

KENDAL TOWN COUNCIL

Notice of Meeting

PLANNING COMMITTEE

**Monday, 4th February 2019 at 6.30 p.m.
in the SLDC Chairman's 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.

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 21ST 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.

Members of the Press and Public are welcome to attend the meeting.

KENDAL TOWN COUNCIL

Planning Committee

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

PRESENT Councillors Douglas Rathbone (Chair), Dave Miles, Michele Miles, Jonathan Cornthwaite, Pat Gibson, and Susanne Long.

APOLOGIES Councillor Finch and Vincent.

OFFICERS Amy Robinson (Temporary Council Secretary)

801/18/19

PUBLIC PARTICIPATION

Approximately 26 members of the public were present during the meeting.

Andrew Thomas expressed his wish to speak to Committee in relation to the Oakmere Homes application, Natland Mill Beck Lane SL/2018/1032. He noted his belief that he spoke on behalf of the members of public present and other residents living in the area. No objections were made to this.

Andrew Thomas noted the inappropriate nature of the application to build on a green field, open site and went on to describe a number of reasons why he felt the application should be rejected:

- He noted the inadequate access along Natland Millbeck Road, currently a narrow, virtually traffic-free lane, well used by walkers, cyclists and families. He suggested that the development would see 52+ vehicles using the lane each day (accounting for household and delivery vehicles) disturbing the tranquillity of the lane and in addition to construction traffic, risking damage to the listed Natland Mill Beck Farm and historic Mill leat running alongside the lane.
- He noted concern of impact on the environment and visual appearance of the area and the historic importance and number of historic landmarks (including the listed canal bridge) that would be put at risk from the development. He also noted the urbanising impact of cluttered signage and amenity footpaths.
- He noted concerns that the development will exacerbate flooding, which happens in the proposed development field regularly, and could result in increasing risk of flooding to homes on Natland Road. He cited the 2015 flooding when the local drainage system could not cope, fearing additional homes would cause this to flood again. He also reported United Utilities concerns about surface water drainage, the impact on public foul water sewers, and the existing full capacity of water mains in this area.
- He noted that Natland Mill Beck is home to protected white-clawed crayfish, that the area is part of the River Kent Special Area of Conservation and a Site of Special Scientific

Interest and the risk of harm to the beck and its wildlife should the development go ahead.

- He described strong planning precedents against the scheme including: that Natland Mill Beck Lane had been deemed unsuitable access in the Land Allocation Document, and that no general access on the lane was a condition of The Beeches development. He reported that a 2006, Local Plan Inquiry had allocated the land around Helme Drive as 'important local space' which would need to be protected from development as far ahead as can be foreseen. He reiterated that the land is not allocated in the local Land Allocations Document which details sufficient housing land up to 2025 and reminded Committee that SLDC had already rejected two similar applications at this site.

Andrew Thomas described as 'heart breaking' that the application was before Committee a third time and the frustration, upset and anger amongst local residents. He urged Councillors to recommend its refusal.

Councillor Rathbone thanked Andrew Thomas for his contribution and the other members of the public for coming to the meeting. He noted that Committee would bring forward this item (Item 8, of Planning Applications) on the agenda and discuss the application before continuing with the rest of the meeting.

He asked Members for any declarations of interest, noting his own as Ward Councillor for the proposed development area as well as his contact from residents on the matter. He stated that he is not personally active on this matter. No other declarations of interest were declared.

Councillor Rathbone began discussion noting the precedent that two previous applications that have been turned down by KTC and SLDC, together with Appeals. Members agreed that this application has not addressed the reasons for previous objections.

Committee noted that the land has not been designated to be built on in the Local Plan Land Allocations document and would need active justification as to why the plan and its intentions should be disregarded. Members also noted that significant building was going on elsewhere, as detailed in the Land Allocations document and that no justification has been given to justify why Committee or planners should look at this additional area. Some Members noted that nationally, housing proposals were not adequate to meet demand.

Committee discussed the unsuitability of Natland Millbeck Lane for any increase in traffic noting the risk to both pedestrians and cyclists and agreed the addition of passing places would not seem to negate any of these concerns. Councillor Long expressed concern that proposed footpaths would not ameliorate risks from vehicles to pedestrians and non-car users passing through from Natland Road to Burton Road because this would rely on both behaviour change and the use of a much less appealing alternative

that would be steep in gradient on both sides of the beck, making it difficult if not inaccessible to elderly or less mobile pedestrians. Pedestrians and non-car users would therefore continue to use the road and be at risk.

