

KENDAL TOWN COUNCIL

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 3rd June at 6.30 p.m.

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

- PRESENT** Councillors Rathbone (Chair) Alvin Finch (Vice Chair) Dave Miles, Michele Miles, Jonathan Cornthwaite, Pat Gibson & Graham Vincent.
- APOLOGIES** Councillor Susanne Long
- OFFICERS** Rose Tideswell (Temporary Council Secretary)
- 055/19/20 PUBLIC PARTICIPATION**
None
- 056/19/20 DECLARATIONS OF INTEREST**
Councillor Rathbone appendix one application one was approached for pre application comments; he took no part in the discussions. Councillor Vincent matters arising minute 020/19/20 declared an interest, as he was involved at the early stages as a SLDC councillor, he took no part in the discussions.
- 057/19/20 MINUTES OF MEETING HELD ON 20th May 2019**

Members considered the minutes of the Committee meeting held on 20th May 2019.

Councillor Cornthwaite proposed that the minutes be accepted as a correct record. This was seconded by Councillor Michele Miles and carried with two abstentions.
- RESOLVED** That the minutes of the meeting held on 20th May 2019 be accepted as a correct record, and signed by the Chair.
- 058/19/20 MATTERS ARISING**

Minute 020/19/20 LDNPA REGULATION 19 PUBLICATION OF PRE-SUBMISSION LOCAL PLAN

Councillor Gibson raised the issue discussed at the previous planning meeting of. (*The committees 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*). Councillor Gibson reiterated the need for significant environmental controls as this was not a small development but a very large development adjoining Kendal with a substantial environmental impact. Access along Greenside and Kirkbarrow would considerably increase and a

strategic plan would be required going forward. The committee noted the comments as a way to proceed and the Chair is to highlight the committees concerns to the SLDC portfolio holder.

059/19/20 KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP

Councillor Cornthwaite advised the committee that the next meeting is on 6th June and that the minutes will be submitted with the next planning agenda.

060/19/20 UPDATED SLDC PLANNING VALIDATION REQUIREMENTS MAY 2019 CONSULTATION DOCUMENT (see attached)

The committee noted the document and agrees with the wording.

061/19/20 CCC NOTICE OF PLANNING PERMISSION REF 5/19/9002: 1 STRAWBERRY FIELDS, KENDAL, LA9 7TA (see attached)

The committee noted the report and was pleased that their comments had been addressed especially the access to the public footpath.

062/19/20 CCC NOTICE OF PLANNING PERMISSION REF 5/19/9004: KENDAL WASTEWATER TREATMENT WORKS, WATTSFIELD ROAD, KENDAL, LA9 5JN (see attached)

Report noted

063/19/20 ANY OTHER BUSINESS

Enquiry from the owner of 1 Low Mead requesting the purchase of land adjacent to land at 1 Low Mead, Hallgarth. The committee has no objections providing the parcel of land has been assessed as not blocking any future development or access.

Four letters from Kendal Swifts requesting that swift blocks be situated in the proposed planning applications, one applications was considered on this appendix 1.

064/19/20 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 7.30pm

Signed

Dated

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	No Objections
2	FPA 0335 & 0336	75 Highgate, Kendal Conversion of first, second and attic floors to form two self-contained flats	06.06.2019	No Objections Provided minimum space standards are adhered to and external details are retained with suitable material for a conservation area being used.
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	Objection See comments below
4	FPA 0328	6 River Bank Road, Kendal First floor extension above garage incorporating dormer and enclosed balcony	08.06.2019	No Objections
5	FPA 0374	12 Aldercroft, Kendal Two storey rear extension	08.06.2019	No Objections
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	No Objections The Committee endorses the letter from Kendal Swift's as part of the 'Swifts in the Community' comments for this application.

