WEST MALLING PARISH COUNCIL

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON TUESDAY 25TH JANUARY 2022, 7.30PM THE CLOUT, 9 HIGH STREET WEST MALLING

Present: Mr. David Thompson (Chairman) Mr. Keith Mann Ms Sara Margetts Mrs Yvonne Smyth Ms Min Stacpoole

Also Present:

Minute		Action by	Action	Response
22/31	APOLOGIES FOR ABSENCE – Ms Barkham and Ms Medhurst			
22/32	DECLARATIONS OF INTEREST – it was noted that Mr Thompson lives near the Natwest Bank – application TM/21/03220/LB – minute number 22/40.3			
22/33	MINUTES of the meeting held on 23 rd November were approved and signed.			
22/34	MATTERS ARISING from the minutes not otherwise on the agenda – none			
22/35	TMBC LOCAL PLAN			
35.1	Call for sites – it was noted that the call for sites exercise has now started and will close at 5pm on 7 th February.			
35.2	<u>Communication and Engagement with Parish Councils</u> – it was noted that in response to the request made by WMPC, that T&MBC will be addressing the issue of communicating with parishes at the next Parish Partnership Panel meeting to be held on 27th January. It was noted that Mr Mann would be in attendance (via Teams) on behalf of WMPC.			
22/36	NEIGHBOURHOOD PLAN			
	It was noted that a letter had been sent to T&MBC enquiring how WMPC should move forward with their Neighbourhood Plan now that the Local Plan is being re-drafted. T&MBC has now responded and the following points were noted:			
	The Local Plan timetable will be updated at the Planning & Transportation Advisory Board on 1 st March and it is hoped to progress to a Reg 18 consultation in 2022.			
	WMPC is advised not to work on the detail of their Neighbourhood Plan until the Reg 18 consultation is published giving WMPC the opportunity to consider the implications of the			

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	consultation within the parish. If a Neighbourhood Plan were to be produced and consulted on ahead of the Reg 18 consultation, there is a significant risk that the Neighbourhood Plan would be out of date in very short order.			
	It was agreed that whilst WMPC is unable to start the Neighbourhood Plan in earnest that it would be of benefit to revisit the questions previously drafted for each committee and to look into / apply for grant funding.			
	Clerk to note Highways Committee agenda for re-consideration of Neighbourhood Plan questions	Clerk	~	
22/37	PLANNING APPLICATIONS – T&MBC DECISIONS			
37.1	TM/20/01015/FL & TM/20/01016/LB - 26 High Street West Malling ME19 6QR Listed Building Application: Proposed internal alterations and loft conversion on the first and second floor.			
	Granted			
	[West Malling Parish Council Planning Committee had not objected to this application but had asked for the input of the Conservation Officer]			
37.2	TM/21/01166/RD – Arundel House 88 High Street West Malling ME19 6NE Details of condition 2 (archaeological field evaluation) pursuant to planning permission TM/20/01107/FL (Construction of a new single storey rear extension and replacement of existing flat roof; internal alterations; installation of new ventilation flue into chimney to the rear with a new ventilation cowl; construction of a single storey garden dining structure and refuse store along with associated landscaping works; change of use to provide new A3 (cafe and restaurant) use for the building and demolition of existing outbuilding)			
	Approved			
	[West Malling Parish Council Planning Committee had not objected to this application]			
37.3	TM/21/01957/RD - Land West of Station Road North West Malling Details of condition 11 (programme of archaeological work) pursuant to planning permission TM/18/02642/FL (Use of land to provide station car parking and new access)			
	Approved			
	[West Malling Parish Council Planning Committee had not objected to this application]			
37.4	TM/21/02062/FL - 98 High Street West Malling ME19 6NE Demolition of existing single storey rear extension, new single store rear extension and 1st floor side extension to form a new bar/ restaurant			
	Granted			
	[West Malling Parish Council Planning Committee had objected to this application]			
37.5	TM/21/02413/TNCA - The Hermitage Lucks Hill West Malling Kent Works to remove 2 x Yews (T1), Laurel (T2), Yew (T3), Scots Pine (T4), Sycamore (T5), Cherry (T7), 2 x Cherries (T8), Holly (T9), Holly (T11), Silver birch (T13) and works to a Sycamore (T6)- raise crown to 7m and remove deadwood, a Sycamore (T10)- remove left fork and raise crown to 7m and Ash (T12)- raise crown to 7m and remove dead wood			
	No objection			
	[West Malling Parish Council Planning Committee had objected to the felling of the trees but had not objected to those trees that only require maintenance work]			
37.6	TM/21/02632/CR3- Land North Part Of King Hill Farm Malling Road Kings Hill West Malling Consultation by Kent County Council: Installation of ground mounted solar array with associated infrastructure (KCC reference KCC/TM/0209/2021)			

