Item No 01:-

18/02520/FUL

Land South Of
Wick House
East End
Fairford
Gloucestershire
GL7 4AP

#### Item No 01:-

# Erection of two dwellings at Land South Of Wick House East End Gloucestershire GL7 4AP

Full Application 18/02520/FUL		
Applicant:	Mr George	
Agent:	SF Planning	
Case Officer:	Hannah Rose	
Ward Member(s):	Councillor Steve Trotter Councillor Stephen Andrews	
Committee Date:	10th June 2020	
RECOMMENDATION:	PERMIT	

#### **UPDATE:**

The application was presented to the Planning and Licensing Committee on 12th June 2019. During the meeting, the Town Council and Ward Member raised concerns of high groundwater levels within the vicinity of the site and potential flood risk and surface water drainage issues. Concerns were also raised with regard to the narrow access lane, lack of visitor parking and access for emergency vehicles.

Members resolved to defer the determination of the application to enable a Site Inspection Briefing (SIB) for Members to assess the suitability of the proposed access and for Officers to seek clarification regarding Members' concerns over drainage and flood risk. Members also requested for a GCC Highways Officer to be present at the Site Inspection Briefing and for a Drainage Engineer to be present when the application goes back to Committee.

At the following Planning and Licensing Committee meeting of 10th July 2019, the Case Officer reported that additional information had been requested by the GCC Highways Officer and Drainage Engineer and it was recommended that a decision was deferred to allow the Applicant time to respond. This was agreed by Committee. The Chair then confirmed that she would request those Members of the SIB Panel who had attended the Site Inspection Briefing to record their views of the application site in preparation of the application being re-presented to Committee. This was also agreed.

The application has been held in abeyance since the July 2019 Meeting whilst the now submitted additional information has been assessed by officers. Officers consider that the outstanding issues have now been appropriately addressed and that the application can be determined. The report to the July Committee Meeting is as follows with updates provided in bold text under the relevant subject headings.

#### Main Issues:

- (a) Principle of development
- (b) Design
- (c) Amenity
- (d) Highway Safety and Parking Provision
- (e) Flood Risk
- (f) Biodiversity

#### **Reasons for Referral:**

Cllr Andrews has referred the application to Committee due to flood risk issues and the question of land ownership in relation to the accessibility of the site.

# 1. Site Description:

The site comprises a tennis court which formerly formed part of the curtilage of Wick House. Wick House is not considered of historic merit, however, the stone wall and attached outbuildings do have some historic merit and could be considered a Non-designated Heritage Asset.

The site falls within the development boundary of Fairford and the majority of the site lies within the Fairford Conservation Area. The site is also within Flood Zones 1, 2 and 3.

## 2. Relevant Planning History:

N/A

## 3. Planning Policies:

NPPF National Planning Policy Framework

**DS1** Development Strategy

DS2 Dev within Development Boundaries

S5 S5 - Fairford

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN14 Managing Flood Risk

INF3 Sustainable Transport

INF4 Highway Safety

**INF5** Parking Provision

#### 4. Observations of Consultees:

Highways Officer: No objection subject to conditions.

Conservation Officer: No objection subject to conditions.

Drainage Officer: No objection subject to conditions.

Environment Agency: No objection subject to conditions.

Thames Water: No objection

**Update: Additional Representations from Consultees:** 

Council's Solicitor: The Council's Solicitor has reviewed the submitted Option Agreement, Easement and Titles. The Option Agreement provides the 'option' for the Developers to call for an agreement for drainage on part of the adjoining care home land. The option lasts for 12 months but once entered into, it is provided in perpetuity. The Solicitor considers that the Option Agreement can be relied upon subject to a condition requiring the completion of drainage works.

Drainage Engineer: No objections subject to conditions. Full comments are incorporated into the drainage section of the update below.

GCC Highways Officer: No objections subject to conditions. Full comments are incorporated into the highway safety section of the update below.

Environment Agency: The Environment Agency was re-consulted in November 2019 after the Surface Water Drainage Strategy was submitted but had no further comment.

#### 5. View of Town/Parish Council:

Fairford Town Council objects to the application on the following grounds;

- i) Flood Risk
- ii) Design
- iii) Impact on the Conservation Area
- iv) Impact on Listed Building
- v) Loss of general amenity

**Update: Additional Representations from Town Council:** 

In summary, Fairford Town Council has stated in its most recent representation that providing the Drainage Engineer is satisfied, they raise no further objections with regard to drainage, but maintains its previous objections with regard to access and impact on heritage, as shown in the original report.

#### 6. Other Representations:

Two general comments have been received from neighbouring residents in regards to the access, design and landscaping.

18 objections to the application have been received on the following grounds;

- Highway access and parking
- ii) Land ownership
- iii) Over development
- iv) Flood Risk
- v) Design
- vi) Impact on the Conservation Area
- vii) Impact on Listed Building
- viii) Loss of general amenity
- ix) Privacy light and noise
- x) Landscaping

**Update: Additional Third Party Representations:** 

Since the previous Committee meeting additional representations have been received from 6 neighbouring residents as well as a representative of Lygon Court Residents Association which raise the following concerns:

- i) Residents are still concerned that the increase in surface water run-off will increase flood risk if drains overflow; and
- ii) Laying a bound material to the first 20m of the lane could increase surface water run-off and result in vehicles travelling at a faster speed than if it were gravelled.

#### 7. Applicant's Supporting Information:

Design and Access Statement Planning Statement Heritage Statement Access Appraisal Flood Risk Assessment

#### 8. Officer's Assessment:

#### (a) Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application therefore is the current development plan for the District which is the Cotswold District Local Plan 2011-2031 (Local Plan).

The NPPF is also a material consideration in the determination of planning applications. The NPPF requires Local Planning Authorities to deliver a sufficient supply of homes (NPPF, chapter 5) and requires planning decisions for housing to be considered in the context of the 'presumption in favour of sustainable development' (NPPF, paragraph 10 and 11).

