

Ref: PL/2025/09915, Retrospective full application for erection of one dwelling (not built in accordance with consent ref: 18/10970/FUL) (resubmission of PL/2024/02925)

Site Address: Little Orchard, Lower Kingsdown Road, Kingsdown, Corsham, SN13 8BD

Thank you for the opportunity to comment on planning application PL/2025/09915. I would like to object to this retrospective planning application for multiple reasons, outlined below.

Lack of Meaningful Remediation in the Retrospective Application

Although this is presented as a retrospective application intended to regularise the development, the measures proposed do not meaningfully address the breaches, impacts, or inaccuracies identified in our previous objection. The changes offered are superficial and do not resolve the substantive planning, privacy, or geotechnical concerns.

1. Privacy impacts remain unaddressed

The application proposes a small opaque privacy panel at the end of the balcony to address overlooking toward one neighbouring property. However, **no mitigation whatsoever** is proposed for significant overlooking created by the raised terracing and soil surcharge, which now allows direct views into our bedroom. The terracing itself - the cause of the privacy harm - remains entirely unchanged. This selective approach does not address the actual amenity impact on our property.

2. The “sealed-off” basement room is not a credible or enforceable solution

The applicant proposes to remove one set of patio doors and internally block access to a basement room, creating what is described as a “void”. This does not prevent the room from being used as habitable accommodation. Planning enforcement cannot monitor internal use, and the room remains fully capable of functioning as a cinema room, gym, office, or other amenable space. The intensification of use and the scale of the basement therefore remain unchanged. This measure amounts to a cosmetic alteration rather than a genuine reduction in floor area or habitable space.

3. The claim to “reinstate soil to former levels” is misleading

The application suggests reinstating ground levels “as elevations”, but the elevations depict the **historic** sloping topography, not the **current** raised and flattened landform created by the deposition of excavation spoil. Reinstating the slope shown on the drawings would require the removal of tens of tonnes of soil - yet no such removal is proposed. Instead, the proposal appears to involve **adding further subsoil** to bury the patio doors being removed, while leaving the rest of the raised ground levels and terracing untouched. This is not reinstatement; it is further alteration of already altered ground levels.

The Drainage Strategy report by Cole Easdon (Issue No. 1, December 2025) submitted with the application states:

“...all arisings were removed off site and therefore have not affected the existing topography of the site...”

This statement is **factually incorrect and demonstrably false**. A substantial volume of spoil from the basement excavation has been deposited within the garden, and this material remains in situ. The resulting soil surcharge is plainly visible on inspection: the landform is now unnaturally level, raised, and inconsistent with the original sloping topography that previously fell away from the rear of the property.

The submitted block plan and associated drawings continue to depict the **historic** ground levels, including slope arrows indicating a natural fall away from the building. These drawings **do not reflect** the actual site conditions. The majority of the arisings have been pushed down the former slope, creating an artificially elevated and flattened platform across much of the garden. This has materially altered ground levels and significantly changed the site’s topography.

Any straightforward visual assessment of the garden confirms that the land no longer slopes as shown on the submitted plans. The discrepancy between the drawings and the real-world situation is substantial and cannot be attributed to minor variation or interpretation. The plans therefore misrepresent the existing ground levels and do not provide the accurate baseline information required for proper assessment of the application.

Given that ground levels are fundamental to evaluating impacts on drainage, overlooking and privacy, building height, landscape character, and neighbour amenity, the use of incorrect “existing” levels is a serious concern. The application relies on **a false premise regarding site topography**, and the submitted information does not meet the accuracy requirements set out in local validation standards.

Geotechnical Implications of the Soil Surcharge

The developer has permanently placed a substantial soil surcharge comprising excavated clay/soil (the arisings) and additional terracing on the development plot. The information is **based entirely on the findings of the planning submission geotechnical Slope Stability report** by Integrale Geotechnique (GGT/Q1902-15, 18th April 2019), which identifies the land as part of an ancient Fullers’ Earth landslide with a basal slip surface likely between 5–7 m depth and a critical Factor of Safety close to unity.

Although our property is **adjacent** rather than downslope, both plots sit within the same landslide mass. The permanent soil surcharge represents a **significant and unassessed increase in loading** on a marginally stable slope. This materially alters the ground conditions assumed in the approved geotechnical modelling and increases the risk of ground movement affecting neighbouring properties, land, boundaries, retaining structures, and services.

