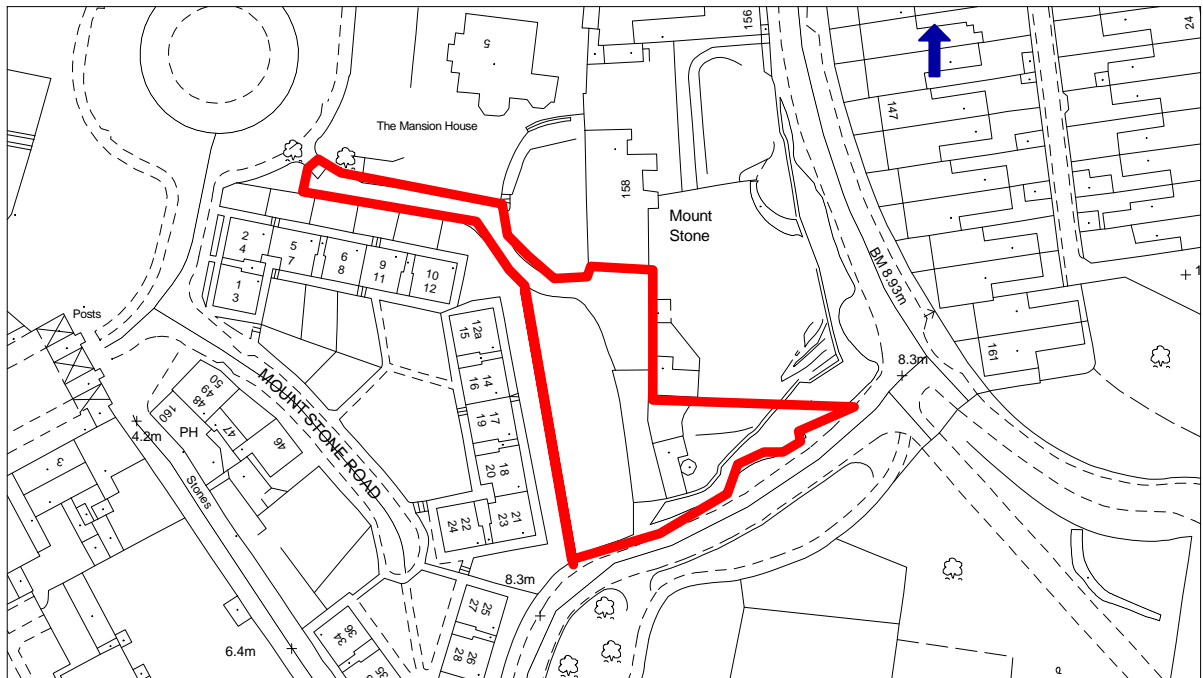


ITEM: 07

Application Number: 10/00216/FUL
Applicant: Mr and Mrs Jeffery
Description of Application: Erection of detached, three storey, four bedroom dwelling (demolition of existing structures)
Type of Application: Full Application
Site Address: MOUNT STONE HOUSE, MOUNT STONE ROAD
PLYMOUTH
Ward: St Peter & The Waterfront
Valid Date of Application: 09/03/2010
8/13 Week Date: **04/05/2010**
Decision Category: Member Referral
Case Officer : David Jeffrey
Recommendation: Refuse
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This application has been referred to the Planning Committee as a result of a member referral by Cllr Sue McDonald

OFFICERS REPORT

Site Description

The site is located within the grounds of Mount Stone House, a Grade II listed building in Stonehouse Conservation Area, at the southern end of Cremyll Street. The site is accessed off the Royal William roundabout along a narrow walled lane.

The site comprises a number of outbuildings (including a lime kiln), parking area and landscaped area within the southern part of Mount Stone House grounds. The site bounds residential properties to the west, Durnford Street beyond a cliff face to the south, and Mount Stone House and its grounds to the north and east.

Proposal Description

Erection of detached, three storey, four bedroom dwelling (demolition of existing structures).

