

KENDAL TOWN COUNCIL

Notice of Meeting

PLANNING COMMITTEE

Monday, 3rd June 2019 at 6.30 p.m.
in the SLDC Chairman's Room, the Town Hall, Kendal

Committee Membership (8 Members)

Douglas Rathbone (Chair & Deputy Mayor)	Alvin Finch (Vice Chair)	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 20TH MAY 2019 (see attached)

5. MATTERS ARISING FROM PREVIOUS MINUTES, NOT ON AGENDA

6. KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP

7. UPDATED SLDC PLANNING VALIDATION REQUIREMENTS MAY 2019 CONSULTATION DOCUMENT (DEFERRED FROM MEETING HELD 20TH MAY 2019)

8. CCC NOTICE OF PLANNING PERMISSION REF 5/19/9002: 1 STRAWBERRY FIELDS, KENDAL, LA9 7TA (see attached)

9. CCC NOTICE OF PLANNING PERMISSION REF 5/19/9004: KENDAL WASTEWATER TREATMENT WORKS, WATTSFIELD ROAD, KENDAL, LA9 5JN (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 20th May at 6.30 p.m.

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

- PRESENT** Councillors Rathbone (Chair), Dave Miles, Michele Miles, Jonathan Cornthwaite and Pat Gibson
- APOLOGIES** Councillors Susanne Long and Alvin Finch
- OFFICERS** Rose Tideswell (Temporary Council Secretary)
- 015/19/20** **PUBLIC PARTICIPATION**
None
- 016/19/20** **DECLARATIONS OF INTEREST**
None
- 017/19/20** **MINUTES OF MEETING HELD ON 13th May 2019**
- Members considered the minutes of the Committee meeting held on 13th May 2019.
- The minutes were agreed subject to the amendment that Councillor S. Long had given her apologies prior to the 13th May meeting. Councillor P. Gibson 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 13th May 2019 be accepted as a correct record, and signed by the Chair.
- 018/19/20** **MATTERS ARISING**
- Minute 1144/18/19** in AOB
- Councillor Rathbone raised the issue of a previous planning application that the committee had reservations with, that has since had amended. The application was deemed not to be of material difference & was not required to resubmit to the planning committee. Councillor Rathbone is to liaise with the Chair of SLDC planning committee so that these issues can be discussed at KTC planning committees in the future.*
- Councillor Rathbone raised this issue with the chair of SLDC planning committee, and this issue will be raising this with the Chief Planning officer for SLDC on 21st May, Councillor Rathbone will report any progress to the Kendal Planning Committee.

019/19/20 **UPDATED SLDC PLANNING VALIDATION REQUIREMENTS
MAY 2019 CONSULTATION DOCUMENT** *(see attached)*

Given that there is a 6-week consultation period, the committee highlighted the sections to be looked at and this document is to be deferred to the 3rd June meeting.

020/19/20 **LDNPA REGULATION 19 PUBLICATION OF PRE-SUBMISSION
LOCAL PLAN** *(see attached)*

The committee raised concerns that where Kendal Town Council borders the Lake District National Park, changes to land use may impact on people resident in Kendal - both living and working in the Town - and impact on local amenities/space for e.g. Kendal Town Green residents have a right to the space. The committee will continue to raise issues where they impact on Kendal Town Council and will consult to see if there are further comments to be made. The committee are aware of the concluding date.

021/19/20 **ANY OTHER BUSINESS**

Councillor Rathbone raised the fact that the Kendal Town Council Flood Relief Scheme Working Group item had been omitted from the agenda.

Councillor Cornthwaite advised the committee that the next meeting is on 29th May and that he will disseminate any relevant points to the committee.

