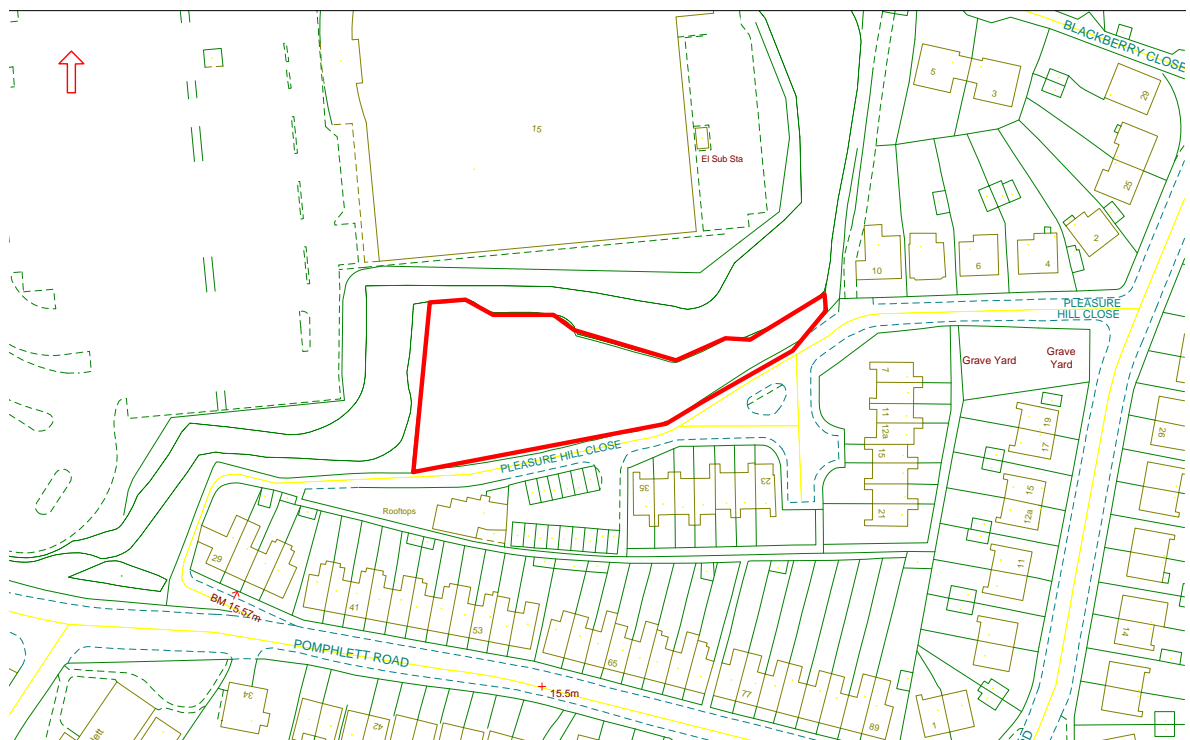


**ITEM: 8**

**Application Number:** 09/01235/FUL  
**Applicant:** Donson Ltd  
**Description of Application:** Development of site by erection of 11 terraced houses  
**Type of Application:** Full Application  
**Site Address:** LAND AT PLEASURE HILL CLOSE PLYMOUTH  
**Ward:** Plymstock Radford  
**Valid Date of Application:** 22/10/2009  
**8/13 Week Date:** **21/01/2010**  
**Decision Category:** Major Application  
**Case Officer :** Jon Fox  
**Recommendation:** Refuse  
**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)

Insert map for committee.



### **Site Description**

The site is situated on top of the limestone cliff above, and to the south and east of, the old Pomphlett Quarry, which is now occupied by Morrisons Superstore. The site is bounded to the south by Pleasure Hill Close, which serves a number of dwellings situated on the south side of the road.

The site appears to have been left to vegetate naturally over the years on a limestone base. The presence of a metal container and items of equipment, near the entrance, is evidence of small scale storage use of the site.

### **Proposal Description**

Development of site by erection of 11 terraced houses. The layout proposes five terraced houses aligned approximately north/south, the rear elevations of which face westward over the quarry cliff with the supermarket car park below. There are six houses in the other terrace. Four of these are aligned east/west, facing Pleasure Hill Close. The rear elevations of these houses overlook the supermarket building; the western two houses in this terrace are aligned north/south, although the ground floor entrances face west.

