

# KENDAL TOWN COUNCIL

## Planning Committee

**Monday 17<sup>th</sup> December 2018 at 6.00 p.m.**  
**in the Georgian Room the Town Hall, Kendal**

<b>PRESENT</b>	Councillors Douglas Rathbone (Chair), Alvin Finch (Vice Chair & Deputy Mayor), Dave Miles, Michele Miles, Jonathan Cornthwaite, Susanne Long and Graham Vincent
<b>APOLOGIES</b>	Councillor Gibson
<b>OFFICERS</b>	Amy Robinson (Interim Council Secretary)

### **PUBLIC PARTICIPATION**

**Planning Item 7 – Land adjacent to Rivers Mint and Kent extending from adjacent to Lakeland Distribution Centre to Helsington Mills, Kendal Applications Mint and Kent SL/2018/0925**

(No interests declared)

**696/18/19**

#### **Bryan Burrow - EA flood defence plans**

Bryan Burrows noted that he had been flooded in 2015, spending a year out of his home. He expressed concern about the EA plans that indicate only some homes would be protected and appear to place his home more at risk, suggesting Dockray Hall is being sacrificed.

He noted that too many trees were being lost, to the loss of people, wildlife, and the integrity of the river, that the planned three phases were being approached in the wrong order, that reducing the amount of water flowing into the town should be the priority, that investigative drilling appeared to have taken place and suggested that this was premature, asking who was financing these tests.

He suggested that trees were being sacrificed and commented that this was 'astounding' given the work of Cumbria Flood Partnership upstream. He also felt that the narrowing of floodwalls and hard engineering would make things worse.

He noted the low number of homes that appeared to be offered flood protection with these plans in comparison to the number previously flooded. He also noted the increase risk of flooding in some areas and referenced that many homes had been flooded by ground water.

He felt that proposals would impact the townscape and green river corridor for generations.

**697/18/19**

#### **Karen Lloyd**

Karen Lloyd drew Committee's attention to the use of hard flood defences in Keswick which were deemed ineffective in protecting the town during Storm Desmond. She illustrated that natural flood defences had been adopted in a number of villages in the Eden Valley and in the Bannersdale Valley and that it seemed inconceivable to focus downstream rather than upstream. She suggested that sheep farming should not continue at all cost and that is unsustainable to maintain uplands without trees. She noted

that the trees due to be removed supported urban wildlife. She urged that the application be rejected in its current form.

**698/2018/19**

**Susan Hrynkow**

Susan Hrynkow expressed objection to proposals and concern that few of the 2,150 affected by Storm Desmond would be protected with a number being at increased risk. She noted that flooding had been related to ground water and not river water including on Aynam Road and that the removal of 779 trees would damage the townscape and river corridor. She suggested that upstream plans should have been submitted first and that other means of flood protection should be found suggesting that experts from abroad, for example, the Netherlands should be consulted.

**699/2018/19**

**Chris Rowley**

Chris Rowley noted that he was speaking as a member of public and not as a Town Councillor. He noted he had spent considerable time on the complex task of reading the literature provided by the EA recognising that a difficult decision had to be made. He noted that there was a conflict between environmental, economic, social and cultural concerns and that he did not disagree with those members of the public who had spoken.

He suggested that economic factors and the sequence of events suggest that we may have to accept the proposal with a number of caveats. He wished to see a public explanation from the EA in relation to ground water and hoped that the EA would clarify the complex issue on the way ground water flows. He noted that proposals indicated that four trees for every one removed would be planted and asked how this would be managed. He commented that upstream planting should have come first and should be pushed for.

**700/2018/19**

Councillor Rathbone thanked the public for their participation commenting that it would not be the only opportunity for public participation in this application by the Environment Agency and that he strongly recommended people to use their voice to make comments which would be welcomed for the next two weeks (Ref SL/2018/0925 on the SLDC Planning applications website page). Matters on this application were constantly moving and it was therefore important that residents continued to comment and made their comments here, where they would be most influential.

**701/2018/19**

**Stewart Mounsey, Flood Risk Manager, Cumbria.**

Stewart Mounsey explained that the current proposal had been reached through working with SLDC, Cumbria County Council, and local flood action groups, looking at the cause of flooding during Storm Desmond and then public consultation around solutions. This had created a long list, short list, and then a preferred option of which the current planning application was a reflection. He reported that 87 per cent of those consulted agreed this was the right proposal for Kendal.