Granted [West Malling Parish Council Planning Committee had objected to this application] 37.7 TM/21/02711/LB &TM/21/02710/FL - 83 High Street West Malling Kent ME19 6NA Liste Building Application: Demolition of existing small outbuilding, demolition of brick element or and alterations to existing ragstone wall, demolition of a curved garden wall, and the construction of two houses with associated hard landscaping, boundary wall extension, cy stores and fencing Refused [West Malling Parish Council Planning Committee had objected to this application] 37.8 TM/21/02684/TNCA - 21 Police Station Road West Malling ME19 6PP T1 (Mulberry Tree pollard. No objection [West Malling Parish Council Planning Committee had not objected to this application but expressed concern that this tree had only recently been pollarded] 37.9 TM/21/02631/TPOC - 50 Town Hill West Malling ME19 6QN - 3 x Lime Trees - Removal of basal growth and lifting up to 10 metres works on these trees are historically undertaken e few years by a group of residents to improve lighting for all and limit the amount of fallen debris Granted [West Malling Parish Council Planning Committee had not objected to this application] 37.10 TM/21/02813/RD - 1 Orwell Spike West Malling ME19 4PB Details of condition 5 (contaminated land desktop study) and 6 (site investigation works) pursuant to planning permission TM/21/01560/FL (Erection of a detached dwelling; landscaping; parking and associated works on land adjacent to no.1 Orwell Spike) Approved [West Malling Parish Council Planning Committee had not objected to this	of ycle ee) to t had	
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 (contaminated land desktop study) and 6 (site investigation works) pursuant to planning permission TM/21/01560/FL (Erection of a detached dwelling; landscaping; parking and associated works on land adjacent to no.1 Orwell Spike) Approved [West Malling Parish Council Planning Committee had not objected to this application] 		
[West Malling Parish Council Planning Committee had not objected to this application]		
37.11 TM/21/02759/LB & TM/21/02758/FL - Chestnuts 141 St Leonards Street West Malling ME		
6PE Listed Building Application: Proposed single storey side porch and rear extension, associated internal alterations and new entrance gate	E19	
Granted		
[West Malling Parish Council Planning Committee had not objected to this application]		
37.12 TM/21/02901/RD - Land Rear Of 239 To 259 London Road West Malling - Details of plant Condition 12 (reptile mitigation strategy) submitted pursuant to planning permission TM/17/00506/OA (development of land to the rear of London Road to consist of the development of an extra care development of 79 units (comprising of apartments and cottages) all within Use Class C2; associated communal facilities; provision of vehicular at cycle parking together with all necessary internal roads and footpaths; provision of open s and associated landscape works; and ancillary works and structures)	and	
Approved		
[West Malling Parish Council Planning Committee had not objected to this application]		
 37.13 TM/21/03152/TNCA - Tree Works At Abingdon Mews Parking Area Conservation T2 (Ho Oak located in Abingdon Mews) to cut back branches overhanging 25 Police Station Road line with brick boundary 		