There are six different house types proposed; house types 1, 2, 5 and 6 are two storeys, types 3 and 4 are three storeys. The terrace of five houses consists of all four type 1 houses with the single type 5 house at its southern end. The second terrace has the single type 2 house at its eastern end, then the two type 6 houses, the single type 3 house and finishing off with the two type 4 houses that are aligned north/south.

Vehicular access is from Pleasure Hill Close, between the two terraces. 15 car parking spaces are proposed; eight of these are situated to the front of the dwellings, three are grouped together on the northern side of the site and a further four spaces are grouped beyond the second terrace, at the narrow, eastern end of the site. A 1.2 metre wide footway is proposed on the road frontage.

The application was originally for open market housing. However, a recent letter from the applicant's agent confirms that the scheme will now consist of 10 affordable houses and one private dwelling. In this respect the agent states that an agreement has now been reached between his client and a housing association.

### **Relevant Planning History**

There were a number of applications relating to the supermarket development in the old quarry. The Section 106 agreements associated with these approvals include a clause that requires a management plan to retain the application site as natural grassland and also seeks to avoid access by the public.

## **Consultation Responses**

### **Highway Authority**

Have no objections subject to conditions, including the provision of highway improvement works, and the adoption of part of the site access road.

### **Public Protection Service**

The Public Protection Service recommends refusal to the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable.

### **Police Architectural Liaison officer**

The Devon and Cornwall Constabulary are not opposed to the granting of planning permission for this application. The proposals have been fully consulted at the pre application stage and the design and layout is supported.

### **Housing**

Subject to contractual confirmation Housing would strongly support this application if it can deliver affordable housing.

### **Representations**

16 letters were received. One letter supports the application on the grounds that the site would be tidied up and not fly-tipped anymore, and the estate would enhance the value of existing properties with the barbed wire fence removed and the provision of a nice pavement. The other letters raise objections and concerns on the following grounds:-

1. The proposed houses would make the area congested. The 11 houses would be crammed on such a small site. The number of houses should be reduced.
2. The houses appear to dominate the area and are far too high and will intrude on the privacy of houses opposite. The Close would be hemmed in and dark. There could be loss of sunlight.
3. The proposed bin store at the western end of the site would be an eyesore and create noise when being used as well as producing bad odours and encouraging flies.
4. Loss of pleasant open and rural feeling to the area.
5. The development would be out of character and built on the sightline.
6. The additional cars would worsen existing problems and prejudice safety and the proposed speed hump is not necessary. Emergency vehicles would be impeded due to traffic congestion.
7. There are not enough parking spaces proposed. Where would they all park, including visitors?
8. The parking spaces (12 to 15) at the eastern end of the site will take away existing parking.
9. Prejudicial to health and safety due to the cliff top location. The excavations could weaken the quarry rock face and danger from Danger from falling stones and possible instability of the ground and proposed wall.

10. Danger from contractor's vehicles and disruption to parking during construction.
11. The existing road is too narrow to accommodate the additional traffic and consequent parking. The existing garage block is mostly empty.
12. Loss of natural habitat for birds and wild creatures, including slow worms and dormice.
13. There would be no area for new children to play.
14. The intended seating area will attract groups of youths and lead to anti-social behaviour.

### **Analysis**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The application turns on policies CS15, CS18, CS19, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issues are the impact of the development on:-

1. The nature conservation value of the land.
2. The character and appearance of the area.
3. The layout of housing and parking areas.
4. Traffic generation and highway safety and parking/congestion in the area.
5. Residential amenity.

With regard to nature conservation interests and the aim to retain the application site as natural grassland (as set out in previous legal agreements), this application requires a Phase 1 Habitat Survey to be carried out and protected species surveys (as necessary). There are records of slow worm at the site and bats close by. There is also several Devon Notable plant species recorded on site as well as bluebell (protected by the wildlife and countryside act). The site is also a biodiversity network feature and the integrity and functionality of this site for ecology should be maintained in accordance with policy CS18.

