

# Combroke Parish Council

## Consultation for Application 21/03000/FUL

**At:** The Little House, Combrook, CV35 9HP

**Proposed:** Enlargement of parking area, erection of retaining wall

### Representation

Combroke Parish Council OBJECTS to this part retrospective application on the grounds that currently it

- fails to provide evidence that the side portions of the retaining wall intended to prevent collapse of adjoining neighbour's land are safe; also,
- fails to demonstrate a viable drainage strategy without which neighbouring properties are subject to increased risk of harm from flooding.

### Background

The application is a modified submission of 19/00361/FUL which was withdrawn following a report from a structural engineer confirming the Parish Council's concerns over the stability of the retaining wall. The Agent's cover letter fails to acknowledge that further development has taken place since the previous application, that the drainage plan as proposed cannot now be implemented, and the geotechnical investigations have revealed the surface of the new parking area lies below the water table creating further drainage concerns.

Furthermore, the Case Officer's report to the Planning Committee advised the Applicant to apply for a Lawful Development Certificate to confirm that the application site was garden land associated with The Little House as had been claimed. No certificate has been provided and the Parish Council continues to regard this land as woodland as identified on the DEFRA mapping which classifies it as a Priority Habitat -Decidious Woodland.

Refer: <https://magic.defra.gov.uk>

### Retaining wall stabilisation

The calculations presented by O'Brien and Price using the geotechnical assessment findings by Wilson Associates confirm the lack of structural stability of the retaining wall as built.

The proposed method to make the wall safe focuses on the rear section of the wall only and ignores the 2 side wall sections which retain ground adjoining the 2 neighbouring properties. The remedial action involves further construction work to install 15 Platipus ground anchors to a depth of 5.16m into the hillside behind the wall.

The Tree Technical Report commissioned by the applicant from Barton Hyett Agricultural Consultants which has been submitted with this application states that, '*No construction activity of any description, including but not limited to the following will occur beyond the barrier line at any time.*' The barrier line referred to being within 25cm of the back of the

wall. This restriction is consistent with the response from the Woodland Trust (application 19/00361/FUL), who have advised that because the adjacent woodland immediately to the north of this site is replanted ancient woodland, they required it must not be disturbed by excavation or any other works within a 'buffer zone' adjacent the ancient woodland.

Refer SDC Policy CS.5 (C) & Development Management Consideration (4); and Policy CS.6 (A1b).

It is evident that the proposed method of stabilisation of the retaining wall cannot be implemented without disregarding expert advice from two bodies.

If the advice is disregarded it must further be clarified how the 2 side retaining walls are stabilised as they too have no adequate foundations. It is noted that the ground anchor technique cannot be employed at 90 degrees to the slope due to soil properties and it is observed that no Party Wall Agreement is in place with either neighbour.

For the reasons given above, the Parish Council cannot recommend approval of the proposed method to provide the retaining wall with the necessary factor of safety which therefore fails to satisfy Core Policies CS.4, C.5, CS.9, CS.12 and AS.10 as identified by the Case Officer as their reason for refusing 19/00361/FUL had it proceeded to determination in June 2020.

### **Drainage**

Lack of adequate drainage presents risk of harm to heritage assets. The properties at risk are described by the Agent as having '*no cultural, social or economic significance.*' But these are the homes of Parish residents and as a matter of policy these must be protected against the increased risk of flooding arising from the proposed development.

The Geotechnical Assessment (section 4.1) states that the groundwater level, as recorded at standpipe WS3, lies 0.7m above the level of the parking area which means that due to the excavation there is a constant need to dispose of the groundwater to prevent build-up behind the retaining wall. In other words, the purpose of the proposed drainage is not simply to dispose of surface water arising from periodic rainfall on to the impermeable parking area, but to provide a safe route for disposal of groundwater from the steep hillside lying above the excavated site.

The key difficulties in providing a safe route for disposal of both groundwater and surface water are that the public highway known as School Lane (maintained at public expense by WCC Highways) and the Applicant's own property lie in the way of any suitable permeable ground that may be used for dispersal. The Applicant has taken steps in June 2021 to prevent water flowing towards their own property by the installation of kerbstones in the verge which is part of the highway. In the absence of a suitable route the water can only flow across and down School Lane towards the row of 4 listed cottages whose ground floors lie nearly 1m below the road surface making them highly vulnerable to flooding as has happened in Spring 2018 in Coombe Cottage.

Drawing no. 412 40F is presented as a 'Car Park Drainage Strategy' but is not viable. It is dated 05/19 and cannot now be implemented due to changes carried out without consent in June 2021 and which make it impossible to install the drainage routes shown on the drawing. A gully has been installed in the highway instead of in the verge as shown in the drawing and these works have been undertaken without the benefit of a Minor Works agreement with the Highway Authority. The Agent's Cover Letter dated 15/09/21 p5 states that surface water is to be directed under School Lane and it still remains to install a pipe under the highway to connect to the new gully and this will require excavation of the highway.

The proposed installation of an ACO channel drain in front of Coombe Cottage recognises the need for drainage in this area and requires further excavation of the road surface. However, the statement in the Cover Letter that a non-commercial product will be suitable, coupled with lack of recognition that the road slopes away from the existing gully where the surface water is proposed to be collected, indicates that the proposed strategy is flawed. There is also a need to investigate the existing gully for suitability to be maintained by the Highway Authority and the acceptability of the proposal to discharge into the stream when the Highways Standards specify the preferred destination for road runoff to be permeable ground. If the discharge is to be made directly into the stream it requires approval from the Lead Local Flood Authority.

The Parish Council notes that for the previous application (19/00361/FUL), WCC Highway Authority in their letter dated 3/4/20 required the imposition of a condition stipulating that *'the public highway D6366 shall be improved so as to provide for drainage in general accordance with drawing number 412 40F.'* It further states *'The applicant/developer must enter into a Minor Highway Works Agreement made under the provisions of section 278 of the Highways Act 1980 for the purpose of completing the works.'* In view of the fact that drawing number 412 40F no longer accurately reflects a viable strategy, the Parish Council would expect to see a revised drawing *'indicating the principles of the works on which more detailed drawings shall be based for the purpose of completing an agreement under section 278.'* The Parish Council will be content to accept any revised drawing which the Highway Authority deems suitable to indicate acceptable principles.

For all of the above reasons the Parish Council must object to this application.

19 October 2021