

Public Document Pack

PLANNING WORKING GROUP

MINUTES of the Meeting held at the sites listed below on on Wednesday, 15 April 2015 from 9.30 am - 12.24 pm.

603 DECLARATIONS OF INTEREST

No interests were declared.

604 14/502582/FULL FREESIA, GROVEHURST ROAD, SITTINGBOURNE, KENT, ME10 2RB

PRESENT: Councillors Barnicott (Chairman), Sylvia Bennett, Bobbin, Derek Conway, Sue Gent, Mike Henderson, Prescott and Ben Stokes.

OFFICERS PRESENT: Rob Bailey, Martin Evans and Kellie Mackenzie.

APOLOGIES: Councillors Andy Booth and Peter Marchington.

The Chairman welcomed the agent, applicant and members of the public to the meeting.

The Planner introduced the application which was for demolition of the existing bungalow and the construction of 15 new houses with a new access road at Freesia, Grovehurst Road, Sittingbourne. The Planner reported that the site was allocated for 16 dwellings within the Swale Borough Local Plan 2008 and would provide a new vehicle access in the centre of the site with a terrace of three dwellings to the north and two detached dwellings to the south. The road led to a cul-de-sac where nine dwellings were provided with one detached dwelling close to the existing garages. There would be a separation distance of 3.5 metres between Plot 5 and 'The Spinney', the closest dwelling to the application site, a second access would also be provided at this point. Plot 6 was 15 metres to the rear of The Spinney and would be screened by the existing garage. The parking spaces and visitor/shared parking spaces suggested complied with Kent County Council (KCC) Parking Standards and KCC Highways raised no objection to the proposal. The Planner reminded Members that the application had been unanimously approved at the Planning Committee on 12 March 2015.

Mr Biring, the agent, explained that they had liaised closely with Swale Borough Council's (SBC) planning officers and KCC Highways to ensure that local resident objections were resolved. Mr Biring stated that with regard to concerns about the removal of the boundary wall they were 'relaxed' about whether it should remain or be removed. Mr Biring explained that in terms of design they had tried to ensure that the proposed dwellings fitted in with the surrounding streetscene.

Local residents raised the following points: one access road would be safer than the two proposed; owner of 25 Grovehurst Road objected to removal of the boundary wall as it clearly marked the boundary; the deeds for adjoining properties in Grovehurst Road showed that they had two parking spaces each; plots 5 would

have a serious detrimental impact on the amenity of The Spinney, blocking light to their study, a bungalow at this plot would be better; proposed dwellings at the front of the development should be the same height as existing properties in Grovehurst Road; and concerns that it would have an adverse impact on the already busy local road network.

In response to questions, the KCC Highways Officer stated that any new access had to have a dropped kerb to ensure flush passage through for pedestrians. One access would be better, but this may not be practical and was a logistical issue for the applicant.

In response to a query from a Member, the agent stated that a wall would be provided to ensure there was a steady transition from the upper part of the development to the lower part.

Members then toured the site with the officers, agents and applicant.

605 14/505395/FULL 17 DANE CLOSE, HARLTIP, KENT, ME9 7TN

PRESENT: Councillor Barnicott (Chairman), Sylvia Bennett, Bobbin, Derek Conway, Mike Henderson, Prescott, Ben Stokes, Ghlin Whelan and Tony Winckless.

OFFICERS PRESENT: Rob Bailey and Kellie Mackenzie.

APOLOGIES: Councillors Andy Booth, Sue Gent and Peter Marchington.

The Chairman welcomed the agent, Hartlip Parish Council representative and members of the public to the meeting.

The Area Planning Officer introduced the application for a two storey rear extension and erection of outbuilding, comprising double garage and store at 17 Dane Close, Hartlip. The Area Planning Officer explained that the existing garage would be replaced with a new garage and small wet room, with a store in the roofspace at the rear of the dwelling. The plans originally included within the garage a gym area but this had been removed. Following receipt of amended plans, the garage would now have a fully hipped roof. The Area Planning Officer stated that the two-storey extension would project 3.5 metres to the rear and would be 3.8 metres wide and 6.7 metres high to the ridge of its roof.