The NPPF explains that the planning system has three overarching objectives in order to achieve sustainable development: economic, social and environmental. These objectives 'which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)'. (NPPF, paragraph 8)

The application site is located within the Fairford Development Boundary. The erection of new build residential development on the site is therefore primarily covered by Local Plan Policy DS2 Development within Development Boundaries which states:

'Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle.'

The Local Plan is therefore supportive in principle of the creation of new residential dwellings on the application site however there are other material considerations that need to be taken into account, which will be looked at in the following sections of this report.

#### (b) Design

The site is located within the Fairford Conservation Area (Designated Heritage Asset) wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The site forms part of the curtilage and associated holding for Wick House. Wick House is not a listed building but appears to be a much altered historic building within generous gardens enclosed by a tall stone with some modest historic outbuildings. However the stone wall and attached outbuildings do have some historic merit and could be considered a Non-designated Heritage Asset.

The neighbouring property to the East is East is End House a Grade II Listed house with 17th Century origins with remodelling and extensions in 1750 and 1901. As such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the setting of the building. This duty is required in relation to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 of the NPPF states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping:
- c) are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 16 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 194 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 196 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-heritage designated asset should be taken into account and that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Local Plan Policy EN1 Built, Natural and Historic Environment states:

New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset:
- b. Contributing to the provision of multi-functional green infrastructure;
- c. Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. Seeking to improve air, soil and water quality where feasible; and
- e. Ensuring design standards that complement the character of the area and the sustainable use of the development.

Local Plan Policy EN2 Design of the Built and Natural Environment states:

Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.

The Cotswold Design Code (Appendix D within the Local Plan) requires development to be environmentally sustainable and designed in a manner than respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

Policy EN10 in the Local Plan (Designated Heritage Assets) states that:

- 1) In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation in proportion with the importance of the asset.
- 2) Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings) and put them to viable uses, consistent with their conservation, will be permitted
- 3) Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:
- The importance of the asset;
- The scale or harm; and
- The nature and level of the public benefit of the proposal.

Policy EN11 of the Local Plan (Conservation Areas) states:

Development proposals, including demolition, that would affect Conservation Area and their settings, will be permitted provided they:

- a) preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;
- b) include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;
- c) will not result in the loss of open spaces, including garden areas and village greens which make a valuable contribution to the character or appearance, and /or allow important views into or out of the Conservation Area

The application proposes the erection of two dwellings in the residential curtilage of Wick House. The application has been subject to alterations to the design in accordance with pre-

application advice as well as advice from the Conservation Officer during the application process. As part of these discussions there was no objection to the principle of constructing two dwellings in the rear garden of Wick House. Concerns were raised however regarding the demolition of the tall stone garden wall and a historic stone outbuilding to Wick House which makes a positive contribution to the character of the conservation area. Revised designs were also sought to create a more imaginative scheme which included detached garages and requested suitable materials to reflect the conservation area designation.

The Conservation Officers comments on the current proposals are as follows;

The layout of the new dwellings remain as the initial submission but this did take account of pre-application recommendations to be re-orientated to utilise the existing stone boundary wall and for detached garages to be introduced which was an improvement.

My previous comments of the 6/8/18 noted that there were a number of design opportunities to create a contemporary scheme; this could be in the form of green roofs to flat roofed structures or a contemporary cladding to the garage structures. With regards to the roof it is recommended that this should be either constructed in a high quality metal either zinc or copper or that of a sustainable green roof. No information has been provided on this roofing material and therefore a sample will be required for this element to be agreed by condition.

The use of timber cladding to the main dwellings was a concern as this is not typical of the character of the area. It was noted that Fairford is predominantly stone built with a small number of dwellings being rendered. The applicant has removed the timber cladding element and introduced an element of render to the elevations. The colour and finish of the render will require a condition for agreement prior to commencement.

There are no objections to the main building materials which included a natural Cotswold stone for walls with a natural blue slate which are appropriate in this context. Samples of materials will be required as part of a pre-commencement condition to be approved in the form of a sample panel.

The initial design of the new buildings included external chimneys to the gable walls and these have been amended to be integral and this is welcomed.

The initial proposals included a mix of window designs and glazing bar details with large windows on the ground floor and small panes on the first floor. It was advised that there should be a consistent form of opening and that windows are in a simple single pane form and this consistent approach has been adopted and is now acceptable.

With regards to the material of the windows and doors it was unclear whether these were to be aluminium or timber finishes. It was recommended due to the contemporary nature of the scheme that thin profile metal windows and doors are used throughout. This has been addressed as part of the revised submission with aluminium windows and doors now being proposed. Product details, scaled drawings and RAL Colour will be required for windows and doors as part of a pre-implementation condition.

With regards to any visual impact upon the setting of East End House, the neighbouring property and a Grade II designated asset, the submitted scheme has ensured that through the reorientation of the plots and revisions to reduce the height and massing through setting the scheme into the stone boundary wall and boundary planting there will be no visual impact to the setting of the asset.

The application had been revised from the pre-application submission to retain both the historic stone outbuilding to Wick House and the stone boundary wall which are welcomed.

These features are non-designated heritage assets and also contribute to the character of the conservation area and will be repaired as part of the scheme proposals.

It is acknowledged that the stone boundary wall will require an opening for the creation of vehicular access to facilitate the development of the land. While this opening is acceptable this would be subject to a detailed condition which sets out the structural works, repair and methodology for undertaking this work and will require agreement prior to the works commencing.

It is therefore considered that the proposal will not have a harmful impact upon the significance of East End House and its setting. The new dwellings are located sensitively within the plot and have a reduced impact due to their location being set behind the stone boundary wall and boundary planting being introduced to soften the scheme. Therefore the significance of the Grade II designated heritage asset will be sustained, in accordance with Section 16 of the NPPF. The design and mass of the new dwellings are of a low scale and subservient and of a contemporary character utilising high quality materials therefore will not have an adverse impact on the character of Fairford Conservation Area. As such the proposal complies with Sections 16(2) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and Local Plan Policies EN2, EN10 and EN11

# (c) Residential Amenity

Section 12 of the NPPF seeks to achieve well-designed places. In part, paragraph 127 of the NPPF ensures that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Local Plan Policy EN2 Design of the Built and Natural Environment supports development that accords with The Cotswold Design Code (Appendix D within the Local Plan).

