

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

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 2<sup>nd</sup> and 9<sup>th</sup> July and confirmed at public consultation at Holy Trinity church hall 22<sup>nd</sup> 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 5<sup>th</sup> 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  
15<sup>th</sup> 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.