

KENDAL TOWN COUNCIL

Notice of Meeting

PLANNING COMMITTEE

Tuesday, 23rd April 2019 at 6.30 p.m.
in the Romney 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 1ST APRIL 2019** (see attached)

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

6. **KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP**

7. **ADOPTION OF THE DEVELOPMENT MANAGEMENT POLICIES DPD** (see attached)

8. **NEW ROAD COMMON, KENDAL: APPLICATION TO CREATE A CAR PARK UNDER S38 OF THE COMMONS ACT 2006** (see attached)

9. **LDNPA REGULATION 19 PUBLICATION OF PRE-SUBMISSION LOCAL PLAN** (see attached)

10. **ANY OTHER BUSINESS**

11. **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.

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

KENDAL TOWN COUNCIL

Planning Committee

Monday 1st April 2019 at 6.00 p.m.

in the SLDC Chairman's Room the Town Hall, Kendal

- PRESENT** Councillors Douglas Rathbone (Chair), Alvin Finch (Vice Chair)
Dave Miles, Michele Miles, Jonathan Cornthwaite, Susanne Long,
and Graham Vincent
- APOLOGIES** Councillor Pat Gibson
- OFFICERS** Rose Tideswell (Temporary Council Secretary)
- 1002/18/19 PUBLIC PARTICIPATION**
None
- 1003/18/19 DECLARATIONS OF INTEREST**
Councillor Douglas Rathbone agenda item 8 he lives in the area.
He took no part in the committee's discussions. Councillor Jonathan
Cornthwaite Appendix 1 item 8 FPA 0204 he took no part in the
discussions.
- 1004/18/19 MINUTES OF MEETING HELD ON 4th MARCH 2019**

Members considered the minutes of the Committee meeting held on
18th March 2019.

Councillor Vincent proposed that the minutes be accepted as a
correct record. This was seconded by Councillor Long and carried
with one abstention.
- RESOLVED** That the minutes of the meeting held on 18th March 2019 be accepted
as a correct record, and signed by the Chair.
- 1005/18/19 MATTERS ARISING**

None
- 1006/18/19 LETTER OF CONSULTATION FROM CCC RE APPLICATION
REF 5/19/9001 – LAND TO THE FRONT & REAR OF COUNTY
HALL & THE EMERGENCY SERVICES BUILDINGS ACCESSED
FROM BUSER WALK,**

**Notification of and Consultation on an Application for Change
of use.** County Council Development Application under Regulation
3 of the Town & Country Planning General Regulations 1992.
Application Reference No. 5/19/9001
Proposal: Change from office & storage uses (with associated
parking) to a Car Park with associated development.
Location: Land to the front & rear of County Hall & the Emergency

Services buildings accessed

The committee welcomes the increase in availability of parking in Kendal and also the demolition of the utilitarian buildings to increase parking capacity. The committee noted the proposal.

1007/18/19

LETTER OF & CONSULTATION ON AN APPLICATION FOR LISTED BUILDING CONSENT APPLICATION REFERENCE 5/19/9003

County Council Development Application under Regulation 3 of the Town & Country Planning General Regulations 1992 Application No. 5/19/9003

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

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

The Committee noted the proposal.

1008/18/19

LETTER FROM THE TOWN CLERK RE: 1 STRAWBERRY FIELDS, KENDAL – PLANNING APPLICATION REF 5/19/9002

Councillor Rathbone took no part in the discussion and Councillor Vincent took the chair.

The committee thanked CCC for their report and noted the replies.

Councillor Rathbone thanked Councillor Vincent and took the chair.

1009/18/19

LETTER FROM THE PLANNING INSPECTORATE

Town & Country Planning (Control of Advertisements) (England) Regulations 2007 – Appeal by Sainsbury’s Supermarkets Ltd, Shap Road, Kendal, LA9 6DL

Appeal Decision – Date 26th March 2019

Appeal Ref: APP/M0933/Z/18/3212323 former Kendal Rugby Union Football Club, Shap Road, Kendal, LA9 6DL

The committee noted the report and realise that the residents are disappointed with the outcome.

1010/18/19

ANY OTHER BUSINESS

The committee wants ‘Kendal Town Council Flood Relief Scheme Working Group as an agenda item at each meeting.