7	FPA 0215	Black Swan Hotel, Allhallows Lane, Kendal Replacement windows to front elevation	13.06.2019	Objections See comments
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	No Objections
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	Held over until June 17th meeting
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	Held over until June 17th meeting
11	FPA 0806	Land at High Sparrowmire, Kendal Hybrid application for the erection of 24 affordable dwellings full planning application and 1 dwelling (Outline) (Amended Scheme)	14.06.2019	Objections See comments

Kendal Town Planning Committee's comments below

Item 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.

The Committee's objection is the same as the original application these comments have not been addressed and the committee continues to object to this application as it stands despite production of a design and access statement, and 'permission creep' is still a strong worry which we oppose." *(March 4th comments In line with the Highways objections on traffic and access issues. The applicant has not complied with request for a design and access statement or an access layout plan; this omission is indicative of an overall disregard of the planning process. The committee cannot look further until these are provided. We also object based on the possibility of "planning permission creep").*

Item 7 FPA 0215 – Black Swan Hotel, Allhallows Lane, Kendal**Replacement windows to front elevation**

The committee objects strongly about the materials, design and appearance of the windows as currently proposed under the amended application. Due to the buildings age, importance and prominent position in the conservation area it should be in keeping with the surrounding buildings and original materials in keeping with the Kendal Conservation Area - This is in contrast to the original application, which the committee received favourably.

Item 11 FPA 0806 – Land of High Sparrowmire, Kendal**Hybrid application for the erection of 24 affordable dwellings full planning application and one dwelling (Outline) (Amended Scheme).**

The committee notes with regret and disappointment the removal of one self-build property from the original application and we wish to register our strong desire that this does not adversely change the environmental sustainability of the project.

The committee also expresses disappointment that the applicants have not addressed the previous issues we raised in objection in our original comments of February 4th & additionally comments of March 4th for application SL/2018/0138.

(February 5th SL/2018/0806 “Comments

The Committee understand, in good faith, that notice has been served for the relevant small parcel of land and have no objections to this, assuming that there are no hidden changes to the plan. However, the Committee wishes to take this opportunity to reiterate the original reasons for making strong objections to the original application. In addition, the Committee will expect to be made aware of any future applications for changes or enlargements of this development in due course.”

(March 4th comments “SL/2018/0138 Comments

Land to the West of High Sparrowmire and Kettlewell Road, Kendal. Off-site surface storage basin to help reduce the extent of flooding experienced during times of extreme rainfall to the front of nos. 102 and 104 Low Garth The Committee has already objected to the previous applications made on more than one occasion.

This application is not fit for purpose and does not solve flooding or drainage problems. It does not mitigate the flood relief and has a significant impact on the community and other services. It does not ameliorate the existing flood risk and there are serious material considerations that require addressing with the existing drainage of Hallgarth not merely to be further exacerbated by new buildings.

This proposal does not solve the drainage issues regarding the original application (0806) for 24 houses. The drainage, as a whole needs to be addressed rather than this individual attempt to do so. Also with an artificial storage facility comes Health & Safety issues for the community such as water borne diseases and risk of drowning. The Committee does not see that this application solves the drainage problem as a whole and as there is no change to these issues the Committee’s concerns are still extant and it strongly objects.”)

Kendal Flood Relief Scheme Working Group Minutes 8th April 2019, Romney Room

Attendees: Cllr Peter Thornton CCC, Cllr Jonathan Brook SLDC, Cllr Jonathan Cornthwaite KTC, Cllr Graham Vincent, Cllr Julia Dunlop, Cllr Susanne Long, Cllr Douglas Rathbone

1) Minutes of last meeting dated 20th March 2019 - Agreed

Apologies: Cllr Eamonn. Hennessy KTC

In Attendance: Cllr Brenda Gray CCC

Cllr Brenda Gray asked to be added to circulation list and be sent a copy of the previous minutes

2) Identify Key Outcomes for Working Group in line with TOR's

Cllr Long suggested a list of outcomes, which were discussed and amended as follows:

