

COMMITTEE REPORT

Date: 10 April 2014
Team: Major and Commercial Team
Ward: Bishopthorpe
Parish: Bishopthorpe Parish Council

Reference: 13/03864/FUL
Application at: Middlethorpe Manor Middlethorpe York YO23 2QB
For: Conversion of stable block to 4no. holiday cottages and 2no. holiday or staff cottages
By: Mr Steven Davis
Application Type: Full Application
Target Date: 10 March 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 This is an application for the conversion of existing buildings, formerly used as stables and cottage, into 4 holiday lets with 2 additional units which could also be used as staff accommodation (6 units in total) in connection with the occupancy of Middlethorpe Manor, at Middlethorpe Manor, Middlethorpe (there is an associated listed building application reference 13/03865/LBC).

1.2 The buildings are located to the south-west of Middlethorpe Manor within the small hamlet of Middlethorpe on the south side of York, between York and Bishopthorpe. The buildings form part of the curtilage of Middlethorpe Manor, a grade II listed building, located within Middlethorpe Conservation Area and within an Area of Archaeological Importance (AAI). The buildings are a Victorian addition to the site and are grade II listed by virtue of their association with Middlethorpe Manor. The existing structures are in a poor state of repair, some areas being in a state of dilapidation and covered in ivy. The area adjacent to the buildings provides a well landscaped setting with a significant number of mature trees.

1.3 The proposal is to form 6 two bedroomed dwelling units within the existing structures to be used for holiday let and, in relation to two units, for staff accommodation associated with the Manor. The proposal will necessitate the rebuild of areas which have collapsed, insertion of new floors, doors and windows, mostly in existing openings. Vehicular access to the site is from the existing access that serves Middlethorpe Manor, a separate pedestrian entrance is provided along the northern elevation of the building to provide direct access to Green Lane. The area to the south of the buildings (adjacent to the access drive to the Manor), including an existing wooden garage, will be used to provide parking, cycle parking and bin storage.

1.4 A significant number of trees are located adjacent to the buildings which are afforded protection by virtue of their location within the conservation area.

1.5 The application is supported by a Heritage Statement, Structural Report, Flood Risk Assessment, Design Statement, Bat Survey, Planning Statement and Tree Survey.

1.6 The Development Control Local Plan identifies the site as being within the Green Belt.

PLANNING HISTORY

1.7 Planning permission was refused and dismissed on appeal for the refurbishment of the existing buildings into 6 dwellings in July 2005 (Planning ref: 03/02042/FUL). The reason for the appeal being dismissed related to the insertion of a large opening in the northern range of the building affecting the continuity of the building along this elevation, the creation of segregation between the buildings and the access drive to the Manor, and concerns in relation to the impact of the position of the new vehicular access on Lady Wortley Place. Concerns were also raised about the proximity of windows between 2 Lady Wortley Place and the proposed development.

1.8 A scheme has recently been approved, and listed building consent granted, for the erection of an extension to the rear of Middlethorpe Manor (Planning Ref: 13/03251/FUL and 13/03252/LBC)

1.9 The application has been referred to the Planning sub-Committee for a decision due to the appeal history of the site and the level of public interest within the small hamlet of Middlethorpe.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: Middlethorpe Area 0009

Conservation Area GMS Constraints: Middlethorpe CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Floodzone 2 GMS Constraints: Floodzone 2

2.2 Policies:

CYGB3

Reuse of buildings

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE4

Listed Buildings

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections

3.2 Yorkshire Water Authority - A water supply can be provided to the site. The area is not served by the public sewerage network.

3.3 Environment Agency - This site lies in Flood Zone 2 (medium flood risk) on the Flood Map. The change of use proposed would result in an increase to the sensitivity of the development, placing it in the 'more vulnerable' category. They note that in the submitted Flood Risk Assessment, the developer has proposed the implementation of flood mitigation measures to reduce the potential impact of flooding to the development and the inclusion of safe access and egress routes to the site. It may be appropriate to apply conditions securing any flood risk mitigation measures recommended in the Flood Risk Assessment. The Environment Agency do not provide advice on emergency planning in the event of flood.

