to lay the surface water sewer across their land to the Leat, dependent on which option is progressed in the future.

Thereafter, no building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (i) - (viii) above.

4. No development shall commence until a Method of Construction Statement (MCS), to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones

has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development hereby approved shall be undertaken in accordance with the approved MCS..

5. No development shall commence until a detailed Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, precautionary methods of working including consideration of trees and protected species, contingency plans, mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. The Plan shall include details of the timings of the work to be agreed with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing by the Local Planning Authority.
6. No development shall commence until a waste audit statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the demolition, construction, and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy, including:

- (i) sustainable procurement in construction phase; and
- (ii) methods for limiting the generation of waste and maximising recycling in construction phase.

Thereafter, the development hereby approved shall be undertaken in accordance with the approved waste audit statement.

7. No development shall commence until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details relating to habitat creation, including integrated bird nesting/bat roosting boxes, species specification and management. Thereafter, the development hereby approved shall be undertaken in accordance with the approved Landscape and Ecological Management Plan.
8. No development shall commence until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The required strategy must provide detail with regards to lighting associated with the pre-construction, during construction and operational phase activities, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. This Strategy will include details including the following: artificial lighting associated with public realm lighting, car headlights associated with traffic movements through the development, internal and external lighting associated with the dwellings. Thereafter, the development hereby approved shall be undertaken in accordance with the approved Lighting Strategy.
9. No development shall commence until a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures if required, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be undertaken in accordance with any approved mitigation/compensation measures.
10. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive), unless a suitably qualified ecologist confirms in writing to the Local Planning Authority that the clearance works will not disturb nesting birds.
11. Details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of not less than thirty years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
12. A detailed schedule of the materials and finishes to be used on the approved development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the dwellings. This shall include samples of the roof slate, hanging slate, details of render finishes and cladding materials, window/exterior door units, verge/soffit details, positions of meter boxes, boundary fence and wall design, waste and recycling stores, driveway surface materials, electric vehicle charge units, roadway surface materials, pathway surface materials, kerbs and any proposed exterior lighting units. Thereafter, the development shall be undertaken in accordance with the approved schedule of materials and finishes.
13. All external windows and doors in the development hereby permitted, shall be of timber and/or aluminium construction and shall at all times thereafter be retained as

timber and/or aluminium framed windows and doors.

14. All gutters and downpipes on the development hereby approved shall be of metal construction, round or half-round in section, and shall be painted black not later than 30 days after the substantial completion of the development.
15. No part of the development hereby approved shall be commenced until:
  - (i) The access road has been laid out, kerbed, drained, and constructed up to base course level for the first 20 metres back from its junction with the public highway
  - (ii) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - (iii) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
16. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
  - (i) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
  - (ii) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
  - (iii) The cul-de-sac visibility splays have been laid out to their final level;
  - (iv) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
  - (v) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
  - (vi) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
  - (vii) The street nameplates for the cul-de-sac have been provided and erected;
  - (viii) The electric vehicle charging points have been installed and are live for the use of residents.
17. Once constructed and provided in accordance with condition 16 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.
18. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture, including electric vehicle charging points, shall be

constructed and laid out in accordance with the approved drawings.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

20. The development of the residential dwelling houses hereby permitted must achieve either: (i) a minimum 10% reduction in carbon emissions over Building Regulations Part L 2013, using a fabric-first approach; or (ii) Association for Environment Conscious Building (AECB) or Passivhaus certification.

With regard to part (i), the Local Planning Authority shall be provided with evidence of air tightness tests on all new buildings; and Passivhaus or equivalent accredited on-site training for airtightness and avoiding thermal bypass and thermal bridging; or with regard to part (ii), relevant certification.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no extension shall be constructed or erected in or around the curtilage of the 20no. affordable dwellings hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.

22. No work shall commence on the development hereby permitted until the expiration of 28 days following the date that written notice has been received by the Local Planning Authority of the intention to commence the development. At all times thereafter, until the completion of the development on the land, access shall be afforded at all reasonable times to any archaeologist accredited by the Local Planning Authority. This access shall include the right to observe and inspect any excavation and to retrieve and record any items of interest and finds.

## **1 INTRODUCTION**

1.1 The application is for the development of 41 houses on land at Binkham Hill. The land has been allocated for housing in the Dartmoor Local Plan (2021) - Proposal 7.19.

1.2 The site extends to approximately 1.73 hectares and is predominantly open field, with established hedgerows to the perimeter.

1.3 The site fronts Dousland Road and the village of Yelverton neighbours it to the south-west. There is also a disused section of the Princetown railway to the eastern boundary.

1.4 The application is presented to Members in light of it being major development and there being significant public interest and an objection from the Parish Council.