- a) Encourage the best possible wall design for the location, considered in terms of visual, public realm and heritage appropriateness, including hard material design, use of art installations, historic and ecological interpretation and enduring legacy enhancements.
- b) Encourage the best possible tree and shrub re-planting regime to replace those lost due to wall construction work. Additionally, to focus on items / deliverables which will assist visual impact, bio diversity and the Town Council's Carbon Neutral objective.
- c) Encourage the delivery of enhanced connectivity along the entire length of the river corridor in Kendal for walking, cycling, enjoyment and public amenity. Such as Jubilee Fields, Beezon Fields, Gooseholme Park, and towards Helsington Laithes.
- d) Identify funding gaps and explore funding opportunities to facilitate the delivery of the desired outcomes listed above and work with partners to secure the required funding.
- e) Make recommendations to help the Environment Agency (EA) to deliver a co-ordinated construction project plan to mitigate transport / traffic and other issues on a reach by reach basis. This could include the identification and mitigation of potential conflicts with scheduled festivals, key tourism and business functions, utilities maintenance and other key activities across the town.

In addition, it was suggested that the FRSWG should form and express a clear view of which elements of the EA scheme the town sees as unacceptable – Such as a solid wall down Aynam Road.

It was restated that the FRSWG would not be re-specifying the EA scheme and will not be acting as a buffer between the EA and the public.

3) Working Group Membership

It was restated that the FRSWG is formed primarily of Kendal Town Councillors and others with links with key partners.

The core members currently are:

- Cllr Doug Rathbone: KTC Chair of Planning - DR
- Cllr Jonathan Cornthwaite: KTC Planning and Environment and Highways Committee member - JC
- Cllr Susanne Long: KTC Kendal Futures Representative and KTC Planning Committee member - SL
- Cllr Jonathan Brook: KTC and Deputy Leader SLDC - JB
- Cllr Julia Dunlop: KTC BID Representative - JD
- Cllr Graham Vincent: KTC Planning Committee - GV
- Cllr Eamonn Hennessy: KTC and Environment and Highways Committee member - EH
- Cllr Peter Thornton Co-optee and Deputy Leader CCC - PT

Each Councillor should act as a conduit for information and to report back on specific issues relevant to each group.

Kendal Flood Relief Scheme Working Group Minutes 8th April 2019, Romney Room

It was suggested that the group could benefit from having a representative of Arts and Culture and – Cllr Chris Hogg was suggested either as an invitee or to be put on the circulation list. This would help provide a linkage to the Kendal Brewery, Kendal Civic Society, Lakeland Arts Trust and Friends of The District

4) Identify Key Partners and information providers and consultees

The point was made that the primary purpose of representatives from other groups attending the KFRSWG should be to provide the group with information, ideas and feedback.

It was suggested that an Officer from the SLDC Economic Development Team, such as Matt Williams would be a useful resource and would be able to advise on key matters such as the Kendal Masterplan. Matt should be invited to the next meeting to provide such information. It was believed Matt was giving a presentation to Kendal Futures in 15th May 2019.

Any merit in diving scheme into upper middle and lower scheme to be coterminous with reach

CCC Shap road cycle scheme will go ahead. EA will not lead on cycle scheme but will facilitate it. CCC doing some work to see what is possible. Also, Gooseholme Bridge.

5) Agree broad timescales, key actions and forward meeting dates:

- The KFRSWG should focus on time specific critical issues, specifically the wall and the tree cutting and planting plans and should liaise with the EA ASAP to obtain the relevant information such as the programme timetable, project constraints, the Project Management & Communications Plan and any plans for Site Specific Story boards. JC to follow up with the EA.
- Need feedback from EA re timescale for broad parameters. JC to follow up with the EA.
- Before the next meeting KFRSWG members should feedback to the Chair what they would like the EA to provide planting nature and location of planting. All.
- Other key information to be obtained before the next meeting related to the wall offering Design and location Keswick – powder coating for example need to get our hands on the materials. Plus weathered pictures. JC to follow up with the EA.
- SLDC are a key partner, particularly in respect of planning. There is a need to find out how dialogue will proceed with the EA in matters such as trees and walls etc. JB to investigate and report back.
- A meeting with a representative with information about wall construction materials would be beneficial. JC to arrange.

