

WEST MALLING PARISH COUNCIL

MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
HELD ON 21 JULY 2015, 7.30PM
AT VILLAGE HALL, NORMAN ROAD, WEST MALLING

Present: Mr R Selkirk (Chairman)
Mr S Harriott
Co-opted member:
Mr M North
Also in attendance:
Three residents/owners of property in Norman Road

THIS MEETING WAS INQUORATE SO ALL MATTERS WERE SUBJECT TO RATIFICATION AT A SUBSEQUENT MEETING

Minute		Action by	Action taken	Response
15/349	<u>APOLOGIES FOR ABSENCE</u> were received from Mr Bullard, Mr Carroll, Mrs Dean, Mrs Lane and Mrs Smyth,			
15/350	<u>DECLARATIONS OF INTEREST</u> Mr Selkirk declared an interest in 15/353/7 as the applicant was a near neighbour.			
15/351	<u>MINUTES</u> of the meeting held on 16 June 2015 were received. No comments had been received as to the accuracy of these minutes but these could not be approved for signature as the meeting was inquorate. Clerk to note for next agenda.	Clerk	✓	
15/	<u>MATTERS ARISING</u> from the minutes not otherwise on the agenda			
352.1	TM/15/00531/FL – use of land to provide station car parking and new access at Land West of Station Road North for Mr Guy Kemsley – receipt was noted of notification from T&MBC that this application had been withdrawn			
15/	<u>PLANNING APPLICATIONS</u>			
	It was agreed that the following application be considered first, in view of the attendance of members of the public.			
353.1	TM/15/01922/FL – removal of 3 agricultural buildings and replace with a new single storey building comprising two office units with associated parking and creation of new access to Norman Road at Appledene Farm Norman Road for Mrs Jeannett Bellamy Mr Selkirk reported that he had spoken to the Planning Officer at T&MBC; he (Mr Selkirk) was of the opinion that this proposal did not comply with DC2 as it did not involve like-for-like replacement building.			
	The meeting was opened to allow participation by members of the public present; the following comments were offered: <ul style="list-style-type: none"> Concern about traffic exiting directly opposite Listed cottages in Norman Road This could set a precedent which could adversely affect the nature of the whole of WM Appears that some preparative work has already taken place without a survey being carried out . 			

<p>It was agreed that Mr Selkirk draft some comments which would be circulated to members of this committee before submission to T&MBC.</p> <p>Subsequent to the meeting the following comments were agreed with members and submitted to T&MBC:</p> <p>[Green Belt</p> <p><i>We have confirmed with TMBC that this piece of agricultural land lies within the Green Belt. Over many year considerable work has been carried out by the councils at Parish, Borough and County level to ensure that West Malling, a historic Market Town has appropriate protection of its green spaces. Our open spaces are recognized as one of the key features that our residents enjoy about living here and it is important that they are protected from development. This has been achieved through ensuring they are protected as Green Belt and in some cases, the land (such as Macey’s Meadow & The Old County Ground) have been purchased by West Malling Parish Council to give additional protection. Additionally West Malling Parish Council is currently applying to list areas such as this as a Community Asset.</i></p> <p>Having reviewed fully all aspects of this application, West Malling Parish Council believes that this application should be refused as the development of the office block is within the Green Belt and there is no justification within the application that warrants ignoring the high level of protection given to this site.</p> <p>Incorrect Use of Replacement Policy DC2</p> <p><i>This application applies to replace 3 existing agricultural buildings using replacement policy DC2. We believe, as well as confirming with TMBC Planning Department) that this is an incorrect use of this policy. The policy intent and wording (as in “Managing Development & the Environment” is to allow for limited replacement of existing agricultural buildings. In fact, this application fails a number of the conditions set out in DC2.</i></p> <p>(a) <i>West Malling Parish Council does not believe that the 3 existing buildings (as described by the applicant) can be described as buildings. We request a site meeting with TMBC Planning Officers and Area 2 Planning Committee Borough Councillors to review the structures and confirm that they do not meet the description as detailed in DC2.</i></p> <p>(b) <i>The applicant is applying to replace 3 existing buildings with one large office block. It is the understanding of West Malling Parish Council that all of these buildings were already replaced by a new apple store. This building was subsequently turned into the gunstore. It is not possible to replace these buildings again as this has already been done. West Malling Parish Council believe that this application should be refused on this grounds.</i></p> <p>(c) <i>The applicant is applying to replace 3 existing buildings with one large office block that is of the same combined size. This policy doesn’t allow for this. Section a covers this. It allows for replacement of individual agricultural buildings with new agricultural buildings of the same size. Adding their size together and applying for replacing the combined size is not covered by either the policy or the policy intent of TMBC DC2. West Malling Parish Council believe that this application should be refused on this grounds.</i></p> <p>(d) <i>The applicant is seeking not to replace 3 existing agricultural buildings with the like, but to create one single large office block. This is nonagricultural and is in fact a complete change of use. This is not covered by either the wording of or policy intent of TMBC DC2. West Malling Parish Council believe that this application should be refused on this grounds.</i></p> <p>(e) <i>The application specifically results in the fragmentation and severance of existing agricultural land and would create a non-viable agricultural unit. It would reduce the agricultural land available by approximately a third. West Malling Parish Council is very concerned that this fragmentation will lead to other future applications to change the use of the remaining agricultural land, leading to the loss of all of the land. Section b of the Policy covers this. West Malling Parish Council believe that this application should be refused on this grounds.</i></p>	<p>Clerk</p>	<p>✓</p>
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(f) *There has been no attempt made by the applicant to take into account biodiversity interest in accordance with Policy NE3. In fact, no biodiversity assessment or soil survey has been provided with the application. Section C of the policy covers this. West Malling Parish Council find this very disappointing, especially as we understand that the applicant has carried out some recent clearance work as part of preparatory for this application which may well have destroyed the biodiversity on this site. We would have expected this to be done only after the reports had been prepared and suitably examined. **West Malling Parish Council believe that this application should be refused on this grounds.***

