# **WEST MALLING PARISH COUNCIL**

# MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 21 JUNE 2016, 7.30PM AT VILLAGE HALL, NORMAN ROAD, WEST MALLING

Present: Mr R Selkirk (Chairman)

Co-opted member:

Mr M North

Carole D'Silva, Clerk (minute-taker)

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

	DOEQUENT MILETING			
Minute		Action by	Action	Response
16/ 366	APOLOGIES FOR ABSENCE were received from Mr Galloway and Mrs Smyth			
16/ 367	DECLARATIONS OF INTEREST – None			
16/ 368	MINUTES of the meeting held on 17 May 2016 were received and had been circulated to all members; no objections had been received but the minutes could not be approved for signature as the meeting was inquorate. Clerk to note for next meeting.	Clerk	<b>✓</b>	
16/ 369	MATTERS ARISING from the minutes not otherwise on the agenda			
	(16/296.3) TM/16/01266/FL — conversion of existing loft space over garage into office space including the insertion of 2 rooflights at 136 Offham Road for Mr Nigel Ashurst — in response to WMPC's query, T&MBC had responded as follows:			
	"In response to Members' concerns, we asked the applicant to confirm the intended use of the loft space. He confirmed the following by email:  "It is for personal use only, there will be no business activities conducted from there of any kind."			
	After careful consideration of this issue, along with all the other relevant matters, we concluded that there were no valid reasons to withhold planning permission in this case. We have imposed the following condition:			
	"The ground-floor of the garage as modified shall be used for or available for no other purposes than the accommodation of private vehicles in connection with the related dwellinghouse and the remaining space shall be not be used for any purpose other than any purpose(s) incidental to the enjoyment of the related dwellinghouse, and no trade or business shall be carried on therefrom.			
	"Reason: To safeguard the amenities and interests of the occupants of neighbouring residential properties and to avoid harm to highway safety through a potential increase in traffic and parking in the locality."			
	As the applicant's assurance, together with the planning condition, appeared to satisfactorily address the PC's concerns, and to avoid missing the 'target date' for a decision on the application (14 June), we have issued the decision in advance of the PC's next meeting on 21 June, and trust that your Members will be content with this course of action."			

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16/	PLANNING APPLICATIONS			
370.1	TM/16/01295/LB – Listed Building Application – Replacement of existing skylight which is no longer watertight or draught proof with a conservation window at Church House 137 High			
	Street for Mrs Camilla Bridgeland [No objections]	Clerk	<b>✓</b>	
	[ [NO Objections]	CICIK	1	
370.2	TM/16/01629/FL – application for change of use of existing building to A3 use at ground floor level with four en-suite guest room (use class C1) at first floor level; single storey infill extension to rear with basement extension, internal alterations and refurbishment of building at The Lobster Pot 47 Swan Street for The Lobster Pot (West Malling) Ltd			
	It was agreed that Mr Selkirk would draft a response (deadline 29 June 2016)	RS	✓	*
	*Subsequent to the meeting Mr Selkirk submitted the following to T&MBC direct:			
	"I am writing to you in my capacity as Chairman of the Planning Committee.  Our Parish Clerk has been in contact with you regarding some of the planning application documentation that was not made publicly available regarding the Lobster Pot.  We were able to get a copy late yesterday from the applicant. However, due to this timing, it was not available for us to consider at our recent Planning Committee meeting.  Having now had time to review it, it contains information relevant to areas of the planning application that we had some concerns over.  This is a very sensitive planning application and we need to ensure we have all of the information to give our considered opinion.  As a result, we need to discuss this formally at our next Planning Committee, which is on 19th July 2016.  Please extend the deadline for our comments to the following day, 20th July 2016. We will get our comments to you by 1200.  I understand that this will have an effect on your proposed timeline for determination, but I am sure you can understand how this has transpired and our need to ensure we supply substantive comments when we have all of the information."			
370.3	TM/16/01630/LB- Listed Building Application – application for change of use of existing building to A3 use at ground floor level with four en-suite guest room (use class C1) at first floor level; single storey infill extension to rear with basement extension, internal alterations and refurbishment of building at The Lobster Pot 47 Swan Street for The Lobster Pot (West Malling) Ltd  [see above]			
370.4	TM/16/01724/RD – details of conditions 5 (car parking), 13 (archaeological work) and 14 (foundations) of planning permission TM/16/00340/FL (proposed demolition and replacement of the Pax House for theological training offices and library and conversion of the Guest House into related non-residential centre, alteration of walls at vehicle access at Swan Street and associated works including parking area and demolition of garage) at St Marys Abbey 52 Swan Street for St Benedict Centre			
	[The members of West Malling Parish Council were pleased to note that the access would be made wider.			
	They were supportive of this application ]	Clerk	✓	
370.5	TM/16/00844/RD – details pursuant to conditions 2 (Materials), 5 (landscaping), 8 (Bin stores), 22 (Pedestrian link), 30 (External lighting), 31 (Street furniture) of TM/13/01952/FL as non-materially amended by TM/15/03597/NMA (Development comprising 4 two-bedroom town houses and one retail unit plus associated parking and external works) at Mill Yard 26 Swan Street for Baxter Homes SE Ltd			
	It was agreed that Mr Selkirk would draft a response (deadline 1st July 2016)	RS	✓	*
	[subsequent to the meeting Mr Selkirk submitted the following comments to T&MBC direct:	1		1