## **2 PLANNING HISTORY**

0407/21	Construction of a cycleway/community trail		
	Full Planning Permission	Grant Conditionally	10 November 2017

### **3 CONSULTATIONS**

3.1 **Environment Agency:** Flood Risk Zone 1 - standing advice applies

3.2 **DCC - Highways:**

#### **Original observations dated 17th June 2021:**

- 3.2.1 The proposed development has been the subject of previous pre-application discussions and the consultant engineer representing the applicant has been in pre-application discussions with the highway authority. Although the application is a 'full' application, the transport statement, refers to principles rather than details; but this is not necessarily an issue.
- 3.2.2 Visibility has been provided at the proposed junction in accordance with the speed survey as previously discussed and agreed and is considered adequate to serve safely the proposed development from a highway safety point of view.
- 3.2.3 The Highway Authority would not normally require a Residential Travel Plan for a development of this size in a rural location such as Yelverton but there are no objections or adverse comments to be made on the proposed Residential Travel Plan accompanying the application if the planning authority were to choose to require it.
- 3.2.4 With respect to the internal layout of the site there are some recommended amendments before the plans are acceptable from a highway point of view. They are as follows:-
1. Footways are not necessary on any cul-de-sac less than 100 metres in length – a shared surface is a suitable design option, minimising hard surfacing
  2. There should be a proper T-junction rather than the bend with access off at the entrance by plots 20-21.
  3. Cul-de-sac for plots 25-29 and 37-38 seems to be longer than 30 metres with no turning facility. A turning facility for a refuse vehicle will be required. The refuse collection authority (West Devon Borough Council) may also wish to comment on this aspect).
  4. There will need to be grass service margins on shared surfaces if this is chosen as a design option (see 1 above)
  5. Rumble strips and coloured transverse bands shall ONLY be used at the transition from a road with footways to a shared surface road and should always be by-passed with footways for pram / wheelchair access.
  6. Plots 1-4 appear to have parking that is so remote that it will lead to vehicles habitually being parked on the carriageway near the main road junction which will be prejudicial to highway safety.
  7. The highway authority is considering recommending the provision of a contribution of £5,000 towards the investigation, consideration and if approved,



installation of a reduced speed limit in the vicinity of the site access if it is considered appropriate and in compliance the County's criteria.

- 3.2.5 The Highway Authority reserves the right to comment further on any amended plans, and would be prepared to attend meetings (virtual or real) to discuss the comments made in respect of the application.

**Further observations following receipt of additional information and amended plans, particularly zeb1356\_PL003 Rev J, TCXX(90) 4002, 4003 and 4004.**

- 3.2.6 The applicant has addressed the issues raised in the original response and the plans are now acceptable to the highway authority from a highway safety perspective.
- 3.2.7 In addition, the Highway Authority has considered the proximity of the application of the site to the extension to the cycle route between Southella Road in Yelverton and Lake Lane at Dousland, to which the application plans show a connection. The cycleway, as a whole, is 680 metres in length and would comprise a 3m wide surfaced path for use by pedestrians and cyclists. This section would have an overall cost somewhere between £300-350k to build.
- 3.2.8 The wider scheme is part of the Strategic Cycle Network and would link NCN27 (Coast to Coast Route) to Princetown in the easiest possible way given the difference in elevation - by using the disused railway line.
- 3.2.9 It is considered appropriate to recommend that the applicant contributes £20,000 towards the provision of this identified scheme to the benefit of sustainable transport options for the residents of the proposed development.
- 3.2.10 Appropriate contributions are therefore requested and the following conditions are recommended to be imposed on any planning permission granted:

**1. £5,000 towards the investigation, consideration and, if approved, the installation of signage associated with the revision to the limits of the 30 m.p.h. speed limit on B3212.**

**2. £20,000 towards the pedestrian / cycleway extension between Yelverton and Dousland.**

1. No part of the development hereby approved shall be commenced until:
  - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
  - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
2. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

- A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed.
  - B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level.
  - C) The cul-de-sac visibility splays have been laid out to their final level.
  - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational.
  - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed.
  - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined.
  - G) The street nameplates for the cul-de-sac have been provided and erected.
3. When once constructed and provided in accordance with condition 2 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority.
  4. No development shall start until a Method of Construction Statement, to include details of:
    - (a) parking for vehicles of site personnel, operatives and visitors
    - (b) loading and unloading of plant and materials
    - (c) storage of plant and materials
    - (d) programme of works (including measures for traffic management)
    - (e) provision of boundary hoarding behind any visibility zones
 has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

### 3.3 **West Devon Borough Council (WDBC Housing)**

- 3.3.1 The Housing Authority support the provision of affordable housing on this development in accordance with Local Plan policy.
- 3.3.2 In response to the applicants proposed affordable housing tenure mix of 9 rented units and 10 shared ownership units -
- 3.3.3 WDBC have some reservations regarding the evidence that they have to support home ownership to that degree. The housing authority have recommended some flexibility in the s106 to change to rented if need be.
- 3.3.4 It was highlighted that Homes England will not fund shared ownership if there is a local connection attached. WDBC recommended we ensure that wording in the s106 is tight to Yelverton and the mechanism for any future registered provider to allocate those properties to local people.