1011/18/19

PLANNING APPLICATIONS

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

Councillor Cornthwaite took no part in planning application FPA [0204](#)

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 7.15pm

Signed

Dated

KENDAL TOWN COUNCIL
Applications for Planning Committee: 1st April 2019

Appendix 1

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 0123	35 Hayclose Road, Kendal Detached annexe	03.04.2019	Objections See comments below
2	FPA 0187	3 Lound Square, Kendal Two storey rear extension (resubmission of SL/2018/1028)	03.04.2019	Objections See comments below
3	FPA 0182 & 0183	Abbot Hall Art Gallery, Kirkland, Kendal 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 café and conversion of an outbuilding to WC's and a store.	03.04.2019	Comments below
4	FPA 0188	40 Oxenholme Road, Kendal Single storey rear extension and balcony	04.04.2019	Objections Unneighbourly, overlooking/loss of privacy
5	FPA 0034	1 School House, Castle Street, Kendal Change of use from holiday let to dwelling	04.04.2019	Withdrawn
6	FPA 0196	10A Castle Mills Business Park, Aynam Road, Kendal Change of use from business (Use Class B1) to sandwich bar (Use Class A1)	05.04.2019	Defer – Until Highways give their response, SLDC to inform the committee when this has been received
7	FPA 0207	27 Kirkstone Close, Kendal Two storey rear extension	09.04.2019	No Objections Provided not unneighbourly

8	FPA 0204	15 River Bank Road, Kendal Single storey extension	09.04.2019	No Objections
9	FPA 0202	Morrisons Supermarket plc, Queen Katherines Avenue, Kendal Installation of signs on car valeting unit	09.04.2019	No Objections
10	FPA 0200	45 Horncop Lane, Kendal Single storey front & side extension with canopy (revised scheme SL/2018/1050)	09.04.2019	Objections See Comments below
11	FPA 0214	The Bowling Fell, Beast Banks, Kendal Single storey link extension	09.04.2019	No Objections - To the development however the Committee would like to appropriate materials used for the doors as this is in a conservation area.
12	FPA 0225	27 Castle Green Close, Kendal Two storey extension (resubmission of SL/2015/0063)	10.04.2019	No Objections On the basis of the previous decision by SLDC.
13	ADVERTIS EMENT 0201	Morrisons Supermarket plc, Queen Katherines Avenue, Kendal Installation of Portakabin and canopy within the existing car park to facilitate a valeting franchise	10.04.2019	No Objections - As long as in accordance with United Utilities conditions & consultation with the EA regarding Flood Risk.
14	FPA 0227	E H Booth and Co. Ltd., Wainwrights Yard, Kendal Installation of four rapid electric vehicle charging stations in existing parking spaces	12.04.2019	No Objections The committee welcomes these charging points & the move to a more sustainable and carbon neutral town

15	FPA 0229	90 Castle Grove, Kendal Single storey rear extension	12.04.2019	Comments The committee sees no reason to agree to concrete roof tiles rather than slate given the character and appearance of the area.
16	FPA 0893	73 Serpentine Road, Kendal Replacement windows	16.04.2019	No Objections The committee welcomes the proposed changes.
17	FPA 0241	57 Castle Grove, Kendal Variation of condition 2 (approved plans) attached to planning permission SL/2012/0120 (single storey side and rear extensions)	16.04.2019	No Objections
18	FPA 0246	Pye Motors, Mint Bridge Road, Kendal Removal of grass area and replacing with slate chippings & rocks together with the installation of tubular barriers and telescopic bollards around an existing car park & vehicle sales area	16.04.2019	No Objections
19	FPA 0959	Land off Kendal Parks Road, Kendal 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	11.04.2019	Comments below
20	FPA 0235	Unit 16 Castle Mills Business Park, Aynam Road, Kendal Change of use from Class B1 (Business) to Class A4 (Drinking Establishments)	19.04.2019	No Objections Subject to suitable parking.

Item 1) FPA 0123**35 Hayclose Road, Kendal** - Detached annexe.

Loss of privacy and overshadowing, increased by its proximity to the boundary of the neighbouring property; the appearance and design of development; and materials proposed, given that it is only a covered wooden frame. The question of inappropriate use of stone material from the boundary wall where work on this site had already started was also raised. The committee's concerns are be forwarded to SLDC enforcement officers: Councillor Rathbone will follow this up.