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West Malling Parish Council has reviewed this planning application and has a number of concerns about the materials being proposed.

We have met with the applicant over this development a number of times and have been supportive of this development within the West Malling Conservation Area. At our most recent meetings we were afforded the opportunity to review this application and have already made the same comments directly to the applicant. To summarise the more detailed comments below, we object to the materials being planned to use. This site is located within the West Malling Conservation Area and there is an approved set of materials to be used. The proposed plan of materials does not meet this.

#### 1. Retaining Wall

The proposed material for the retaining wall introduce a new material in the form of railway sleepers that are not seen anywhere else within the West Malling Conservation Area. The walls in the surrounding area are made of rag stone material (this includes within the entrance and elsewhere within Mill Yard). It is vital that the materials in this new development ensure it blends into its surroundings and for this reason we do not approve of the materials planned. We would ask that this wall be made of rag stone.

It is worth noting we do approve of the height etc of the proposed wall, just not the proposed material.

## 2. Railings

The proposed railings are modern in design and are not the ones approved for use within the West Malling Conservation Area. It is vital that this new development blends with the existings and this can only be achieved by adherence to the approved materials.

It is worth noting we do approve of the location and height of the proposed railings, just not their type.

### 3. Lighting

The proposed design has a complex lighting scheme made up of different elements.

This introduces a new modern material within the West Malling Conservation Area, in the form of modern low level lighting columns.

We have approved lighting columns and wall mounted lights that are used throughout this area and any new lighting should be of this type. Should the applicant wish to proceed with low level lighting, then it should be discreetly attached to the buildings, designed to blend in with the exiting colour of that building.

#### 4. Pavement

The proposed material for the pavement is modern and not in keeping with the approved materials within the West Malling Conservation Area. The introduction of such materials would not be appropriate. The materials used should be the same as elsewhere on the site and allow it to blend into the surrounding environment. It is worth noting we do approve of the design for the pavement by way of layout and gradient etc just not their type of material.

We have been and remain very supportive of this development as it brings additional retail and housing to a difficult site in the centre of West Malling. Amending these materials to ones that are acceptable within the West Malling Conservation Area would ensure the success of this scheme.

If you are minded to approve this application despite our comments, or have any questions, please can you contact the Parish Clerk ...."

370.6 TM/16/00311/FL – formation of a covered parking area for three cars at Eden House Eden Farm Lane for Mr David Catterall

[The members of West Malling Parish Council were unable to formulate any comments as no details were provided of "before" and "after" nor of the materials.