Relevant Planning History

08/01006/FUL and 08/01007/LBC – Renewal of consent 03/00530/FUL for two storey dwelling, incorporating the ruins of existing outbuildings and the formation of new car parking area.

07/02005/LBC - Partial demolition of existing ruins/walls – Refused (Granted at Appeal)

07/02004/FUL - Partial demolition of existing ruins/wall and provision of new access route – Refused (dismissed at appeal)

03/00530/LBC and 03/00532/FUL – Two storey dwelling incorporating ruins of existing outbuildings and formation of new car park area – Granted Conditionally

02/01586/LBC and 02/01585/FUL - Two storey building to be used as a dyslexia centre (with ancillary accommodation) incorporating the ruins of existing outbuildings and formation of parking area - Granted Conditionally

99/01083/LBC and 99/01882/FUL - Change of Use and Conversion of outbuilding to a tuition centre for 3 to 4 pupils – Granted Conditionally

Consultation Responses

Public Protection Services - Recommend 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.

Transport – No objections but recommend that if permission is granted a condition is attached requiring further details of the parking area to be submitted.

Representations

So far one letter of representation has been received (expiry date is 20 April 2010) objecting to the proposal on the following grounds:

- Despite what the Design and Access Statement claims the proposal will impact the privacy, daylight and outlook of neighbouring properties.

Analysis

The Planning Issues are the impacts on residential amenity, car parking, trees, land contamination and the character and appearance of the Conservation Area. These issues are assessed in accordance with policies CS02, CS03, CS15, CS22, CS28 and CS34 of the adopted Plymouth Core Strategy 2007 and supplementary Planning Document 1 'Development Guidelines'. The impacts on the Grade II Mount Stonehouse and its associated grounds are considered under the parallel Listed Buildings application 10/00217/LBC.

In 2003 planning permission and Listed Building Consents ref. 03/00532/FUL & 03/00530/LBC (renewed under 08/01006/FUL) were conditionally granted for a two storey dwelling on this site. Therefore, the principle of development for a dwelling has been established. The previously consented dwelling detailed slate hung walls with wooden doors and windows and also retained and repaired the existing stone walls and the limekiln as a feature. This proposal differs significantly in terms of its scale and design.

Design and Visual Appearance

The land falls within the curtilage of an existing listed building and will use the same access. The proposed building is situated on top of a rocky cliff face around 5 metres high which rises from the north side of Durnford Street. It is acknowledged that a two storey dwelling has already been consented in this position. However, given that the proposed property would naturally be elevated above Durnford Street on this cliff, the three storey design of the current proposal is likely to appear overbearing and oppressive when viewed from this position.

The proposed dwelling has a striking contemporary design detailing a flat roof, large areas of glazing and a mix of random laid limestone and white render. Although high quality design and materials are clearly evident in this proposal, the combination of the property's bold design, elevated position and its height – over 12 metres from the level of the road - will create a stark addition to a site which necessitates a sympathetic design solution. This height is particularly important given that the façade of the property will only be set back around 4 metres from the road. The applicant's Design and Access Statement justifies the height of the proposed dwelling by reference to other three storey properties in the Stonehouse Conservation Area. However, these

properties are located within a completely different context and are therefore not considered to justify a three story building in this location.

Impact on the Conservation Area

With regard to the impact on the character and appearance of the Conservation Area, the proposal's elevated position and bold design is likely to have a significant impact on this part of the Conservation Area. The three storey design in particular will constitute an overdevelopment of this site and result in an appearance which is oppressive when viewed from Durnford Street therefore failing to preserve and enhance the character and appearance of the Conservation Area contrary to policy CS03 of the Plymouth Core strategy 2007.