The ODPM circular 06/2005 'Biodiversity and Geological Conservation' specifies that a planning authority must have due regard to the impact of a development on a protected species prior to permission being granted as protected species are a material planning consideration. This information should then be used to determine how development impacts can be avoided, mitigated and ensure the development results in a net gain in biodiversity as required by PPS9 and policy CS19. Sensitive lighting and SUDS should also be included within the scheme where possible in order to gain maximum enhancement for wildlife.

To enable the application to be considered from a nature conservation point of view the following information is required:

- a) A Phase 1 Habitat Survey (and further protected species surveys as necessary)
- b) A mitigation and enhancement strategy for wildlife both during and post-construction. This should also demonstrate biodiversity net gain through provision of a 'biodiversity budget' (CS19) and the maintenance of the integrity of the biodiversity network feature for ecology (CS18).

In the absence of this information, and given the aim to preserve the site at the time of the supermarket development, it is considered that there is insufficient justification for loss of potentially significant nature conservation interests at the site, which is contrary to policies CS18 and CS19.

With regard to the character and appearance of the area, the amount and layout of development is considered to be inappropriate. The terrace of five houses that back onto the cliff overlooking the supermarket car park are at the most approximately seven metres from the cliff edge and as near as 5.7 metres. The northern, end house in this terrace is closer still. Despite the height of the quarry cliff the proximity of the dwellings to the cliff edge would appear unduly intrusive and would detract from the openness of the quarry edge, which at present provides a degree of visual separation between the supermarket and surrounding development. The proposals are therefore considered to be harmful to the visual qualities of the area, contrary to policies CS15 and CS34.

The south facing terrace of six houses includes four different house types. House type 2, at the eastern end of the terrace has no windows at ground floor level facing the road and has multiple set backs in this elevation, which, when combined with its proximity to the proposed 1.2 metre footway, as near as 600mm, is considered to be a bland and contrived building that would appear incongruous and intrusive in the street scene. In addition the scale of this terrace, which includes two, three storey buildings; its overtly irregular pattern of designs and ridge lines and its proximity to the road, is considered to result in a built form that is overly dominant and out of character with the scale and nature of the majority of surrounding development in Pleasure Hill Close. The proposals are therefore considered to be harmful to the character and appearance of the area, contrary to policies CS02, CS15 and CS34.

With regard to character and the layout of the site, the number and size of proposed dwellings results in a cramped form of development in terms of its relationship with the site boundaries. This has resulted in rear garden spaces that are considered to be too small and out of proportion within each property. This amount of development has also resulted in four of the car parking spaces being situated at the eastern end of the site where they are not well overlooked from the proposed houses. This could result in these spaces being underused. However, whilst this may not be the case, the location of these spaces is less than desirable and is a further indication of the overdevelopment of the site. The proposals are therefore considered to be contrary to policies CS15 and CS34.

With regard to traffic generation and highway safety and parking/congestion, many of the representations received object on the basis of inadequate parking and access issues. However, the level of off-street car parking provision is considered acceptable and the provision of a new footway, and adoptable first section of access road, is considered to provide an appropriate highway infrastructure for this number of dwellings. The proposals are therefore considered to be in accordance with policies CS28 and CS34 (as it relates to transport).

With regard to residential amenity, the proposed house at the southern end of the first terrace, which faces 'Rooftops', has few windows at ground floor level and none higher up and consequently is not considered to result in significant overlooking of that property. However, Nos. 31, 33 and 35 Pleasure Hill Close are all set below the level of the road and given the proximity of the proposed dwellings opposite, it is considered that existing residents would experience an unwarranted degree of visual intrusion and a significant perception of being overlooked. The proposals are therefore contrary to policies CS15 and CS34.

With regard to the stability of the cliff face and other health and safety concerns, including falling, these are not considered to be planning matters.

#### **Equalities & Diversities issues**

There are no equality and diversity issues in respect of this application.

#### **Section 106 Obligations**

There is no Section 106 application in respect of this application.

#### **Conclusions**

Providing the nature conservation interests do not prove to be a block, the site is considered capable of being developed for residential purposes. However, the current scheme proposes too many dwellings, which would result in a cramped and overdeveloped site with buildings being too close to the road frontage in Pleasure Hill Close and the cliff face overlooking the supermarket; the plots would suffer from minimal garden space and the impact on residential amenity and the character and appearance of the area would be demonstrably harmful. The proposal to make all but one of the dwellings affordable is welcomed but is not considered to be so significant as to outweigh the identified planning objections. The proposals are therefore contrary to policies CS15, CS18, CS19 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and it is recommended that the application be refused.