	No objection			
	[West Malling Parish Council Planning Committee had not objected to this application]			
37.14	TM/21/03179/TNCA - 38 Town Hill West Malling ME19 6QN Pine Tree (T1) reduce height by 2m to previous reduction			
	No objection			
	[West Malling Parish Council Planning Committee had not objected to this application]			
37.15	TM/21/03174/TNCA - 63 Offham Road West Malling ME19 6RB Re-pollard lime tree to previous points, for safety reasons, due to its current size and proximity to house (63 Offham road) and bungalow (65 Offham Road). This is the only lime tree in the garden of 63 Offham road, (located at the rear of the property)			
	No objection			
	[West Malling Parish Council Planning Committee had not objected to this application]			
22/38	T&MBC TREE APPLICATION ADVICE			
	The Clerk took this opportunity to discuss with members the advice received from the Landscape Officer at T&MBC regarding tree applications that do not need their consent.			
	The advice below relates to trees that are within the Conservation Area, but not subject to a TPO.			
	In accordance with the tree preservation legislation anyone wishing to undertake treatment to such trees should give the Local Planning Authority (LPA – Tonbridge and Malling Borough Council) six weeks' prior written Notice of the Intended tree work. Such written notice (known as a s211 Notice of Intent) therefore has a six week statutory time period (starting from the date on which the complete valid Notice of Intent was received by the LPA). The LPA cannot amend, or extend that statutory time period.			
	In accordance with the legislation, if the LPA wishes to control treatment of a tree subject of a s211 notice of intended tree works, it must make a new Tree Preservation Order (TPO) on the tree (an application for TPO consent would then be required for treatment of the tree – which would be determined in accordance with the provisions of the relevant legislation). It is not possible to grant a conditional consent or refuse a s211 notice of intent and, if a TPO is not made before the end of the statutory six week period, the tree work specified in the s211 Notice may then be done within 2 years of the date of the notice.			
	Hence any representations about tree work that is subject of a s211 Notice of Intent should be made at the earliest opportunity so that such comments can be taken into account in sufficient time for the assessment of whether a new TPO would be expedient in the interests of public amenity to be made prior to the expiry of the statutory six week period for that Notice.			
	It was noted that representations about proposed works to Conservation Area trees may have to be made to T&MBC in advance of the scheduled WMPC planning meetings.			
	It was agreed that the planning committee consider if there are any trees within the Parish that should be considered for TPO status.			
	Clerk to note February agenda	Clerk	✓	
22/39	PLANNING APPLICATIONS CONSIDERED & WHERE APPROPRIATE RESPONSES SUBMITTED USING DELEGATED POWERS – SEC 101 (1) LOCAL GOVT ACT 1972			
39.1	TM/21/03031/FL - 60 High Street West Malling ME19 6LU Retrospective planning application for external alterations comprising external painting and timber weatherboarding			
	West Malling Parish Council Planning Committee commented as follows:			

	West Malling Parish Council Planning Committee has discussed this application and whilst it is not committee policy to accept retrospective applications, the committee does not object.		
39.2	TM/21/03094/RD - 1 Orwell Spike West Malling Kent ME19 4PB Details of Condition 8 (archaeological written scheme of investigation) submitted pursuant to planning permission TM/21/01560/FL (Erection of a detached dwelling; landscaping; parking and associated works on land adjacent to no.1 Orwell Spike)		
	West Malling Parish Council Planning Committee commented as follows:		
	West Malling Parish Council Planning Committee has discussed this planning application and does not object to the discharge of this condition.		
	The Council notes that future finds, once cleaned and assessed, may be sent to a 'recipient museum'; the Council asks that consideration be given to items that are not of national importance being donated to The Twitch museum which is located in Douces Manor, West Malling.		1
39.3	TM/21/03152/TNCA - Tree Works At Abingdon Mews Parking Area Conservation T2 (Holm Oak located in Abingdon Mews) to cut back branches overhanging 25 Police Station Road in line with brick boundary		
	West Malling Parish Council Planning Committee commented as follows:		
	West Malling Parish Council Planning Committee has considered this application and has decided that it does not object to the application.		
39.4	TM/21/03179/TNCA - 38 Town Hill West Malling Kent ME19 6QN Pine Tree (T1) reduce height by 2m to previous reduction		
	West Malling Parish Council Planning Committee commented as follows:		
	West Malling Parish Council Planning Committee has considered this application and has decided that it does not object to the application.		
39.5	TM/21/03174/TNCA - 63 Offham Road West Malling ME19 6RB Re-pollard lime tree to previous points, for safety reasons, due to its current size and proximity to house (63 Offham road) and bungalow (65 Offham Road). This is the only lime tree in the garden of 63 Offham road, (located at the rear of the property)		
	West Malling Parish Council Planning Committee commented as follows:		
	West Malling Parish Council Planning Committee has considered this application and has decided that it does not object to the application.		
39.6	TM/21/03139/TNCA - Amenity Land At Nevill Court West Malling G1 Area of Cob Nuts: Reduce to 2.5m T1 Sycamore, Fell to ground (major lean over neighbour's and boundary dispute) T2 Lime, Reduce by 30% (general maintenance and to keep in size with surroundings) H18 to 12.5m W6m to 4m T3, Sycamore, Reduce by 30% (general maintenance and to keep in size with surroundings) H18m to 12.5m W6m to 4m T4 Sycamore, Reduce by 25% (general maintenance and to keep in size with surroundings) H16 to 12m W4.5m to 3.5m T5 Holm Oak, Reduce by 25% (general maintenance and to keep in size with surroundings) H13m to 10m W8.5 to 6m T6 Cherry, Fell to ground (in decline) T7/8 Hornbeam, Reduce to previous points (for maintenance purposes and prune away from buildings) T9 Horse Chestnut, Reduce (w6m to 3.5m) (for maintenance purposes and prune away from buildings)		
	West Malling Parish Council Planning Committee commented as follows:		
	West Malling Parish Council Planning Committee has discussed this application and would wish to make the following comments:		
	G1 Area of Cob Nuts: Reduce to 2.5m – no objection		L