### **3.4 Devon County Council – (Education)**

3.4.1 Regarding the above application of 41 dwellings, Devon County Council (DCC) has identified that the proposed increase of 33 family type dwellings would generate an additional 8.25 primary pupils and 4.95 secondary pupils which would have a direct impact on Lady Modifords Primary and Tavistock College.

3.4.2 In order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested.

3.4.3 DCC has forecasted that there is capacity at Lady Modifords Primary and Tavistock College for the number of primary pupils likely to be generated by the proposed development and therefore a contribution towards primary and secondary education infrastructure will not be sought.

3.4.4 DCC will however require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Tavistock College.

3.4.5 The costs required are as follows:

- 4.95 secondary pupils £2.64 per day x 4.95 pupils x 190 academic days x 5 years  
= £12,414

3.4.6 The school transport contribution above has been calculated using the current contract cost of transporting a pupil from the development to the named school. The number of academic days and years is based on the number of term days in a school year and the number of years a pupil is expected to attend school.

3.4.7 The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school. All contributions would be subject to indexation using BCIS. It should be noted that in accordance with the County Council's Education Infrastructure Plan, education contributions are required from all family type dwellings, including both market and affordable dwellings.

3.4.8 Affordable housing generates a need for education facilities and therefore any affordable units to be provided as part of this development should not be discounted from the request for education contributions set out above. Such an approach would be contrary to the County Council's policy and result in unmitigated development impacts.

### **3.5 Devon County Council (DCC – Lead Local Flood Authority)**

3.5.1 No in-principle objections, subject to recommended conditions

3.5.2 The applicant should consider the impact of potential overland flows from the land to the west of the site. DCC would encourage the applicant fully investigate the use of infiltration at the site as per the top preference within the surface water management hierarchy.

3.5.3 DCC acknowledges the comment in the Sustainable Drainage Assessment concerning the potential for contamination from the derelict railway line and we recommend that this is also investigated at the next stage.

3.5.4 The applicant has provided a feasible surface water management strategy which utilises under drained permeable paving, an above ground attenuation basin and oversized pipework to restrict flows to existing greenfield rate in line with SuDS for Devon Guidance (2017).

3.5.5 The applicant has also incorporated long term storage requirements into the design of the proposed network. At this stage, it is understood that maintenance of the proposed surface water network will be undertaken by a private management company. Two options have been proposed for the discharge location; into the existing Devonport Leat or into the nearby combined sewer. The option to discharge into the Leat may require a pump due to the presence of the old railway embankment which is located between the site and the Leat. Any connection into the South West Water (SWW) network would require agreement in principle from SWW.

### 3.6 **Devon & Cornwall Constabulary**

3.6.1 There are aspects of the design that cannot be supported as they have proven to increase the opportunity for crime and anti-social behaviour (ASB).

3.6.2 The two main aspects that give cause for concern from a designing out crime perspective, is the amount of unrestricted access to the rear boundaries of plots and the amount of permeability.

3.6.3 Guidance from Safer Places – The Planning System & Crime Prevention which outlines the principles of Crime Prevention Through Environmental Design (CPTED) recommends that: ‘it is desirable to restrict public access to the rear of buildings. Secluded footpaths or alleyways, in particular, should not run along the rear of, and provide access to, buildings or gardens’ and that ‘crime and anti-social behaviour are more likely to occur if: there are several ways into and out of an area - providing potential escape routes for criminal activity.’

3.6.4 Additionally, Secured by Design Home 2019 recommends that ‘the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated footpaths’. And that ‘Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime’.

3.6.5 From the proposed Site Plan there are numerous examples where there is public access to the boundary of rear gardens, with many such routes lacking natural surveillance opportunities. There also appear a somewhat excessive number of routes around and through the scheme. Both features can contribute towards the potential for crime and ASB.

3.6.6 I also note from the Boundary Treatment Plan that the proposed boundary for many rear gardens will consist of 1200 high timber post and rail fencing complemented with hedging. Typically, it is advised that boundaries to rear gardens are a minimum 1800mm high in order to prevent unauthorised access and burglary attempts.