3.4 Ainsty Internal Drainage Board - No comments to make.

3.5 Flood Risk Management Team - Insufficient information as been received to assess the application.

3.6 Countryside Officer - After initially requiring additional bat survey work the Countryside Officer is now satisfied, following further information submitted by the applicant, that the bat survey supporting the application is acceptable subject to a condition requiring bat mitigation and conservation measures.

3.7 Environmental Protection - in accordance with the requirements of the NPPF electric charging points should be provided as part of the development. There are no concerns about potential land contamination.

3.8 Design, Conservation and Sustainable development - Landscape Architect - No objections in principle. A reduced number of dwellings would allow for larger gardens and the reduction in hard surfacing for car parking and would provide a better entrance to the site.

3.9 DCSD - Conservation Officer - The Conservation Officer is supportive of the application given its dilapidated state subject to appropriate conditions controlling the detail of the scheme.

3.10 DCSC - City Archaeologist - No objections subject to a watching brief condition being attached to any grant of permission.

EXTERNAL

3.11 Bishopthorpe Parish Council - The Parish Council support all the concerns raised by residents. In particular the possibility that "residents" of the cottages and visitors will use Green Lane to park. The abandonment of the pedestrian access should alleviate this providing sufficient spaces were available in the parking area inside. One space per bedroom should be the minimum.

3.12 The applicant should consider the reduction to only four cottages. This will reduce the increase of windows in the wall which was a concern. They should also all be holiday lets then traffic will only be the persons temporarily using the cottages. Permanent residents would encourage more traffic such as mail, courier deliveries etc.

3.13 Eighteen letters of objection have been received covering the following points:-

- There are too many new/small units which will change the unique rural and conservation nature of the community
- Significant increase in numbers of dwellings in Middlethorpe
- Ensuring that access and windows provide the minimum disturbance to our neighbours in Lady Wortley Place
- There is insufficient car parking space within the development which will lead to increased traffic and parking on Green Lane. This likelihood is exacerbated by having direct pedestrian access to the lane.
- The increase in parking on the Lane will lead to deliveries and services being unable to access the other properties on the Lane
- The Manor should remain in use as a single residence

- There is a need to develop the Coachman's House and Stables in line with the historical context of this rural conservation area. However, concerned about the size of the development (number of units) and the extra use of the Lane.
- There are 8 houses on Green Lane along with the Stables/Coach House's 6 dwellings; this will increase by 75%.
- The historic access to The Stables/Coach House is surely no basis for future access rights?

The dwellings in Lady Wortley Place did not exist as such when The Stables/Coach House was used for its original purpose; the circumstances have changed.

- Inadequate bin storage within the site.
- Currently, this causes traffic blockages and congestion when deliveries are made and refuse is collected for example. Therefore, any further usage and parking on this lane should be prevented to allow adequate access for emergency vehicles, utility vehicles and the present residents.
- Car needs to be able to use the far side of the lane to access Lady Wortley Place and the racecourse nurseries.
- Thought must be given to existing resident's amenity and children playing out in the lane.
- The Inspector considering the appeal on this site in 2004 said that the large new opening in the north range would have a significant adverse effect on the historic interest of the listed building the current opening albeit smaller would have a similar adverse effect.
- The pedestrian entrance is unnecessary the current entrance is perfectly adequate for all pedestrian, vehicular and cycle movements.
- The rural setting of the wall is considerably enhanced by the grass verge and is an integral part of the rural ambience and makes an important contribution to surface water management the removal of the pedestrian access would take away the necessity for hard surfacing
- The number of units proposed conflicts with the character of the conservation area the increase in traffic will detract from the rural character
- There is no mains drainage poor siting of any effluent treatment plant will be a potentially serious health hazard.
- New materials should match existing
- Concerned that holiday makers may choose to park on the Lane rather than in the site this should be controlled by condition.
- Concerned about the impact of additional parking will have on the character of the conservation area.
- This application is for commercial development the previous appeal decision related to a residential scheme and can not be used in the assessment of this commercial scheme.
- The scheme creates new and blocking up of window openings in the existing walls and is therefore not acceptable.
- Double yellow lines should be painted on the road outside the cottages to prevent parking on the road.