The Cotswold Design Code requires the interface between a new development and any existing adjacent properties to be designed to respect the amenity of existing residents and to ensure that the existing and new developments are well integrated. The Design Code also requires that extensions respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. To ensure adequate garden space, the size of a private garden should relate to the size and nature of the property. Although specifically referring to assessing extensions, the Design Code states that these residential amenity considerations also apply to other types of development.

The proposed dwellings have been designed so that the main windows of the development face east and west, away from the nearest neighbouring dwellings. The separation between facing windows in habitable rooms of the proposed dwellings and existing dwellings are in excess of 22m. The garden areas for the proposed dwellings are considered sufficient for different family activities to take place at the same time. Wick House would also retain a large garden area.

Objections have been raised in regards to the access road which will run along the rear of a number of residential gardens and the loss of residential amenity. It is not considered that the noise and disturbance created by two dwellings would give rise to any significant loss of residential amenity. A condition requiring the submission of a lighting strategy will ensure there is no disturbance created due to light pollution.

As such the proposal is not considered to result in harm to residential amenity accordance with Section 12 of the NPPF and the amenity considerations within Policy EN2 of the Local Plan.

#### (d) Highway Safety and Parking Provision

Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.

Local Plan Policy INF3 Sustainable Transport supports development that actively supports travel choices with priority to walking and cycling and access provided to public transport. Links with green infrastructure, PROWs and wider cycle networks should be provided. Development that would have a detrimental effect on the amenity of existing infrastructure will not be permitted.

Local Plan Policy INF4 Highway Safety supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

Local Plan Policy INF5 Parking Provision seeks to ensure sufficient parking provision to manage the local road network.

The application proposes provides sufficient space within the proposed garaging for off street parking for the occupants of the dwellings.

The site access visibility splays have been based on just one ATC speed survey west of the site access onto the A417 London Road. In accordance with DMRB TA 22 81 guidance speed surveys should be undertaken at the extents of the available visibility which should be either side of the site access to record approaching vehicle speeds in both directions. Due to the changing geometry of the A417 and visibility it is considered surveyed speeds for westbound vehicles may be different then recorded by the ATC counter east of the site access. However it is considered that visibility in accordance with previous county wide speed surveys of average 85th percentile speeds of 54m can be attained to the north east of the site access. The emerging visibility splays for eastbound vehicles and forward visibility are suitable.

There have been a number of local objections on highway grounds that the site fails to provide safe and suitable access due to is narrow width, restricted visibility and creating risk of conflicts with vehicles and pedestrians.

It is acknowledged that the access is narrow in places and some larger vehicles would not be able to access the site.

The Town Council has also noted that the applicant does not have ownership of the start of the access to the site that joins the A417 and as such has provided a Certificate D as part of the application. There are clearly a number of properties that have a right of access along the part of the site that is being utilised at the access for new dwellings. It should be noted that land ownership and rights of access are not material planning considerations; however, highways safety for pedestrians and vehicles is a consideration.

The applicant has worked with the GCC Highways Officer and a Road Safety Opinion was provided. The Road Safety Opinion resolved that two additional dwelling would not have a

material safety impact on the operation of the lane and with the removal and trimming of hedgerow, will provide mitigation given the scale and impact of development.

The Highways Officer has subsequently removed any objection to the application subject to conditions.

As such, the proposal is considered to be in accordance with Policies INF3, INF4 and INF5 of the Local Plan and Section 9 of the NPPF and is acceptable in regards to any highways and parking impacts.

Update: A GCC Highways Officer attended the Site Inspection Briefing in July 2019 and noted that the condition of the lane which would form the access to the proposed dwellings is less than satisfactory as it is not of a bound material and that vehicles were parked informally along the lane which could impact access for vehicles larger than a car. GCC Highways subsequently objected to the proposal. Subsequently, the applicant agreed to lay a bound material to the first 20m of the access prior to the commencement of the development to ensure construction traffic have a suitable route and the Highways Officer then removed the objection.

It is noted that neighbours have raised concern that laying a bound material to the first 20 metres of the lane would reduce its permeability and would increase surface water run-off and allow vehicles to drive at a faster speed than if it were gravel. Details of the method of construction of the bound surfacing will be agreed by condition to ensure surface water run-off would be required by condition to ensure drainage from this part of the site is also adequately managed.

In response to outstanding concerns from neighbouring residents and the Town Council, it should be noted that the proposal does not seek to make the lane a formally adopted highway and does not seek to alter its designation as a public footpath. As such, its maintenance would be a private matter between land owners and those with rights of access and is not a material planning consideration.

Fairford Town Council are still concerned that the applicant has still not provided a swept path analysis for anything more than a large car, to demonstrate that access for construction vehicles and deliveries of large items is feasible without encroaching on the land of Cotswold Cottage on the corner.

The applicant has submitted a transport assessment by Cotswold Transport Planning dated 24th October 2018 which demonstrates that the require visibility splays can be achieved without having to alter the boundary wall to Cotswold Cottage. A Road Safety Opinion has also been sought which concluded that the junction visibility is adequate to allow for two cars to pass simultaneously. A condition would be imposed to ensure two areas of the hedgerow to the north side of the lane are removed and that an overgrown hedgerow on the southern side of the lane is trimmed back to enhance visibility onto the highway, as recommended by the Road Safety Opinion, as shown in plans in appendices A, B and C of this assessment. This is considered not to encroach onto the land of Cotswold Cottage.