It was agreed that path infrastructure and signage would have a detrimental impact on the character and appearance of the area, as would the development, although Councillor Long reported that the development would be hidden from sight of older properties. Members also discussed concern relating to increased usage on the nearby canal area and historic canal bridge.

Members noted that access from the roundabout, Helme Lodge, Beeches Estate and over the canal bridge onto Natland Road all raise concerns about road safety and number of vehicles.

Members discussed the impact of construction including noise, large vehicles and disruption and noted that this was also outlined in a number of residents' comments.

Members noted their agreement with the environmental concerns, including protected crayfish, noted by members of the public. Councillor Long noted that on a recent site visit she had encountered a Heron and it was agreed that this sort of wildlife and its habitat should be preserved. Members also noted that the area is an area of Special Scientific Interest including the presence of protected white-clawed crayfish in the beck and that this does not seem to have been fully addressed by the applicant.

Members discussed the apparent local opposition to the plans. Councillor Cornthwaite commented that there would be 26+ people who will gain from the homes being built. Councillor Long noted that this would be an attractive alternative option to typical urban dwellings for affordable homes. It was noted however that plans included only nine affordable properties. Councillor Gibson reported a shortage of school places in that area of the town and the likely need to travel by car to reach available places.

Members discussed that it would have been helpful to know the views of Cumbria County Council in relation to road safety and access and would welcome more information from United Utilities as to the viability of drainage capacity given concerns raised by local residents'.

Committee agreed that as with previous applications they oppose the development on this land.

802/18/19

DECLARATIONS OF INTEREST

Councillor Rathbone noted his position as ward Councillor for planning Item. 8 and his contact with residents regarding the application although he noted that he is not personally active.

Councillor M Miles noted her position as ward Councillor for Kirkland relevant to planning Item. 4 in Kirkland.

803/18/19**MINUTES OF MEETING HELD ON 7TH JANUARY 2019**

Members considered the minutes of the Committee meeting held on 7th January 2019.

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

Members noted agreement with the minutes but a wish to record some additional comments which had been expressed during the meeting but which were not recorded in the minutes.

The additional comments as made during Planning Committee meeting, 7th January 2019 in respect of **Public Application to DEFRA for consent to reinstate the car park at New Road, Min/Ref: 734/18/19** are as follows:

Councillor Gibson noted that the applicant's statement of no change to the visual impact – is incorrect. This was reiterated by Councillor Long.

Councillor Long reported that many residents had commented on how nice New Road area now looks and would not wish it to go back to how it used to be or to see it tarmacked.

Councillor Vincent noted that the area could not be taken back to the original condition of the car park as the area had been excavated.

Councillor Long noted that the Environment Agency may have concerns about the use of tarmac rather than a more permeable surface (such as the current grass) as part of the EA flood defence plans.

In addition to recognising inaccuracies within the information provided by the applicant (as highlighted in the minutes) Committee discussed whether it was viable to continue to consider the application despite these inaccuracies.

RESOLVED

That the minutes of the meeting held on 7th January 2019 be accepted as a correct record, and signed by the Chair.

804/18/19**MATTERS ARISING**

None.

805/18/19**ANY OTHER BUSINESS****Kendal Civic Society**

Councillor Rathbone reported correspondence had been received from Kendal Civic Society regarding the Environment Agency Flood Defence application SL/2018/0925.

Councillor Gibson declared an interest at this point as her daughter-in-law works as an EA flood engineer.

Councillor Rathbone noted that as the EA application had already been before committee (17th December 2018) and the last date for Committee to be able to submit comments to SLDC had been 23rd December, Committee would not be able to consider the letter.

It was noted that Councillors, as individuals, and members of the public, could continue to make comments to SLDC planning department.

It was also noted that should amended plans be submitted by the EA, as expected, Kendal Town Council would be able to take into consideration Kendal Civic Society comments.

RESOLVED

That the Town Clerk advise Kendal Civic Society that the deadline has passed for KTC to submit comments to SLDC but should a revised application be received, Kendal Civic Society comments will be considered.

United Reform Church

It was noted that a letter of concern, from Kendal Civic Society (16th November 2018), relating to the United Reform Church redevelopment (SL/2018/0723) had been considered at Committee previously, 7th January 2018 (Planning Application Item. 4).