### **3.7 DNP – Trees & Landscapes**

- 3.7.1 The land has been allocated for housing in the draft local plan 7.19.
- 3.7.2 The applicants have submitted a Landscape and Visual Impact Assessment, the submitted assessment is acceptable.
- 3.7.3 The principle of development on this land had been accepted by the Authority and the visual impact and its impact on the character of the local landscape has been considered when allocating the land.
- 3.7.4 Access onto the site will be from Dousland Road and will require the removal of a small section of hedgerow. The creation of an access onto Dousland Road forms part of policy 7.19.
- 3.7.5 Numerous trees are growing along the boundaries of the site. The trees have been assessed in accordance with British Standard 5837:2012 and appropriate tree protection has been set out in the submitted arboricultural report. The tree assessment and proposed tree protection measures are acceptable.
- 3.7.6 The applicants have submitted a plan showing boundary treatment for the development. The intention is to have a timber post and rail fence along the northern boundary with no obvious form of enclosure along the southern and eastern boundaries of the site.
- 3.7.7 I would like to see a low Devon bank planted with a mixed native hedgerow planted along the northern and eastern boundaries and a mixed native hedge planted along the southern boundary. We should request the applicants submit an appropriate landscape plan

### **3.8 DNP – Ecology**

- 3.8.1 No objection, subject to conditions regarding ecological best practice and mitigation measures.

### **3.9 DNP – Archaeology**

- 3.9.1 No objection, subject to a watching brief to be secured by condition.

3.10 **West Devon Borough Council (Open spaces)** - Comments awaited

## **4 Parish/Town Council Comments**

- 4.1 Buckland Monachorum PC: Advice from DNPA during the production of our Neighbourhood Plan and re-laid to the applicant was that further development within Yelverton would only be considered if accompanied by a validated Affordable Housing Needs Assessment (AHNA).
- 4.2 This application not only concedes that it contradicts DNPA policy on development, but has not been accompanied by an AHNA endorsed by the Authority. The Parish Council therefore cannot support the application and therefore at this stage, OBJECTS.

- 4.3 It is recognised that the site is one identified in both the NP and the emerging DNPA Local Plan. Were DNPA to approve the application, having satisfied themselves that it delivers the required Affordable Housing to meet Yelverton's needs.
- 4.4 The Parish Council requests that the Authority engages when drawing up the appropriate s106 agreement to ensure that the needs of the Parish are supported through the Parish Council.

## 5 Current Local Plan Policies

### Dartmoor Local Plan 2018 – 2036

Strategic Policy 1.1	Delivering National Park purposes and protecting Dartmoor's Special Qualities
Strategic Policy 1.2	Sustainable development in Dartmoor National Park
Strategic Policy 1.3	Spatial Strategy
Strategic Policy 1.4	Major Development
Strategic Policy 1.5	Delivering good design
Strategic Policy 1.6	Sustainable construction
Strategic Policy 1.7	Protecting local amenity in Dartmoor National Park
Strategic Policy 2.1	Protecting the character of Dartmoor's landscape
Strategic Policy 2.2	Conserving and enhancing Dartmoor's biodiversity and geodiversity
Strategic Policy 2.3	Biodiversity Net Gain
Policy 2.5	The Water Environment and Flood Risk
Strategic Policy 2.6	Protecting tranquillity and dark night skies
Strategic Policy 3.1	Meeting Housing Need in Dartmoor National Park
Strategic Policy 3.2	Size and accessibility of new housing
Strategic Policy 3.3	Housing in Local Centres
Strategic Policy 4.2	Supporting public open space and sports facilities
Policy 4.4	Parking standards for new development
Policy 4.5	Electric Vehicle Charging Points (EVCPs)
Policy 6.4	Waste Prevention
Policy 7.1	Settlement Boundaries and Development Sites
Proposal 7.19	Land at Binkham Hill, Yelverton

## 6 Representations

6.1 50 letters of objection      0 in support      3 general comments

6.2 Summary of objections;

- Loss of green field site.
- Impact on local amenity / proximity of proposed development to existing residences.
- Excessive traffic generation.
- Impact on ecology / wildlife.
- Lack of infrastructure to support proposal.
- Shortage of school places available in the local area.
- Objection to the building of more houses on Dartmoor.
- Belief that housing need has already been met in the area.
- Impact on highway safety.

- Impact on character and appearance of the area.
- Criticism of the provided Housing Need Survey.
- Concerns with potential existing contamination on the site and impact of disturbance on local residents.
- Noise pollution during construction phase.
- Concerns with no dog waste bins.
- Concerns with future management / maintenance of site and dwellings.
- Lack of restrictions on second homes / holiday rentals.
- Impact on local flooding.
- Potential for light pollution.
- Development leading to urban sprawl.

### 6.3 Summary of general comments;

- Not sure why extra houses are required.
- Has any thought been given to infrastructure and footpaths?