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	They consider that this application must not proposed until further information is forthcoming	Clark		
	They consider that this application must not proceed until further information is forthcoming.  We look forward to receiving this information. ]	Clerk		
370.7	TM/16/01427/LB - Listed Building Application – removal of existing dormer and replacement window at Milverton 116 High Street for West Malling Group Practice			
	[The members of West Malling Parish Council felt that there was no justification for the installation of replacement windows different from the existing; as this is a Listed Building located within the centre of West Malling members felt that it would much more appropriate for the windows to be reinstated like-for-like. ]	Clerk	~	
370.8	TM/16/01511/FL – demolition of conservatory, single storey side extension, two storey side			
370.0	extension, roof enlargement and 7 dormer windows at Rathshan 21 Windmill Lane East for Mr & Mrs G Koraltay			
	It was agreed that Mr Selkirk draft some comments for the Clerk to submit on behalf of WMPC (deadline 15 June 2016)	RS	✓	*
	[West Malling Parish Council objects to this planning application.			
	The proposed redevelopment of this property is very large and we consider it to be considerable overdevelopment of the existing property.			
	The size and density of the planning application is excessive and does not sit well within its rural setting, overlooking agricultural land, orchards and Manor Park.			
	Members also wished to point out that this is an archaeologically sensitive site]	Clerk	✓	
370.9	TM/16/01579/FL – details of condition 3 (opening hours) pursuant to planning permission TM/13/00658/FL change of use of ground floor from Class A1 retail unit to Class A3 café (Retrospective)) at 21 Swan Street [Swan Street Café] for Signet Planning			
	The Clerk reported that she had that day (21 June 2016) received a phone call from Mr Anthony Garnett (T&MBC Licensing Manager) informing that this business had gone into liquidation. Members did not therefore consider it appropriate to submit any comments and ask that the			
	application be re-submitted.	Clerk	✓	
	Subsequent to the meeting the following clarification was received from Mr Garnett:  These changes are from a licensing perspective and not planning as they are both separate pieces of legislation.			
	<ul> <li>Swan Street Café held a premises licence from the 26 June 2015 under the Licensing Act 2003. Licensing database reference 15/00466/PREM.</li> <li>The premises licence was held by Indie Coffee And Eats Limited.</li> <li>As a result of Indie Coffee And Eats Limited being "Dissolved" going into liquidation the premises has lapsed status on the Licensing database when we were made aware on the 20.06.2016. As a result of this they had no licence under the Licensing Act 2003.</li> <li>On the 21 June 2016 Indie Coffee And Eats Ltd, with a different Company number submitted a premises licence which is currently progressing through the 28 day consultation period. The licensing database reference number is 16/00838/PREM.</li> </ul>			
	Mr Selkirk then submitted the following to T&MBC:  "I have seen a number of email exchanges between our Parish Clerk & TMBC regarding this planning application.  I thought it prudent to write to you to set out our position for ease of clarity.  We were led to believe (and subsequently had confirmation) that the company that made the planning application had gone into liquidation and a new company had taken over the business.  After discussion, we decided that we could not comment on this application as the applicant doesn't exist anymore. We did not see there was any basis for the planning application to be considered any further.  Although the information on the liquidation came from your own License Team, we			