He explained that the scheme would be carried out in three phases (1) flood walls throughout Kendal and a pumping station on Gooseholme; (2) storage upstream - Kentrigg and Staveley; and (3) creation of a diversion channel – Stockbeck into the Mint.

He noted that carrying out all three phases would bring the maximum benefit and that costs would be in excess of £45million.

He noted that the European Regional Development Fund was integral to the plans and would be secured against Phase 1 work. Without this fund the EA would be unable to attract further funding, hence why the work proposed in Phase 1 was being proposed first. He indicated a cost benefit ratio of 13:1.

He indicated a focus would be put on amenity in Kendal including footpaths, cycle ways, and parkways and that there was an aim for net biodiversity gain.

He explained that the 779 trees identified for removal were to allow for construction work and that this was a maximum figure and that was being worked down. He noted a commitment to sit with locals who are concerned on a tree-by-tree basis. He also noted that the EA would be submitting a revised tree plan which he expected to be significantly lower. He noted that the EA had worked with Abbot Hall and had 'saved' trees around the Abbot Hall area.

It was reported that the EA would be available at Unit 16, on the first floor at the Westmorland Shopping Centre the afternoon of Wednesday 19<sup>th</sup> December and the first three Wednesdays in January to discuss and inform the public of their plans.

He also noted that the closing date for planning may be under review due to high interest.

## 702/2018/19

### Discussion

Councillor Vincent declared an interest at this stage due to holding the ERDF portfolio at SLDC.

Councillor Rathbone noted Committee had received a large number of public comments from residents, Town and District Councillors, especially along the Aynam Road part of the plans and that a list of these would be submitted to SLDC Planning Department. He again encouraged members of the public to send their comments directly to SLDC Planning Department quoting Ref SL/2018/0925. He stated that he fully understood the need for work to be undertaken to protect the over 2,000 households that were affected and hoped wanted to work so that to help and facilitate that protection so that it could be undertaken in the best possible way for the people and built and natural environment of Kendal.

Councillor Vincent asked EA representatives whether priority consideration was being given to those who had been repeat victims of flooding. Stewart Mounsey noted that a review of how flooding happens in Kendal took place following Storm Desmond and that was now used as a base document to build options to resolve those issues. His EA colleague, Craig Cowperthwaite, noted that areas of high risk were to be addressed first, noting that the pumping station on Gooseholme would help to address the area around Ann Street. He acknowledged that the scheme would not

address ground water flooding which was a complex problem that had not been the remit of this scheme.

Councillor Vincent asked whether the reason the local water table was high was because of a lack of abstraction. Craig Cowperthwaite said that it wasn't and that this was because of total saturation, in part due to it being a limestone area and related to drainage issues. He said that work would be undertaken in partnership with other organisations to unpick these problems and an action plan would be produced to address them. He also noted that overland flood routing that takes water away from properties and into rivers, for example, raising curbs could help with this.

It was noted that the original 48 households placed at increased risk by the plans had been reduced to 20. He stated that the EA would be contacting those property owners directly and that these areas would not be identified publically.

Councillor Finch noted his respect for the work the EA undertakes but asks for them to reassure the community on the justification for tree removal and how they will minimise the visual and environmental impact of those removals. Stewart Mounsey explained that they had contracted consultants with an environmental focus and tried to design tree removal out of the proposal and were looking at the planting of larger trees. However, he noted the number of tight places in Kendal, for example, along Aynam Road made this difficult.

A member of the public asked for clarification on planting bigger trees.

Stewart Mounsey responded that there was a commitment to plant bigger trees.

Councillor Rathbone asked for public clarification as to why trees needed to be uprooted. This was explained by Craig Cowperthwaite that building work would need to stay outside of the tree canopy as building too close to major arteries on tree system would cause the tree to gradually die.

Councillor Rathbone asked why the phases were being carried out in the order described rather than upstream work being undertaken first. Stewart Mounsey stated that this was purely financial and that Phase 1 would help them to secure funding and that £5.3million partnership money was linked to funding for protection of businesses on Mintsfeet.

Councillor Rathbone asked for confirmation that all three phases of work will be carried out. Stewart Mounsey stated that the internal commitment was for the full three phases. Councillor Finch asked whether there was a chance the EA would run out of funding and not be able to undertake the further stages. Stewart Mounsey indicated that the EA wouldn't sign off the proposal without the funding.