The date of the next meeting was agreed to be after the elections at 7pm on Weds 29th May. All future meetings would normally be held in the Mayors Parlour.

6) Agree resource requirements:

The group is officially constituted and should have secretarial support from KTC.

Kendal Flood Relief Scheme Working Group Minutes 29th May 2019, Romney Room

Attendees: Cllr Eamonn Hennessy KTC, Cllr Jonathan Brook SLDC, Cllr Jonathan Cornthwaite KTC, Cllr Susanne Long KTC, Cllr Douglas Rathbone KTC

Apologies: Cllr Peter Thornton CCC, Cllr Julia Dunlop KTC

In Attendance: Cllr Brenda Gray CCC.

- 1) Welcome and Introductions
- 2) Declarations of Interest - None
- 3) Minutes of the last meeting dated 20th March 2019 – Agreed
- 4) Matters Arising

It was noted that the planning application has been referred back to South Lakeland District Council's (SLDC's) planning committee on procedural grounds to allow the potential impact of revisions to planning policies to be considered.

In March, SLDC's planning committee resolved to approve a planning application submitted by the Environment Agency for the first phase of its Kendal Flood Risk Management Scheme.

The application covered works along the rivers Kent and Mint through Kendal including new and raised flood walls, new and raised flood embankments, ground raising, pumping station and associated changes to the public realm and landscaping.

The decision was subject to confirmation that the Secretary of State for Communities and Local Government did not wish to call-in the application for his own determination, following a public inquiry. Five requests were made that he should look at the case.

SLDC agreed not to issue the formal planning permission notice until the Secretary of State had fully considered the issues raised in the requests.

The Secretary of State confirmed on 7 May that he would not be calling-in the application.

However, between the date of the original committee resolution in March, and the receipt of the Secretary of State's decision, the council formally adopted its Development Management Policies Development Plan Document (DPD). Although the relevant policies in the DPD were considered by the committee in March, the formal adoption means they now carry more weight.

To ensure that the planning committee members are content that this change to the status of the policies does not affect the original resolution, the application is being referred back to the planning committee meeting on 6 June 2019.

Kendal Flood Relief Scheme Working Group Minutes 29th May 2019, Romney Room

5) Feedback from EA

JC has tried to contact EA but there is no feedback. The Working Group need to see the outline plan and need advice on what EA's plans are for tree and shrub replacement. Also, the felling regime. For example will EA consider each tree individually? Will EA consider each tree's roots individually?

EH to ask Simon Unsworth the Mayor's Attendant at KTC if there are any photos in the archive of the river widening. JC has seen some old video footage he will try to obtain this. SL will contact John Robinson of Kendal Civic Society.

6) Key Outcomes

It was restated that the Working Group exists to make and coordinate representations to the EA and call expert witnesses as appropriate.

7) Interested Bodies

JC to contact Cllr Vincent to identify relevant bodies.

8) Working Group Membership

It was restated that the FRSWG is formed primarily of Kendal Town Councillors and others with links with key partners. It is critical that the group is focussed on its objectives as detailed in the previous meeting. It was reiterated and agreed that the core Councillors need to be Kendal Town Councillors who are on Planning or Environment and Highways Committees or specifically from other tiers with specific responsibilities relevant to the work of the Working Group. In this context Cllr Chris Rowley will join the group for future meetings.