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	have looked at the impact on this information on the planning application.			
	It is for that reason we asked our Parish Clerk to contact you to ask that the			
	planning application be resubmitted in the new company name.			
	1			
	I hope this clarifies the situation.			
	Of course, once any planning application in the new company name we will			
	consider it.			
	If there any additional guidance etc. covering situations like this, please feel free to			
	contact me. "			
370	TM/16/01600/FL - two storey side extension at The Old Stable Building Old Parsonage			
.10	Court for Ms Taylor			
	The Clerk reported that on the T&MBC website were logged three objections from neighbours.			
	It was agreed that Mr Selkirk draft some comments for the Clerk to submit to T&MBC on behalf	RS	1	*
	of WMPC (deadline 4 July)	110		
	[* subsequent to the meeting Mr Selkirk submitted the following comments to T&MBC direct:			
	Subsequent to the meeting will selklik submitted the following comments to Talvido direct.			
	"West Malling Parish Council has reviewed this planning application and wish to			
	object to it. Our reasons are :			
	1. The size of the planned extension is disproportionate to the size of the existing			
	building.			
	2. The size of the planned extension is disproportionate to the size of the plot on			
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	which the existing building sits.			
	3. The size of the planned extension would have a very real impact on			
	neighbouring properties as it is located in a very confined space. This is a very real			
	concern expressed by a large number of local residents and we as a Parish			
	Council support their view.			
	If you are minded to approve this application despite our comments"			
	in you are minded to approve this application despite our comments			
370	TM/16/01473/TPOC – a group of silver birch to be felled as they have outgrown the location,			
.11	crown reduction unsuitable for species long term, surface roots across driveway, interferes with			
	telephone cables, nuisance reports of debris and lack of natural light indoors at <b>32 Ewell</b>			
	Avenue for Circle Housing Russet			
	The Clerk had invited the Tree Wardens to submit comments but had received no response.			
	[No objections]	Clerk	1	
		CIEIK	+	
370	TM/1/601709/TNCA - fell 1 Scots Pine (too close to property) at 145 St Leonards Street for			
.12	Anita Page			
	The Clerk had invited the Tree Wardens to submit comments but had received no response.	011		
	[No objections]	Clerk	✓	
		<u> </u>	<b>—</b>	
	Mr Selkirk asked the Clerk to e-mail him the following day details of the applications to which he	Clerk	✓	
	had agreed to draft comments together with a note of the deadline.			
16/	PLANNING APPROVALS [copies of the decision notices in full are obtainable from the T&MBC			
	website]			
371.1	TM/16/00012/FL – conversion of part of first floor and whole of second floor from HMO to 2 self-			
	contained one bedroom flats at 63 High Street for The Old Clock Shop			
	With Informatives:			
	The applicant is advised to make appropriate arrangements for the parking of skips and			
	contractors' vehicles during the construction works to ensure that there is no adverse			
	impact on parking in the area as a result of the works			
	• during the demolition and construction phases, the hours of working (including deliveries)			
	shall be restricted to the following times: Monday to Friday (08.00 hours - 18.00 hours;			
	Saturday 08.00 hours – 13.00 hours; and no work on Sundays, Bank or Public Holidays			
	[WMPC had commented:			
	Because of the High Street location, members would not support a proposal which			
	had an adverse impact on parking spaces; in particular they would expect the			
	applicant to make appropriate arrangements for skips and contractors' vehicles.			
	Apart from these concerns members had no objections			
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371.2	TM/16/00013/LB - Listed Building Application - conversion of part of first floor and whole of second floor from HMO to 2 self-contained one bedroom flats at 63 High Street for The Old Clock Shop	
371.3	<ul> <li>TM/16/01255/FL - conversion of existing loft space over garage into office space including the insertion of 2 rooflights at 136 Offham Road for Mr Nigel Ashurst         Subject to conditions including, inter alia:         <ul> <li>the ground-floor of the garage as modified shall be used for or available for no other purposes than the accommodation of private vehicles in connection with the related dwellinghouse and the remaining space shall not be used for any purpose other than any purpose(s) incidental to the enjoyment of the related dwellinghouse, and no trade or business shall be carried on therefrom</li> </ul> </li> <li>WMPC had commented:         <ul> <li>[Members felt that further information was required before they could offer any meaningful comments – in particular members wished to know if this constituted change of use and if it was intended for commercial use.</li> <li>Members asked for this information to enable them to consider this at the next meeting of the Parish Council's Planning Committee to be held on 21 June 2016]</li> </ul> </li> </ul>	
371.4	TM/16/00317/FL – remove timber shed and construct block walls with weather board covering to match the garage at 164 Norman Road for Mr R McAuley [WMPC had objected:  West Malling members objected to this planning application.  As has been the case with other applications in this area we have objected to building in the green belt. There is considerable planning guidance to support this position.  The green belt is a very important part of the West Malling landscape & something we as a Parish Council are committed to protect.  This application meets that criteria. As with the Appledene application & others, we do not consider the replacement of a garden shed with a permeant structure is something we can support as it is out of keeping with its location.]	
371.5	<ul> <li>TM/16/01114/FL – demolition of existing extension and conservatory and erect new two storey side extension and single storey extensions to front and rear at 99 Ewell Avenue for Mr &amp; Mrs Slevin</li> <li>Subject to conditions including, inter alia:         <ul> <li>no first floor windows or similar openings shall be constructed in the northwest or southeast side elevations of the two storey extension, other than the high level windows shown on the approved plans which shall be provided with sill heights no lower than 1.7m above finished floor level of the related room</li> </ul> </li> <li>WMPC had commented:         <ul> <li>[Members suggested that if this application were approved it be conditioned so that any windows which would potentially overlook neighbouring properties should use obscured glass in order to protect privacy.</li> <li>Members also expressed some concerns about possible pressure on parking as an additional bedroom would be created.</li> <li>Apart from these concerns members had no objections]</li> </ul> </li></ul>	
371.6	TM/16/01118/FL – Rehanging and automation of existing access gates at Brome House 148 High Street for Mr John Pfeil [WMPC had had no objections]	
371.7	TM/16/00333/LB - Listed Building Application — automation of existing vehicular access gates. Rehanging existing gates at back of existing piers with mechanical gate mounted ram motors and built in manual release. Provision of entry key pad on side of existing pier at Brome House 148 High Street for Mr John Pfeil WMPC had commented:  [Members were not sure if this would be a remote-controlled system; if not then it would be likely to cause congestion. Members ask for clarification of this to enable them to consider the proposal at the next meeting of WMPC's Planning Committee on 15 March 2016]	

