

# KENDAL TOWN COUNCIL

Notice of Meeting

## PLANNING COMMITTEE

**Monday, 1<sup>st</sup> April 2019 at 6.00 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 18<sup>TH</sup> MARCH 2019 (see attached)**

**5. MATTERS ARISING FROM PREVIOUS MINUTES, NOT ON AGENDA**

**6. CCC CONSULTATION LETTER RE APPLICATION REF 5/19/9001 – LAND TO THE FRONT AND REAR OF COUNTY HALL AND THE EMERGENCY SERVICES BUILDINGS ACCESSED FROM BUSER WALK, KENDAL (see attached)**

**7. CCC CONSULTATION LETTER RE APPLICATION REF 5/19/9003 – COUNTY HALL, BUSER WALK, KENDAL (see attached)**

**8. CCC RESPONSE RE 1 STRAWBERRY FIELDS, KENDAL – PLANNING APPLICATION REF 5/19/9002 (see attached)**

**9. ANY OTHER BUSINESS**

**10. PLANNING APPLICATIONS (see attached schedule)**

# KENDAL TOWN COUNCIL

**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.***

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

# KENDAL TOWN COUNCIL

## Planning Committee

**Monday 18<sup>th</sup> March 2019 at 6.30 p.m.**  
**in the SLDC Chairman's Room the Town Hall, Kendal**

**PRESENT** Councillors Douglas Rathbone (Chair), Dave Miles, Michele Miles, Jonathan Cornthwaite, Susanne Long and Graham Vincent

**APOLOGIES** Councillor Alvin Finch & Councillor Pat Gibson

**OFFICERS** Rose Tideswell (Temporary Council Secretary)

**950/18/19** **DECLARATIONS OF INTEREST**

Councillor Douglas Rathbone agenda item 6 as he lives in the area and is making representations as a member of the public. He took no part in the Committee's discussions on this item.

As a result, Councillor Vincent took the Chair for the Public Participation and for agenda item 6. There were no other declarations of interest.

**951/18/19** **PUBLIC PARTICIPATION**

Cllr. D. Rathbone

**952/18/19** **REPRESENTATION FROM MR. D. RATHBONE**

Douglas Rathbone, Kendal. Made representations on the **Notification of and Consultation on an Application for Planning Permission. County Matter Application for Minerals and/or Waste Development. Application Reference Number: 5/19/**

Douglas Rathbone gave a very informed short talk on the issues surrounding the engineering operations at Strawberry Fields, Kendal to infill and level part Fields 8900 and 9108.

These are the four main issues that he raised.

- 1) Should this matter be dealt with by SLDC first before CCC approval?
- 2) Land drainage issues, the field is described as having 'periodic ponding' this infilling work will not make the existing water disappear. Previously excess water flowed down Strawberry Fields and The Oaks with Oxenholme Road excess water flowing down the road to the drains. The documentation presented is for Mineral and/or Waste development with no attempt to address the issue of flooding.
- 3) With regard to the works, Mr. Rathbone suggest that the most direct route is taken from the build site to the spoil site.
- 4) There is no plan for the height of the land and the length of time this work will take other than it could be up to 4 years which is too long for the works and the closure of the right of way.

“Mr Rathbone stated he had no objection based on the information supplied in the application. However there was no documentation regarding flooding risk or amelioration work that may or may not be required and he asked for resubmission to SLDC to include those matters with input from the Lead Flood Authority.”

Councillor Vincent thanked Mr Rathbone for his representations and the committee changed the agenda order to take item 6 first.

**953/18/19**

**LETTER OF CONSULTATION FROM CCC RE 1 STRAWBERRY FIELDS, KENDAL LAND ENQUIRY TO THE RIGHT OF NO 42 RINKFIELD, KENDAL. (PLANNING APPLICATION REF 5/19/9002) (PLANNING APPLICATION REF 5/19/9002)**

Notification of and Consultation on an Application for Planning Permission County Matter Application for Minerals and/or Waste Development

Application Reference Number:5/19/9002 Proposal: Engineering Operations to infill and level part Fields 8900 and 9108, Land South East of Strawberry Fields Location: 1 Strawberry Fields, Kendal, LA9 7TA.