The Road Safety Opinion also concluded that a vehicle speed of between 5 and 10mph was realistic for vehicles travelling along the lane. This is a very slow speed which (according to Manual for Streets) would require a minimum forward visibility of 11 metres to be able to stop safely. The Road Safety Audit team confirms that this forward visibility can be achieved along all sections of the lane. The Road Safety Opinion also acknowledges that there are sections of the lane where it would not be possible for two cars to pass simultaneously but considers that on the basis of the

very limited increase in trips, it is unlikely that two vehicles will meet one another or a vehicle meeting a pedestrian on a regular basis and as such the increase in use of the lane will not materially affect how it operates.

Taking the above into account, Officers now consider that the proposal can provide a safe and suitable access and level of parking within the site and would accord with Local Plan Policies INF4 and INF5 and section 9 of the NPPF.

#### (e) Flood risk

Section 14 of the NPPF acknowledges that planning has a key role in minimising the vulnerability and providing resilience to the impacts of climate change, including factors such as flood risk.

Local Plan Policy EN14 Managing Flood Risk does not support development that would result in an unacceptable increase in flood risk and should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding.

The majority of the site is within Flood zone 1, apart from the southern end which is in Flood zones 2 and 3. The submitted plans indicate that house 2 is located on the edge of Flood zones 2 and 3.

The site is susceptible to 1 in 1000 year pluvial flooding, to a depth of less than 300mm, along the access road. The dwellings are proposed in an area indicated to be outside the susceptible area. London Road is susceptible to both 1 in 1000 year and 1 in 100 year pluvial flooding across the site access, to a depth of less than 300mm.

Objections to the development state that the site and other nearby properties were seriously flooded in 2007 and also since, although CDC have no record of this. Flooding in 2007 is recorded as being concentrated in the Milton Street / Bridge Street / London Street area. A couple of properties are also recorded as being affected in the winter of 2013/14, in East End. Identified causes of flooding included surcharging of the highway sewers and inadequate capacity of watercourses such as the River Coln. A drainage survey was carried out in November 2016 by mwh global, which identified courses of action for Thames Water, Gloucestershire Highways and riparian owners to address, in order that flood risk could be mitigated. This included clearance of pipework (tree roots etc.), gullies and watercourses (including the Court Brook). Work was subsequently carried out and there have been no further flood reports in the area since.

The FRA states that the EA have confirmed the site lies within Floodzone 1 and that they therefore have no detailed modelling for it. Ambiental, who prepared the FRA, used in-house "Flowroute" software to produce their own model and demonstrate the development would lie outside the 100 year, 100 year + 35%, 100 year +70% and 1000 year events. The EA have accepted this modelling and requested their own condition be placed on any permission, in relation to FFLs etc.

Microdrainage calculations have been produced using an assumed soakage rate that indicates infiltration would be feasible, but soakage testing will be undertaken on site for detailed design.

The Environment Agency and the Drainage Engineer have reviewed the submitted Flood Risk FRA and have no objection to the proposed development subject to conditions.

Specific objections regarding flood risk have been raised by the Town Council. These have been addressed by the Drainage Engineer as follows;

- It is questioned whether the dwellings will be safe for their lifetime without increasing flood risk elsewhere, as they do not consider all sources of potential flooding have been taken into consideration. I can see that all sources have been referenced in the FRA and, while the Town Council may not believe the FRA is sufficiently in depth, should planning permission be given, the applicant will have to provide evidence that flooding will be prevented when they submit their detailed design scheme before the surface water planning condition can be discharged.
- It is stated that the area around Wick House flooded in 2007, but works carried out by the EA under the Fairford Flood Alleviation Scheme in 2014 has significantly reduced the risk - presumably this particular concern has been alleviated.
- The TC also reports the area was subject to surface water flooding, both in the 2007 incident and subsequently (including in June 2016) and refers to the work carried out in 2017 to remove tree roots and a pipe blockage from (near) Moor Farm to the Court Brook. The concern is that there may be a re-occurrence of the flooding if/when the drains become blocked again or with extreme rainfall events. A (more) detailed FRA has been subsequently suggested. The drainage survey I referred to in my consultation comments established who was responsible for maintaining which assets. Although ownership of the pipe to Court Brook has not been identified, GCC have agreed to maintain a "watching brief" on it, as it conveys highway drainage. I do not consider a more in-depth FRA is required in this instance as asset owners are aware of their maintenance responsibilities.
- It is stated that more sewer flooding occurred than had been recorded in the FRA, but that Thames Water had subsequently increased the capacity and reliability presumably this particular concern has been alleviated.
- There is concern that the groundwater risk has not been addressed. High groundwater levels were found at Riverdale, a neighbouring property, during a survey carried out by Water Resources Associates and commissioned by the TC. The report states that a maximum 10 year groundwater level of 83.40m was recorded in a well 100m away, with the 200 year level at 84.05m, 600mm above the high point of the Wick House site. The report states that "There is no scope for SuDS drainage using infiltration in low-lying areas .... due to frequent high groundwater levels. In such conditions, attenuation storage ponds provided as a SuDS solution can only take the form of shallow depressions which would require significant land." The TC have suggested that there is little room on site for an attenuation tank or pond and have expressed concern that Lygon Court would be susceptible to runoff from the site and have commented that FFLS should be above the maximum level of any attenuation pond. The EA have asked for a condition to be placed on the planning permission, if given, that the FFLS of the property are raised 180mm above the 1% + 35% climate change level of 82.933m (as suggested by the FRA), giving a level of 83.113m. Clearly this level is lower than the 10 and 200 year groundwater levels, so maybe the EA had not seen the WRA report either. CDC have no records of any properties in the vicinity being flooded specifically by groundwater. The applicant needs to provide evidence that it is feasible to provide SUDS for this development without risk of property flooding to itself or neighbouring properties and that risk of groundwater flooding is taken into consideration.

As such the proposals are considered to be in accordance with Local Plan Policy EN14 Managing Flood Risk and Section 14 of the NPPF.

Update: Since the July 2019 Committee meeting, Officers requested that a surface water drainage strategy was submitted to and approved by the Council prior to determination, rather than by condition. The Applicant carried out extensive onsite testing and submitted a Surface Water Drainage Strategy by Ambiental Environmental Assessment in November 2019.