3.14 Additional letters have been received following the re-consultation on amendments to the proposals. The letters welcome the increase in parking within the site but that express concern that the reduction in the size of the opening of the pedestrian access does not remove objections to the formation of this access point. All other points remain as per the original objections. Additional photographs have been submitted which show the difficulty of parking on Green Lane

3.15 1 letter of support has been received which welcomes the renovation of the derelict buildings which it is considered will make a positive contribution to the setting of the Manor House.

4.0 APPRAISAL

4.1 Key Issues:

- Green belt
- Conversion details
- Landscaping/external areas
- Conservation Area
- Listed building
- Highway considerations
- Residential amenity
- Archaeology
- Ecology
- Drainage and flood risk

Policy Background

4.2 Middlethorpe Manor is located within the Green Belt, and is a grade II listed building within a conservation area and an area of archaeological importance. The stable buildings, which form part of the overall history of the site, are within the curtilage of the listed building and as such their association with the history of Middlethorpe Manor and their siting within the curtilage of the Manor affords them listed status.

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) states at the heart of the NPPF is a presumption in favour of sustainable development.

4.4 Paragraph 17 of the NPPF sets out the Government's core planning principles. These include the principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

4.5 Section 3 'Supporting a prosperous rural economy' supports sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors where developments respect the character of the countryside.

4.6 Section 7 of the NPPF requires good design. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.7 Section 9 'Protecting Green Belt Land' (paragraph 88) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including and in it (Paragraph 90).

4.8 Section 11 states at paragraph 118 that new developments should seek to conserve and enhance biodiversity; if significant harm cannot be mitigated or as a last resort compensated then permission should be refused.

4.9 Section 12 of the NPPF relates to conserving and enhancing the historic environment. In determining applications paragraph 128 states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. Local Planning Authorities should take account of, among other things, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness. 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use' (para. 134).

4.10 Development Control Local Plan Policies (DCLP) relevant to this development are GB3 'reuse of buildings', HE2 'Development in Historic Locations', HE3 'Conservation Areas and HE4 'Listed buildings'. These policies are broadly in accordance with the approach taken within the NPPF.

4.11 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining whether to grant listed building consent for any works the Local Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and section 72 of the 1990 Act places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

GREEN BELT

4.12 The NPPF acknowledges that the essential characteristics of Green Belts are their openness and their permanence. The reuse of buildings that are of permanent and substantial construction is not inappropriate development provided openness is preserved and proposals do not conflict with the purposes of including land in the Green Belt. The buildings have been in a state of dilapidation for a considerable amount of time. They are nevertheless afforded protection from loss through conservation area legislation and through their status as listed buildings. Furthermore the application is supported by a structural report which concludes that 'although the buildings are in a dilapidated state they are not yet unstable. It is considered that with the careful removal of the decayed elements and vegetation and by a system of designed scaffolding giving full support to areas that give concern, it would be possible to reinstate and renovate the properties to a high standard to accommodate the 6 proposed holiday units'.

4.13 In terms of the impact on openness, the buildings already form a prominent element in the street. The buildings are however partly camouflaged by the extent of ivy that has grown over them and the total mass of the buildings has been reduced by the loss of some of the roof structure. These elements would, however, be altered by any decision to maintain the structures and are not considered relevant to the consideration of greater impact on openness. The new elements consist of the intensification of the use of the buildings by the introduction of 6 units and the formation of the necessary facilities to sustain such a use such as car parking, bin storage and identification of garden boundaries. In this respect the scheme has been amended since first submission, and a re-assessment of the use of the outside area has taken place. Car parking is provided by the use of the existing hard surfaced areas within the site, bin storage and further car parking is provided within the existing wooden garage located immediately adjacent to the stable buildings and, because of the nature of the use as holiday lets, little in the way of external subdivision between units is being provided. Demarcation between the access drive to the Manor and the buildings has been removed. The external facilities associated with the development are located in close proximity to the building. Set amongst trees and away from the Green Lane frontage they do not reduce openness as they seek to use the existing curtilage structures and surfacing to provide for the residential use and the less intensive nature of holiday use in terms of need for private space and long term storage means that openness will not be affected. For

the same reasons, the purposes of including land within the Green Belt will not be affected and as such the principle of the development is considered to be appropriate within the Green Belt, and supported by paragraph 90 of the NPPF and by Policy GB3 of the DCLP, which is considered to be consistent with the requirements of the NPPF.