## 7 Observations

### THE PROPOSAL

7.1 This full planning application proposes 41 residential units, comprised of 19 affordable units and 22 open market dwellings (46% affordable provision). The mix is as follows:

Affordable housing –	9 affordable rent / 10 shared ownership
	8 x 1 bed, 3 x 2 bed, 4 x 3 bed, 4 x 4 bed
Open market dwellings -	2 x 2 bed, 11 x 3 bed, 6 x 4 bed, 3 x 5 bed

7.2 The dwellings are all two storey, with a mix of 4 x 1 bed terrace, 4 x 1 bed semi-detached, 5 x 2 bed terrace, 15 x 3 bed terrace, 4 x 4 bed terrace, 6 x 4 bed detached, and 3 x 5 bed detached properties.

7.3 A new vehicular access is proposed from Dousland Road (B3212). A walking and cycling link is proposed to the south west of the site through to the existing Binkham Hill estate and beyond to Yelverton. A future link is included to the proposed pedestrian / cycleway extension between Yelverton and Dousland.

7.4 The application has been subject to consultation and review with the public and the Authority to deliver a scheme that delivers good placemaking principles.

### POLICY BACKGROUND

7.5 The National Planning Policy Framework has been updated in 2021. Specifically, Paragraph 78. States that; ‘In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

7.6 Paragraph 79 promotes ‘sustainable development in rural areas.... housing should be located where it will enhance or maintain the vitality of rural communities.

Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services’.

- 7.7 Paragraph 176 emphasises that ‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’.
- 7.8 Paragraph 177 states that: ‘When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.’ The proposed development accords with these ambitions.
- 7.9 In early 2020, a pre-application response was provided by the Dartmoor National Park Planning Enabler regarding the likelihood of development on this site being seen favourably by the Authority. It was explained at the time that, based upon the information presented, the Authority would not support the principle of development at the site until the emerging Local Plan, including the site allocation for Binkham Hill (Proposal 7.19) was adopted. The Local Plan and site allocation were formally adopted on 3 December 2021.

#### MAJOR DEVELOPMENT TEST

- 7.10 In accordance with paragraph 177 of the National Planning Policy Framework (NPPF 2021) there is a requirement to assess the characteristics of the development. Local Plan policy SP 1.4 reiterates this stance.
- 7.11 The NPPF makes it clear that whether a proposal amounts to ‘major development’ is a matter to be determined by the decision maker, taking into account the nature, scale and setting of the proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined – its ‘special qualities’. It is not synonymous with the definition of a ‘major planning application’, but rather whether the development could be construed as major development in the ordinary meaning of the word having regard to the character of the development in its local context.
- 7.12 The Dartmoor Local Plan is clear that ‘the definition of ‘Major Development’ is not the statutory definition (i.e., 10 dwellings or more, a building with 1,000m<sup>2</sup> of floorspace or more etc.)’. Recent examples of major developments in National Parks include applications for fracking, power line infrastructure and quarrying.



- 7.13 Having regard to the character, nature and scale of the proposed development adjoining the settlement boundary, and taking the local circumstances and context into account, the proposal is not considered to fall under the paragraph 177 definition of 'major development'.

#### ENVIRONMENTAL IMPACT ASSESSMENT

- 7.14 The proposal has been screened under the Environmental Impact Assessment (EIA) Regulations and determined not to have a significant environmental impact requiring the submission of an EIA. This does not negate the need for relevant technical reports that have been submitted with the application.

#### STRATEGIC POLICY CONSIDERATIONS

- 7.15 Policies SP1.1 and SP1.2 serve to ensure development is undertaken in a sustainable manner, to secure development that improves the economic, social and environmental conditions in the area, taking into account the 'special qualities' of the National Park.
- 7.16 Policy SP1.3 establishes the spatial strategy for Dartmoor, defining Yelverton as a Local Centre. As such, Yelverton is a location where development to meet identified housing needs is prioritised. The strategy, including SP 3.1 & SP 3.3, identifies the role of allocated sites serving to meet identified local housing needs and informed by up-to-date assessments, where the threshold for affordable housing is now set at 45%. It recognises that this may be varied by viability considerations where this is proven essential and where the development is still making a meaningful contribution to the provision of affordable housing, community infrastructure or environmental betterment.
- 7.17 In order to meet identified local housing need, Local Plan Proposal 7.19 identifies land at Binkham Hill, Yelverton as an area of land for residential development of around 41 homes. It recognises a threshold of not less than 45% affordable housing and that applications must include landscaping to the south and east, provide a link to the Princetown cycle trail, and include appropriate highway improvements.
- 7.18 Delivering good design is at the heart of the NPPF. This is translated into policy SP1.5 that seeks to maintain a strong sense of place and distinctive character. There are also requirements to pursue sustainable construction (SP 1.6) through a 'fabric first' approach.