Councillor Graham chaired this agenda item and Councillor Rathbone took no part in the committee's discussions and left the table. The committee considered the CCC notification and concluded that there was not enough conclusive evidence in the documentation with regard to assurances about flood prevention and the disposal and re-siting of materials. The time line of 4 years required an explanation with clarification especially with the closure of the right of way. The committee would like the planning application resubmitted with the highlighted areas addressed and submitted to SLDC.

Councillor Rathbone re-joined the meeting as Chair at this point.

**954/18/19**

**MINUTES OF MEETING HELD ON 4<sup>th</sup> MARCH 2019**

Members considered the minutes of the Committee meeting held on 4<sup>th</sup> March 2019.

Councillor Vincent proposed that the 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 4<sup>th</sup> March 2019 be accepted as a correct record, and signed by the Chair.

**955/18/19**

**MATTERS ARISING**

**From the 4<sup>th</sup> March planning meeting SLDC to note: Additional comment regarding this application FPA 0124 Comments: MD Laundry Machines (Kendal) Ltd, Parkside Business Park, Parkside Road, mire, Kendal. Change of use to building from use class B1/B8 (business/storage or distribution) to use class D2 (assembly and leisure).**

'The Committee has already objected to this application with regard to parking issues. As there is no change to these issues the Committee's concerns still exist.'

Following a letter from the Kendal Gymnastics Club applicant's agent Peter Winter with regard to the above comments, his response answers the committees concerns who now have **No Objections**.

956/18/19

### **DISCUSSION ON THE CREATION OF A KENDAL TOWN COUNCIL FLOOD RELIEF WORKING GROUP WITH THE AIM OF CREATING SUCH A GROUP**

After the planning meeting on the 4<sup>th</sup> March there was a discussion started by Councillor Cornthwaite with the aim of creating a task group called 'Kendal Town Council Flood Relief Scheme Working Group.

Following on from the agreement at the previous Planning Meeting and confirmation at this meeting it was proposed that the initial Terms of Reference should be:

The Working Group aims to gather evidence and take representations from key stakeholders in respect of the design options for the EA's flood relief scheme. To make recommendations regarding enhancements with a view to minimising any negative impacts on the well-being of the town and maximising the potential for improvements to the river corridor that may otherwise be missed.

Composition of the Working Group:

The group's intention is to operate along the lines of a Task and Finish (T&F) group.

The group recognises that there is a need to keep the group focussed and yet have sufficient membership to involve the key stakeholders. It was felt that the group should be composed largely of Town Councillors, but also have the ability to co-opt other Councillors or exceptionally, non-councillors if necessary. The group will seek representations from other interested organisations and make recommendations in the light of this information. It was agreed that the initial membership of the working group should be as follows:

Cllr Doug Rathbone: KTC Chair of Planning, SLDC Councillor

Cllr Jonathan Cornthwaite: KTC Planning & Environment and Highways Committee member

Cllr Susanne Long: KTC Kendal Futures Representative and KTC Planning Committee member

Cllr Graham Vincent: KTC Planning Committee, SLDC Economy and Assets Portfolio holder

Cllr Jonathan Brook: KTC and Deputy Leader SLDC

Cllr Peter Thornton – KTC, & CCC Deputy Leader and Cabinet Member for Finance

Other members will be co-opted and this is in hand. It was agreed that the Working Group Chair should be Cllr Jonathan Cornthwaite and the Vice Chair should be Cllr Susanne Long and reports to the KTC Planning Committee.

**957/18/19**

**ANY OTHER BUSINESS**

**Letter from Kendal Swifts as part of the ‘Swifts in the Community’**

Asking for the installation of 20 internal swift nest bricks as a planning condition for Planning Application No. SL/2019/0064 Westmorland Shopping Centre – The construction of an additional storey level.

