

Your ref: NYM/2018/0222/FL
Our Ref: BDS/NYM/18/001
Date: 26 July 2018

North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
North Yorkshire
YO62 5BP

FAO Mrs H Saunders

**OBJECTION LETTER: VARIATION OF CONDITION 2 (MATERIAL AMENDMENT)
OF PLANNING APPROVAL NYM/2015/0014/FL TO REGULARISE CHANGES
TO EXTENSION, DECKING AND BOILER ROOM, RAISED GROUND LEVEL,
WATER DRAINAGE AND WALL ENCLOSING RAISED PATIO AREA
(RESUBMISSION FOLLOWING REFUSAL OF NYM/2017/0016/FL)**

We write in connection with the above. The application was heard at planning committee on the 19th July 2018 and was given approval subject to the inclusion of a suitable surface water drainage condition. Following the meeting we were offered the opportunity to make comment on the problem caused by the unlawful development. Below we outline the problem, the history of the site and how we felt it could be resolved through an appropriate condition.

Surface Water Runoff Problem

As explained at the committee meeting the concern is from surface water runoff from the large hardstanding area used as a car park and access associated with Dunsely Hall. The highest point of the hardstanding area is at the entrance to the Hall. The drive continues down towards the car park which slopes towards the gap between Gardeners Cottage and the approved holiday let. This area has historically never been developed. This is at the lowest point of the hardstanding where all the water accumulates. Previously the land sloped downwards from the car park towards a large field below. Any surface water would soakaway in the field and surrounding land.

The unlawful development consists of a stone wall with timber inserts and a raised hardstanding area behind the wall. The wall and hardstanding are above the level of the car park, effectively creating a dam for the surface water runoff from the car park between Gardeners Cottage and the approved holiday let. The only route for any water would be through a narrow gap between the wall and Gardeners Cottage of about 10cm and a small drainage channel in front of Gardeners Cottage.

Stovell &
Millwater
Limited

Chartered
planning and
architectural
consultants

5 Brentnall Centre
Brentnall Street
Middlesbrough
TS1 5AP

Web: www.davidstovellandmillwater.co.uk



Member Royal Town
Planning Institute

Enabling Development to
Happen Since 1985

Registered in England
No. 9544180

NYMNPA

27/07/2018

Mr Ventress has provided us with some approximate figures of the areas, volumes and levels involved to give an idea of the problem but obviously we feel a requirement for an assessment of the surface water drainage needs to be carried out by a professional person.

The calculations are based on the following assumptions:

- The area is enclosed without any water being able to drain into or out of it
- 1 cubic inch of water weighs 0.036127 lbs
- 1 cubic foot of water = 6.23 imperial gallons
- 1 imperial gallon of water weighs 10.022 lbs

Using an integrating measurement program on a satellite image of Dunsley Hall gives an area of 1008 sq.yds. for the Hall drive and forecourt down to The Wall at Cottage no1.

By these calculations:

1 inch of rain falling on this area would produce 46965 lbs or 21 tons of water for the drains at Gardener's Cottage and the gap in the wall to cope with. As the tarmac surface falls in front of the cottage to the gap in the wall one would imagine that the gap will take the major share.

The levels at various points using Dunsley Lodge as base level datum are;

- The gap in the wall is 16 ft above
- The Hall entrance is 42 ft above
- The Hall entrance is 25 ft above the gap in the wall

Whilst these numbers may be approximations we believe it demonstrates a serious problem that needs addressing. There is no drainage proposed as part of the application in this location, this is the lowest part of the forecourt. It would not be inconceivable that water could cause damage to Gardeners Cottage in an extreme weather event.

Historical Photographs of the area



Photo 1 (Above) - A 1920 drawing showing the site layout between cottage no. 1 and Gardner's Cottage. The duck pond was still in place when Mr Ventress first came to the Hall in 1963. We presume the pond was located there to take the surface water runoff and would have been used as an early example of a SUDs type scheme. We assume the idea was to direct the water where it would do no harm without having to install a drainage system.



Photo 2 (Above) - Aerial image of Dunsley Lodge taken in mid 1980's showing the fence line as it is now, but with conifer's growing in front of it.



Photo 3 (Above) - Close up taken from the same 1980's aerial view showing the access available for water to flow into the ground at the rear of Cottage No.1. and around the conifers into Dunsley Lodge.



Photo 4 (Above) - This is a photo taken from a 2009 satellite picture of Dunsley. The black mark shows the open path available for surface water to drain away towards a permeable surface.

We believe the photographs

Possible wording of condition

Regarding the condition we would be grateful if the following comments could be taken into account;

- We are not convinced that there would be enough land within the application site to deal with the surface water runoff appropriately.
- This is a retrospective application and as such there is no opportunity to ask for details prior to the commencement of the development. We are unsure as to whether the building has been occupied. If not the condition could state 'Prior to the occupation of the building'. If it has been occupied then we would ask that a timeframe is put on the condition so that Mr & Mrs Ventress are not left with a flood risk issue that could cause damage to their property at some point in the future if the applicant decides not to discharge the condition.

We would suggest the condition could say;

1. **The wall and raised hardstanding area shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:**
 - i. **Within 3 months of the date of this decision a scheme for: surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the**

disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework.

The assessment shall provide information of the design storm period and intensity (typically a 1 in 100 year storm of 30 minutes duration with an allowance for climate change), the method employed to delay and control the surface water discharged from Dunsley Hall car park and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. If the development is to discharge water into the ground in any form, then a full BRE Digest 365 infiltration test (or falling head test for deep bore soakaways) will have to be submitted to the Local Planning Authority. The suitability of infiltration methods should be verified (i.e. possible contaminated ground).

The approved drainage scheme shall be implemented prior to the first occupation of the development or within an agreed timeframe.

- ii. If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.**
- iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.**
- iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.**

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

As a minimum we believe a surface water drainage assessment needs to be carried out to determine what needs to be done to address the problem. The recommendations then need to be carried out. Given the development is unlawful and the applicant has shown no desire to comply with any conditions we feel a comprehensive condition as above would be the only fair way of addressing the problem.

Summary

This is not necessarily a straight forward matter to explain through text and photographs so again we invite the LPA to discuss the matter on site before acting. If possible we would be grateful if we could be notified how the LPA intend to deal with the problem caused by the unlawful development before any final decision is made.

Thank you for taking time to consider our clients position. If you have any queries or would like to discuss the matter further please do not hesitate to contact us.

Yours sincerely,

Bradley Stovell PGDip BSc
David Stovell & Millwater