The aim of the strategy is to demonstrate that the total rate of surface water discharged from the site will not be greater post-development than it was predevelopment and that the water quality discharged from the site will not be polluted by particles and other material mobilised from the ground surfaces as a result of rainfall events. The strategy proposes to achieve these aims through the provision of on-site surface water storage (attenuation) and site-appropriate Sustainable Drainage Systems (SuDS).

At present, there is no formal surface water drainage associated with the existing tennis courts, which makes up a significant area of hardstanding. Due to known high groundwater levels in the area, infiltration has been discounted. The scheme therefore proposes a discharge of surface water into a private surface water drain on a private path located 80m to the south of the application site. Copies of an option agreement and easement agreement have been submitted with the application between the developer and land owner(s) to secure this through an option agreement.

The suitability of SuDS has also been considered. The strategy concludes that permeable paving is the most appropriate form of SuDS for the site and therefore proposes the provision of tanked permeable paving as shown on the Surface Water Drainage Strategy Overview Plan no. 4953-DR01 in Appendix II of the Surface Water Drainage Strategy. The flow of run-off can be restricted by the provision of a 'Hydrobrake'. The provision of permeable paving will provide sufficient pollution control to ameliorate the pollution potential for the ground level hardstanding parking areas.

The Council's Drainage Engineer considers that although groundwater may have to be pumped out in order to construct the permeable paving if the groundwater levels have changed, flooding of neighbouring properties can be avoided during the construction phase through the agreement of a surface water management plan prior to the commencement of development.

Following the guidelines contained within the NPPF, the SuDS Manual, the Draft Sewers for Adoption 9, a SuDS based drainage strategy is proposed that provides sufficient surface water attenuation to manage the 1:100 +40% rainfall event, without increasing flood risk to others.

Taking the above into account, Officers raise no objection to the proposed development with regard to flood risk and surface water drainage. Conditions would be imposed to ensure the Surface Water Drainage Strategy is adhered to, to secure a management plan of the drainage asset to ensure the receiving watercourse is kept clear and to secure a surface water management plan setting out the sequence of measures to be taken to ensure surface water is controlled during the construction phase to prevent flooding of neighbouring land or properties.

It is also of note from Fairford Town Council's most recent representation that providing the Drainage Engineer is satisfied, they raise no further objections with regard to flood risk or drainage.

#### (f) Biodiversity

Chapter 15 of the NPPF seeks to ensure development minimises the impact on and provided net gains for biodiversity.

Local Plan Policy EN8 Biodiversity and Geodiversity: Features Habitats and Species supports development that conserves and enhances biodiversity and geodiversity, providing net gains where possible.

The application site has limited biodiversity value in its current condition as tennis court. The grassed area that will become the access track has some biodiversity value.

Overall it is considered by the introduction of gardens on the former tennis court will mitigate against any loss of Biodiversity from the access track. The proposal is therefore considered to be in accordance with Chapter 15 of the NPPF and Policy EN8 of the Local Plan.

#### 9. Conclusion:

The proposal is in accordance with Local and National Policies and planning permission should be granted subject to conditions.

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

Update: Following the submission and assessment of the additional information reported in the preceding updates, officers are satisfied that the outstanding matters have been addressed and are therefore content that the application should be permitted.

#### 10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s):

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. All existing stone, where re-usable from the boundary walls shall be used in the construction of the development hereby permitted with its weathered surface facing outwards.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

4. New stonework shall be of the same stone type, colour and sizes as the existing stonework and it shall be laid using a mortar which is slightly weaker than the stone and which contains well graded sharp sand, stone dust and lime and shall be permanently retained as such thereafter. In addition, the pointing shall have a marginally recessed finish and shall be brushed or bagged and shall match the existing.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy.

5. No bargeboards or eaves fascias shall be used in the proposed development.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan.

6. New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy.

7. No wires, plumbing or pipework other than those shown on the approved plans shall be fixed on the external elevations of the building.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy.

8. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

**Reason:** To ensure that the window and door frames are suitably recessed in a manner appropriate to the design of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. Traditionally door and window frames in the locality are recessed, so creating building elevations with a character and texture which respect the building.

9. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used and shall be permanently retained as such thereafter.

**Reason:** To ensure that the development will be constructed of materials that are appropriate to the building which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

10. No windows or external doors, vents and flues, aerials and any external lighting shall be installed/inserted in the development hereby approved until its/their design (including RAL colour of windows and external doors) have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure that the design of the aforementioned details are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. These are important details which need to be undertaken in a manner which ensures that they serve to preserve the special merit of the building.

11. Prior to the occupation of the development hereby permitted the existing hedge as shown on submitted plans SK05 and SK06 in the Appendices of the transport assessment by Cotswold Transport Planning dated 24th October 2018 shall be cut back to provide the required visibility splays and pedestrian passing places and shall be maintained thereafter.

**Reason:** To ensure that safe and suitable access to the site can be achieved for all users in accordance with Local Plan Policies INF4 and INF5 and paragraph 108 of the National Planning Policy Framework.

12. The buildings hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing no. 2596P(1)111 rev B, and those facilities shall be maintained available for those purposes thereafter.

**Reason:** To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Local Plan Policies INF4 and INF5 and the paragraphs 108 and 110 of the National Planning Policy Framework.

13. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 40m left (West) and 39m right (East) (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

**Reason:** To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Local Plan Policies INF4 and INF5 and paragraphs 108 and 110 of the National Planning Policy Framework.

14. Prior to the occupation of the dwellings hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

**Reason:** To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 15. No development shall take place until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall provide for:
- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

**Reason:** In the interests of safe operation of the adopted highway in the lead into development during the construction phase of the development in accordance with Local Plan Policies INF4 and INF5 and paragraphs 108 and 110 of the National Planning Policy Framework.