Previous Planning Applications

There have been many attempts over nearly 50 years to change the use of this land from agricultural. All of these have been refused as there has been a very public acknowledgement over that time that this land should be retained for its historic use.

- (a) In 1961, an application was made to change the use of this site for residential use. This was refused, the main reason is that this is agricultural land.*
- (b) In 1971, an application was made to build a bungalow on this site (71/0728). This was refused, the main reason is that this is agricultural land.*
- (c) In 1975, an application was made to build a bungalow on this site (75/10936). This was refused, the main reason is that this is agricultural land.*
- (d) In 2004, an application was made to place a caravan on this site (04/1954). This was refused, the main reason is that this is agricultural land.*

*Having carefully reviewed all aspects of the application, West Malling Parish Council cannot see anything materially different with this application to justify the loss of this key area of Green Belt. **West Malling Parish Council believe that this application should be refused on this grounds.***

Impact on Local Economy

*This application is in a rural part of West Malling, located at the very edge where the neighbouring productive agricultural land is located. The application makes much of the need to develop the economy in West Malling. As the Parish Council, we support the need to develop and maintain a vibrant business community, but also protecting our Green Belt spaces, all of which are key to the character of our Market Town and do so much to make West Malling a great place to live and work. Balancing these needs has been something we have done successfully over many years. As part of the development of Kings Hill, on the site of RAF West Malling, a number of commercial office blocks were built. This enabled this kind of development to be provided adjacent to the many historic features and swathes of Green Belt in West Malling itself. This is still the case today, in fact there is already surplus stock of this available in the area. Tonbridge & Malling Borough Council's own studies has shown that there is already sufficient office accommodation across the Borough, negating the applicant's argument that additional is needed. In addition, there are proposals for Kent County Council to turn the site of the now defunct Aylesford Newsprint, located just over 1.5 miles away into a business park. This could be along the lines of the Discovery Park in Sandwich, which was able to attract small businesses with special grants etc. In conclusion, West Malling Parish Council cannot see the justification for this application on the grounds of an economic or business need. **West Malling Parish Council believe that this application should be refused on this grounds.***

Impact on Transportation

This application is in a rural part of West Malling, located at the very edge where the neighbouring productive agricultural land is located.

