

Mr Nathan Puckering  
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Via email at [Nathan.puckering@northyorks.gov.uk](mailto:Nathan.puckering@northyorks.gov.uk)

12<sup>th</sup> February 2024

Dear Nathan

**Project:** Land At Prospect Cottages Husthwaite York North Yorkshire (ZB23/02394/OUT)

**Letter regarding Consultation Responses and Submission of information**

This letter is intended to positively respond to the following consultation responses, made upon the subject application:

1. Policy and Conversation – dated 6<sup>th</sup> December 2023
2. Lead Local Flood Authority – dated 18<sup>th</sup> December 2023
3. Parish Council – dated 23<sup>rd</sup> November 2023

These responses are underpinned by an ‘objection to granting planning permission’ and request the submission of further information before planning permission can be granted by the Local Planning Authority.

In addition to review by Preston Baker Planning responses have been reviewed by qualified third party project specialists in the Heritage and Civil Engineering fields, namely Blue Willow Heritage and Andrew Moseley Associates. The professional opinions of these consultants are drawn upon and referenced at various points in this letter.

In support of this letter, a number of revised and new documents are hereby submitted for consideration. As follows:

- (a) Site Layout (revised) ref: 1001-A
- (b) Site Layout with context (revised) ref: 1000-A
- (c) Landscape Plan (new) ref: MR23-132-101 Rev A
- (d) BNG Report (new) ref: SQ-1539 and supporting metric
- (e) Flood Risk Assessment and Drainage Strategy (revised) ref: 21464 Rev 3
- (f) Heritage Rebuttal Note (prepared by Blue Willow Heritage) and supporting documents (Conservation Area Building Types and Conservation Area Materials)

Each response is addressed in turn below.

**1. Policy and Conservation**

Enclosed with this letter is a document entitled ‘Husthwaite Conservation Area Rebuttal’ produced by Blue Willow Heritage. The document breaks down the officer response into sections and provides commentary, where necessary.

The ultimate view of the Policy and Conservation officer is that the proposed development would result in less than substantial harm to the setting of the Husthwaite Conservation Area. However, it is clear that the formation of this opinion appears to be based on a misinterpretation of the application.

First and foremost, it is critical that the level of and cause of the harm identified by the LPA and PINS in determining the previous application (ref: 22/01469/OUT) does not automatically carry over into the consideration of this application.

There is a clear misreading of the appeal decision which leads to the officer to misconstrue that the principal of development was found to be unacceptable. In actual fact, it was the design and layout that was considered by the inspector to be unsympathetic to the character and appearance of the conservation area, resulting in the conclusion being that there was less than substantial harm. The approach taken in this application ensures a sympathetic design is adopted.

The officer also considers the provision on self-build units, although undoubtedly a public benefit, not to outweigh the harm. However, the professional view of Blue Willow Heritage is that the heritage-led design approach which is the foundation of the application scheme means would **not constitute 'less than substantial harm'** thereby precluding the triggering of the test contained within NPPF, and negating the requirement for off-setting by public benefit.

There is also an apparent lack of comfort on the LPA's part in the controllability of the level of impact derived from the heritage-led design approach. There is a misconceived notion that with only Access considered it would be difficult for an LPA maintain the level of impact deemed to be acceptable at the Outline stage through to Reserved Matters.

However, the matters for consideration as part of this application extend beyond just 'Access'. Both 'Layout' and 'Landscaping' are also to be considered. This is significant because:

#### Layout

The re-siting of the proposed layout (vs. previous scheme) creates a less 'domestic' pattern of development and better reflect the rural character of the village. This is enhanced by the adoption of a 'farmstead style' layout with dwellings positioned to either side of a view corridor, and provision of a sufficient green space buffer to either side.

The form and siting of the proposed dwellings also respects the pattern of neighbouring development within the village, its linear form remaining legible in key views looking east and west along the High Street. Consequently, the layout will ensure that the positive contribution the site presently makes to the open and rural setting of the village would be retained.

#### Landscaping

It should be noted that the removal of the existing barn, driven by the development, enables views to be opened up more than is currently possible. This is complemented by the landscaping scheme and placement of open space.

The inclusion of a green vista within the central part of the development allows unrestricted views to the south from High Street, which is within the conservation area. This means the built form is sensitively placed to the east and west of the open space to avoid the development being to the

detriment of the historic linear built form and preserving the visual and spatial relationship to the village's rural landscape.

The landscape scheme retains elements of vegetation around the perimeter of the site, which currently provides habitat for a number of species.

The play area, which is welcomed by the Parish Council will comprise equipment made from natural materials to avoid detracting the views across the green vista. Examples of the type of play equipment proposed is contained within the Design and Access Statement.

In summary, by including matters of layout and landscaping for consideration, the LPA can have total comfort in the level of impact the proposal will generate on the significance and setting of the Husthwaite Conservation Area. In addition to this, with Landscaping for consideration the LPA can have comfort that all Public Benefits associated with Ecology, Biodiversity, and Public Open Space will be delivered in the form they are shown currently.

Further to this, the applicant has made clear that they would be happy to accept a Design Code condition, which would give the LPA comfort that Scale and Appearance of the scheme will be in keeping with the architectural styles, materials and themes found throughout the Husthwaite Conservation Area.

## **2. Lead Local Flood Authority**

The main reasons for the LLFAs objection dated 18<sup>th</sup> December 2023 (prepared by Heather Lagan) relate to:

- Flood Risk
- Run-off destination
- Volume Control
- Maintenance

An updated Flood Risk Assessment and Drainage Strategy, which seeks to address these concerns is enclosed. A summary of each matter is set out below:

### Flood Risk

The LLFA refer to local observations of locally sited springs near the site. This is not founded on evidence yet the LLFA places the onus on the applicant to conduct ground investigation to either locate and disprove the existence of springs.