#### HOUSING NEED

- 7.19 The applicant provided an independent Housing Needs Survey (Chris Broughton, arc4, October 2020) to evidence local housing needs. The affordable provision at 45% of the site was not questioned and is policy compliant. Notwithstanding this, WDRC Housing raised concern with the survey methods and tenure mix of the affordable housing provision at 50% affordable rent / 50% shared ownership. The concerns indicated that a tenure split of 70% affordable rental properties to 30% intermediate sale as included in the Dartmoor Local Plan as an indicative split may be more appropriate.
- 7.20 An updated Housing Needs Survey (HNS) (Chris Broughton, arc4, update December 2021) with supplementary HNS report was provided in January 2022 in response to concerns raised. The original HNS found that that between 15 and 18

households were in affordable housing need. The supplementary report found that of all the households in affordable need, only 5 were seeking affordable rented housing. The balance of households were seeking some form of affordable home ownership. This means that a much higher proportion of affordable home ownership is evidenced by the HNS than the indicative proportion stated in the local plan at paragraph 3.2.3. The applicant proposed a revised provision at 80% shared ownership and 20% affordable rent as evidenced.

- 7.21 WDBC Housing maintain their concerns with agreeing a high level of shared ownership where mortgage availability may be limited, particularly where local connection occupancy restrictions apply.
- 7.22 Following negotiations, the applicant has agreed to revert to the provision of a tenure mix of 9 affordable rentals and 10 shared ownership dwellings. The applicant maintains their position that the evidence base is robust and supports a higher proportion of affordable shared ownership dwellings. WDBC Housing have recommended flexibility in the s106 to change property tenure to rented should shared ownership prove to be unmarketable. A recommendation has also been made to ensure that wording of the s106 is tight to Yelverton and the mechanism for the RP to allocate those properties to local people.
- 7.23 It is expected that the affordable housing offer will be taken up by a local Registered Provider. The legal agreement would ensure they are retained in perpetuity and will control the tenure arrangements.
- 7.24 On this basis the Authority is satisfied that the HNS and affordable housing offer is in accordance with stated Local Plan policy. It should be noted that, as a policy compliant proposal, there has been no need to conduct a detailed viability assessment in this case.

#### HIGHWAY SAFETY

- 7.25 The application proposes a new vehicular access into the site from Dousland Road; this will be the sole access for vehicles into and out of the site. A walking and cycling link is proposed to the south west of the site through to the existing Binkham Hill estate and beyond to Yelverton. A future link is included to the proposed pedestrian / cycleway extension between Yelverton and Dousland.
- 7.26 Parking is proposed at 2 spaces per dwelling and 1.5 per flat, giving a total of 50 spaces; none of the dwellings have garages. There is limited dedicated visitor parking proposed and it is expected on-street parking within the development would serve this function; the roads have been designed to allow this without causing obstruction.
- 7.27 The proposal has been assessed by Devon County Council Highways, which requested minor changes be made in the original road layout and revised rear access be provided to properties adjacent to the vehicular access. The applicant has provided an updated site plan agreed by DCC Highways.
- 7.28 Objectors have raised comments regarding safety concerns with access onto the Dousland Road and with increased traffic from the site. DCC Highways has stated that visibility has been provided at the proposed junction in accordance with the

speed survey as previously agreed and is considered adequate to serve safely the proposed development from a highway safety point of view.

7.29 Paragraph 111 of the NPPF21 is key with highway matters, stating "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

7.30 It is inevitable with any development, that there will be an increase in vehicular traffic and parked cars. However, the impacts of this proposal cannot be said to be unacceptable or severe. The proposal is therefore considered to accord with policy subject to the imposition of the conditions as suggested by the Highways Officer.

7.31 DCC Highways has also requested contributions as below:

1. £5,000 towards the investigation, consideration and, if approved, the installation of signage associated with the revision to the limits of the 30 m.p.h. speed limit on B3212.

2. £20,000 towards the pedestrian / cycleway extension between Yelverton and Dousland

7.32 In the first instance, a potential revision to the 30mph zone in the vicinity of the new access point is considered worthy of further investigation. This would accord with local concerns and ensure those accessing and exiting the development can do so in a safe manner.

7.33 The second request is less easy to support and is a significant contribution that is not directly related to the development. The Local Plan policy requires a defined link to the expected cycleway (which already has planning permission). The plans show that will be achieved. While the requested contribution may be desirable and assist the shortfall in funding for this cycleway, it is not considered appropriate to require a £20000 contribution. The Authority does not operate a CIL charging regime and there are no explicit details as how the figure of £20000 is justified in this case. Such a request would be offset against the overall viability of the scheme and may have an impact on the delivery of the maximum number of affordable housing units. Maximising affordable housing provision is a stated Authority priority. As a consequence, the second part of this request cannot be justified at this time.

## ECOLOGY

7.34 The site is within the Zone of Influence for new residents with regards to recreational impacts on the Plymouth Sound and Estuaries EMS (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan, namely the study completed to consider recreational pressure of residents from new development upon the Plymouth Sound and Estuaries EMS.