The Area Planning Officer reported that four letters of objection had been received as set out in the Committee report. The Area Planning Officer considered that the width and scale of the proposal was appropriate for the site and that overshadowing and overlooking would not be an issue as the proposal was set a reasonable distance from the closest dwellings. He reported that the site was not within the Hartlip Conservation Area and that at its closest point was in excess of 100 metres from the application site. The development would not therefore have an adverse impact on the setting of the conservation area.

Mr Baker, the agent advised that the ground floor of the garage would be used for parking and the first floor for storage. He advised that the roof pitch and building materials would be similar to those of the main house.

Mr Addicott, representing Hartlip Parish Council, spoke against the application. They considered it would have a detrimental impact on the amenity of the neighbouring residents. They also considered it would have a detrimental impact on the 'openness' of Dane Close. The Parish Council also considered that as Dane Close was surrounded by the conservation area the proposal would impact on it. Mr Addicott provided maps for Members showing the designated Hartlip Conservation Area.

Local residents raised the following points: not all adjoining properties had double garages; would destroy the visual amenity of Dane Close; why was a wet room needed; loss of view from no. 4 Dane Close; needed reassurance that the garage would be used for parking as there were already problems with illegal parking on the footpath; was not in-keeping with the visual amenity of the area; and would have a detrimental impact on the visual amenity of no. 16 Dane Close.

Members then toured the site with the officer, agent and applicant.

606 15/500955/FULL LAND AT REAR OF SEAGER ROAD, SHEERNESS, KENT, ME12 2BG

PRESENT: Councillors Barnicott (Chairman), Sylvia Bennett, Bobbin, Mick Constable, Derek Conway, Mark Ellen, June Garrad, Mike Henderson, Prescott, Ben Stokes, Ghlin Whelan and Tony Winckless.

ALSO IN ATTENDANCE: Councillor Adrian Crowther.

OFFICERS PRESENT: James Freeman, Kellie Mackenzie and Jim Wilson.

APOLOGIES: Councillors Andy Booth, Sue Gent and Peter Marchington.

The Chairman welcomed the agent, applicant and members of the public to the meeting.

The Major Projects Officer introduced the retrospective application 15/500955/FULL which sought to regularise changes made to application SW/10/0050 for 35 dwellings comprising 27 houses and 8 flats. He reminded Members that there had been a Planning Working Group at the site held in late 2010 to consider the original application.

The Major Projects Officer reported that the retrospective application dealt with the following differences to the approved scheme namely: the houses were 1.44 metres higher to the ridge; the flats were 2.1 metres higher to the ridge; the eaves to the houses were 1.7 metres higher; the window design had been altered; balconies had been removed; the houses were 1 sq metre smaller in footprint; the arrangement of the integral garages had been altered making them narrower; the internal layout of the ground floor had been altered to remove a toilet and utility room; and the footpath link between the site and Beckley Road had been omitted.

The Major Projects Officer stated that the mix of dwellings remained unchanged and foul water and sewage discharge would not be affected. KCC Highways raised no objection. Further correspondence had been received since the 2 April 2015 Planning Committee raising points including: drainage problems; timing of the site visit; breaches of planning control; public right of way implications; and in-filling of water ditches. The Major Projects Officer stated that further correspondence from the Lower Medway Internal Drainage Board was awaited.

The Major Projects Officer considered that the application should be approved subject to the conditions set out in the committee report and the signing of a suitably worded Section 106 Agreement.

Mr Mineham, representing Ubique Architects (the agent), explained that they had submitted the application to deal with changes made to the scheme and their impacts. He considered that of the ten or so alleged breaches the most critical were the ridge height issues but considered that the others had now been resolved.