022/19/20 **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 7.35pm

Signed

Dated

KENDAL TOWN COUNCIL
Applications for Planning Committee: 20th May 2019

Appendix 1

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 0346	8 Thorny Hills, Kendal Variation of condition 1 (approved plans) attached to listed building consent SL/2015/0018 (Retention of replacement roof lights, replacement of glass slates with roof lights, retention of replacement satellite dish, retention of roof vent cowls, proposed boiler flues and handrail)	30.05.2019	Objections See comments
2	FPA 0349	23 Laurel Gardens, Kendal Two storey side and rear extension with Juliet balcony, extension into existing garage, extension of front porch and single storey rear extension	04.06.2019	No Objections
3	FPA 0242	78 Gillinggate, Kendal Alteration to ground floor rear window opening, creation of opening for bi-folding door to ground floor side elevation, replacement rear windows and door and two new Velux windows to ground and first floor west facing roof slopes.	04.06.2019	No Objections See Comments
4	FPA 0366	65 Kendal Green, Kendal Installation of new windows, roof lights, front door, guttering, down spouts and soil pipe. Formation of parking area to front and erection of fence on top of boundary wall.	04.06.2019	No Objections to the alterations however objections to the proposed parking area. See Comments
5	NP 0020	Unit 1 Parkside Business Park, Parkside Road, Kendal Proposed upgrade of existing base station installation	03.06.2019	Held over until June 3rd meeting

Kendal Town Planning Committee's comments below

Item 1 FPA 0346 – 8 Thorny Hills, Kendal

Variation of condition 1 (approved plans) attached to listed building consent SL/2015/0018 (Retention of replacement roof lights, replacement of glass slates with roof lights, retention of replacement satellite dish, retention of roof vent cowls, proposed boiler flues and handrail)

The committee is wary of any variation of condition 1, without significant justification, given the valuable historic nature of this location. It wishes to underline that the applicant should comply with the agreed Kendal Conservation Area Conditions regarding material and roofing.

Item 3 FPA 0242 – 78 Gillinggate, Kendal. Single storey side extension

Alteration to ground floor rear window opening, creation of opening for bi-folding door to ground floor side elevation, replacement rear windows and door and two new Velux windows to ground and first floor west facing roof slopes.

Whilst the Committee applauds the use of wood, they would strongly suggest/encourage the use of more traditional materials in respect of the bi folding door and the rear window.

Item 4 FPA 0366 – 65 Kendal Green, Kendal

**Installation of new windows, roof lights, front door, guttering, down spouts and soil pipe.
Formation of parking area to front and erection of fence on top of boundary wall.**

The committee has no objections in principal to the alterations as long as the final plans use materials in keeping with the Kendal Conservation Area, which is not in the original plans. Anything else would have a detrimental effect on the character and appearance of the area which is integral to the character of Kendal.

The committee strongly agrees with one neighbour's negative comments, regarding the parking area to the front, which the committee has concerns would alter the appearance and character of the area significantly. This is not warranted and was felt to be almost inexplicable in our discussions. The committee feels that both the charging point, to be lauded in principle, and proposed parking area could effectively be provided at the rear of the building without permanently damaging this area of conservation.



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

NOTICE OF PLANNING PERMISSION

To: Mr A Bell & Oakmere Homes
C/o Kate Bellwood Associates
Midtown Farm
Little Strickland
Cumbria
CA10 3EG

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 25 February 2019.

viz: Engineering Operations to infill and level part Fields 8900 and 9108, Land South East of Strawberry Fields.

1 Strawberry Fields, Kendal, LA9 7TA

Subject to due compliance with the following conditions:

Time Limit for Implementation of Permission

- 1 The development hereby permitted shall be for a temporary period, expiring on the 31 December 2022, by which time the infilling shall be completed, soils replaced and the site sown to grass.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

- 2 The development hereby permitted shall be carried out, in accordance with the following:
 - a. The submitted Application Form – dated 6 February 2019
 - b. Planning Design and Access Statement – *prepared by Kate Bellwood Associates, dated January 2019*
 - c. Method Statement for Movement of Natural Soils – *prepared by BEK Enviro, dated 15 January 2019*
 - d. Plans numbered and named:
 - i) 042/049/050/BLOCK “Proposed Spoil Infill Block Plan”
 - ii) 042/049/050/SPOIL “Proposed Spoil Infill”
 - iii) 042/049/050/SPOIL – LOC01 “Proposed Spoil Infill Location Plan”

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

- 3 No development shall take place until a fence has been erected to protect the public bridleway from encroachment from the development.