It is considered that the approach taken by the LLFA to address this matter as part of the previous application (ref: 22/01469/OUT), should be adopted with this application. Essentially, this would mean requiring that the investigation for springs be dealt with at detailed design stage as part of a pre-commencement condition (i.e. after planning permission had been granted).

Given the LLFA note the lack of a record of flooding in Husthwaite and the fact that according to EA maps, the site has low probability of fluvial flooding and low risk of surface water flooding, this represents an entirely reasonable approach.

### Runoff Destination

The LLFA contends that the submitted infiltration test results cannot comprehensively rule out the possibility of soakaways being a feasible drainage solution. This is based on the results being 10 years old.

The professional opinion of AMA consultants is that geological ground conditions do not change drastically over 10 years. This process can take hundreds to thousands of years. The transformation of geology itself is down to changes in temperature, pressure, and the presence of fluids over a long period, something which has not happened in the 10-year period.

Therefore, ground conditions are unlikely to have changed to the extent whereby infiltration rates work sufficiently well to mean soakaways become a feasible run-off destination.

Should the LLFA maintain that updated infiltration test results are required, it is considered that a suitable condition could be attached to any permission that necessitates infiltration testing to be carried out as part of detailed drainage design work. This could be along the lines of the following:

*“Prior to the commencement of development a detailed drainage design to include the results of percolation tests to determine soil infiltration rate shall be carried out in accordance with BRE 365 Soakaway Design (2003), NYC SuDS Guidance and CIRIA SuDS Manual, and shall be submitted for the written approval of the Local Planning Authority. Thereafter development shall take place in accordance with the approved details.”*

### Volume Control, Climate Change and Urban Creep

Based on the comments, the FRA has been amended so that the causeway calculations will be changed so that the CV factor will be set to 1 for summer and winter. Climate change levels will be changed to 45% and urban creep 10%

### Maintenance Plan

The requirement for a maintenance plan is noted. It is considered this can be submitted at detailed design stage and secured by planning condition.

## **3. Parish Council**

The parish council content that the application fails to comply with policies:

### HG5 – Housing Development

The Parish Council consider the scale and layout of the proposal will result in harm to the character and appearance of the village and affect the preservation of the heritage assets [Conservation Area].

In accordance with the previous section responding to the comments from policy and conservation, the Heritage Impact Assessment and supporting notes demonstrate that the scheme will not result in less than substantial harm to the conservation area, enabling the heritage asset to be preserved.

### IC1 – Infrastructure Delivery and IC2 – Transport and Accessibility

The Parish Council contends that the development would cause traffic and parking issues and would like assurance that each dwelling will have a minimum of 2 parking spaces.

The layout includes the following levels of parking:

- A minimum of 2 off-street spaces per dwelling (plus garages some with garages to make 3)
- 3 dedicated visitor parking spaces
- A road which is 5.5m wide in order to be suitable for on street parking – four such areas for street parking are shown on the layout;

### HG2 – Delivering the right type of homes

The Parish contend that 20 homes is too many for a service village and that it will put a big strain on community. They would like to see a sympathetic small-scale development with a focus on smaller 2/3 bedroomed properties, affordable housing or bungalows

In accordance with Policy S3, a scheme for 20 dwellings is commensurate for a service village, which is a tier 2 settlement. As a windfall site, the criteria of Policy HG5 should be satisfied, which as contained in the Planning Statement, this site does on all counts.

It should be emphasised here that the LPA recently accepted a scheme comprising 22no, dwellings in the service of village of Dalton (ref: 22/02156/OUT), which has a similar range of services.

In terms of the type of homes provided, the following should be noted:

- 2no. bungalows are proposed
- 2no. Self-build units are proposed
- 6no. affordable units are provided (30%)
- All dwellings are proposed to be accessible/adaptable and accord with M4(2) building regulations
- All dwellings will be constructed in accordance with Nationally Described Space Standards

It is considered relative to a scheme of 20no. dwellings, there is a comprehensive level of variety in the housing mix which will cater for a wide range of accommodation needs.

### E1 - Design

The request for air-source heat pumps and electric vehicle charging points is noted and we would expect the LPA to consider this in the round against development management policies. It should also be noted that these requirements are coming in to force in the next few years with the emerging changes to Building Regulations.

### E2 – Amenity

The Parish Council welcome the inclusion of the amenity greenspace and children's play area but request additional parking spaces to serve the Prospect Cottages development. In accordance with our comments above, a more than adequate level of parking will be provided to serve the development, with the potential for overflow parking in the form of the visitor parking provision to alleviate the issues with the Prospect Cottages Development.

### RM3 – Surface Water and Drainage Management

The Parish Council raise concerns with flooding and surface water run-off due to the apparent presence of below ground springs on the site. In accordance with the above section, the LPA and LLFA have the ability to control this matter via a suitably worded condition. The absence of reported flooding incidents means this is an appropriate and reasonable means of addressing these concerns.

### Other Parish Council comments

The Parish Council request the submission of a Construction Management Plan, which should be in place before development starts. To confirm, the applicant has no issue with the inclusion of a pre-commencement condition in this regard.

#### **4. Other Matters**

Enclosed is a BNG report and supporting metric, documents that were not submitted originally. Despite the retention of existing habitat areas as shown on the revised landscape plan, the BNG report confirms there will be a 54.23% loss of habitat post-development. The report recommends engagement with a suitable provided to achieve the necessary offsetting.

I trust the information provided will be considered without prejudice and enables the application to progress, should you require any further information please do not hesitate to contact me.

Your sincerely,



**Matt Burrow MRTPI**

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