- 16. The development shall be carried out in accordance with the submitted Flood Risk Assessment, prepared by Ambiental, reference 4373, version 1.0, dated 26 February 2019, and the following mitigation measures it details:
- 1. The finished floor level of the dwellings will be set no lower than 180mm above the 1% + 35% climate change level of 82.93m AOD.
- 2. There shall be no raising of existing ground levels on the site.
- 3. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
- 4. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change.

**Reason:** This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

17. Prior to the commencement of the development hereby approved, a fully detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details outlined in the Surface Water Drainage Strategy by Ambiental Environmental Assessment dated November 2019 and shall include details of the size, position and construction of the drainage scheme.

The scheme shall also include a management plan setting out how the drainage asset shall be maintained and confirming how the outlet into the receiving ditch/watercourse to the south will be kept clear.

The development shall be carried out in accordance with the approved details and completed prior to the occupation of the dwellings hereby permitted and retained as such thereafter.

**Reason:** To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

18. Prior to the commencement of the development hereby permitted, a management plan setting out the maintenance of the drainage asset and confirming how the outlet into the receiving ditch/watercourse to the south will be kept clear shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drainage strategy and shall be maintained in accordance with the management plan thereafter

**Reason:** To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

19. Prior to the commencement of development, a surface water management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan will set out the sequence of measures to be taken to ensure surface water is controlled during the construction phase to prevent flooding of neighbouring land or properties. The development shall be carried out in accordance with the approved surface water management plan prior to the first occupation of the development hereby approved."

**Reason:** To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water management plan is not agreed before works commence, it could result in flooding to neighbouring properties.

20. Prior to the commencement of the development hereby approved a scheme to resurface the first 20 metres of the access lane from the adopted highway in a bound material should be submitted to and approved by the Local Planning Authority.

The works must be in accordance with the Gloucestershire County Council's technical guidance and adoptable standard and must include adequate provision for surface water management from the impermeable area.

The works must be completed in accordance with the approved details prior to the commencement of the development and retained as such thereafter.

**Reason:** To prevent debris from being tracked onto the highway and to ensure that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles and to ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality in accordance with Local Plan Policies INF4, paragraphs 108 and 110 of the National Planning Policy Framework and the Cotswold Strategic Flood Risk Assessment. The works must be completed prior to commencement of the development hereby approved in order to establish a suitable route for construction activity.

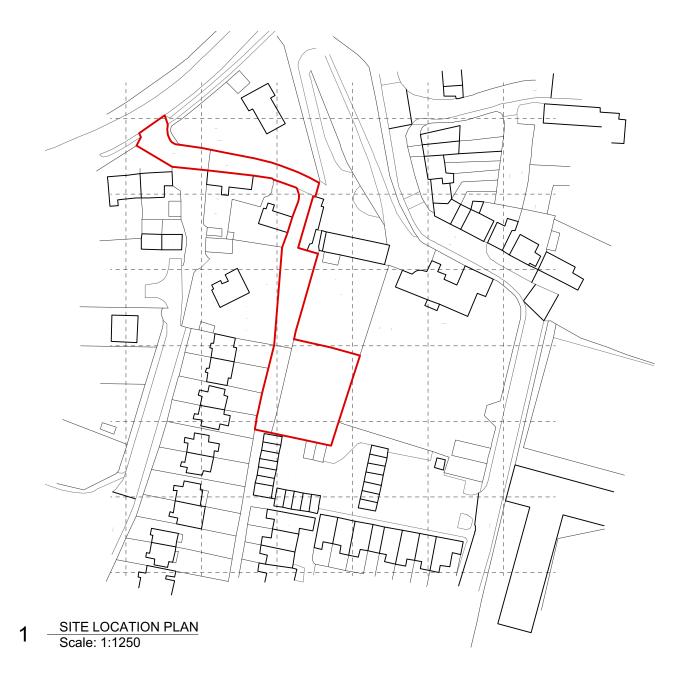
#### Informatives:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 Clause 27 (1))
- Code for sustainable homes A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water
- Management Act 2010 (Part 1 Clause 9 (1))
- CIRIA C753 SuDS Manual 2015

The upgrade works to the access require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Authority will need to be contacted prior to commencement of work on the access

Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at <a href="https://www.cotswold.gov.uk/CIL">www.cotswold.gov.uk/CIL</a>



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Site Boundary

Revision Description Check Rev Date

25|05|18 JM

RRA Architects Hereford

Inclusion of site boundary line.

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MR D GEORGE

WICK HOUSE, FAIRFORD, GLOUCESTERSHIRE, GL7 4AP.

Drawing Title :

SURVEY | SITE LOCATION PLAN

0011121   0112 2007 1110111 2111				
Status : PLANNING	Date : 02 05 2018	Drawn By : JM		
Drawing Number :	Revision :	Scale :		
2596 P[0] 001	Α	1:1250 @A4		

Hereford

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21|11|18 JM General amendments. 21|06|18 JM General footprint adjustment. General drawing alterations. 08|06|18 JM 25|05|18 JM General drawing alterations. General scheme alterations. 23|05|18 JM A Revision Description Date Check Rev



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# MR D GEORGE

WICK HOUSE, FAIRFORD, GLOUCESTERSHIRE, GL7 4AP.