Reason: To ensure that the bridleway remains unaffected by the development

- 4 At least 14 days prior to the commencement of development, the developer shall notify the County Council of their intention to start works.

Reason: To ensure the definitive line of the Bridleway is marked out prior to commencement of any development or operations at the site.

- 5 All topsoil and subsoil shall be permanently retained on site and prior to the deposition of material shall be stripped and stored in separate mounds which shall:

- a. Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoil;
- b. Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c. Have a minimum 3 metre stand-off, undisturbed around each storage mound;

Reason: To prevent the loss of soil and minimise damage to soil structure during storage in accordance with CMWLP policy DC21

- 6 Soils shall only be stripped, handled, stored and replaced in accordance with sheets 1, 2, 3, 15 & 18 of the "Good practice guide for handling soils" published by MAFF (2000).

Reason: To prevent the loss of soil and minimise damage to soil structure during storage in accordance with CMWLP policy DC21.

Dated 23 May 2019



Signed: Angela Jones
Acting Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
- The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/5/19/9002>
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.

- Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
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APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.
5. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pcs](https://planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

NOTICE OF PLANNING PERMISSION

To: United Utilities
Thirlmere House
Lingley Green Avenue
Great Sankey
Warrington

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 25 March 2019.

viz: Continued use of a temporary outfall from Kendal Wastewater Treatment Works up to 31st October 2021. Screening opinion also required.

Kendal Wastewater Treatment Works, Wattsfield Road, Kendal, LA9 5JN

Subject to due compliance with the following conditions:

Time Limited Permission

1. The development hereby permitted shall be limited to the 31 October 2021 by which time the use of the temporary outfall shall have ceased and the sheetpile headwall and concrete outfall removed

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out in accordance with the following:
 - a. The revised application form – dated 11 March 2019
 - b. Design 7 Access statement
 - c. River Kent Outfall final data report v2 produced by APEM - dated March 2019
 - d. Plans numbered and named:
 - i) 2345-08 - Kendal WwTW Temporary Outfall Location plan;
 - ii) 2345-07 – Kendal WwTW Detailed Plan, Elevation & Section Views

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

Dated 23 May 2019

A handwritten signature in blue ink that reads "A Jones".

Signed: Angela Jones
Acting Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
 - The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: planning.cumbria.gov.uk/Planning/Display/5/19/9004
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
-

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KENDAL TOWN COUNCIL
Applications for Planning Committee: 3rd June 2019

Appendix 1

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	PN 0020	Unit 1 Parkside Business Park, Parkside Road, Kendal Proposed upgrade of existing base station installation	03.06.2019	
2	FPA 0335 & 0336	75 Highgate, Kendal Conversion of first, second and attic floors to form two self-contained flats	06.06.2019	
3	FPA 0108	Spital Farm, Appleby Road, Kendal Change of use of agricultural land to touring caravan park (20 pitches) and installation of stone access tracks and hard standing.	06.06.2019	
4	FPA 0328	6 River Bank Road, Kendal First floor extension above garage incorporating dormer and enclosed balcony	08.06.2019	
5	FPA 0374	12 Aldercroft, Kendal Two storey rear extension	08.06.2019	
6	FPA 0380	164 Vicarage Drive, Kendal Demolition of single storey attached garage and erection of a two storey extension with glazed balcony	08.06.2019	
7	FPA 0215	Black Swan Hotel, Allhallows Lane, Kendal Replacement windows to front elevation	13.06.2019	
8	FPA 0235	Unit 16 Castle Mills Business Park, Aynam Road, Kendal Alterations in association with change of Use from Class B1 (Business) to Class A4 (Drinking Establishments)	12.06.2019	
9	FPA 0381	108-110 Highgate, Kendal Formation of new doorway to front elevation of retail unit to provide access to existing first floor flat and installation of replacement window frames to first floor	20.06.2019	
10	FPA 0304	59 Windermere Road, Kendal Refurbishment, demolition of single storey rear extension and erection of replacement two storey rear extension and replacement upvc windows and external doors	20.06.2019	