

KENDAL TOWN COUNCIL

Notice of Meeting

PLANNING COMMITTEE

**Monday, 21st January 2019 at 6.00 p.m.
in the Georgian Room, the Town Hall, Kendal**

Committee Membership (8 Members)

Douglas Rathbone (Chair)	Alvin Finch (Vice Chair & Deputy Mayor)	Dave Miles
Michele Miles	Jonathan Cornthwaite	Pat Gibson
Susanne Long	Graham Vincent	

AGENDA

1. APOLOGIES

2. PUBLIC PARTICIPATION

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so before the commencement of the meeting. Information on how to make the application is available on the Council's Website - <http://www.kendaltowncouncil.gov.uk/kendal-town-council/statutory-information/guidance-on-public-participation-at-kendal-town-council-meetings/> or by contacting the Town Clerk on 01539 793490.

• SPEAKERS – NATLAND MILL BECK LANE – APPLICATION SL/2018/1032

3. DECLARATIONS OF INTEREST

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda

[In accordance with the revised Code of Conduct, Members are required to declare any Disclosable Pecuniary Interests (DPIs) or Other Registrable interests (ORIs) which have not already been declared in the Council's Register of Interests. Members are reminded that it is a criminal offence not to declare a DPI, either in the Register or at the meeting. In the interests of clarity and transparency, Members may wish to declare any DPI which they have already declared in the Register, as well as any ORI.]

4. MINUTES OF MEETING HELD ON 7TH JANUARY 2019 (see attached)

5. MATTERS ARISING FROM PREVIOUS MINUTES, NOT ON AGENDA

6. ANY OTHER BUSINESS

7. PLANNING APPLICATIONS (see attached schedule)

Liz Richardson, Town Clerk

By e-mail/post to: Members of the Committee
 All other Councillors (agenda only, for information)

Please note that only Committee Members will receive the minutes and attachments, but that other Councillors may request a copy of any agenda papers. Any Councillor who is not a Committee Member may still attend the meeting, as an observer.

KENDAL TOWN COUNCIL

Planning Committee

**Monday 7th January 2019 at 6.30 p.m.
in the Georgian Room the Town Hall, Kendal**

PRESENT Councillors Douglas Rathbone (Chair), Alvin Finch (Vice Chair & Deputy Mayor), Dave Miles, Michele Miles, Jonathan Cornthwaite, Susanne Long, Graham Vincent and Pat Gibson

APOLOGIES None

OFFICERS Rose Tideswell (Temporary Council Secretary)

729/18/19 PUBLIC PARTICIPATION

Six members of the public were present during the meeting but no representations were made.

(No interests declared) Councillor Rathbone thanked the public for attending.

730/18/19 DECLARATIONS OF INTEREST

Councillor Rathbone declared an interest in agenda item 9 planning item 4, as he is an elder of the area Church, he left the room.

Councillor Finch declared an interest in agenda item 9 planning item 2, the property owner is known to him and he removed himself from the discussion.

Councillor Vincent declared an interest in agenda item 7, as he was a cabinet and original member of the committee that converted New Road common land into a green space. Also Councillors Finch, Rathbone and Vincent are all SLDC Councillors

731/18/19 MINUTES OF MEETING HELD ON 17th DECEMBER 2018

Members considered the minutes of the Committee meeting held on 17th December 2018.

Amendment to the minutes Councillor Susanne Long pointed out that minute **702/2018/19 paragraph 12** was incorrect the minute has been corrected see below.

Councillor Long noted that the beauty of the town was important to many people and that she was pleased saving trees was being considered. Councillor Long also asked whether a wall on either side needed to be built along Aynam Road 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.

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

RESOLVED That the minutes of the meeting held on 17th December 2018 be accepted as a correct record, and signed by the Chair.

732/18/19 MATTERS ARISING

None

733/18/19 LETTER FROM ROS TAYLOR, KENDAL SWIFTS

Noted with pleasure

734/18/19 PUBLIC APPLICATION TO DEFRA FOR CONSENT TO REINSTATE THE CAR PARK AT NEW ROAD

The committee agreed to make the following comments regarding this application:

Full documentation provided by the applicant's agents on request consisted of 2 items, the application form and HM Land Registry map (copied and amended) with no supporting information regarding public interest criteria under the Commons Act. We note the errors in information provided in Section B1 of address, B1a wrong agent information, and item 14 the visual impact given that it is currently grassed over and contaminants have been removed.