806/18/19

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 7.32pm

Signed

Dated

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 1051	35 Castle Drive, Kendal First floor side extension	23.01.2019	Some objections: We would want the committee to look at the fact that this is the creation of a precedent if accepted and therefore would impact on the character of the area.
2	FPA 1050	45 Horncop Lane, Kendal Single storey front extension	23.01.2019	No objections But note with disappointment the use of UPVC doors and windows in a conservation area.
3	RETROSP ECTIVE 1013	Sand Aire House, Stramongate, Kendal Remediation works to common areas to address dry rot (retrospective)	25.01.2019	No objections
4	FPA 1044	Parish Church Car Park, Kirkland, Kendal Repositioning of stone pillar at entrance to car park for improved access	01.02.2019	No objections
5	FPA 0926	27 Kendal Green, Kendal Two storey side extension, single storey lean-to rear extension and new porch	01.02.2019	No objections But concerns were raised that changes to the front elevation and fascia could have a detrimental impact on the integrity of the existing building.
6	FPA 0804	Kendal Golf Club, High Tenterfell, Kendal Advertising board mounted on the external western elevation of clubhouse	01.02.2019	Objections: We cannot agree to this as insufficient

				information has been supplied by the applicant as to visual impact. This makes us wary as to the involvement of the applicant in the overall process, especially given the local community has not been consulted.
7	FPA 0019	37 Jenkin Rise, Kendal Two storey rear and side extensions	01.02.2019	Objections: Unneighbourly with regards to overshadowing and density of building. On the rear elevation concerns of scale and dominance.
8	FPA 1032	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	Objections See notes*

***Land adjacent to the North Side of Natland Mill Beck Lane, Kendal (FPA 1032)**

Objections relating to the following key points:

- Whilst this land is within the planning decision-making area of Kendal Town Council, within the settlement boundaries, it is not on land designated or allocated to be built on in the Local Plan Land Allocations document and was not intended to be such. It needs to be actively justified why the plan and its intentions should be disregarded; a case we feel has not been made.
- The drainage and flood risk is not ameliorated by the plans submitted – as underlined by residents' comments and public participation.
- Access from the roundabout, Helme Lodge, Beeches Estate and over the canal bridge onto Natland Road all raise concerns about road safety and numbers, expected to be made worse during any proposed estate construction as outlined in many residents' comments.

- Pedestrians and non-car users passing through from Natland Road to Burton Road will be at increased danger due to increase of traffic, with the proposed footpath not being a suitable solution for pedestrian safety. In particular the proposed footpath will not ameliorate risk because (a) this relies on behaviour change and (b) the gradient on both sides of the beck is steep, making it less appealing for people and potentially inaccessible to elderly or less mobile pedestrians. Pedestrians and non-car users would therefore continue to use the road and be at risk, one reason bollards were previously placed at one end of the Lane to prevent through traffic.
- Path infrastructure and signage have a detrimental impact on the character and appearance of the area, as does the development.
- The addition of passing places would not seem to negate any of these objections.
- Previous planning decisions by KTC and SLDC have been to object/refuse previous applications, together with Appeals, creating precedents. The committee felt that this application has not addressed the reasons why these applications have previously been rejected.
- The Committee has not seen the views of Cumbria County Council regarding the appropriateness of the transport plan or flood relief and would welcome more information from United Utilities as to the viability of drainage capacity as proposed and in the light of flooding worries outlined.
- The detrimental effect of increased usage on the nearby canal area and canal bridge - as a historic monument - are a concern.
- As an SSI the impact on wildlife conservation does not seem to be fully addressed, especially with regard to white crayfish in the Beck.
- As outlined above, the Committee opposes the development on this land, as with previous applications, and calls for it to be refused.

KENDAL TOWN COUNCIL

Applications for Planning Committee: 4th February 2019

Appendix 1

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	Advertis ement 0957	Unit 2, 2 Mintsfeet Road South, Kendal Fascia sign	05.02.2019	
2	Advertis ement 0029	15-17 Stricklandgate, Kendal Replacement non-illuminated fascia and hanging signs	07.02.2019	
3	FPA 0020	South Lakeland House, Lowther Street, Kendal Installation of a green wall system to the Lowther Street elevation of the Council offices	07.02.2019	
4	FPA 0023	21 Stricklandgate, Kendal Replacement of existing shop façade to incorporate a new double automated door	07.02.2019	
5	FPA 1010 & 1011	104 Highgate, Kendal Conversion of Church (Use class D1) to form either 22 serviced apartments (sui generis) 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	04.02.2019	
6	FPA 0806	Land at High Sparrowmire, Kendal Hybrid application for the erection of 24 affordable dwellings (Full Planning Application) and 2 dwellings (Outline)	05.02.2019	