The core members currently are:

- Cllr Doug Rathbone: KTC Chair of Planning - DR
- Cllr Jonathan Cornthwaite: KTC Planning and Environment and Highways Committee member - JC
- Cllr Susanne Long: KTC Kendal Futures Representative and KTC Planning Committee member - SL
- Cllr Jonathan Brook: KTC and Deputy Leader SLDC - JB
- Cllr Julia Dunlop: KTC BID Representative - JD
- Cllr Graham Vincent: KTC Planning Committee - GV
- Cllr Eammon Hennessy: KTC and Environment and Highways Committee member - EH
- Cllr Peter Thornton Co-optee and Deputy Leader CCC – PT
- Cllr Chris Rowley: KTC Planning and Environment and Highways Committee member - CR

9) Date for Glass Wall Presentation

Agreed that JC will aim to arrange for this meeting to be 6:30pm 10th June in the Georgian Room with EA representation. Also SLDC Officer presence which JB will organise. JC will ask Cllr P. Thornton to enquire about the relevance of asking Doug Coyle from CCC to attend.

10) Timescales, Key actions and forward and meeting dates

JC to seek clarification from Cllr Nick Cotton at CCC regarding the Shap road cycle scheme and other relevant cycling schemes along the river corridor.

The Working Group is keen to see the development of an improved footway/cycleway along the southern part of the river from Romney Bridge to Scroggs Wood.

The dates of the next meeting of the Working Group will be 10th at 6:30pm and 25th June at 7pm- JC to arrange.



Terms of Reference for Planning Committee

The Committee

The Planning Committee shall have a remit to advise the Council on all Planning matters and to lead the Council's response to any planning consultations. Specifically, it is the Planning Committee remit to reach, without unreasonable delay, intelligible and lawful decisions regarding the acceptance or rejection of the Planning Application. The Committee will provide justification and comments regarding its decision on each application, where necessary. The Committee will report its decisions to South Lakeland District Council Planning Department within the date specified.

The Planning Committee shall be held twice monthly, normally on the 1st & 3rd Monday of the month.

The Chairman

The role of the Chairman of Planning is to provide direction and ensure Committee members work together. The Chairman's duty is to ensure this end is achieved with consensus.

The Chairman will need to ensure:

- all points of view are given a fair hearing,
- all relevant information is available at the meeting,
- that Councillors are clear about the reasons for a decision,
- that irrelevant matters are not brought to Committee,
- the Council is protected from outside interference,
- that a friendly atmosphere is created and
- that business is conducted with reasonable speed.

The Chairman will liaise with the Clerk; drawing up agendas and supporting the Clerk, as appropriate, in the implementation of Planning Committee.

Cumbria County Council

Cumbria County Council

Application for Pavement Licence

Highways Act 1980 Part VIIIA

1 Applicants full name
(Block Letters) MRS JACQUELINE CAMP MR PAUL STANUCHA

Trading Name FINILLES RESTAURANT

Address YD 34 FINILLE STREET
KENDAL LA9 4AB

Daytime Tel No: 01539 727325

2 Address of Premises AS ABOVE

3 The facility is intended solely for the purpose of:
ON STREET CAFE EXPERIENCE

4 Description of Equipment/Furniture: With photographs if available or brochure picture, or whether available for inspection on premises.
TABLE & CHAIR SET (NEWSETS NOW ON SITE)

5 If for a street café:
(a) Are your premises licensed for the sale of alcohol YES
(b) Details of Licence held ON LICENCE FULL

(c) Have you made application to or obtained approval from the Justices under your Licence? NO

Details of approval, reference number and any conditions
LICENCE NO. PL(A) 0167



- 6 Insurance - please supply details of Third Party cover (not less than £5 million). If none available at present, please note no Licence will be issued until an appropriate copy Certificate or cover note is submitted for inspection covering the designated area.

INSURANCE POLICY NO. RADI/ARG/3837726

- 7 I include an accurate scale site plan

I declare that I am over 18 years of age and have read the Scheme Conditions and agree to abide by them in accordance with any Licence issued.

