

Your ref: NYM/2018/0222/FL
Our Ref: BDS/NYM/18/001
Date: 29 November 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 your letter dated 20 November 2018. You advise us that you have received amended details/further information in relation to the above application and have invited us to make comment. The letter states *"The details including forms, supporting information and plans are available under the application reference number on the Authority's website."* For clarification from what we have seen this relates to an email exchange between the Case Officer and applicant, an amended plan which uses the original hand drawn sketch as a base and a photo of the site before development commenced.

Our Client's have asked us to stress their continuing disappointment in how this application has been handled. From the information submitted and seemingly accepted by the Authority, it would seem the potentially serious issue of flooding is still being taken lightly by both parties.

Before we make comment on the amended information in relation to the issue of surface water flooding we would first like to clarify a point made by the applicant/agent in the email exchange. In the email dated 16 November 2018 the applicant/agent states at point 3 *"The position of the wall was agreed with the neighbour on site"*. Our client vehemently denies this accusation. The wall was never a point of agreement. When the builder first erected the wall it had been attached to our Client's property. Our Client's pointed out that this would require their consent, which was not given, and if left legal action would be taken. The wall was then rebuilt with a small gap between it and our Client's property. When our Client's reported the breach to the Authority they were told by an Officer that the wall was permitted development. This was clearly never the case. As we said before the wall did

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not form part of the original permission in which permitted development rights were removed. A letter was sent from our clients on the 9th July 2015 to confirm the officers comments and a response was received dated 17 July 2018. The letter sent by our clients highlighted the issue of the wall and raised patio area. In the response no breach was highlighted, in fact it seemed to suggest that the development complied with the permission. A thorough investigation at the time would have highlighted the breach and appropriate action could have been taken earlier.

Surface Water Runoff

The amendment to the plan to seek to address this issue would seem to be the realignment of a small section of wall to create a gap of about 1m between the wall and our Client's property. No evidence has been submitted to look into the impact of the wall and raised hardstanding area behind it nor has it been demonstrated that this amendment would prevent surface water flooding.

We believe the photo provided along with photo's of the existing position shows how the land has been irrevocably altered. The previous or current position with regard to surface water flooding has never been explored or addressed in any form. Simply changing the alignment of the wall slightly does not address the issue.

At point 6 in the email dated 16 November 2018 the applicant/agent states "*The condition for this item states it should be to the satisfaction of local Building Control, however they maintain they have no jurisdiction over privately owned hard surface rainwater drainage*". If this is the case we believe it would be even more imperative that a planning condition is included to address the flooding issue. One similar to that suggested in our last correspondence could overcome any future problems and allow the development to accord with Policy DP1 as it relates to surface water.

The car park is a large impermeable hardstanding area with the lowest point being the area in question. It would not be inconceivable for the wall and raised hardstanding to cause flooding as now proposed. As it stands we have no way of knowing what flooding issues could arise from the development and if approved in its current form the Authority are relying solely on good fortune that no future problems occur, a position that is totally unreasonable and potentially dangerous.

Summary

Our Client's objection remains. There has been no evidence submitted to demonstrate that the amendment would overcome any potential surface water flooding. We maintain this development is at odds with the Local Plan, specifically Policy DP1 and should be resisted until a suitable scheme comes forward with evidence to demonstrate that it is not going to impact on surface water flooding or a suitable condition is incorporated.

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