CONVERSION DETAILS

4.14 The existing structures have formerly been used both as living accommodation and stables. To the western end of the range of buildings is a cottage which is relatively well intact, and the areas adjacent to the cottage also show significant evidence of having been previously used for residential purposes at ground floor level. The area to the east has more clearly been used for stabling. The buildings, although in a dilapidated state, have a significant amount of existing openings and the scheme for six units can be achieved with very minimal changes to their number. There is clear evidence of the shape and detailing of the majority of windows and doors. The number of units can comfortably be accommodated within the buildings without compromising the elevations of the buildings and are considered acceptable. Conditions will be needed to ensure appropriately detailed windows and doors. The details are considered to comply with the requirements of GB3 of the DCLP.

LANDSCAPING/EXTERNAL AREAS

4.15 The application is supported by an arboricultural report. The existing driveway beyond the gates in to the grounds of Middlethorpe Manor, consists of a pea gravel wearing course, probably on a hardcore base, with a timber edge, supported with large-section, timber square pegs. The tree cover within the vicinity of the old stable block essentially consists of tall, mature canopy species, Sycamore, Lime and Poplar, accompanied by an evergreen under-storey of Yew, Holly and Laurel. The tall, canopy species are clearly visible from Middlethorpe Drive and at a greater distance from Bishopthorpe Road, thereby contributing to the attractive setting of the street and the Middlethorpe estate. A group of tall Lime trees with narrow crowns are located between the entrance gates and the stable block. Some of the Laurel and Yew are smothering the timber shed/garage and parts of the stable block. As one enters the stable courtyard there is one Lime to the left and one large, mature Sycamore to the right, the canopies of which overhang the buildings. A concrete surface has been historically laid down in front of the timber building, with the remainder of the courtyard being gravelled. The gravel drive extends up to the base of the Lime, but has no constructed kerb edge in this location. The Sycamore stands within soil and planted surrounds. The Poplar is very prominent by way of its height, but unsuitable in such close proximity to a building. The adjacent Horse Chestnut is in reasonable form and would benefit from removal of the Poplar. At its current size the Horse Chestnut could be reasonably accommodated alongside the building. The proposals include removal of a number of the under storey species. The removal of these is considered reasonable to enable restoration of the building. A significant

portion of under-storey would remain and the integrity of the vegetation cover as viewed from the street would not be significantly compromised. The Sycamore would have to be crown-lifted to clear the height of the new roof. This is considered acceptable; in fact some of the lower limbs would benefit from reduction works anyway.

4.16 The Council's Landscape Architect considers that a reduction in the number of car parking spaces would be preferable and that if the number of units were reduced the gardens could be made larger. Whilst appreciating these points it is important to note that the use is for holiday lets and no formal demarcation is to be created between units. The scheme will be conditioned as such. Car parking is provided on existing hard surface areas so there will be little change to the environment of the surrounding trees. It is considered that the landscape proposals can be accommodated without detracting from the setting of the listed buildings or the quality of the conservation area subject to appropriate conditions.

CONSERVATION AREA

4.17 In describing the character of Middlethorpe, the conservation area statement refers to the area as relatively low lying, surrounded by fields- the old water meadows or 'ings' separate it from the River/Ouse. The two large houses which dominate the settlement dwarf the scale of the remaining buildings and add to the feeling of an 'estate village'. The mature trees and high walls contribute to a feeling of enclosure along part of the lane, hiding views into and out of the lane. The continuity in use of materials, brick for buildings, outbuildings and walls, slate for roofs (Westmoreland slate on Middlethorpe Hall), iron gates and rails, contribute to give some feeling of cohesion to a diverse group of buildings, ancillary to the country house.

The main elements of the character and appearance of the area are:

- (1) Middlethorpe, which retains a separate rural character, completely outside that of urban and suburban York, and lies within the City of York Green Belt;
- (2) The feeling of an 'estate village' created by the juxtaposition of the two large buildings and the surrounding smaller ones, with their consistent use of materials;
- (3) The relationship of the settlement with the open countryside around which contributes towards the setting of the conservation area'.