The committee supports the representations from Kendal Swifts, which we endorse as a committee.

**958/18/19**

**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 8.30 pm

Signed .....

Dated .....

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA <a href="#">0130</a>	<b>43 Serpentine Road, Kendal</b> Replacement windows including opening up of previously blocked up cellar window/grille at pavement level	19.03.2019	<b>No Objections</b>  As long as hardwood windows are used on all three levels
2	FPA <a href="#">0169</a>	<b>5 Natland Road, Kendal</b> Single storey side garage	19.03.2019	<b>No Objections</b>
3	FPA <a href="#">0102</a>	<b>4 Summer Hill, Kendal</b> Reposition entrance gate and stoops, removal of random stone top on front boundary wall, erection of boundary wall to side and installation of metal railings	18.03.2019	<b>No Objections</b>  Subject to Highway proposals
4	FPA <a href="#">0151</a>	<b>11 Castle Rise, Kendal</b> Formation of new vehicular access and two new parking bays	20.03.2019	<b>Objections</b>  See notes below
5	FPA <a href="#">0166</a>	<b>17 Hayfell Rise, Kendal</b> Installation of first floor window	20.03.2019	<b>No Objections</b>
6	FPA <a href="#">0170</a>	<b>Empson Hill, Kendal Green, Kendal</b> Removal of existing outdoor swimming pool and erection of dwelling with integral garage	27.03.2019	<b>No Specific Objections</b>  See notes below
7	FPA <a href="#">0114</a>	<b>21 High Fellside, Kendal</b> Installation of bifold doors to replace existing timber patio doors	27.03.2019	<b>No Objections</b>  No objection as long as material used conforms to the stipulations of the Kendal Conservation Area
8	FPA <a href="#">0176</a>	<b>Garage site east of Castle Drive, off Parkside Road, adjacent to Oxenholme-Windermere Railway Line, Kendal</b> Erection of five affordable dwellings	27.03.2019	<b>No Objections</b>  See notes below

**From the 4<sup>th</sup> March planning meeting SLDC to note: Additional comment regarding this application FPA 0124 Comments: MD Laundry Machines (Kendal) Ltd, Parkside Business Park, Parkside Road, mire, Kendal. Change of use to building from use class B1/B8 (business/storage or distribution) to use class D2 (assembly and leisure).**

'The Committee has already objected to this application with regard to parking issues. As there is no change to these issues the Committee's concerns still exist.'

Following a letter from the Kendal Gymnastics Club applicant's agent Peter Watson with regard to the above comments, his response answers the committees concerns who now have **No Objections**.

#### **Item 4) FPA 0151 Comments**

**11 Castle Rise, Kendal. Formation of new vehicular access and two new parking bays.**

The committee would like the applicant to provide proof of land ownership between the road and their property. They would also like to see proof of the CCC Highways response to the applicant's request for new vehicular access.

#### **Item 6) FPA 0170**

**Empson Hill, Kendal Green, Kendal Removal of existing outdoor swimming pool and erection of dwelling with integral garage.**

The committee wishes SLDC to look at potential issues of continuity of design within the Kendal Conservation Area, the use of appropriate building materials & potential dominance in the local area of this new building from the proposed position.

#### **Item 8) FPA 0176 Comments**

**Garage site east of Castle Drive, off Parkside Road, adjacent to Oxenholme-Windermere Railway Line, Kendal. Erection of five affordable dwellings.**

No objections to the application design itself, but the committee calls on SLDC to look at the impact on infrastructure development regarding adequate drainage, sewerage and that there are no detrimental effects with respect to Highways at this difficult road junction.



