

IWADE PARISH COUNCIL

MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Wednesday 17 February 2021

MEETING HELD VIA ‘ZOOM’ DUE TO COVID 19 RESTRICTIONS

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| <u>Present:</u> | Cllr. S. Cheeseman – Chair Cllr. A. Dollimore – Vice-Chair Cllr. S. Lancashire | Cllr. R. Langham Cllr. B. Smith Lynda Fisher, Clerk |
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1. Welcome and Apologies

The Chair formally welcomed everyone to the Zoom video conferencing meeting.

2. Declarations of Interest and Dispensations – None.

4. Visitors/Public Time

Residents were advised that they could attend as normal but public speaking time might be limited; they were also invited to forward questions to the Clerk beforehand.

1. **Visitors** – No residents attended.

2. **County and Borough Councillors** – None.

3. **Community Warden/PCSO** – None

5. Matters Arising from the Minutes – None.

6. Planning

1. **20/502879/FULL:** Erection of single dwelling house (Revision of house type following 17/503442/LDCEX): Plot 1 Land South Of 10 Ferry Road Iwade Kent ME9 8RR - The Parish Council’s previous objections, lodged on the Planning Portal on 13 August 2020, still stand; and they are as follows:

It is inappropriate development in an area at risk of flooding. The site is located within Flood Zone 3 and is adjacent to the Iwade Stream, a main river. The submitted Flood Risk Assessment shows the site to be located within Flood Zone 3 and we note the Environment Agency has concerns over the proximity of the proposed development to the Iwade Stream. The E.A. goes on to state that any works within 8 metres of the top of bank of the main river would require a Flood Risk Activity Permit under the Environmental Permitting Regulations and that they would be unlikely to grant such a permit where development is located within the 8-metre byelaw margin, as this would restrict maintenance access to the watercourse.

Recent heavy rainfall events and flooding incidents within Iwade have shown the importance of maintenance access in order to keep the stream clear of debris and blockages. The stream has often flooded areas of Iwade, including The Waterway – as both Swale Borough Council and KCC are aware. The E.A. has quite clearly stated in its letter regarding this application “that in light of the above, we feel that this proposed development has the potential to increase flood risk from the Iwade Stream to the existing properties within Iwade.” This is something that residents who have suffered flooding and damage to their properties in the past will be very much opposed to.

We note that Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by Swale B.C., as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017. This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. They go on to state "that ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context."

Objections by adjacent properties are very valid and the Parish Council would draw your attention to their letters and in particular the following concerns:

No 10 – Concerns over privacy and safe-guarding their young children; it appears that the building in the proposed position as indicated would very likely impede upon their privacy due to the angled positioning implied on the plan. The build appears to overlook their bathroom and/or the bedrooms of their children. In addition to direct loss of privacy, it appears that any sunlight would be completely, or at the very least significantly, blocked up unto the height of the second floor.

The resident of No 8 states that "when my husband and I purchased 8 Ferry Road in 2018 we were made aware of moderate ground instability due to the local conditions which could cause subsidence. It is likely that the site will also be affected by this ground instability, especially as it is nearer to the stream." This comment is backed up by the resident of No 10, who states "we have been duly warned that our family home would be at a significant risk of being negatively impacted by the build of a new property in such close proximity to the waterway and that any disturbance could put our home at greater risk of repeated, perpetual flooding and/or subsidence in direct relation to the instability and disruption caused by any new build. It seems counterproductive to permit the build of one further home at the risk of losing all 3 (and potentially more) through the disruption of the very fine balance the marshland is currently upholding in its current state."

Protection of PROW ZR92 and the safety of its users – this footpath has a high footfall as it is constantly used by children/parents going to and from Iwade School and the Nursery and from residents using the Village Centre, to add further vehicles using this access is of a health and safety concern.

Concern over adequate parking for this 3-bed property – no garage is shown on the plans, car parking cannot take place to the front of the site nor the sub-standard back garden without encroaching on the fenced boundaries of 10 Ferry Road and 5 School Lane. The small area to the back of 8 and 10 Ferry Road is being landscaped with two distinct parking spaces (for The Waterway residents) and shrubbery and plants. This will negatively impact the amount of room to access the property and manoeuvre cars to ensure pedestrian safety. The question remains where will cars belonging to the new property park without inconveniencing users of the public right of way; School Lane has double yellow lines and zig-zag lines for the School; to the front of the site there are guard rails and a bus stop.

We understand that the site is located within a Nature Improvement Area (Greater Thames Marshes) and therefore the ecological habitats need due consideration. The stream is home to Water Voles (highly protected), frogs and Great Crested Newts (again highly protected). This development (particularly during construction) will disturb the important ecological balance of the area.

In terms of public visual amenity, the proposed dwelling house is not in keeping with 8 and 10 Ferry Road these properties are mirror images of each other which is aesthetically pleasing.

When permission for 8 and 10 Ferry Road was granted in 1999, the Parish Council strongly objected to any dwellings. However, it was agreed that the two properties could be larger than originally envisaged in the pre-1990 planning application for four properties on the basis that the other plots would not be developed.

Additional Comments following receipt of the revised details:

- The Environment Agency's letter of the 4 February 2021, date-wise received after the amendments, states:

"The proposed development, as currently positioned, has the potential to increase flood risk from the Iwade Stream to existing properties within Iwade".

This proposal is of very real concern to the Parish Council and will be to the residents of Iwade who have suffered flooding in the past. Swale Borough Council's Officers and some Members are very aware of the flooding issues within the Village. In light of the Environment Agency's expert advice, if permitted both the Planning Officers and Planning Committee will be answerable to those residents.

- Concern over access to the site.
 - Concern over access to the site for contractors' machinery and concern that said machinery will damage the stream banks.
 - The Parish Council lodged a complaint with the Environment Agency on the 17 August 2020, copying in the Planning Officer, as contractors completely cleared the site of vegetation, including the stream banks and bed. This was despite the Environment Agency having advised that they need a permit to work near the stream. A highly protected species, the Water Vole can be found in this area.
2. **21/500462/FULL:** Demolition of 2no. chimneys, erection of single storey front, side and rear extensions together with alterations to roof including the creation of first floor, with insertion of side dormers and rear Juliet balcony. Erection of rear garden office, block paving to front and creation of 2no. additional parking spaces: 5 School Lane Iwade Sittingbourne Kent ME9 8RS - The Parish Council has no objections to this application. However, it does have concerns over the use of the office and toilet annexe (shed). Is this being used for more than one person, in which case should a Change of Use be considered, or is this just for the sole use of the occupants of the main property?

7. **Any Other Matters Arising** - None

8. **Next Meeting(s)**

Wednesday 10 March 2021, commencing at 7.30 pm, due to Covid-19 restrictions venue to be advised.

The meeting closed at 7.58 p.m.