A. The site is already identified as marginally stable

The geotechnical report states:

- The most critical slip mechanism (Slip H) has a **Factor of Safety “about unity”** when groundwater is present.
- A $FoS \approx 1$ indicates a slope **on the verge of movement**.
- The report identifies visible tension cracking upslope, consistent with an active or reactivatable slip surface.

This establishes that the slope is **highly sensitive to additional loading or disturbance**.

B. The report specifies engineered stabilisation is needed - not additional load

The report calculates that to achieve a safe Factor of Safety of 1.3, the site would require:

- **40 kN/m² Horizontal Restoring Force (HRF)** with no basement, or
- **150–200 kN/m² HRF** for a 2-3 m basement.

These are engineered stabilising measures.

The permanent placement of excavated clay as a **soil surcharge** is a **destabilising load, not a stabilising measure**. It increases the driving forces acting within the existing landslide and **directly contradicts the engineering approach recommended in the report**.

C. The permanent soil surcharge invalidates the assumptions used in the slope stability assessment

The slope stability modelling undertaken by Integrale was based on:

- Existing ground levels
- No additional surcharge
- No permanent fill
- No alteration to surface drainage patterns

By placing a substantial mass of clay on the site, the developer has **materially altered the slope conditions** without any corresponding geotechnical assessment. This means the original stability conclusions **no longer apply**.

D. Increased risk to adjacent properties

Although our property is not downslope, it is:

- **Directly adjacent to the development,**
- **Underlain by the same landslide materials, and**
- **Within the zone of influence of the identified slip geometries identified in the report.**

The report identifies several potential slip surfaces (including Slips E, F, G, and H) that extend laterally across the hillside. These are not confined to a single downslope direction; they can propagate sideways through the landslide mass.

As a result, increased loading on the development plot can:

- Alter stress distribution within the shared landslide material
- Increase lateral ground pressures
- Affect boundary walls, retaining structures, and shared ground
- Trigger shallow or deep-seated movement that propagates sideways

This represents a **foreseeable and avoidable increase in risk** to neighbouring properties.

E. Permanent soil surcharge on an active landslide is a recognised geotechnical hazard

Permanent placement of clay/soil on a slope of this nature:

- Increases shear stresses within the landslide mass
- Raises pore water pressures over time
- Reduces the Factor of Safety
- Increases the likelihood of reactivation during wet seasons
- Can cause progressive movement that spreads laterally

This is why the report emphasises the need for controlled engineering measures, **not uncontrolled loading**. The risk of reactivation during wet seasons is of particular concern, given the known increase in rainfall due to climate change and which is predicted to increase.

F. Inaccurate and Incomplete Drainage Evidence

The Drainage Strategy also makes assumptions about infiltration performance but does not reference or incorporate the BRE365 infiltration testing carried out by Paddock Geo-Engineering (November 2025). Instead, it relies on assumed ground conditions and permeability, despite the site being underlain by landslide material.

Where infiltration data is used, it is taken exclusively from Trial Pit SA02, which was located at the lowest boundary of the site in undisturbed landslip clay. This location is entirely outside the influence of the surcharge. However, the proposed soakaway is not located at SA02. It is positioned at the **toe of the surcharge**, where the excavated clay has altered the soil structure, loading conditions, and drainage pathways. No infiltration testing was carried out in this surcharge-affected ground, and the SA02 infiltration rate is not representative of the conditions at the proposed soakaway location.

The slope stability report refers to the BRE365 testing only to confirm that infiltration is hydraulically feasible. It does not assess the geotechnical consequences of introducing infiltration into a marginally stable landslip, nor does it consider the effect of infiltration beneath surcharge-altered ground levels. No modelling has been undertaken to evaluate how a shallow soakaway discharging into landslip material at the toe of a surcharge may affect pore water pressures, shear strength, or slope stability.

As a result, the drainage strategy is based on an inaccurate description of the site's topography and on infiltration data taken only from undisturbed ground. It does not assess infiltration in the area where ground levels have been materially altered, nor does it evaluate the geotechnical implications of the proposed soakaway. Its conclusions therefore cannot be relied upon in the planning process.

G. Planning and enforcement implications

The permanent soil surcharge:

- **Constitutes a material change to the approved ground conditions**
- **Was not assessed in the submitted geotechnical modelling**
- **Increases the risk of slope instability**
- **Affects the stability of adjacent land and properties**

Given the combination of altered ground levels, invalidated geotechnical assumptions, and inaccurate drainage evidence, the development cannot be considered safe or compliant.

The current situation represents an **unquantified and unmanaged geotechnical risk**.

Regards,

D Johns