Councillor Long noted that the beauty of the town was important to many people and that she was pleased saving trees was being considered. She also asked whether the wall needed to be built and was concerned about the public realm and the view. Noting its controversial implications she also

asked whether a certain percentage of homes could continue to flood in order to preserve trees.

Stewart Mounsey explained that a wall on both sides of the river was essential to ensure water was directed downstream rather than across the river. He noted that there would be worse flooding along Aynam Road if a wall were only placed on the other side.

Councillor Cornthwaite asked how much of Phase 1 would need to be achieved until Phase 2 could be begun. Stewart Mounsey noted that 2021 was the deadline for the bulk of the project to be complete. He reported that Phase 2 and 3 planning applications would be expected shortly.

Councillor Cornthwaite noted that slowing down or reducing the bulk of water entering Kendal was the primary concern of the people of Kendal. Querying why recent alterations on Jubilee Field had been undertaken and this area not being used as a flooding field.

Councillor Cornthwaite asked the EA about their relationship with local authorities. Stewart Mounsey reported that there is a Strategic Board which meets on a 6-weekly basis and includes: SLDC, United Utilities, and Network Rail and included considerations relating to drainage, rivers, surface water, and sewers.

Stewart Mounsey continued that the scheme will continue to work around drainage issues in Kendal and recognising the impact of climate change and need for natural flood management suggested that the scheme would allow for some time to consider a longer term plan.

Councillor Vincent noted that Dockray Hall seems to be treated as sacrificial and sought assurance that this was not the case. Craig Cowperthwaite repeated that this was not related to river flooding but to drainage problems and that this scheme would not address this. He reported that the EA would be working with others to 'fix it'.

Phase 1 - 1:20 – 1:50 years

Phase 2 and 3 - 1:100 years

Stewart Mounsey commented that the scheme does not address issues relating to Storm Desmond.

Councillor Cornthwaite asked whether any areas had been earmarked and landowners approached for the work needed upstream. Stewart Mounsey noted that Kentmere and Burneside areas were integral to the scheme.

Councillor Rathbone thanked Stewart Mounsey and Craig Cowperthwaite for attending – and noted that Committee would gather a mixture of Committee comments and public submissions and add to SLDC planning comments.

After a short break, the Committee discussed a consistent approach of responding to public comments and emails. The Committee and/or members will respond to public comments / emails Not full answers to everyone – our job to be an active conduit up to SLDC. Replies to

individuals will not therefore be in great depth as we are not the statutory decision making authority.

**703/2018/19**

**The Committee resolved as follows:**

This item is an application from the Environment Agency for flood relief measures for Kendal; phase 1 encompassing work along the Mint and Kent rivers encompassing flood walls throughout Kendal and a pumping station on Gooseholme. There have been a large number of submissions to the Committee from residents along the route of phases 1 and 2, interested other residents, District and Kendal Town Councillors especially those representing Aynam Road. All these details will be forwarded to SLDC Development Services under a separate cover.

As stated, the Chair and Committee fully understands the need for work to be undertaken to protect the 2,150 households that were affected by Storm Desmond, its flooding and future events. This is crucial to the residents of Kendal Town and the wider surrounding area. The Committees aim is to be able to help and facilitate that protection in the best possible way and does not wish to delay that. The Committee therefore accepts the application with caveats.

There have been productive discussions with the EA since the original application and the Committee positively view the movement that has already been made and indicated. However it strongly calls on SLDC Officers and Planning Committee to confirm the reality and practicality of the statements as made by the EA and that these promises will be carried out:

We view positively the fact that the, initially, large number of trees that were due to be removed is to be concertedly looked at on an ongoing basis with the aim of reducing that number; that the EA would be submitting a revised tree plan which it expected to involve a significantly lower number of trees, a comment we expect SLDC to be suitably satisfied has been "significantly" achieved.

We acknowledge the commitment of the EA to "sit with locals" who are concerned on a tree-by-tree basis.

In addition to the EA's existing promise to re-plant on a 4-for-1 basis, the commitment in the meeting, and in meetings previous to this, to re-plant more mature trees was noted. We ask SLDC to ensure that this occurs and to firm up quite what "more mature" actually means. We also ask for a commitment as to the amount of protection and ongoing care these replacement trees will be afforded.