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371.8	TM/16/01033/FL – rear conservatory at 15 Offham Road for Mr Nick Stansfield [WMPC had had no objections]		
371.9	TM/16/00905/FL – rear single storey extensions and dormers to front and rear at 111 Norman Road for Mr Dean Bin-Matt [WMPC had objected: West Malling Parish Council objects to this application. The current proposed design for the dormer element is very large and in our opinion out of keeping with the current size of the property and its surroundings. The proposed dormers at the front of the property are out of keeping with the rest of the property. We would like to see a single dormer and that this one is in line with the existing windows on other floors. The dormer at the rear is excessively large and out of keeping with the property.]		
371 .10	TM/16/00922/LB - Listed Building Application – internal reinforcing wall in loft space; repairs to the roof and repointing at 53 Swan Street for Mr Nicholas Pittman [WMPC had had no objections]		
371 .11	TM/16/01373/TNCA – Fell Leylandii due to root growth adjacent to church listed boundary wall and excessive shading to garden and overhanging no. 51 garden at 55 Offham Road for Mr Eric Broad [WMPC had had no objections]		
371 .12	TM/16/01233/TNCA – (T1) Cedar lift canopy to remove weight from lower limbs. (T2) Cedar on drive lift lower canopy overhanging driveway to remove weight from lower limbs. (T3) Oak lift lower canopy overhanging driveway. (T4) Corsican pines to remove lower limbs. (T5/T6) Scot pines dismantle to ground (T7/T8) sycamores dismantle to ground. (T9/T10) Yews lift lower canopy from hanging driveway. (T11) Walnut lift lower canopy at Douces Manor St Leonards Street for Elm Ltd [WMPC had had no objections]		
371 .13	TM/16/00878/TPOC – T1 Sweet Chestnut to reduce the crown by 2.5m in width and 3m in height, removing all deadwood and hangers. T2 Yew to remove deadwood, girdle Ivy at base of the tree and crown thin by 15%. T3 Beech to crown thin by 15%. T4 Beech to remove lateral limb at 8m above ground level, overall crown reduction in height of 4m and width of 3m, crown thin by 20% at The Old Stables Old Parsonage Court for Mrs Sue Taylor [WMPC had had no objections]		
16/ 372	LAWFUL DEVELOPMENT CERTIFICATE  TM/16/00975/LDP – Lawful Development Certificate Proposed – rear dormer and front roof lights at 183 Norman Road for Mr Jamie Franks [WMPC was not consulted]		
	The Clerk was to ask T&MBC (Mr Steve Humphrey) what was T&MBC's policy on consultation regarding Lawful Development Certificates as WMPC would like to be consulted on all such matters.	Clerk	<b>✓</b>
16/	PLANNING REFUSALS [copies of the decision notices in full are obtainable from the T&MBC website]		
373.1	<ul> <li>TM/16/00616/FL – demolition of existing detached double garage and erection of a detached dwellinghouse with associated parking facilities at 237 London Road for Mr J Wright Refused on the grounds:</li> <li>The proposed development, due to the size and scale of the dwelling and the small size of curtilage for which it is sited, would result in a contrived built form and overdevelopment of the site that would not be respectful or sympathetic to the established built form and pattern of development in the area, which would demonstrably harm the character of the area and visual amenity of the locality</li> <li>[WMPC commented: Having considered all aspects of this planning application, West Malling Parish Council objects to this application.</li> <li>The size of the application appears disproportionately large for the size of the plot of</li> </ul>		