Under the scheme for the Regulation & Management of Commons (January 1910) and having taken legal advice, SLDC as the local District Council, took action to prevent parking and to make the area "a place of exercise (and) recreation" in line with the 1910 scheme as well as stopping the parking on this site which was advised not to be in keeping with its tenets. With information provided, the Committee agrees with this action.

This action above, and its due process, was also confirmed by SLDC's Overview and Scrutiny Committee after it was called-in.

A Kendal Town Council Parish Poll was called a year ago by the requisite 6 members of the public to "change/create/amend a by-law to enable free parking on New Road Common Land". In this Parish Poll 7% of those eligible voted, of whom 71% were against the motion to (as it is called in this application) "reinstate" the tarmacadam. The Committee views this poll as strongly indicating the will of the residents of Kendal. The low numbers voting show that this is not a divisive issue and the answer to the Poll indicates strongly and democratically that there is a public will not to revert to parking on this site.

Throughout this process the District Council has proposed a formal consultation. This was delayed whilst the Environment Agency formalised and submitted their plans for flood relief of Kendal. These would affect the Common Land in question. The consultation will be, the Committee understands, into the proper long term use of the Common Land which would therefore be in line with public wishes. The Committee noted that this consultation may have to be delayed as a result of this application and expressed its

hope that this would not be the case.

In view of the above process, legalities and perceived wishes of residents the Committee views this application as attempting to remove what the 1910 scheme calls "free right and access". This was made possible by the drainage, decontamination, fencing and greening of the Common Land in question by the District Council, which has allowed access and has made it "a place of exercise (and) recreation" in accordance with the scheme for the Regulation and Management of Commons.

This is in contrast to the previous broken and contaminated state in which the land was, resulting in Item 14 of the application being disingenuous at best stating that there will be no visual impact.

Finally the Committee noted that the achievement of free parking on this site is separate from the works applied for here and that neither the works for tarmac-ing or making into a free car park are within the gift of the applicant. It was felt that these had been addressed by legal advice and the Parish Poll and raised the above objections.

735/18/19

PLANNING APPLICATIONS

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 7:25 pm

Signed

Dated

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 1001	3 Kirkland, Kendal Replacement shop front	10.01.2019	Approve
2	FPA 1009	34 Greengate, Kendal Two storey rear extension Councillor A. Finch knows the owner so made no comment	13.01.2019	Refuse The layout, density scale and dominance of the extension compared to the immediate area is too large
3	FPA 1005	9 Garden Road, Kendal Demolition of the existing outbuilding & erection of a detached garage & utility room	13.01.2019	Approve
4	FPA 1010 & 1011	104 Highgate, Kendal Conversion of Church (Use class D1) to form either 22 serviced apartments (<i>sui generis</i>) or 22 flats (C3), including the demolition of a single storey lean-to-extension on the western side of the building and its replacement with a single-storey extension, alongside internal and external alterations Councillor D. Rathbone left the room	21.01.2019	Refuse Concerns that the flats are not for local occupation. The committee also had specific concerns that the new development would lead to inappropriate parking, as there is insufficient parking in this area already.
5	FPA 1018	16 Hazelwood, Kendal Single storey rear extension	21.01.2019	Approve
6	FPA 1028	3 Lound Square, Kendal Two storey rear extension	23.01.2019	Approve As long as no loss of daylight or overshadowing of the neighbouring property

KENDAL TOWN COUNCIL

Applications for Planning Committee: 21st January 2019

Appendix 1

No.	App No./Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA <u>1051</u>	35 Castle Drive, Kendal First floor side extension	23.01.2019	
2	FPA <u>1050</u>	45 Horncop Lane, Kendal Single storey front extension	23.01.2019	
3	RETROS PECTIVE <u>1013</u>	Sand Aire House, Stramongate, Kendal Remediation works to common areas to address dry rot (retrospective)	25.01.2019	
4	FPA <u>1044</u>	Parish Church Car Park, Kirkland, Kendal Repositioning of stone pillar at entrance to car park for improved access	01.02.2019	
5	FPA <u>0926</u>	27 Kendal Green, Kendal Two storey side extension, single storey lean-to rear extension and new porch	01.02.2019	
6	FPA <u>0804</u>	Kendal Golf Club, High Tenterfell, Kendal Advertising board mounted on the external western elevation of clubhouse	01.02.2019	
7	FPA <u>0019</u>	37 Jenkin Rise, Kendal Two storey rear and side extensions	01.02.2019	
8	FPA <u>1032</u>	Land adjacent to the North Side of Natland Mill Beck Lane, Kendal Erection of 26 dwellings including vehicular and pedestrian access (resubmission of SL/2016/1090)	07.02.2019	

35 Helme Drive

Kendal

LA9 7JB

January 3, 2019

Reference: SL/2018/1032

Dear Sir or Madam

We urge Kendal Town Council to recommend refusal of the application for residential development and associated works to highways and access, at land at Natland Mill Beck Lane, Kendal.