4.18 The house and its grounds are key components in the Middlethorpe Conservation area, the conservation area being focused on the Manor, the estate village, and Middlethorpe Hall, a high status house, listed grade II*, at the other end of the lane through the settlement. The conservation area has a distinct rural character, enhanced by its open setting and the extensive tree cover within the settlement. The reinstatement of roofs of the building, their reuse for a beneficial purpose and removal of ivy from the buildings will enhance the overall appearance of the conservation area. The provision of the associated facilities with the residential use will not be a significant element of the change to the site being

located behind a substantial wall and within the curtilage of the Manor. The minimisation of the external changes described above and their proximity to the buildings will not be significant to the conservation area.

4.19 The appeal that was dismissed in July 2005 referred to in paragraph 1.7 above sought a similar conversion to 6 separate dwellings. The appeal Inspector found that the scheme had much to commend it, being well integrated into the existing structure and offering sympathetic use. In the Inspector's assessment 'the building is a principal feature of the vista along Green Lane and makes a positive contribution, which would be enhanced by its reinstatement, to the appearance of the conservation area'. The two reasons for not allowing the appeal arose from the intention to repair and convert the stable block for disposal as 6 separate dwellings in which the design sought to physically separate the block from the driveway of the Manor, which would conflict with the historic association between the two. It would also have required a new pedestrian and vehicular access off Green Lane within the north range which the Inspector considered would damage both the building and the character and appearance of the conservation area. As described above the minimal external changes associated with this new scheme are not considered to harm the character or appearance of the conservation area. The pedestrian access in the north range consists of a typical door opening formed in an existing window opening. Such a change to the structure will not be visually significant and will not affect the quality of the conversion scheme or impact on the conservation area (see paragraph below for the consideration of amenity in relation to the pedestrian access). Overall the development is considered to accord with the requirement of Section 72 of the Act which seeks to preserve or enhance the character or appearance of conservation area and this is similarly supported by Policies HE2 and HE3 of the DCLP.

LISTED BUILDING STATUS

4.20 The buildings are not listed in their own right, but are within the curtilage of Middlethorpe Manor. Although currently derelict, the buildings have aesthetic value, and are of illustrative value, as a tangible evidence of the social status of the owners and occupants of the Manor House. As such, they contribute positively to the heritage value of the listed Manor. The range of buildings are prominent in the street scene, and make a positive contribution to the character of the conservation area as one of special architectural or historic interest.

4.21 The proposals seek, in the main, to retain the external envelope, and re-instate the roofs. There is some alteration to the existing external envelope, and the interiors would be substantially altered. The alterations would result in some harm to the heritage value of the range of service buildings (loss of primary fabric, evidence for the purpose of the building and how the building was used, for example, the loss of the stalls), but the value of the interior is diminished by subsequent alteration and the dilapidated condition; consequently the harm is considered less than substantial.

This harm in Officers opinion is outweighed by the public benefit of enabling an economically sustainable use of the heritage asset, and enhancing its contribution to the setting of the Manor, and the historic character and appearance of the conservation area.

4.22 The detailed design of external windows and doors requires further revision so that the historic function of the three distinct buildings is clearly conveyed; that is, they need to reflect the design of the existing windows on a window by window basis using evidence available on site; As suggested above this can be addressed through an appropriate condition. The proposed surfacing to the former stable yard requires further consideration to better reflect the original function and a condition is proposed to ensure an appropriate material and the plan has been amended to show a single material for the whole courtyard area.

4.23 The details of the scheme are considered to comply with the policy guidance within section 12 of the NPPF, s.16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and HE4 of the DCLP.