	 T1 Sycamore, Fell to ground (major lean over neighbour's and boundary dispute). West Malling Parish Council would request that this be reduced rather than felled. T2 Lime, Reduce by 30% (general maintenance and to keep in size with surroundings) H18 to 12.5m W6m to 4m – no objection T3, Sycamore, Reduce by 30% (general maintenance and to keep in size with surroundings) H18m to 12.5m W6m to 4m – no objection T4 Sycamore, Reduce by 25% (general maintenance and to keep in size with surroundings) H16 to 12m W4.5m to 3.5m T5 - no objection Holm Oak, Reduce by 25% (general maintenance and to keep in size with surroundings) H13m to 10m W8.5 to 6m – no objection T6 Cherry, Fell to ground (in decline) - Objection to the cherry being felled to the ground & therefore ask for the trunk to remain to encourage wildlife. T7/8 Hornbeam, Reduce to previous points (for maintenance purposes and prune away from buildings) - no objection 		
	buildings) - no objection		
39.7	 TM/21/02441/RD - New Barns House 150 Lavenders Road West Malling ME19 6HR Details of condition 3 (Archaeological Watching Brief) submitted pursuant to planning permission TM/21/01415/FL (construction of a swimming pool and associated landscaping) West Malling Parish Council Planning Committee commented as follows: West Malling Parish Council has considered this application and would like to make the following comment: The committee notes that the Heritage Statement details the history of the area as mapped in 1840 (Tithe Survey) and from_1867 to 1936 (Ordnance Survey). Independent research of the area shows that the New Barns estate is recorded in surviving Parish Rate records from 1702 onwards and further research would suggest that the name 'New Barns' almost certainly derives from a barn [or barns] built on the site by Hugh Cartwright (son in law of Archbishop Cranmer) who occupied Malling Abbey shortly after the Dissolution of the Monasteries in 1538'. This research was conducted following a gift to the Malling Society of a painting (dated 1903) of a medieval thatched barn in West Malling, which appears to have been in the garden of New Barns until demolished/rebuilt in the 1930's. On the basis of the above information, we would ask that that Wendy Rogers and on-site archaeologists be made aware of the wider history of New Barns when assessing any future finds. 		
39.8	 TM/21/03227/FL - New Barns House 150 Lavenders Road West Malling ME19 6HR Construction of garden wall and associated open structures around swimming pool West Malling Parish Council Planning Committee commented as follows: West Malling Parish Council Planning Committee has considered this application and has decided that it does not object to this application. 		
39.9	TM/21/03296/FL - Wilderness Cottage 224 Offham Road West Malling ME19 6RG Remove a large black outbuilding and replace with a new studio in similar proportions. The new studio will be built to a higher standard and create a home office and family space within a private garden		
	West Malling Parish Council Planning Committee commented as follows: West Malling Parish Council Planning Committee has discussed this application and objects on the basis of substandard application documents which do not provide adequate detail of both the current and proposed structures; due to this, the committee is of the opinion that it is unable to analyse the application sufficiently.		