PR | GROUND FLOOR PLAN

Status PLANNING	Date 02 05 2018	Drawn By JM
Drawing No.	Revision	Scale
2596 P(1) 101	E	1:100 @ A3



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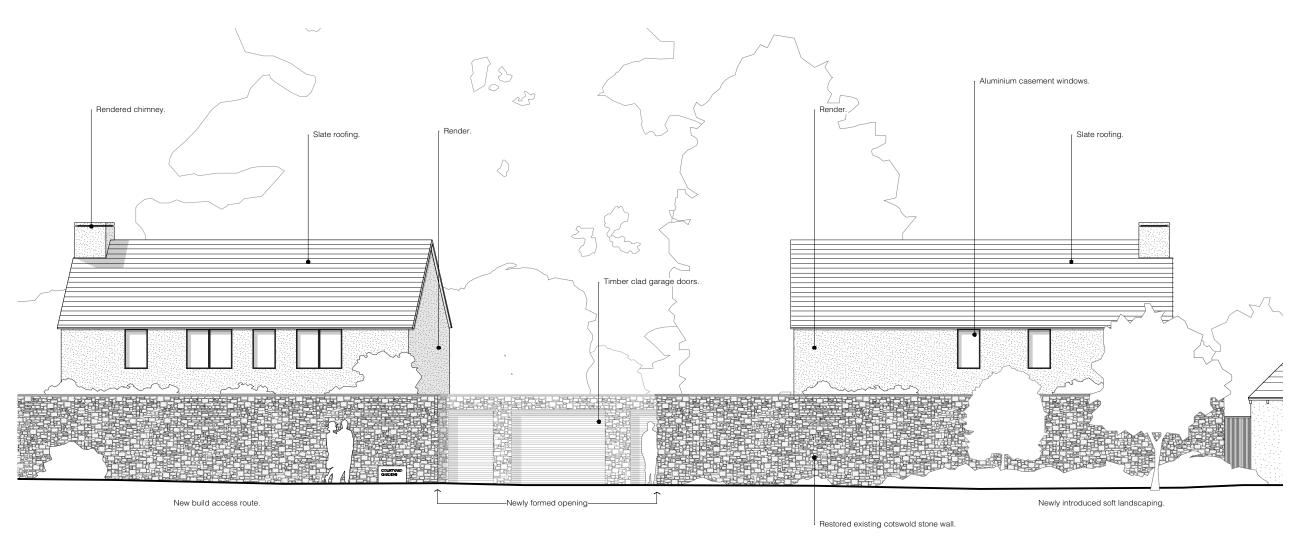
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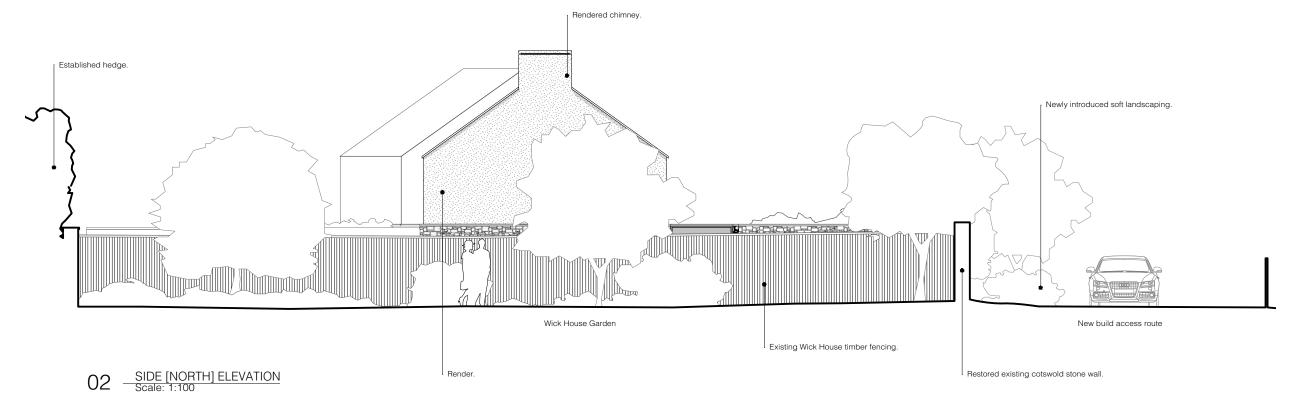
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#### PR | FIRST FLOOR PLAN

Status PLANNING	Date 21 05 2018	Drawn By JM
Orawing No.	Revision	Scale
2596 P(1) 112	-	1:100 @ A3



FRONT [WEST] ELEVATION Scale: 1:100



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21|11|18 JM D General amendments. General footprint adjustment. 21|06|18 JM General amendments. 08|06|18 JM General materiality alterations. 25|05|18 JM A Revision Description Date Check Rev

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Client :

MR D GEORGE

Project :

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#### PR | [NORTH/WEST] ELEVATIONS

Status PLANNING	Date 02 05 2018	Drawn By JM
Drawing No.	Revision	Scale
2596 P(1) 201	D	1:100 @ A3



04 SIDE [SOUTH] ELEVATION Scale: 1:100

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21|11|18 JM C General footprint adjustment. 21|06|18 JM General amendments. 08|06|18 JM A Revision Description Date Check Rev