- (a) The application makes no mention of the types of businesses occupying the proposed new office block. As a result it is not possible to make any accurate assessment of the impact of this additional traffic to the narrow rural road and the wider West Malling Community. Based on even 2 movements for each car parking space, this additional level of traffic in this rural location would cause undue disruption to this rural part of*

*West Malling. In their planning statement, the applicant makes reference to the local vet or dentist, were a business like this to move to the proposed office block, it would result in a very high number of vehicle movements, completely at odds with the rural aspect of the road. The likelihood is that the number of car, van and truck movements to and from this site would greatly exceed the capacity of the road and be a danger to both road and pedestrian users. **West Malling Parish Council believe that this application should be refused on this grounds.***

- (b) West Malling Village Hall, football pitch, tennis courts & children's play area are all located very close to the proposed office block. There are concerns that this development would lead to unwarranted additional traffic affecting these well used local facilities. **West Malling Parish Council believe that this application should be refused on this grounds.***

Impact on Environment

This application is in a rural part of West Malling, located at the very edge where the neighbouring productive agricultural land is located.

- (a) The proposed entrance / exit for the proposed office block would mean that headlights of cars, vans or even trucks when exiting the site would cause extreme light pollution to the ground floor windows of the existing cottages located directly opposite. This is magnified by the very narrow nature of Norman Road at this point. This is even more worrying as the applicant has given no indication of the number of additional vehicle movements that would take place and what type they would be. **West Malling Parish Council believe that this application should be refused on this grounds.***
- (b) This proposed office block is located close to residential housing, a local children's play area, West Malling Village Hall, Playing Field and tennis courts. As the applicant has not provided any information on the number and type of vehicle movements, West Malling Parish Council is concerned about the potential for additional air and noise quality issues in the area and cannot make any assessment due to the lack of information. **West Malling Parish Council believe that this application should be refused on this grounds.***
- (c) The application does not limit the amount of days or hours the proposed new office block can be operated. This means that there is the potential for it to be used 24 hours a day, 7 days a week. This would cause substantial noise pollution for local residents and those using nearby public facilities. **West Malling Parish Council believe that this application should be refused on this grounds but if TMBC was minded to approve the application, West Malling Parish Council would like to see hours of operation set at 0800 to 1600 Monday to Friday (not including Bank Holidys) as part of the terms.***
- (d) As previously highlighted, the applicant has failed to provide a biodiversity report for the site. Considering this is Green Belt land and has been free from development this report is key to highlighting any important plants or wildlife, the applicant should have provided one. This would have allowed for a proper understanding of the environment. West Malling Parish Council consider this to be vital as the proposed office block is located next to Macey's Meadow, which is an area of open countryside (owned and maintained by us for the benefit of the local community) and there are bats located there. There are other wildlife such as grass snakes, rabbits etc. living there. **West Malling Parish Council believe that this application should be refused on this grounds.***
- (e) The application is for an office block, yet in the Planning Application document makes*