Item 2) FPA 0187**3 Lound Square, Kendal** - Two storey rear extension (resubmission of SL/2018/1028)

The committee feels that the basis of SLDC reasons to refuse the original submission SL/2018/102 is still applicable to this current submission.

Item 3) FPA 0182 & 0183 Comments**Abbot Hall Art Gallery, Kirkland, Kendal**

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 café and conversion of an outbuilding to WC's and a store.

The committee commends the work involved in moving Abbot Hall forward, however they have concerns with the ongoing maintenance especially with the work running over the main water supply. The committee looked positively on the work involved in submitting these plans but strongly wish to draw attention to the loss of local parking, and given that the proposed projected increase in footfall is to be a third in the first year, with no compensatory parking having been proposed and overall there will 26 fewer parking spaces available for local residents. There is also a concern that the residents parking will be used by visitors, despite presumptions in the application. In addition the car park study quoted is 10 years old.

The Committee strongly suggests that United Utilities drainage conditions and the SLDC tree survey conditions are adhered to. The Committee endorses the letter from Kendal Swift's as part of the 'Swifts in the Community' comments for this development.

Letter from Kendal Swifts as part of the 'Swifts in the Community'**Item 10) FPA 0200 Comments****45 Horncop Lane, Kendal** - Single storey front & side extension with canopy (revised scheme SL/2018/1050)

The Committee felt that not enough information had been supplied for such a significant increase in size compared with the previous application and therefore opposed the application as outlined. The Committee wishes to bring this to the attention of the Ward Councillors and for a full application to be received for this as an adequate submission.

Item 19 FPA 0959 Comments

Land off Kendal Parks Road, Kendal

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.

The Committee agree in line with original development application, however it considers that due to the two large developments there is insufficient remedial work being done to make up for the combined effect of increased traffic on Hayclose Rd, Kendal Parks Rd & Oak Rd. This is both during the construction period and on an ongoing strategic basis for the area.

The building plan needs to be addressed for suitable access during construction for Kendal Parks and Oak Road as there will not be sufficient access given the current CCC construction phase traffic management plan and timing of traffic needs to take account/impact on residents.

The Committee would like to insure Network Rail drainage proposals are complied with and proper calculations made.

Ensure that the EA, the lead flood authority proposals are robust in their models for drainage with regard to flooding & surface water dispersal. The drainage design specifications and surface water validation report from CCC should be deemed adequate; this should be for both the site and, importantly, for the run off in Teal Beck, Swallow Close & Valley Drive spurs.

To underline, SLDC should look at the overall infrastructure plan for the incremental increase in volume of traffic created by this and the previous application for Ash Tree Park, due to that cumulative effect.

Suitable consideration should be given to the loss of daylight/sunlight and overshadowing in the amended plans by looking at those plans for individual houses, taking into account residents' comments on the portal.

KENDAL TOWN COUNCIL REPORT

To: Planning Committee	23 rd April 2019
From: The Town Clerk	Agenda Item No. 7

Adoption of the Development Management Policies DPD and the Arnside & Silverdale AONB DPD

On 28 March 2019, South Lakeland District Council resolved to adopt both the Development Management Policies Development Plan Document (DM DPD) and the Arnside & Silverdale Area of Outstanding Natural Beauty Development Plan Document (AONB DPD).

Both DPDs now form part of the Development Plan for South Lakeland outside the Lake District and Yorkshire Dales National Parks. Within the extended areas of the National Parks (as extended in August 2016) the saved policies from the adopted 1997 Local Plan (saved Local Plan 2006) will remain in force until replaced by Lake District or Yorkshire Dales National Park Local Plans. This means the Development Management Policies DPD does not form part of the adopted Development Plan for these areas and therefore does not apply in these areas.

The AONB DPD is a joint document prepared by South Lakeland District Council and Lancaster City Council. The AONB DPD also now forms part of the Development Plan for Lancaster City Council.

The DM DPD provides detailed policies that will be used in the determination of planning applications and to help manage and shape the quality of new development and the AONB DPD identifies sites for new housing and employment within the AONB to meet local needs and sets out planning policies to ensure that development reflects the AONB designation.