HIGHWAY CONSIDERATIONS

4.24 The application proposes that all vehicular traffic will use the existing access to Middlethorpe Manor. This access point is located to the west of the buildings. The access driveway to the Manor runs past the southern side of the buildings. This is a controlled entrance. Objectors raise concerns about the access. There is a concern that the need to stop and gain access to the site via either intercom or some form of key pad will reduce accessibility to the site thus leading to additional parking on Green Lane. Green Lane is the lane immediately adjacent to the northern elevation of the building; it is a public highway. The verge up to the front of the building which is currently grassed is part of the highway. Parking on the lane to any significant degree, objectors consider, will lead to existing properties being less able to manoeuvre into their own accesses and will make accessing the lane by larger vehicles, such as bin lorries, difficult. Parking on the lane is currently not restricted. It is likely that visitors to the holiday lets will receive instructions on how to get to the site and how to access the facilities. Staff who occupy any of the units will be familiar with the access arrangements to the site. On balance, officers do not consider that new arrivals would be likely to cause parking or access problems on the adjacent Lane. There are, however, no restrictions on parking on the highway and if problems occur limitations could be placed on parking within the highway. Highway Network Management do not raise any objections to the application.

4.25 As amended, the proposal provides for 10 parking spaces for the 6 units with space for additional informal parking adjacent to the buildings. The level of parking proposed accords with parking standards for permanent dwellings set out in the DCLP, and in officers view there is no sound basis to suggest that car parking is inadequate.

4.26 The application proposes a pedestrian access from the courtyard side of the buildings on to Green Lane. The details of the pedestrian access have been amended reducing the size of the opening and forming the opening from an existing window on the elevation facing Green Lane. The existing door and window arrangement also being retained on the forecourt entrance side of the buildings. The pedestrian access allows visitors to access the lane from the court yard and vice versa. There is a significant level of objection to this arrangement, the main concern being that this pedestrian access point will encourage parking on the lane which will be a more convenient access to the properties particularly with the vehicular entrance point being controlled. In terms of accessibility and the encouragement of non- car use the pedestrian access will provide a convenient short cut for visitors for walking and cycling in the local area. The lane outside the site is a public highway with no parking restrictions and the short term parking of vehicles cannot be controlled through this planning application. There are two existing access points on to Green Lane retained as part of the scheme; one from the entrance door to the cottage and one to an existing side access which serves the cottage. Middlethorpe Manor House itself also has a pedestrian access point on to the lane and Officers are not aware of this increasing car parking along the lane and no objector makes reference to this. The new pedestrian access point is considered to be acceptable, a condition is proposed that would seek, as part of a management plan, details of how the holiday cottages will be managed to ensure new arrivals are aware of the access and parking arrangements.

RESIDENTIAL AMENITY

4.27 The consideration of the previous appeal on this site addresses residential amenity. It raised a significant concern about the position of the vehicular access which was proposed to be from Green Lane via a new arched entrance in the northern range of the building opposite Lady Wortley Place. The Inspectors view was that the vehicular movements to an access point within the north range would mean that the potential for overlooking into ground floor habitable room windows would be seriously exacerbated resulting in a significant loss of privacy for existing residents. The Inspector also acknowledged that the distance between habitable room windows on the proposed development and 2 Lady Wortley place at 11 metres would lead to overlooking but that the size of the windows in the development would mean the potential loss of privacy would probably not, for this reason alone, be significant.

4.28 Number 2 Lady Wortley Place has a lounge and dining room bay window at ground floor level which have a close relationship to the adjacent footpath, and from within feel relatively exposed to the outside surroundings and the various movements along the lane. The windows in closest proximity are those in the former cottage at the west end of the range of buildings. These windows directly face the lounge bay window of 2 Lady Wortley Place. Taking the Inspectors

comments into account and having regard to the fact that western structure was last used as a dwelling, albeit some considerable time ago, officers consider the proximity between windows could not be resisted.

4.29 The proposed vehicular movements will be via the existing drive which will mean that the harm identified by the Inspector on the appeal proposal through the siting of the vehicular access in the northern range will be eliminated. Although it is acknowledged that holiday makers who come to the site may marginally increase traffic along the lane, this will not result in the volume of traffic movements described as harmful in the appeal decision. The pedestrian link from the buildings on to the lane is sited so that it is not directly opposite the main habitable rooms of the adjacent properties. Whilst the occupiers of 2 Lady Wortley place will be aware of additional activity, as a result of the buildings being brought back into use and because of the nature of the design of their windows and their proximity to the street, the development will not result in harm to amenity that would be sufficient to warrant refusal of the scheme.

