

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 reasons for the appeal being dismissed related to the insertion of a large opening in the northern range of the building which would have adversely affected the continuity of the building along this elevation, the creation of segregation between the buildings and the access drive to the Manor, and concerns about 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)

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:

CYHE4

Listed Buildings

Application Reference Number: 13/03865/LBC

Item No: 5b

Page 2 of 10

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development (DCSD) - 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 would provide a better entrance to the site.

3.2 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.

EXTERNAL

3.3 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.

3.4 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 temporary using the cottages. Permanent residents would encourage more traffic such as mail, courier deliveries etc.

3.5 Letters of objection are précised on the planning application 13/003864/FUL. There is some support for the principle of the scheme but there are concerns about the details of the particular proposals.

4.0 APPRAISAL

4.1 Key Issues:-

- Conversion details
- Landscaping/external areas
- Conservation Area
- Listed building

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 Governments 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 12 of the NPPF is concerned with conserving and enhancing the historic environment. In determining applications paragraph 128 says 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).

4.8 Development Control Local Plan (DCLP) Policies HE3 'Conservation Areas' and HE4 'Listed buildings' are relevant to this listed building application. These policies are broadly in line with the approach taken within the NPPF.

4.9 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.

CONVERSION DETAILS

4.10 The existing structures have formerly been both living accommodation and stables. To the western end of the range of buildings is a relatively well intact cottage, 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 number 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 be comfortably accommodated within the buildings without compromising the elevations of the buildings. Conditions are recommended to ensure appropriately detailed windows and doors. The details are considered to comply with the requirements of GB3 of the DCLP

LANDSCAPING/EXTERNAL AREAS

4.11 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; the remainder of the courtyard is 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 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 acceptable; in fact some of the lower limbs would benefit from reduction works anyway.

4.12 The 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. However, this issue does not raise significant concern, as given that the proposed use is for holiday lets, there would be no formal demarcation between the 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

4.13 In describing the character of Middlethorpe, the conservation area statement contains the following 'the area is 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, screening 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 the splendid 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'.

4.14 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 have a significant impact on the conservation area.

4.15 The appeal dismissal on the site in July 2005 referred to in paragraph 1.7 above sought a 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 proposed within this new scheme are not considered significant to the character and appearance of the conservation area. The pedestrian access in the north range consists of a typical door opening formed from 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. Overall the development is considered to accord with the requirement of S.72 of the Act which seeks to preserve or enhance the character or appearance of conservation area and this is similarly supported by HE2 and HE3 of the DCLP.

LISTED BUILDING STATUS

4.16 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.

4.17 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. In the view of officers, this harm 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.

4.18 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 by attaching an appropriate condition. The proposed surfacing to the former stable yard requires further consideration to better reflect the original function; 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.

4.19 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.

5.0 CONCLUSION

5.1 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 subject to appropriate conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC) -

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

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 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.

4 Notwithstanding the details shown on the submitted plans, details of the item 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.
(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.

5 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 record purposes.

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

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