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39.10 39.11	 TM/21/03251/RD - 25 West Street West Malling ME19 6QX Details of conditions 2 (materials), 4 (levels) and 5 (landscaping) submitted pursuant to planning permission TM/18/02072/FL (Provision of a two storey side extension, a single storey rear extension and wholesale re-modelling of the existing dwellinghouse together with the construction of a pair of semidetached dwellings to side with associated provision of a new access). West Malling Parish Council Planning Committee has considered this application to discharge conditions 2 (materials), 4 (levels) and 5 (landscaping) and would wish to make the following comments: We would ask for confirmation that the building line is as originally specified in the original plans. The Council would also like to take this opportunity to reiterate the need for consideration of the risk posed to pedestrians and other road users by this development, particularly at school start and finish times TM/21/03219/FL - National Westminster Bank Ltd 43 Swan Street West Malling ME19 6JU Removal of existing internal and external banking related fittings to facilitate branch closure 		
	West Malling Parish Council Planning Committee commented as follows: West Malling Parish Council Planning Committee has considered this application and has decided that it does not object to the application.		
39.12	 TM/21/03321/FL - 58 Ryarsh Lane West Malling ME19 6QP Single storey rear extension and enlargement of existing loft conversion incorporating alterations to roofline from hip to gable and rear dormer. West Malling Parish Council Planning Committee commented as follows: West Malling Parish Council Planning Committee has considered this application and objects to the application for the following reasons: the proposed extension will adversely affect the levels of light entering the neighbouring property, which is already impeded due to its proximity to the railway embankment the proposed extension will reduce the privacy of neighbours, with bedrooms, sitting rooms and entrances overlooked by the newly installed windows. 		
39.13	 TM/21/03255/LB - 44 High Street West Malling ME19 6QR Change the colour of the window frames, door and shop facia board on ground level from green to blue, West Malling Parish Council Planning Committee commented as follows: West Malling Parish Council Planning Committee has considered this application and has decided that it does not object to the application. 		
22/40	BUILDING PLANNING APPLICATIONS		
40.1	 TM/21/03346/LB & TM/21/03345/FL – Listed Building Application 108 High Street West Malling ME19 6NE Single storey rear extension in place of existing rear extension, rear dormer windows and internal alterations. West Malling Parish Council Planning Committee commented as follows: West Malling Parish Council Planning Committee met on the 25th January to discuss this application and objects for the following reasons: The modern dormers are inappropriate for the West Malling Conservation Area setting and if agreed, would be detrimental to the historic roofscape, this would set an unacceptable precedent for similar modifications of Listed Buildings on the High Street. 		