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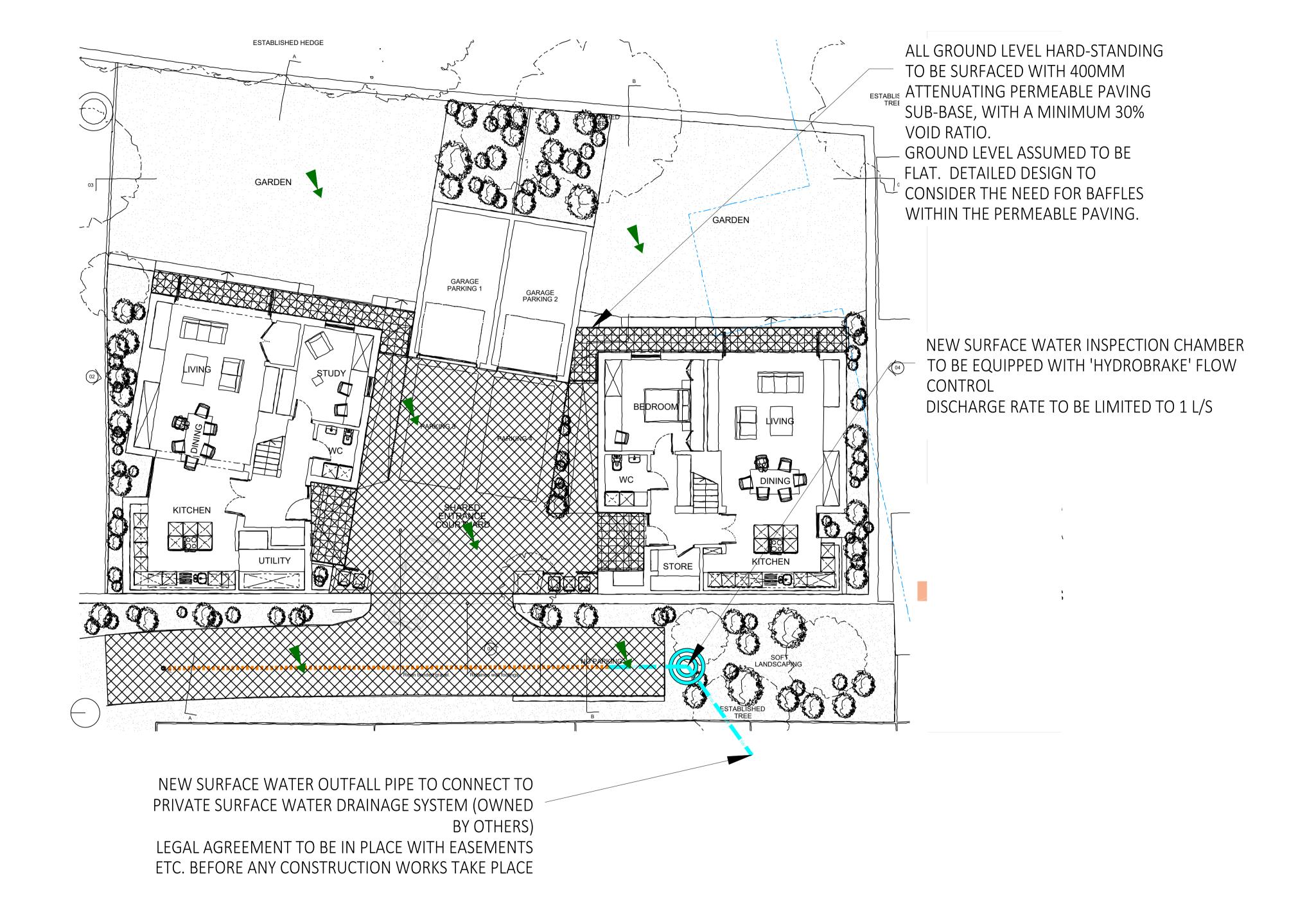
Project :

Client :

WICK HOUSE, FAIRFORD, GLOUCESTERSHIRE, GL7 4AP. Drawing Title:

# PR | [SOUTH/EAST] ELEVATIONS

Status PLANNING	Date 02 05 2018	Drawn By JM
Drawing No.	Revision	Scale
2596 P(1) 202	С	1:100 @ A3



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b. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTURAL DRAWINGS, DETAILED SPECIFICATIONS WHERE APPLICABLE

AND ALL ASSOCIATED DRAWINGS IN THIS SERIES.

c. ANY DISCREPANCY ON THIS DRAWING IS TO BE REPORTED IMMEDIATELY TO

c. ANY DISCREPANCY ON THIS DRAWING IS TO BE REPORTED IMMEDIATELY TO THE PARTNERSHIP FOR CLARIFICATION.
 d. THE CONTRACTOR IS RESPONSIBLE FOR ALL TEMPORARY WORKS AND FOR THE STABILITY OF THE WORKS IN PROGRESS.

e. CDM REGULATIONS 2015. ALL CURRENT DRAWINGS AND SPECIFICATIONS MUST BE READ IN CONJUNCTION WITH THE DESIGNER'S HAZARD RISK AND ENVIRONMENT ASSESSMENT RECORD. DESIGN HAS BEEN PRODUCED BASED ON INFORMATION PROVIDED BY THE CLIENT/PRINCIPLE DESIGNER AVAILABLE AT TIME OF ISSUE. CONTRACTOR TO REVIEW DRAWING AND SPECIFICATION IN CONTEXT WITH THE WIDER SITE AND SPECIFIC SITE INVESTIGATION, CONTAMINATION ASSESSMENT, ASBESTOS SURVEY, ENVIRONMENTAL SURVEY, UXO SURVEY AND ANY OTHER RELEVANT INFORMATION AND MANAGE RISKS RELATING TO THE WORKS OUTLINED IN THE DRAWINGS AND SPECIFICATION. PRINCIPLE CONTRACTOR TO MAKE DESIGNER AND CLIENT AWARE OF SITE SPECIFIC RISKS THAT MAY AFFECT THE DRAWING AND SPECIFICATION.

f. CDM REGULATIONS 2015. FOR GENERIC MAINTENANCE AND MANAGEMENT RISKS REFER TO CHAPTER 36 OF CIRIA 752 SUDS MANUAL. FOR PROPRIETARY SYSTEMS SEE MANUFACTURER'S MANAGEMENT AND MAINTENANCE DETAILS AND RISK ASSESSMENT WITH REGARDS TO MAINTENANCE OF PROPRIETARY SYSTEMS.

LEGEND

SW

PRIVATE SURFACE WATER DRAIN
PERFORATED SURFACE WATER DRAIN



NEW INSPECTION CHAMBER



PERMEABLE PAVING

RODDING EYE

OVERLAND FLOW

REV DATE BY CKD APPDDESCRIPTION

PRELIMINARY DRAWING

FOR INFORMATION ONLY. NOT FOR CONSTRUCTION.

JULIAN GEORGE

## XX.XX.XX

# AMBIENTAL ENVIRONMENTAL ASSESSMENT

The Sussex Innovation Centre | Science Park Square | Falmer | Brighton | BN1 9SB

Project

WICKHOUSE

FAIRFORD, GL7 4AP

SURFACE WATER DRAINAGE STRATEGY OVERVIEW

 Drawn by: SJB
 Date: NOV - 2019

 Drawing No.
 Revision

 4953 - DR01

Drawing Scale: 1:100 @ A1

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