We believe the proposed development would be totally inappropriate at this green field, open site. In summary, it would destroy the peaceful, rural nature of the area; ruin the distinct character of the pleasant Natland Mill Beck Lane, which is well used by walkers, families and cyclists; add significantly to traffic in an area which is already under pressure from increased vehicular movements; diminish the experience of those walking or cycling along the canal route into or out of Kendal; and have an adverse impact on Natland Mill Beck Farm, a listed building, and on protected crayfish in Natland Mill Beck. It could also exacerbate flooding on nearby Rinkfield and at houses on Natland Road. In addition, South Lakeland District Council's Land Allocation Document already makes provision for sufficient land to meet the district's housing needs up to 2025.

We find it extremely frustrating that the applicant has submitted yet another application for this piece of land, as similar schemes were rejected by South Lakeland District Council twice in the past few years, the last time as recently as October 2017. In addition a planning appeal into the last application was lodged but then later withdrawn. Those who oppose this development have had to fight these proposals time after time and it is indicative of the strength of opposition that they have not been worn down by the multiple applications and given up. It was also disappointing to see the latest application submitted on December 20.

In reality there is very little fresh in this new application that was not considered – and firmly rejected – by the district council in 2017.

- The proposed access to the 26 new homes is once again along the quiet, historic and rural Natland Mill Beck Lane.

The applicant accepts the lane is a popular walking route but argues ‘conflict with vehicles is a danger’. Those people who know the lane and use it regularly for walking or cycling know that it is extremely rare to meet a vehicle and we cannot recall ever being on the lane when vehicles were approaching each other head-on. We are not aware of a single accident involving a pedestrian or cyclist and a vehicle. In truth, the lane is virtually traffic free. Contrast that with the amount of traffic which will use Natland Mill Beck Lane if 26 new homes are built. The applicant suggests there will be a maximum of 11 vehicle movements per hour. We believe this is an under-estimation. Most homes these days have at least two cars. With work, school, shopping and leisure journeys - and the ever-increasing number of delivery vehicles from online shopping - it is likely that Natland Mill Beck Lane will become a busy thoroughfare.

Passing places suggest a stop-start traffic flow with regular manoeuvring by drivers to allow cars to pass each other. The increase in traffic from the proposed development, along with the proposed new passing places and layby, as well as the assorted ‘Give Way’ and ‘Priority’ road signs, would spoil and urbanise the lane’s rural nature. The traffic might also affect the historic mill race which runs alongside the lane.

The Planning Inspector, in his report into the Land Allocation Document, considered Natland Mill Beck Lane an unsuitable access.

When approval was given for The Beeches housing development, access to Natland Mill Beck Lane was turned down – so it does not make sense to allow a scheme that would increase traffic on that lane and fundamentally alter its nature.

The lane currently has restricted access due to bollards near the canal bridge. The bollards were placed there to control traffic levels using the lane.

We can think of no other housing development in the area that requires ‘passing places’ and a ‘layby’ to allow access.

Both highway options in the application include the creation of a new section of road (wider than the existing lane) which cuts the corner and goes into the Amenity Open Space at the western end of the site. The existing section of road at that point will, apparently, become a cul-de-sac for existing properties, who will have to access the main lane via the new section of road. Highway option two involves creating a new one-way section of road through land allocated as Amenity Open Space. We believe all these highway proposals will seriously alter the character of a quiet, country lane and lead to urbanisation of the area.