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	The Parish Council also notes concerns about privacy.		
40.2	TM/22/00036/TNCA - 17 High Street West Malling ME19 6QH Maple (T1) - reduce by pollarding to 6m height and 6m spread.		
	West Malling Parish Council Planning Committee commented as follows:		
	West Malling Parish Council Planning Committee met on the 25 th January to discuss this application. It was noted that the application form is incorrect as the tree in question is a magnolia and not a maple. Members do not object to the reduction of the magnolia, but presume that a new application would need to be submitted.		
40.3	TM/21/03220/LB - National Westminster Bank Ltd 43 Swan Street West Malling ME19 6JU Listed Building Application: Removal of existing internal and external banking related fittings to facilitate branch closure.		
	West Malling Parish Council Planning Committee commented as follows:		
	West Malling Parish Council Planning Committee met on 25 th January and considered this application. The Committee does not object to the application but would ask that the commemorative plaque be left in situ on the outside of the building and that the internal historic blue plaque be perhaps given to WMPC for safe keeping and use in the new building.		
40.4	TM/21/03099/TPOC - Amenity Land At Nevill Court West Malling G1 Area of Cob Nuts: Reduce to 2.5m T1 Sycamore, Fell to ground (major lean over neighbour's and boundary dispute) T2 Lime, Reduce by 30% (general maintenance and to keep in size with surroundings) H18 to 12.5m W6m to 4m T3, Sycamore, Reduce by 30% (general maintenance and to keep in size with surroundings) H18m to 12.5m W6m to 4m T4 Sycamore, Reduce by 25% (general maintenance and to keep in size with surroundings) H16 to 12m W4.5m to 3.5m T5 Holm Oak, Reduce by 25% (general maintenance and to keep in size with surroundings) H13m to 10m W8.5 to 6m T6 Cherry, Fell to ground (in decline) T7/8 Hornbeam, Reduce to previous points (for maintenance purposes and prune away from buildings) T9 Horse Chestnut, Reduce (w6m to 3.5m) (for maintenance purposes and prune away from buildings)		
	West Malling Parish Council Planning Committee commented as follows:		
	West Malling Parish Council Planning Committee met on the 25 th January 2022 and would like to submit the following comments as per application TM/21/03139/TNCA.		
	G1 Area of Cob Nuts: Reduce to 2.5m – no objection		
	T1 Sycamore, Fell to ground (major lean over neighbour's and boundary dispute). West Malling Parish Council would request that this be reduced rather than felled.		
	T2 Lime, Reduce by 30% (general maintenance and to keep in size with surroundings) H18 to 12.5m W6m to $4m - no$ objection		
	T3, Sycamore, Reduce by 30% (general maintenance and to keep in size with surroundings) H18m to 12.5m W6m to 4m – no objection		
	T4 Sycamore, Reduce by 25% (general maintenance and to keep in size with surroundings) H16 to 12m W4.5m to 3.5m T5 - no objection		
	Holm Oak, Reduce by 25% (general maintenance and to keep in size with surroundings) H13m to 10m W8.5 to 6m – no objection		
	T6 Cherry, Fell to ground (in decline) - Objection to the cherry being felled to the ground & therefore ask for the trunk to remain to encourage wildlife.		
	T7/8 Hornbeam, Reduce to previous points (for maintenance purposes and prune away from buildings) - no objection		
22/41	SECTION 106 AGREEMENTS & OBLIGATIONS		

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	It was agreed that the document be amended to include the climate paper paragraphs and that the revised document be considered for adoption at the February Full Council.	DT		
	Clerk to note agenda			
22/42	PLANNING APPEAL – DEVELOPMENT SITE SOUTH WEST OF WEST MALLING RAILWAY STATION			
			<u> </u>	
	Informal Hearing – it was noted that the hearing will take place via Microsoft Teams commencing 1 st February and it is anticipated that the hearing will last 2 days.			
	The Inspector has been notified that Mr Mann will be speaking on behalf of WMPC .It was agreed that additional comments re Station Approach be added to our verbal comments.			
22/43	THE SCARED CROW PUBLIC HOUSE		-	
	It was noted that WMPC has been notified that the owner intends to dispose of the Scared Crow public house. In accordance with the Regulations, a six-week moratorium period is now in place within which no relevant disposal can take place. That period ends on the 1 March 2022. During that initial moratorium period, an eligible community interest group can request in writing to be treated as a potential bidder for the asset and, if such a request is received, the moratorium period is then extended to a total of six months. This period, if requested, would therefore end on 18 July 2022.			
	It was agreed that Mr Thompson would speak with the marketing agent so as to understand the nature and level of interest in the site and to emphasise that the Parish Council will not be considering taking on the public house, but that they would be keen to ensure the site stay as a public house.	DT		
00/44			<u> </u>	
22/44	PLANNING ENFORCEMENT			
	Current investigations – the Clerk is awaiting updates from T&MBC on potential breaches in Swan Street.			
	Potential investigations – Clerk to contact T&MBC regarding a property in Ryarsh Lane.			
22/45		<u> </u>		
22/43	QUESTIONS FROM MEMBERS OF THE PUBLIC - none			
22/46	QUESTIONS FROM MEMBERS OF THE COMMITTEE - none	+		
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22/47	TMBC AREA 2 PLANNING COMMITTEE – Wednesday 23rd February 2022	+		
		<u> </u>	<u> </u>	
	Date of next WMPC Planning meeting - Tuesday 22 nd February 2022 at The Clout			
			<u> </u>	
	There being no further business, the Chairman thanked members for attending and closed the meeting at 8.42pm			
	Signed			
	Date			