7.35 Mitigation is provided for through the newly established Strategic Mitigation Strategy for the SPA/SAC. This Strategy is accounted for and currently delivered wholly through contributions provided through development within the Zol outside of the National Park. It is identified through the Duty to Co-operate process for the Local

Plan, that additional contributions from residential development in the National Park, which is negligible in the scale of growth within the ZoI as a whole, are not required to be sought.

- 7.36 Hedges - The proposal includes the loss of 24m of native hedgerow alongside the western site boundary. Mitigation measures include the planting of 337m of native hedgerow onsite. 0.13km of retained hedge will be enhanced.
- 7.37 Biodiversity net gain - The proposal includes the loss of 1.7ha of improved grassland. The ecological habitat baseline for the site is 4.11 units. Onsite provision of habitats equates to 0.35ha neutral grassland, 0.019ha SUDS basin, 0.087ha amenity grassland and 0.4ha of vegetated garden lawns. This equates to 4.29 units.
- 7.38 Post development, the scheme equates to a 4.49% net gain in biodiversity habitat units. Created and retained habitats on the northern and western boundaries will be demarked by timber post and rail fencing and fall outside the curtilage/ownership of private homeowners. Management of created habitats will fall under the responsibility of a management company for the development – this will be detailed in the conditioned LEMP document.
- 7.39 Protected and priority species - The Authority's Ecologist has recommended conditions to ensure appropriate working methods and mitigation measures are included with any permission to secure the protection, conservation, and enhancement of protected and priority species and their habitats.
- 7.40 Whilst many objectors refer to the detrimental impacts the proposed development would have on protected species and biodiversity in general, subject to the detailed mitigation and maintenance being secured, the scheme is not considered to be of detriment to the ecological interests of the site.

#### TREES AND LANDSCAPES

- 7.41 Local Plan policy SP 1.2 requires development to conserve or enhance the Dartmoor landscape and features that contribute to its special qualities.
- 7.42 The principle of development on this land had been accepted by the Authority and the visual impact and its impact on the character of the local landscape has been considered when allocating the land.
- 7.43 Access onto the site will be from Dousland Road and will require the removal of a small section of hedgerow. The creation of an access onto Dousland Road forms part of policy 7.19.
- 7.44 Numerous trees are growing along the boundaries of the site. The trees have been assessed in accordance with British Standard 5837:2012 and appropriate tree protection has been set out in the submitted arboricultural report. The tree assessment and proposed tree protection measures are acceptable.
- 7.45 The applicants have submitted a plan showing boundary treatment for the development. The intention is to have a timber post and rail fence along the northern boundary with no obvious form of enclosure along the southern and eastern boundaries of the site.

- 7.46 In accordance with the recommendations of the authority's Trees and Landscapes Officer, an appropriate landscape plan has been recommended to be secured by condition.
- 7.47 A number of objectors raised concern with the impact of the development on the character and appearance of the National Park. Whilst it is recognised that development at this scale will change the character of this green field site, the site has been subject to scrutiny as an allocation included in the Local Plan. The site in this context is considered appropriate to realise the significant public benefit of both affordable and open market housing provision.

#### DRAINAGE AND FLOOD RISK

- 7.48 Objections were received highlighting concern with the potential for flood impact from the proposed development.
- 7.49 Devon County Council (DCC), as the Lead Local Flood Authority, has been consulted. The applicant has provided a feasible surface water management strategy which utilises under drained permeable paving, an above ground attenuation basin and oversized pipework to restrict flows to existing greenfield rate in line with DCC's SuDS for Devon Guidance (2017).
- 7.50 The applicant has also incorporated long term storage requirements into the design of the proposed network. Future maintenance of the proposed surface water network including SuDS drainage system are recommended to be secured by condition.
- 7.51 The proposed development is considered to accord with Policy P2.5 which serves to conserve and enhance Dartmoor's water environment.

#### PLACEMAKING & BUILT FORM

- 7.52 The site layout is well considered, with excellent pedestrian and cycling permeability and links to existing housing and proposed access routes. The site integrates with the wider area and will offer convenient access for local residents to the proposed cycleway.
- 7.53 Generous tree-lined pedestrian circulation routes within the site tie together the various public open spaces. Many dwellings within the development front onto these pedestrian routes, rather than the roads, thus enforcing the prioritisation of sustainable internal movement. The allocated Local Equipped Area for Play space has been positioned close to the eastern boundary of the application site, at the far end of the primary pedestrian walkway, in order to benefit from a close relationship with the newly proposed connection point on the eastern boundary to the nearby cycleway/trail. Each site boundary will be planted with native species to create a visual buffer to the development.
- 7.54 Light coloured timber cladding and off-white render, commonly found in neighbouring residential areas, are the two main external wall materials applied throughout the development. Together, these materials help the development to respect the traditional vernacular of Dartmoor National Park whilst maintaining a contemporary appearance. Vernacular stone, as seen on nearby Dousland Road,

has also been introduced to some housetypes in order to offer tonal and textural variation to their elevations.