- There has been a huge amount of development in the southern part of Kendal during the past few years, which has led to a massive increase in the amount of traffic using the A65 and the roundabout near Asda. Increased vehicular activity at the roundabout and on the A65 due to the proposed development would increase traffic hazards in that vicinity, including at the junction of the road leading up to Helme Lodge.
- At a previous Local Plan inquiry, in 2006, a planning inspector allocated all of the land that wraps around Helme Drive as 'Important Local Space'. He stated that the land fell into the Government category: 'Open spaces which in the authority's view will need to be protected from development as far ahead as can be foreseen.' He also ruled that the character of Natland Mill Beck Lane provided part of the significant contribution that the fields surrounding Helme Drive made to the quality of the built environment, and deserved protection. He dismissed plans for housing at that time because he felt they would substantially alter the character of the area. The inspector argued that the open land around Helme Drive, particularly that to the north, provided a significant contribution to the experience enjoyed by walkers and cyclists using the Canal Route into or out of Kendal. We believe his comments are as valid now as they were then. Widening Natland Mill Beck Lane, artificial 'passing places' and a layby, a new section of road that 'cuts the corner' at the western end of the area, a proposed new section of road to create a 'one-way system' and establishing a footpath and bridge across the land to the south of Natland Mill Beck Lane would fundamentally alter the nature of the area and would be damaging to this important open space.
- The developer argues the scheme will provide much-needed housing. However, South Lakeland District Council's Land Allocation Document makes provision for sufficient land to meet the district's housing needs, both in Kendal and South Lakeland as a whole, for the period up to 2025. There were exhaustive consultations surrounding the Land Allocation Document and a public inquiry, at the end of which the plan was found to be 'sound' by a Government Planning inspector. It is our understanding that the inspector never asked South Lakeland District Council to look at the location of the proposed development as a potential housing site and that the site was hardly mentioned at the public inquiry. There is, therefore, no demonstrable need to build houses at this specific location. Just because a developer owns a piece of land does not mean it should be developed.
- The applicant argues this land would be a good infill site. However, infill is not always beneficial. The land in question is close to the historic and listed canal bridge at Natland Mill Beck Lane and allows open views from that bridge, which would be lost if these homes were built. Similarly the open fields and

space enhance the experience of many walkers and cyclists who use the Lancaster Canal footpath, which runs along the northern boundary. In any area there is an important relationship between the built environment and landscape. Communities need room to breathe and the land on which this development is planned currently provides that space.

- Natland Mill Beck Farm is a listed building and, as such, should be kept as a discreet entity. The proposal to alter Natland Mill Beck Lane and the increase in vehicular movements at the lane past the farmhouse would be hugely detrimental to the farmhouse and its setting.
- The application also proposes changes to the historic mill leat, which runs alongside part of Natland Mill Beck Lane. There are proposals to fill in part of the leat to allow a wider highway. We do not believe this appropriate for an historic asset. The applicant says the leat will still exist beneath the filled-in section – what use is this if no-one can see it?
- We have concerns that more development in this part of Kendal could exacerbate flooding at nearly Rinkfield and of houses on Natland Road.
- Natland Mill Beck is home to protected white-clawed crayfish, which could be affected by the building of more homes nearby, by construction of the footbridge and by litter from pedestrians using the footpath. The beck is part of the River Kent Special Area of Conservation and Site of Special Scientific Interest. In the light of the devastating floods of December 2015, some areas where there are protected special might have to be compromised due to dredging. It is therefore vital to maintain and protect those that currently remain unaffected.
- The field's unusual mounds and hollows suggest that it would be worthy of archaeological excavation.
- The application includes a new, fenced footpath running from the proposed housing development, across a new footbridge over Natland Mill Beck and then through green space to the south of Helme Drive, which is designated as Amenity Open Space. The applicant argues the footpath will somehow enhance the open space and that the field will not alter in character. This does not really add up, in our view. At the moment Natland Mill Beck Lane is virtually traffic free and walkers and cyclists using it can already enjoy peaceful views across the open fields. If the development goes ahead the lane will become much busier with vehicles, noise disturbance will increase, part of the open fields will be built upon and the setting of this area will be detrimentally affected. People walk and cycle along Natland Mill Beck Lane because of its rural, tranquil nature. They are far less likely to want to walk along a fenced footpath close to what will become a busy road. The very

nature of this Amenity Open Space will be seriously harmed by these proposals.

In conclusion, we object strongly to the proposal to develop this land with houses because such a scheme would 'urbanise' and be detrimental to a pleasant, rural area and lane; increase traffic on already over-used roads; and could exacerbate flooding issues in the area.

The Land Allocation Document already makes provision for sufficient land to meet housing needs in Kendal and South Lakeland.

We urge Kendal Town Council to recommend refusal of the application.

Yours sincerely

Andrew and Anne Thomas