Mr Ings-Wotton, representing Moat Housing (the applicant), stated that the development was included within Swale Borough Council's Local Plan. He added that Moat Housing worked closely with SBC and the local community to ensure that much needed affordable housing was provided.

Several statements raising objection were read out by local residents. The Chairman agreed that these would be forwarded to the Planning Committee and also included with these minutes.

The following further objections were raised by local residents: private householders would have to comply with the Building Regulations, so Moat Housing should; Southern Water stated that there should be no dwellings within 15 metres of their pumping station and there were; obscure windows had not been fitted; the development had breached the Human Rights Act 1988 in respect of overlooking; would cause overlooking to properties in Barnsley Close; developer had used an illegal entrance to access the site; the in-filling of the ditch has caused flooding in Beckley Road; the reduced size of the garages would lead to parking problems in Beckley and Seager Road; disgrace that developer had been allowed to deviate from the approved plans; why had a Stop Notice not been issued as soon as it was clear that breaches were occurring?; would Planning Committee Members want this development where they lived; developer had not considered the residential amenity of local residents; properties in Barnsley Close had suffered unacceptable levels of noise and dust; some adjacent properties have experienced shaking to their property, would this affect their foundations?; should have been better collaboration between the relevant parties and local residents; the Planning Committee should look harshly at this application; can we have assurances that misted glass would be provided and not sticky back plastic; the developer had not adhered to the original plans making them invalid, as such they should not be considered; the dwellings were high fire risk as there were no fire escapes; Marine Parade was a busy road and could not cope with the development; why did Planning insist that they could not act until the ridge height had been built as it was clear once the floating rafters were erected that they were too high; the Planning department received several hundred calls from local residents and visits to their offices why did they not act; why were the planning officers still recommending

approval given all the local resident complaints; and how many fire hydrants would be provided on the site?

A Member queried why a supplementary planning application had not been submitted before the changes were made.

Members then toured the site and viewed the site from properties in Seager Road and Barnsley Close with the officers, agent, applicant and developers.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee/Panel

This page is intentionally left blank

Statements read out by local residents raising objection to application 15/500955/FULL
Land at rear of Seage Road, Sheerness.
Minute Annex

You will be aware of the 10 breaches there is no need to list them. Clearly some are more relevant to the residents than others, only those of significance to us will be brought to your attention.

Nonetheless all breaches must be considered together and the total effects on residents taken as cumulative rather than isolated.

Residents in their representations will quote various statutory instruments please take special note of these as they must have a direct influence on your decision making.

Had Moat and McCulloch chosen to consult both residents and planning they could have arrived at an amicable solution instead they ignored their neighbours concerns causing instead both distress and anger.

Further breaches of drainage board byelaws have lead to enforcement notices and summons being issued demonstrating a conceit for authority and the residents alike.

Because this meeting is outside with no microphones to assist the softly spoken and as the quoting of statues are a salient factor you will be offered a document highlighting the relevant extracts and a transcript of representations as an aide-de-memoir.

Each member was emailed a rejoinder to the planning officer's report, it cannot be overemphasised how significant your examination of this document is to bring fairness and balance to any decision making process. It is unfortunate that there are very few read receipts registered so far.

I would like to draw attention to the drainage concerns please examine the copies of the plans before you

- The first is the original 2010 plans
- The second Moats latest plans
- The third and forth are drainage plans

Firstly the original fence is clearly shown on the drainage plans, by the ditch alongside which was the right of passage into Beckley Road
This has clearly now been built over deigning that "right of passage".

Please take special note of the extract from the Land Drainage Act 1994
Section 61B

Duties in relation to local authorities.

Paragraph 2

.....it shall be the duty of a local authority, of each of the Ministers and of the NRA, in formulating or considering any proposals relating to any functions of a local authority under this Act—

to take into account any effect which the proposals would have on any such freedom of access or on the availability of any such facility.