## Cumbria County Council

Development Control  
County Offices - Busher Walk - Kendal - LA9 4RQ  
T: 01539 713 424 - E: [developmentcontrol@cumbria.gov.uk](mailto:developmentcontrol@cumbria.gov.uk)

Kendal Town Council  
Kendal Town Hall  
Kendal  
LA9 4DQ

Date: 12 March 2019  
References: 5/19/9001

Dear Sir/Madam

### **Notification of and Consultation on an Application for Change of Use**

**County Council Development Application under Regulation 3 of the Town and Country Planning General Regulations 1992**

#### **Application Reference Number:5/19/9001**

**Proposal: Change from office and storage uses (with associated parking) to a Car Park with associated development**

**Location: Land to the front and rear of County Hall and the Emergency Services buildings accessed from Busher Walk, Kendal, LA9 4RQ**

I have received an application in respect of the above proposal. The submitted application documents can be viewed/downloaded via:

<https://planning.cumbria.gov.uk/Planning/Display/5/19/9001>

Please inform me of your recommendation concerning the proposal **by 2 April 2019**. Should you require additional time to reply to this consultation, for instance due to parish meeting cycle, please inform me as soon as possible with your reason(s) for your request for an extension of time and the date by which you will be able to respond.

It would be helpful if you could make your response online via the following link:

<https://planning.cumbria.gov.uk/Planning/Consultee?cuuid=0F235211-1E56-4240-9C2F-1B220F5F06FD>

Alternatively you can respond via email to [developmentcontrol@cumbria.gov.uk](mailto:developmentcontrol@cumbria.gov.uk). Your consultation reply will be published online and included in the report on the application. Please ensure when responding, that you only provide information that you are happy will be available to others in this way. If you supply personal information belonging to a third party, please ensure you have their permission to do so.

Yours faithfully

Mr Edward Page  
Planning Officer, Development Control  
T. 01539 713 424

## Cumbria County Council

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Kendal Town Council  
Kendal Town Hall  
Kendal  
Cumbria  
LA9 4DQ

Date: 12 March 2019  
References: 5/19/9003

Dear Sir/Madam

### **Notification of and Consultation on an Application for Listed Building Consent**

**County Council Development Application under Regulation 3 of the Town and Country Planning General Regulations 1992**

#### **Application Reference Number:5/19/9003**

**Proposal: Part demolition of a section of in curtilage wall and erection of car park related infrastructure, cycle shelter and other miscellaneous changes within the curtilage**

**Location: County Hall, Busher Walk, Kendal, LA9 4RQ**

I have received an application in respect of the above proposal. The submitted application documents can be viewed/downloaded via:

<https://planning.cumbria.gov.uk/Planning/Display/5/19/9003>

Please inform me of your recommendation concerning the proposal **by 2 April 2019**.

Should you require additional time to reply to this consultation, for instance due to parish meeting cycle, please inform me as soon as possible with your reason(s) for your request for an extension of time and the date by which you will be able to respond.

It would be helpful if you could make your response online via the following link:

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Yours faithfully

Mr Edward Page  
Planning Officer, Development Control  
T. 01539 713 424

# KENDAL TOWN COUNCIL REPORT

To: Planning Committee	1 <sup>st</sup> April 2019
From: The Town Clerk	Agenda Item No. 8

## **1 STRAWBERRY FIELDS, KENDAL – PLANNING APPLICATION REF 5/19/9002**

The following response has been received from CCC following the submission from Planning Committee:

*Thank you for reporting the response of the Town Council to me.*

*There seems to be some misunderstanding about the application. The County Council is the local planning authority with respect to minerals, waste and its own developments. As the application is for the disposal of 5000 cubic metres of material that could not be recycled or otherwise reused on the Strawberry Fields site, it falls to the County Council rather than South Lakeland District Council to determine.*

*I hope the following comments help. These are made in light of further discussion with the applicant and other consultees*

*The 4 year duration relates to the phased development of the Strawberry Fields housing development which is the source of the material.*

*The public bridleway between Oxenholme Road to Burton Road will remain open for the duration of the development. I am discussing with the rights of way team possible wording of a condition to require this to be the case (should I recommend that the application be approved).*