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	land		
	land. It is not clear from the application how the property is accessed for pedestrians and vehicles. It appears as if access is via a track on the field at the rear of the property. This is unacceptable as this is not a public highway.]		
373.2	TM/16/01149/FL – two storey rear extension at 76 Sandown Road for Mr Redfern Refused on the grounds:		
	<ul> <li>The proposal by virtue of its size, proximity to the common boundary and relationship with the neighbouring window would result in significant impact on the residential amenity of the neighbouring property by virtue of loss of outlook contrary to Policy CP24</li> <li>[WMPC had been unable to offer any comments as members felt that insufficient information was provided]</li> </ul>		
373.3	<ul> <li>TM/16/00865/OA - Outline Application - erection of a detached dwelling with matters of access, appearance, landscaping, layout and scale reserved at Adjacent 45 King Hill for Plaxtol Investments Ltd Refused on the grounds:</li> <li>The proposal is contrary to Policy CP14 of the T&amp;MB Core Strategy, which states that development will not normally be permitted in the designated countryside, unless the development falls into one of the special categories listed in the Policy, none of which applies</li> <li>The proposal will serve to harm the character of the area by reason of its siting within an area of designated countryside where a new dwelling would not be expected</li> <li>[WMPC had commented:</li> <li>Having carefully considered the outline application West Malling Parish Council objects to this planning application.</li> <li>Due to the size of the plot of land and lack of any detailed information regarding the proposed building we feel that it would be inappropriate to agree without having the opportunity to see even the most basic detail.</li> <li>Without this it is impossible to provide any reasoned comments, so we have no option but to object.</li> <li>This plot of land is currently a field and we would want to examine all aspects of the application fully, including building size, access to the public highway, proximity to neighbours etc before commenting.</li> <li>Once we receive this we will be able to provide a detailed comment]</li> </ul>		
	Once we receive this we will be able to provide a detailed comment		
16/ 374	PLANNING CORRESPONDENCE		
	Receipt was noted of: <b>T&amp;MBC "B Lists"</b> of forthcoming planning applications – 16/20; 16/21; 16/22; 16/23; 16/24		
16/	OHESTIONS EDON MEMBERS OF THE BIRLIC AND COUNCIL ORS		
10/	QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS		
375.1	Neighbourhood Plan - Mr Selkirk reported that WMPC's application had been submitted to T&MBC		
375.2	<b>Date of Next Meeting</b> – it was noted that the next meeting of this Committee would be Tuesday 19 July 2016.		
	There being no further huginous, the Chairman thanked march are for attending and division in		
	There being no further business, the Chairman thanked members for attending and closed the meeting at 8.40pm  Signed		
	Oignou		
	Date		