Secondly the Swale, this is a danger to young children playing on the new estate when full of water it will be deeper than most 6 year olds and the sides will become slippery when wet.

This Swale will by its very presence prevent any footpath being laid to fulfill the requirements of my last point

Thirdly the outflow is set at 1.55M into the existing ditch. In a storm situation this ditch will already be full, looking at the spot heights shown, any further water will flood the low lying end house and the end of Beckley Road possibly even number 34 Beckley opposite, and all neighboring gardens.

Guidance on information requirements and validation March 2010

"I would draw to the Committee's attention the requirements of

Department for Communities and Local Government **Guidance on information requirements and validation** of March 2010

Section 4 Statutory national information requirements

Particularly of paragraphs 40 of 48 and 50 of the guidance notes

From Paragraph 48(C) Legislation requires that site plans are submitted for a proposed development showing

All the buildings, roads and **footpaths** on land adjoining the site including access arrangements.

The plans did not show the private Right of way held by Beckley Road residents and as such the application is invalid. Especially as the end house number 25 has been built right over that right of passage.

Further since Paragraph 50 of the guide also states that legislation in this case (The town and Country Planning Act) requires a certificate of ownership for the land this cannot be supported as the land upon which number 25 is built is not owned by the developer as illustrated by the supporting drainage survey detailing the original fence line."

Local Planning Guidance Note No 21 - Space around Dwellings -

I hope for you to be able to view these buildings from my garden in Seager Road, You will then see how close these buildings are to my home and that of my neighbours.

In his Letters to residents and to the planning department 2nd and 9th July and confirmed at public consultation at Holy Trinity church hall 22nd July 2010 the original landowner assured us that the new houses would be no higher than those in Seager Road.

Significantly the planning department in their explanation for recommending approval drew on this assurance, without doubt consent was given on the development being **NO** higher than properties in Seager Road.

Question yourselves, would you have approved permission then had you known the buildings to be almost 6 feet higher. When you have thought about that I urge you to except an invitation to my property and view for yourself the new houses towering above you.

There is a planning guideline known as Local planning guideline number 21, which details minimum acceptable distances between habitable rooms.

This minimum distance is increased by two meters for every additional storey thus the distance from my home to the rear of the new buildings should be a minimum of 24 meters from the nearest point in this case the kitchen window. This has been measured using a laser range finder accurate to 2mm and is only ~~26~~ 28 metres

It is therefore unsurprising that these buildings being so tall and so close are both overshadowing and overbearing they are destroying my amenities of both sunlight and privacy. They also have a profound Claustrophobic and physiologically disturbing effect on me and all my family as well as my neighbours even when there is nobody about we feel as though we are being watched and encaged in a prison courtyard for this reason a would demand the application is refused.

For your information I have a copy of that guideline for you to inspect and hope you will take a copy with you as a reminder of what you will witness and the recognised minimum acceptable separation.

For those who wish to see it, the laser range finder is available to use yourselves to check the distance.

The Eaves height has been raised by some 2 metres

According to the Planning Statement Paragraph 4.6 the extra height of 2 meters to which the eaves have been raised was admitted by the developer. Who sighted a requirement to comply with the Royal Institute of Chartered Surveyors (RICS) standards for room dimension calculations as an excuse.

We have contacted the institute, copies of our emails and their subsequent reply are available, and this has revealed that the standard quoted is not a building regulation being only a guideline for their members only.

The Institute further stated they **do not** have powers to impose standards in place of Building regulations as these are set by the local authority and government regulations.

This is therefore just an attempt to veil the errors in building practice as I would submit the eaves need not have been raised at all and approval should be refused.