Residential Amenity

The nearest housing is the terrace of flats on Mountstone Road which back onto the site approximately nine metres to the west. The inclusion of a roof terrace on the western end of the proposed dwelling at second floor level is likely to introduce a substantial degree of overlooking of the backs of these properties, in particular their first floor bedroom windows. The potential impact on the privacy of these properties has been raised in a letter of objection. Furthermore, the close relationship and the difference in site levels between the proposed dwelling and some of these flats – namely some of the ground floor flats - is likely to result in an adverse impact on their outlook and daylight. The proposal is therefore contrary to policy CS34 of the Plymouth Core Strategy 2007.

The proposed dwelling provides a good standard of accommodation and therefore complies with policy CS15 of the Core strategy 2007.

Additional Issues

PPS23 'Planning and Pollution Control' advises that planning applications should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to contaminated land and controlled waters has been fully understood and can be addressed through appropriate measures. Public Protection Services have advised that the information supporting the application assessing the possibility of contamination on the site is insufficient and have therefore recommended that the application is refused.

The Council's Transport Department have advised that the new dwelling is not considered to create significant car parking or highway issues with only marginal additional vehicle activity which can be accommodated in the grounds of the proposed dwelling.

Comments are still awaited from the Council's Tree Officer. These observations will be reported to the Committee in an addendum report.

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.

Equalities and Diversities Issues

None

Section 106 Obligation

Not applicable in this instance

Conclusions

The proposal would result in an overdevelopment of this site and would have an adverse impact on the amenity of neighbouring properties in terms of their privacy, outlook and daylight. The proposal also fails to provide sufficient information regarding the possible risks posed by land contamination. For these reasons the application is recommended for refusal.

Recommendation

In respect of the application dated **09/03/2010** and the submitted drawings, **1622 - [H]001, 1622 - [H]002, 1622 - [H]003, rendered elevations and 3D perspectives, tree survey report, contamination report and supporting Design and Access Statement**, it is recommended to: **Refuse**

Reasons

IMPACTS ON PRIVACY, OUTLOOK AND DAYLIGHT

(1) The proposed development will have an unreasonable impact on the privacy of neighbouring properties by virtue of the second floor roof terrace which will allow an uninterrupted view into the back windows of Mount Stone Road flats which include bedrooms and living rooms. The proposal, by virtue of its height and proximity to these properties will also adversely impact on their outlook and daylight. The proposal therefore will be harmful to the amenities of neighbouring properties and is contrary to policy CS34.6 of the Plymouth Local Development Framework Core Strategy 2007 and Supplementary Planning Document 1 'Development Guidelines'.

UNACCEPTABLE RISK OF CONTAMINATED LAND

(2) The Local Planning Authority considers that there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. There are three strands to this refusal reason.

These are that:

- a. The level of risk posed by this proposal is considered to be unacceptable.
- b. The application fails to provide assurance that the risks of pollution are understood as a preliminary risk assessment, including an adequate desk study, conceptual model and initial assessment of risk, has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

c. Information has not been provided, as required by PPS23, to satisfy the Local Planning Authority that the risk to contaminated land and controlled waters has been fully understood and can be addressed through appropriate measures.

There is a potential for contamination to be present at the site as the preliminary risk assessment that has been submitted with the application fails to fully address on-site and off-site sources of contamination. The risk is considered unacceptable because there is no evidence to indicate otherwise. The potential for contamination may be suspected on the basis of past and/or current use or experience of contamination issues at similar types of sites. The application is therefore contrary to advice contained in PPS23 and policy CS22 of the Plymouth Local Development Framework Core Strategy 2007.

INCOMPATIBLE WITH SURROUNDINGS IN TERMS OF SCALE

(3) The three storey design of the proposed dwelling in this position, on top of a cliff, would appear overbearing and oppressive when viewed from Durnford Street. In terms of its scale, the proposal is therefore unsympathetic and constitutes an overdevelopment of the site which will have an adverse impact on the character and appearance of the Conservation Area and is therefore contrary to policies CS34.4 CS03 and CS02.3 of the Plymouth Local Development Framework Core Strategy 2007.

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:

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS03 - Historic Environment
CS02 - Design
CS15 - Housing Provision
SPD1 - Development Guidelines