The DPDs, Adoption Statements, Policies Maps, Sustainability Appraisal Reports and the Inspector's reports are available to view on [our website](#) and at the following locations during normal opening hours:

Development Management Policies DPD

- South Lakeland House, Lowther Street, Kendal, LA9 4DQ
- Ulverston Coronation Hall, County Square, Ulverston, LA12 7LZ
- Libraries in Kendal, Ulverston, Grange-over-Sands, Milnthorpe, Kirkby Lonsdale and Arnside.

Arnside & Silverdale AONB DPD

- South Lakeland House, Lowther Street, Kendal, LA9 4DQ
- Morecambe Town Hall, Marine Road East, Morecambe, LA4 5AF
- Arnside & Silverdale AONB Offices, The Old Station Building, Arnside, LA5 0HG
- Libraries in Arnside, Carnforth, Kendal, Milnthorpe and Silverdale.

Any person aggrieved by either document may make an application to the High Court under section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that:

- a) the document is not within the appropriate power
- b) a procedural requirement has not been complied with.

An application must be made promptly, and in any event, no later than by the end of a period of six weeks from the date of the adoption i.e. by **Thursday 9th May 2019**.

For further information, please contact the Development Plans Team on 01539 793388 or email development.plans@southlakeland.gov.uk.

Kind regards,

Alastair McNeill | Development Plans Manager
South Lakeland District Council

KENDAL TOWN COUNCIL REPORT

To: Planning Committee	23 rd April 2019
From: The Town Clerk	Agenda Item No. 8

NEW ROAD COMMON, KENDAL

The following correspondence has been received from The Planning Inspectorate:

Dear Sir/Madam

Thank you for sending a representation to the Planning Inspectorate about the above application.

The application reference number is COM/3220065.

I write to inform you that the application is now treated as withdrawn and no further action will be taken to progress it.

Your representation was not copied to the applicant or to any other party.

You do not need to respond to this email.

Yours faithfully

*Will Wassenaar
The Planning Inspectorate*

KENDAL TOWN COUNCIL REPORT

To: Planning Committee	23 rd April 2019
From: The Town Clerk	Agenda Item No. 9

REGULATION 19 PUBLICATION OF PRE-SUBMISSION LOCAL PLAN

The Authority has prepared the Pre-Submission Local Plan which it has published for further consultation prior to submitting it to the Secretary of State for Communities and Local Government for examination.

This Pre-Submission Local Plan sets out the broad spatial planning, policy framework and vision for the Lake District up to 2035, as well as the necessary development sites to support this growth. It will be used to make decisions on future planning applications.

The consultation documents comprise of:

- Pre-Submission Local Plan
- Proposed site allocations
-

Representations at this stage should only be made on the legal and procedural compliance of the Pre-Submission Local Plan, the soundness of the Local Plan and whether the Authority is in conformity with the Duty to Cooperate.

Comments are invited on the consultation documents during the eight week consultation period commencing on **Monday 8 April 2019** and concluding on **Monday 03 June 2019**. No late comments can be accepted.

A dedicated Local Plan webpage has been set up. Please visit <http://www.lakedistrict.gov.uk/localplan> to view the documents and/or give us your comments using the electronic survey form.

For further information please email localplan@lakedistrict.gov.uk

Paula Allen
Strategy Planner
Lake District National Park Authority

KENDAL TOWN COUNCIL

Applications for Planning Committee: 23rd April 2019

Appendix 1

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 0259	67 Silver Howe Close, Kendal Single storey side extension and extensions to existing garage	22.04.2019	
2	FPA 0272	58 Sedbergh Road, Kendal First floor extension and front porch	28.04.2019	
3	FPA 0278	Croft End, 6 Lynngarth Drive, Kendal Two storey detached double garage/annex and detached garden room	01.05.2019	
4	FPA 0276	232 Valley Drive, Kendal Single storey rear extension	30.04.2019	
5	FPA 0286	10 Kirkbarrow, Kendal Single storey rear extension and front porch extension	02.05.2019	
6	FPA 0273	1 Fulmar Drive, Kendal Two storey rear extension	02.05.2019	
7	FPA 0283	4 Stricklandgate, Kendal Installation of 4 rows of galvanised steel barbed wire fixed to black coated galvanised steel brackets to provide protection to roof against unauthorised access	02.05.2019	