Windows design of larger proportions

It is of course preferable that approval is withheld in support of this I would draw attention to The Human rights act 1998 section 6 and The European Convention on Human Rights Article 8 and particularly Case Law number

1 A private citizen verses 2 The Netherlands government (1985)
Number 8 EHRR 235.

Because of this the state in this case Swale Borough Council now has a requirement to act positively to take measures to prevent private parties from interfering with these rights:

The planning officer has suggested that only Blocks B and C have obscure glass fitted to all non opening windows

We are concerned that

- This will be obtained by use of an adhesive film which will be removed immediately the houses become occupied
- Acting on Blocks B and C alone will not afford any protection of privacy to any other residents particularly of Seager Road and Barnsley Close

As such we would ask that should this measure be adopted in all outward facing fenestrations on the entire estate to have obscure glass **NOT plastic film** fitted to all fixed windows.

Also having read the Southern Water letter of 5th March I note that it stipulates not to have any habitable room within 15 M of the boundary the sewage pumping station yet scaling from the builders drawing 604-P05 a least two dwellings are significantly short of this being within approximately 11M of the boundary..

Garages too narrow for the intended purpose

We believe that the garages are too small to effectively park a family sized car in

We would call for a demonstration by the developer to park a family sized car such as a Ford Mondeo or Skoda Octavia in the garages Both in forward and in reverse directions and that the driver exit the building easily.

The Architects Data by Ernst and Peter Neufert is an authoritative publication which gives minimum dimensions for such things

Please refer to this publication to see for yourselves

The developer in their planning statement tells us the garage has greater effectiveness and usability for utility /storage how is this possible if a car has to be driven right to the back of the garage area in order to attempt exit and from only one side of a car.

If effective use of the garages aren't made the result will be residents parking on the roads and the net effect will be to block passage to Council rubbish collections as a minor consequence but more seriously to hinder the emergency services from attending houses at the end of the estate which could ultimately lead to the loss of life to a serious medical casualty or fire

As had happened in the 1990's in nearby Jefferson road

~~Beckley Road~~
~~Beckley Road~~

Site Meeting: Marine Parade
15th April 2015

✓ I live at the end of Beckley Road and, apart from the increased hazard for all vehicles leaving Seager Road and the drainage issue, we are largely unaffected. I am hoping the surface drainage issue will be resolved by the Sustainable Urban Drainage system requiring approval and compliance with the Land Drainage Act Amended 1994. At present, the new properties, 23 and 25 Beckley Road, will suffer from surface water flooding undoubtedly and this will be exacerbated if a pathway is put alongside the school fence, on land NOT purchased or owned by Moat.

Unfortunately, some of my neighbours have been horrendously adversely affected owing to the design, increased and unapproved height and close proximity of some of the new houses. Their rights in terms of the loss of light and their right under Article 8 of the European Convention on Human Rights and subsequently section 6 of the Human Rights Act 1988 in respect of privacy has been severely reduced and compromised.

* These properties have enjoyed over 20 years of uninterrupted and unobstructed light and under common law as it currently stands and through the Prescription Act 1832, have acquired the right to light. Because of the major breaches in the new development and the flagrant underhandedness and disregard of the Planning process, there was no consultation with residents under the 1959 Rights of Light Act in respect of the increased height.

The Overshadowing Report submitted by Syntegra in February is not factual and does not actually reflect the additional height of the development; it is impossible for light NOT to be significantly reduced by a 3 storey building sited so close. I call for a further light survey, clearly demonstrating the 45 degree rule, independent of Moat and the developers to be carried out.

This is about a large company who have blatantly ignored and disregarded the Planning process and considered themselves above the law, belittling and having no respect for the Council, you or the constituents of this Borough. I would not attempt such a disgrace but nor would I get away with it. The company must be bought severely to task and an injunction and suitable compensation would be appropriate.

You are here in a professional capacity but alongside practicalities, your future credibility with your constituents must be in your mind. I implore that, during your visit, you consider how you would feel if you or your daughter lived in Seager Road and how you would expect and like your daughter to be treated in such a situation.