4.30 In general terms the scheme will increase the numbers of occupants within the hamlet and will increase the comings and goings in the area. In Officers view, however, the restriction of occupancy to holiday use and staff accommodation will have a lesser degree of visitor and general vehicular and pedestrian movements associated with it than would be expected for six permanent residential properties and strikes the balance between providing for the retention and renovation of the listed buildings whilst protecting the amenity of existing residential properties.

ARCHAEOLOGY

4.31 The site is located within an area of archaeological importance. The Council's Archaeologist is satisfied with the scheme subject to a watching brief condition being attached to any approval of planning permission.

ECOLOGY

4.32 The application is supported by a bat survey. The Countryside Officer although initially concerned about the extent of the survey now considers the survey work to be adequate subject to a condition covering a mitigation strategy. In light of the comments of the Countryside Officer and subject to conditions the proposal is considered to meet the biodiversity requirements of the NPPF (paragraph 118).

DRAINAGE AND FLOOD RISK

4.33 The site lies within medium flood risk zone 2. The Environment Agency states that the scheme would result in an increase to the sensitivity of the development, placing it in the 'more vulnerable' category. The Flood Risk Assessment supporting the application proposes the implementation of flood mitigation measures to reduce

the potential impact of flooding to the development and the inclusion of safe access and egress routes to the site. The measures within the flood risk assessment will be conditioned. A requirement to put an evacuation procedure in place in case of flooding will also be conditioned.

4.34 The site is not served via main drainage. The Flood Risk Management Team raises no objections to the application subject to a condition requiring additional surface water details.

5.0 CONCLUSION

5.1 The development is considered to be appropriate within the Green Belt and is supported by paragraph 90 of the NPPF and by Policy GB3 of the DCLP, which is considered to be consistent with the requirements of the NPPF.

5.2 The details of the scheme are considered to comply with the policy guidance within section 12 of the NPPF, s.16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is similarly supported by policies HE2, HE3 and HE4 of the DCLP.

5.3 The conversion work in both its design and relationship to adjacent development is considered to overcome the concerns raised by the Inspector in relation to the dismissed appeal in 2005.

5.4 The numbers of occupants within the hamlet will be increased and the development will increase the comings and goings in the area. In Officers view, however, the restriction of occupancy to holiday use, and staff accommodation will have a lesser degree of visitor and general vehicular and pedestrian movements associated with it than would be expected for six permanent residential properties and strikes the balance between providing for the retention and renovation of the listed buildings whilst protecting the amenity of existing residential properties.

5.5 In all other respects the application is considered to be acceptable subject to appropriate conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

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Item No: 5a

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Drawing no.1110_03_AR50_01_ N

Drawing no.1110_03_AR50_02_A

Drawing no. 4754 - 302 rev.F

(additional plans to add)

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Before the commencement of development, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include sufficient information to ensure the safe retention and sound protection of the trees. It shall include details and locations of protective fencing, phasing of works, type of construction machinery/vehicles to be used, arrangements for loading/off-loading, parking arrangements for site vehicles and visitors, locations for stored materials, and location of marketing cabin. It shall include construction details and methodology for paved areas that may encroach into the root protection area of the trees. It shall include contact details for the arboriculture consultant or other suitably qualified person whom shall be overseeing protection of the trees for the duration of the development process.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the area and the development.

4 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development, including routing of deliveries and provision of car parking within the site, shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

5 Prior to the commencement of the development or within such longer period as may be approved in writing prior to development materials and construction details of all external hard surfacing areas and retaining walls shall be submitted to

and approved by the Local Planning Authority thereafter the approved details shall be implemented to the satisfaction of the Local Planning Authority before the accommodation is first brought into use.

Reason: In order to protect the existing trees and in the interests of the visual amenity and quality of the setting of the listed buildings and the conservation area.

6 The applicant shall install 2 three pin 13 amp external electrical sockets which are suitable for outdoor use. The sockets shall be located in a suitable position to enable the charging of 2 electric vehicle in the parking spaces provided using a 3m length cable.

Reason: To accord with the requirements of the National Planning Policy Framework as it relates to low emissions and sustainable transport

7 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

8 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council. The measures should include:

i. A plan of how work is to be carried out to accommodate the possibility of bats being present.

ii. Details of what provision is to be made within the restored building to replace the features lost through renovation of the original structures. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what exists.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reasons: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

9 The conversion scheme for six dwelling units hereby approved shall be used for holiday purposes only except that a maximum of two properties at any one time can be occupied by staff who are employed in connection with the maintenance and up keep of Middlethorpe Manor or any domestic duties undertaken within Middlethorpe Manor.