*With respect to flooding, I initially had similar concerns about the loss of the area for holding back water. Although I am aware that the depression frequently holds water for a short time, I cannot require a full flood risk assessment because it is not in an Environment Agency flood zone 2 or 3 and the area is less than 1hectare.*

*I have discussed the matter with my colleagues in the Lead Local Flood Authority and their formal response is available on the County Council's planning website. (<https://planning.cumbria.gov.uk/Planning/Display/5/19/9002>)*

*In essence, the flood attenuation scheme (South Lakeland Reference SL/18/0425) granted permission last year (and already constructed) is designed to deal with run off from a 51 hectare area (principally the Helm). This application will not increase flood risk as the storage capacity the area currently provides was not included in the design calculations for the flood attenuation scheme.*

*I hope this helps the Council better understand the application and I look forward to any comments following their reconsideration.*

**David Hughes**

Planning Officer | Planning Services

Economy & Environment | Cumbria County Council

## KENDAL TOWN COUNCIL

Applications for Planning Committee: 1<sup>st</sup> April 2019

Appendix 1

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA <a href="#">0123</a>	<b>35 Hayclose Road, Kendal</b> Detached annexe	03.04.2019	
2	FPA <a href="#">0187</a>	<b>3 Lound Square, Kendal</b> Two storey rear extension (resubmission of SL/2018/1028)	03.04.2019	
3	FPA <a href="#">0182 &amp; 0183</a>	<b>Abbot Hall Art Gallery, Kirkland, Kendal</b> Alterations to Abbot Hall, the Stables, Old Grammar School and surrounding estate, including improvements to landscaping, removal of some outbuildings, erection of detached single storey visitor cafe and conversion of an outbuilding to WCs and a store.	03.04.2019	
4	FPA <a href="#">0188</a>	<b>40 Oxenholme Road, Kendal</b> Single storey rear extension and balcony	04.04.2019	
5	FPA <a href="#">0034</a>	<b>1 School House, Castle Street, Kendal</b> Change of use from holiday let to dwelling	04.04.2019	
6	FPA <a href="#">0196</a>	<b>10A Castle Mills Business Park, Aynam Road, Kendal</b> Change of use from business (Use Class B1) to sandwich bar (Use Class A1)	05.04.2019	
7	FPA <a href="#">0207</a>	<b>27 Kirkstone Close, Kendal</b> Two storey rear extension	09.04.2019	
8	FPA <a href="#">0204</a>	<b>15 River Bank Road, Kendal</b> Single storey extension	09.04.2019	
9	FPA <a href="#">0202</a>	<b>Morrisons Supermarkets plc, Queen Katherines Avenue Kendal</b> Installation of signs on car valeting unit	09.04.2019	
10	FPA <a href="#">0200</a>	<b>45 Horncop Lane, Kendal</b> Single storey front & side extension with canopy (revised scheme SL/2018/1050)	09.04.2019	
11	FPA <a href="#">0214</a>	<b>The Bowling Fell, Beast Banks, Kendal</b> Single storey link extension	09.03.2019	
12	FPA <a href="#">0225</a>	<b>27 Castle Green Close, Kendal</b> Two storey extension (resubmission of SL/2015/0063)	10.04.2019	
13	FPA <a href="#">0201</a>	<b>Morrisons Supermarkets plc, Queen Katherines Avenue, Kendal</b> Installation of Portakabin and canopy within the existing car park to facilitate a valeting franchise	10.04.2019	

KENDAL TOWN COUNCIL  
Applications for Planning Committee: 1<sup>st</sup> April 2019

## Appendix 1

14	FPA <a href="#">0227</a>	<b>E H Booth and Co Ltd, Wainwrights Yard, Kendal</b> Installation of four rapid electric vehicle charging stations in existing parking spaces	12.04.2019	
15	FPA <a href="#">0229</a>	<b>90 Castle Grove, Kendal</b> Single storey rear extension	12.04.2019	