	<p>reference to businesses such as dentists and vets occupying the site. This type of business is not suitable for a rural area and is already well served by the ample car parking provisions, public transport etc. that is available in the centre of West Malling already. Any business like this would cause substantial disruption to local residents.</p> <p>West Malling Parish Council believe that this application should be refused on this grounds.</p> <p>(f) The applicant has not provided a scheme of lighting for the site, including security lighting. It is not possible to assess the impact of any scheme on the Green Belt, neighbours and the surrounding public amenities without it. West Malling Parish Council believe that this application should be refused on this grounds.</p> <p>(g) The applicant has not provided a scheme of the disposal of both rainwater and waste disposal. It is not possible to assess the impact of any scheme on the Green Belt, neighbours and the surrounding public amenities without it. West Malling Parish Council believe that this application should be refused on this grounds.]</p>			
353.2	TM/15/01878/FL - installation of four surface mounted external heaters to the existing shop front of The Hungry Guest café to heat the adjacent external seating area at 65 High Street for Palladian Estates Ltd			
	<p>[Members OBJECTED to this proposal on the following grounds:</p> <ul style="list-style-type: none"> The heaters should be installed two metres above ground level in accordance with the manufacturers' recommendations but this was not specified in the application; as the heaters would be installed below an awning members objected on safety grounds The output from the heaters would encroach over the whole pavement and even possibly onto parked cars Members felt that this proposal could create an unwelcome precedent; a heated outside area would tend to encourage outside drinking during the winter months] 	Clerk	✓	
353.3	TM/15/01879/LB - Listed Building Application - installation of four surface mounted external heaters to the existing shop front of The Hungry Guest café to heat the adjacent external seating area at 65 High Street for Palladian Estates Ltd			
	<p>[Members OBJECTED to this proposal on the following grounds:</p> <ul style="list-style-type: none"> The heaters should be installed two metres above ground level in accordance with the manufacturers' recommendations but this was not specified in the application; as the heaters would be installed below an awning members objected on safety grounds The output from the heaters would encroach over the whole pavement and even possibly onto parked cars Members felt that this proposal could create an unwelcome precedent; a heated outside area would tend to encourage outside drinking during the winter months] 	Clerk	✓	
353.4	TM/15/02037/FL – single storey side extension to create kitchen/diner at The Coach House 66 St Leonards Street for Aspect Property Renovations Ltd			
	[No objections]	Clerk	✓	
353.5	TM/15/01967/FL - double storey rear extension at 120 Norman Road for Mr Ben Miles			
	<p>[Members offered no specific objections but expressed concerns about the proposed balcony which would be overlooking the Macey's Meadow open space which was felt to be inappropriately intrusive.</p> <p>The design of the windows was not felt to be in keeping with the existing design.</p> <p>It was noted that the bedroom would be on the top floor; members would like confirmation of compliance with Fire Regulations].</p>	Clerk	✓	
353.6	TM/15/02129/TNCA – various works to trees within school grounds at More Park RC Primary School for Mr Winkworth			
	The Clerk had notified WMPC's Tree Wardens but received no response.			
	[No objections]	Clerk	✓	
	Mr Selkirk declared an interest in the following application as the applicant was a near neighbour of his. Mr Selkirk left the meeting.			

	Mr Harriott took the chair for this part of the meeting.			
353.7	TM/15/02235/TNCA - T1 Magnolia - Prune to reduce height (30%) T4 Mature Lime - Fell (damage to boundary wall of 11) G5 Row of Hornbeam - Fell (loss of light) T6 Mature Hornbeam - Prune to thin crown by no more than 25% T8 Laurel and Elder - Fell at 79 Swan Street for Mrs Y Smyth <i>[No objections]</i>	Clerk	✓	
	Mr Selkirk re-joined the meeting and resumed the chair.			
15/	<u>PLANNING ENFORCEMENT INVESTIGATIONS</u>			
354.1	The Joiners Arms, 64 High Street (minute 15/293.3 refers) Various concerns had been raised, including by Mr North. Mr Selkirk would be contacting the T&MBC Enforcement Officer about these concerns.	RS	✓	
354.2	60 Ryarsh Lane – it was noted that works not in accordance with consented design had been reported to T&MBC. The Clerk was to send to Mr Selkirk her e-mail to T&MBC reporting the works which had not been approved.	Clerk	✓	
354.3	Banner displayed on wall above Eve's Boutique, WM High Street – the Clerk was to send to Mr Selkirk her e-mail reporting this banner (minute 15/293.1 refers).	Clerk	✓	
15/	<u>PLANNING CORRESPONDENCE</u>			
	Receipt was noted of:			
355.1	T&MBC "B Lists" of forthcoming applications – 15/24, 15/25, 15/26, 15/27, 15/28 Mr Selkirk asked the Clerk in future to forward the "B Lists" to him.	Clerk	✓	
355.2	T&MBC Area 2 – agenda papers for meeting on 8 July 2015. The Clerk reported that there were no agenda items relating to WM. Mr Selkirk reported that he had attended the Area 2 meeting.			
15/ 356	<u>LOCALISM ACT, ASSETS REGISTER</u> This item had been referred from the meeting of the F&GP Committee on 17 July 2015 (minute 15/345 refers) It was suggested that the churches (St Mary's, St Mary's Abbey and Pilsdon) be added. Clerk to note. Mr Selkirk took the office file for reference and would return this to the office in due course.	Clerk RS	✓	
15/ 357	<u>QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS</u> – None			
	There being no further business, the Chairman thanked members for attending and closed the meeting at 9.05pm Signed..... Date.....			