- 7.55 The Authority does not encourage the use of uPVC for windows or doors and, as such, timber frames have been proposed throughout the development. Natural slate roofing has also been proposed in line with Dartmoor Design Guidance
- 7.56 The Authority has worked with the applicant to ensure a mix of appropriate dwelling sizes and types are delivered to meet the needs of present and future generations in accordance with Policy SP 3.2.
- 7.57 All dwellings meet nationally described technical housing standards with affordable dwelling sizes being closely aligned to minimum floorspace requirements.
- 7.58 The parking provision meets the required standards for each unit and parking areas have been integrated with the SUDS.
- 7.59 A policy compliant Electric Vehicle Parking Plan has been provided with provision prior to occupation of the dwellings recommended to be secured by condition.
- 7.60 The proposal meets the requirements of Policy 6.4 (1) through the identification of sufficient and convenient space for storage of waste and recycling. A waste audit statement is recommended to be secured by condition to appropriately manage waste during construction and operational phases.
- 7.61 The Local Plan incorporates additional measures to encourage energy efficiency in new build residential dwellings. Policy SP1.6 establishes the requirement for all new residential buildings to achieve either:
- a) a minimum 10% reduction in carbon emissions over Building Regulations Part L 2013, using a fabric-first approach; or
  - b) Association for Environment Conscious Building (AECB) or Passivhaus certification.
- 7.62 To minimise the risk of an energy performance gap when meeting the above, developers will be required to:
- a) with regard part (a) above, provide:
    - i. evidence of air tightness tests on all new buildings; and
    - ii. Passivhaus or equivalent accredited on-site training for airtightness and avoiding thermal bypass and thermal bridging; or
  - b) with regard part (b) above, relevant certification.
- 7.63 The requirements of SP1.6 are recommended to be secured by condition.
- 7.64 Policy SP3.2 requires all new build dwellings to be constructed in accordance with Building Regulations Requirement M4(2) for accessible and adaptable dwellings, or successive regulations. The applicant has confirmed that the houses have been designed to meet M4 (2).

## LOCAL AMENITY

- 7.65 Policy 1.7 addresses local amenity issues. New development is recognised to introduce change and include a level of impact on the existing character of an area. Proposals should not however significantly reduce the levels of daylight and privacy enjoyed by the occupiers of nearby properties; have an overbearing and dominant impact; or introduce levels of noise, vibration, lighting, odours, fumes or dust that would adversely affect human health or quality of life.
- 7.66 The site is bounded to the southwest by an existing mature residential estate, featuring 2 storey detached and semi-detached dwellings. The dwellings to the southwest are set at a higher level to the site and will be partially screened by the landscaping as proposed.
- 7.67 Properties are aligned to minimise the potential for overlooking with the majority being orientated at right angles to the bordering dwelling houses. Detached properties 33 and 34 feature rear elevations that face southwest, however the proposed separation and landscaping are considered sufficient to protect local amenity.
- 7.68 Disturbance during construction is inevitable with any development. Conditions are imposed to control hours of construction and minimise disturbance to surrounding properties from noise, dust, and lighting. A detailed Construction Method Statement will be required to ensure impacts are kept to a minimum. This should ensure the development meets policy objectives.

## INFRASTRUCTURE REQUIREMENTS

- 7.69 DCC Education has made a request for developer contributions of £12,414 towards secondary school transport costs due to the development being further than 2.25 miles from Tavistock College.
- 7.70 A Highway Authority contribution of £5,000 is requested towards the investigation, consideration and if approved, installation of a reduced speed limit in the vicinity of the site access.
- 7.71 A contribution to open spaces is to be confirmed by WDBC Open Spaces Team.

## **8 Conclusion / Planning Balance**

- 8.1 This proposal relates to an allocated site for housing development as found to be necessary, relevant and deliverable, in the recently adopted Dartmoor Local Plan.
- 8.2 Residential developments within Local Centres must be predicated on a defined local housing need, bringing forward affordable housing to meet identified demand. It is clear that there is a latent demand for affordable housing within the settlement. It is recognised that, in the absence of significant Government funding, open market returns will be necessary to bring forward affordable housing delivery. The Authority sets a high threshold (45%) for affordable provision within the National Park. The applicant has submitted a policy compliant proposal that brings forward this significant public benefit of affordable homes for local people.

8.3 This application represents an opportunity to deliver one of the key objectives of the Dartmoor Local Plan. The proposal features high quality design and placemaking standards and integrates well with the wider area.

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CHRISTOPHER HART