The Committee noted with pleasure, as an indication of the way forward, that the EA had worked with Abbot Hall and had 'saved' trees around the Abbot Hall area.

It also positively noted that the original 48 households placed at increased risk by the plans had been reduced to 20 and the EA's continued efforts in this respect.

The Committee was reassured that the EA's internal commitment was for the full three phases and that the EA wouldn't sign off the proposal without the funding for all those three phases.

A Committee member wished to register strong dismay at the EA taking both the Jubilee and Millennium playing fields and a United Utilities plot out of the picture as an over spill flood area, as they are now and have been flood plains for centuries and have taken flood waters. The planned new works can work with and alongside the existing banking and it was asked that continued use of this option was looked at again as part of the whole application and justified publicly.

The Committee wished to underline and ensure publicity surrounding the EA pop-up shop front at Unit 16, on the first floor at the Westmorland Shopping Centre the afternoon of Wednesday 19<sup>th</sup> December and the first three Wednesdays in January to discuss and inform the public of their plans and encourage all residents with an interest to use this opportunity, especially as current facts are changing on an ongoing basis.

The Committee also noted the EA representative's comment that the closing date for planning may be under review due to high interest and strongly recommend that this is the case. This is owing to public interest and how the practicalities of the application are being improved. However this should not be of any length to undermine the application for ERDF funding.

The Committee also felt that it could not emphasise enough that all interested parties should make their comments and submission using the SLDC Planning Applications with application reference SL/2018/0925. Comments received by committee members would be forwarded. This *direct* method of making Comments to the statutory authority was to be strongly recommended, rather than alternatives such as petitions.

This Committee will be looking to make a further comment on this application if matters continue to change to any substantive degree.

#### **704/18/19**

#### **DECLARATIONS OF INTEREST**

Councillor Cornthwaite declared an interest in planning items 2 and 3 due to his working on the site & item 14 as in his ward.

Councillor Rathbone declared an interest in item 9, being in his ward and having talked to various residents about the plans.

Councillor Finch declared that the property owner of item 6 was known to him and he removed himself from that discussion.

#### **705/18/19**

#### **MINUTES OF MEETING HELD ON 3<sup>RD</sup> DECEMBER 2018**

Members considered the minutes of the Committee meeting held on 3<sup>rd</sup> December 2018.

Councillor Cornthwaite proposed that the minutes be accepted as a correct record. This was seconded by Councillor Long and carried unanimously.

**RESOLVED**

That the minutes of the meeting held on 3<sup>rd</sup> December 2018 be accepted as a correct record, and signed by the Chair.

**706/18/19**

**MATTERS ARISING**

None

**707/18/19**

**ANY OTHER BUSINESS**

None

**708/18/19**

**PLANNING APPLICATIONS**

The KTC Planning Committee note their general approval of the modification made to the Development Plan Document and sees them as being in line with both recommendations and practicalities. They also seek to address out-of-date discrepancies. The Committee notes with approval the specifics of the controls put in place.

Members considered Planning Applications submitted for consultation purposes by the local planning authority, South Lakeland District Council.

**RESOLVED**

That having considered the applications outlined in the schedule, the recommendations in Appendix I attached to these minutes be made to South Lakeland District Council.

The meeting ended at 8:30pm

Signed .....

Dated .....