Reason: In order to avoid a permanent residential use in this location, which would be contrary to the aims and objectives of the City of York Green Belt contained in Development Control Local Plan Policies GB1 and GB3. The use of the site for permanent accommodation reduces the need for segregation between plots and reduces the need for domestic paraphernalia which it is considered would be detrimental to the character and appearance of the conservation area and detrimental to the association the buildings have with the principal listed building Middlethorpe Manor

10 The building shall not be occupied as a person's sole or main place of residence except that a maximum of two properties at any one time can be occupied by staff who are employed in connection with the maintenance and up keep of Middlethorpe Manor or any domestic duties undertaken within Middlethorpe Manor.

Reason In order to avoid a permanent residential use in this location, which would be contrary to the aims and objectives of the City of York Green Belt contained in Development Control Local Plan Policies GB1 and GB3. The use of the site for permanent accommodation reduces the need for segregation between plots and reduces the need for domestic paraphernalia which it is considered would be detrimental to the character and appearance of the conservation area and detrimental to the association the buildings have with the principal listed building Middlethorpe Manor

11 The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority. Details of the staff occupation and the purpose of their employment shall be maintained and the owners/employers shall make this information available at all reasonable times to the local planning authority.

Reason: In order to avoid a permanent residential use in this location, which would be contrary to the aims and objectives of the City of York Green Belt contained in Development Control Local Plan Policies GB1 and GB3. The use of the site for permanent accommodation reduces the need for segregation between plots and reduces the need for domestic paraphernalia which it is considered would be detrimental to the character and appearance of the conservation area and detrimental to the association the buildings have with the principal listed building Middlethorpe Manor.

12 ARCH2 Watching brief required -

13 Prior to the occupation of any unit at the site a management plan shall be submitted to and approved in writing by the Local Planning Authority setting out how new arrivals to the holiday accommodation shall be informed of the access and parking arrangements prior to their arrival. Thereafter the holiday accommodation shall be operated in accordance with the submitted management plan. The management plan shall remain operative at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity of the Conservation area, setting of the listed buildings and to protect residential amenity.

14 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, thereafter development shall be carried out in accordance with the approved details.

Details to include:

- (i) Cross section detail of perforated piped outfall between SWMH 158-159.
- (ii) Grass swale cross section detail to include levels to Ordnance Datum.
- (iii) Connection to existing ditch detail.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

15 Notwithstanding the details shown on the submitted plans, details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and the works shall thereafter be carried out in accordance with the approved details;

- Extent of demolition/ rebuilding to be indicated on elevation drawings at 1:100
- Samples for all new external materials
- Sample panel for brickwork and details of pointing of existing brickwork
- proposed window, detailed replacement window and door schedule.
- Elevation drawings of windows and doors at 1:10 including sills
- Cross section through front and side elevations of dormers at 1:10
- Vertical cross section through all elevations illustrating eaves, window heads, window/door position in reveal, and sills where present at 1:20
- Horizontal and vertical cross sections through door and window joinery at 1:1
- Cross section through stacks at 1:5. Number and design of chimney pots to be approved. (This is intended to encourage a design more in keeping with the design of the host buildings)
- Full details for conservation roof lights. Roof light to be flush fitted.

Reason: So that the Local Planning Authority may be satisfied that these details would protect the architectural and historic interest of the listed building and to accord with advice contained within the National Planning Policy Framework and Policy HE4 of the City of York Development Control Local Plan.

16. A photographic record of the interior and exterior of the buildings shall be carried out prior to the commencement of any development at the site. Two hard copies of the document shall be sent to the local planning authority for records purposes.

Reason: In order to ensure that historic features that would be lost as part of the proposal are properly recorded

17 The development shall be carried out in accordance with the mitigation measures set out in the submitted Flood Risk Assessment produced by AECOM dated October 2013.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Discussions about the details of the scheme. Amendments secured to the submitted details.

Contact details:

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