#### **Recommendation**

In respect of the application dated **22/10/2009** and the submitted drawings, **99, Amended Block plan, 101, 102, 103, 104, 105, 106, 107, 108, 108a, 109, 110, 111, 112, 113, 114 and accompanying design and access statement**, it is recommended to: **Refuse**

## **Conditions**

### **HARMFUL TO NATURE CONSERVATION INTERESTS**

(1) The Local Planning Authority must have due regard to the impact of a development on a protected species prior to permission being granted as protected species are a material planning consideration. This information should then be used to determine how development impacts can be avoided, mitigated and ensure the development results in a net gain in biodiversity. A Phase 1 Habitat Survey (and further protected species surveys as necessary) and a mitigation and enhancement strategy for wildlife both during and post-construction should be submitted that demonstrates biodiversity net gain through provision of a 'biodiversity budget' and the maintenance of the integrity of the biodiversity network feature for ecology. In the absence of this information, and given the aim to preserve the site at the time of the supermarket development, it is considered that there is insufficient justification for the loss of potentially significant nature conservation interests at the site. The proposals are therefore contrary to policies CS18 and CS19 of the Core Strategy of Plymouth's Local Development Framework 2007 and Planning Policy Statement 9 (Biodiversity and Geological Conservation).

### **PROXIMITY OF DWELLINGS TO CLIFF EDGE**

(2) Despite the height of the quarry cliff the proximity of the dwellings to the cliff edge would appear unduly intrusive and would detract from the openness of the quarry edge, which at present provides a degree of visual separation between the supermarket and surrounding development. The proposals are therefore considered to be harmful to the visual qualities of the area, contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

### **INAPPROPRIATE DESIGN, PROMINENT AND OUT OF CHARACTER**

(3) The south facing terrace of six houses includes four different house types. House type 2, at the eastern end of the terrace has no windows at ground floor level facing the road and has multiple set backs in this elevation, which, when combined with its proximity to the proposed 1.2 metre footway, as near as 600mm, is considered to be a bland and contrived building that would appear incongruous and intrusive in the street scene. In addition the scale of this terrace, which includes two, three storey buildings; its overtly irregular pattern of designs and ridge lines and its proximity to the road, is considered to result in a built form that is overly dominant and out of character with the scale and nature of the majority of surrounding development in Pleasure Hill Close. The proposals are therefore considered to be harmful to the character and appearance of the area, contrary to policies CS02, CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

### **CRAMPED FORM OF DEVELOPMENT/INTRUSIVE BIN STORE LOCATION**

(4) With regard to character and the layout of the site, the number and size of proposed dwellings results in a cramped form of development in terms of its relationship with the site boundaries. This has resulted in rear garden spaces that are considered to be too small and out of proportion within each property. This amount of development has also resulted in four of the car parking

spaces being situated at the eastern end of the site where they are not well overlooked from the proposed houses. This could result in these spaces being underused. However, whilst this may not be the case, the location of these spaces is less than desirable and, together with the prominent and visually intrusive location of the bin store near the road, is a further indication of the overdevelopment of the site. The proposals are therefore considered to be contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### VISUAL INTRUSION AND OVERLOOKING

(5) Nos. 31, 33 and 35 Pleasure Hill Close are all set below the level of the road and given the proximity of the proposed dwellings opposite, it is considered that existing residents would experience an unwarranted degree of visual intrusion and a significant perception of being overlooked. The proposals are therefore contrary to policies CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007..

#### ADVERSE COMMUNITY INFRASTRUCTURE IMPACT

(6) In the opinion of the Local Planning Authority, the proposed development does not make adequate provision to mitigate the adverse community infrastructure impacts of the development. The development thereby conflicts with Policies CS15 and CS33 of the adopted City of Plymouth Local Development Framework Core Strategy 2007 and the adopted Plymouth City Council Planning Obligations and Affordable Housing Supplementary Planning Document 2008.

#### **Relevant Policies**

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

CS28 - Local Transport Consideration  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS22 - Pollution  
CS15 - Housing Provision