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1.	FPA <a href="#">0931</a>	<b>2B Castle Road, Kendal</b> Demolition of garage and first floor porch and erection of replacement garage and first floor porch.	20.12.18	<b>No objections</b>  As long as appropriate materials used for property within the Conservation Area for window frames and garage doors.
2.	FPA <a href="#">0943</a>	<b>Unit 16, Shap Road Industrial Estate, Kendal</b> Installation of an emergency 60kVA back-up generator within a fenced enclosure.	20.12.18	<b>No objections</b>
3.	FPA <a href="#">0951</a>	<b>Furman House, Shap Road, Kendal</b> Installation of an internally illuminated "T" sign and three internally illuminated (400cd/m <sup>2</sup> ) fascia signs to new building.	20.12.18	<b>No objections with caveat</b>  No objections to the installation of the signs. However the Committee strongly call for no lighting under the current application, on the basis of its appearance and dominance when lit, being next to a residential area.
4.	FPA <a href="#">0939</a>	<b>10 Market Place / 22 - 24 Westmorland Shopping Centre, Kendal</b> Change of use and alterations of first and second floors from vacant retail storage to 3 self-contained apartments (Use Class C3) including formation of 3 window openings on the side and rear elevations and internal alterations.	24.12.18	<b>No objections</b>  The Committee see this as a sympathetic use of the premises given the current state of the building, returning it to a former use. We were also pleased to see its potential as being able to bring back more of a full mix of local life to the area.
5.	FPA <a href="#">0964</a>	<b>9 Thorny Hills, Kendal</b> Internal alterations	28.12.18	<b>No objections</b>  Agreed as being sympathetic.
6.	FPA <a href="#">0954</a>	<b>8 Stonecross Road, Kendal</b> Two storey rear extension and porch	28.12.18	<b>No objections</b>  No real objections given that the gap in the site plans with the neighbours property is stated as being 5m as a footprint. Any less of a gap and the Committee would raise various objections with regard to scale, dominance and loss of privacy.
7.	FPA <a href="#">0925</a>	<b>Land adjacent to Rivers Mint and Kent extending from adjacent to Lakeland Distribution Centre to Helsington Mills, Kendal.</b> Kendal Flood Risk Management Scheme - Phase 1 Kendal Linear Defences, comprising works along the rivers Kent & Mint through Kendal including new & raised flood walls, new & raised flood embankments, ground raising, pumping station & associated changes to the public realm & landscaping.	28.12.18	<b>See below</b>

8.	FPA <a href="#">0832</a>	<b>7 Horncop Lane, Kendal</b> Two storey extension and alterations to driveway.	28.12.18	<b>Objection</b> The Committee refers back to our previous objections which we do not feel have been adequately addressed in the current amended application and plans.
9.	FPA <a href="#">0959</a> Paper copy provided	<b>Land off Kendal Parks Road, Kendal</b> Erection of 30 dwellings and associated infrastructure including landscaping, open space, access with bridge, highways and parking arrangements, sustainable drainage system (SuDS) and land re-profiling works.	02.01.19	<b>See below</b>
10.	1FPA <a href="#">0960</a>	<b>Bridge Inn, Stramongate, Kendal</b> Alterations and single storey extension to form hotel.	03.01.19	<b>No objections</b> We are pleased as a Committee at the planned changes to this property.
11.	FPA <a href="#">0932</a>	<b>Glen Wood, Romney Road, Kendal</b> Demolition of two storey rear extension and erection of replacement two storey rear extension	03.01.19	<b>No objections</b> As long as not unneighbourly
12.	FPA <a href="#">0970</a>	<b>Land opposite Tenterfield, Brigsteer Road, Kendal</b> Staff car parking and formation of wild garden in association with Sunny Brow Nursery	05.01.19	<b>No objections</b>
13.	FPA <a href="#">0985</a>	<b>5 Camden Buildings, Yard 23, Stramongate, Kendal</b> Change of use from chiropody & reflexology consulting rooms (use class D1) to dwelling house (use class C3)	05.01.19	<b>No objections</b>
14.	FPA <a href="#">0753</a>	<b>Unit 8 Shap Road Industrial Estate, Kendal</b> Change of unit to gym (Retrospective)	07.01.19	<b>No objections</b>

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### **Item 9 Comments**

#### **Land off Kendal Parks Road, Kendal**

Committee have a number of comments, questions and concerns relating to these plans:

Committee note the positive decision to include 35% affordable housing however wish to seek confirmation that this affordable housing will be interspersed within the estate.

Concerns about Natland Mill Beck SSSI and the flood risk, and would like assurances from the Environment Agency and Local Lead Flood Authority that this has been considered. In addition confirmation from SLDC of their acceptance of the SuDS.

Some concern relating to the travel plan: including traffic problems and access between the town and the development in which we would have preferred to see a different or additional route of access; the availability of parking; and alternative transport considerations. Committee would recommend a cycle network be developed in conjunction with the existing Kendal cycle plan.

17/12/2018

Planning  
Appendix 1

Committee would like confirmation as to when the public right of way that has been closed for two years will be reopened.

Committee express concern of disruption to residents during building and would ask for restrictions to be placed on working hours to ensure this remains between a maximum of 8am and 6pm.

Reserve the right to make subsequent comments subject to receiving further neighbourhood comments.