Dated: 3-May 2019

Signed: [Signature]

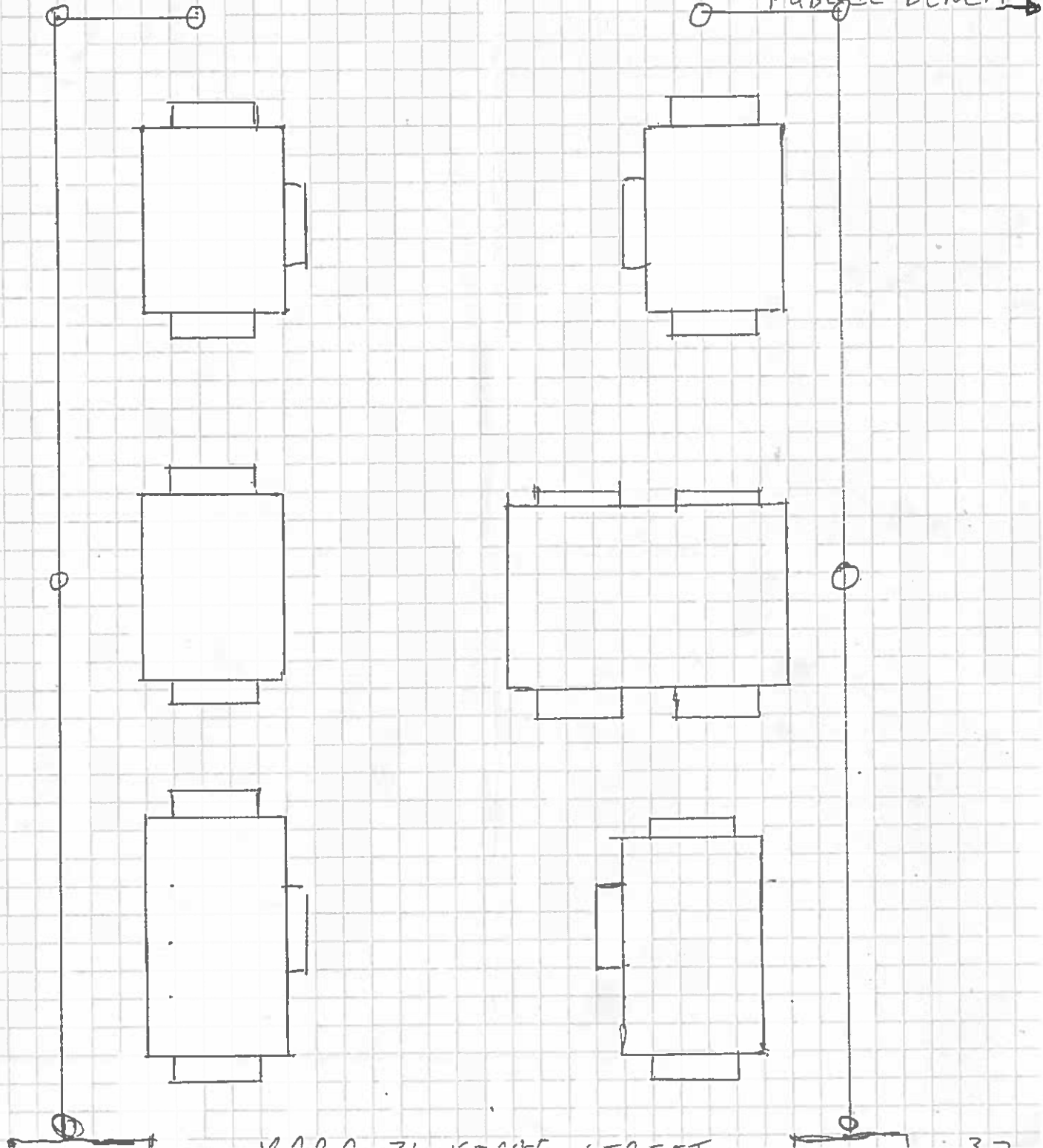
Please submit your Application to Cumbria County Council with the £155 fee (made payable to Cumbria County Council).

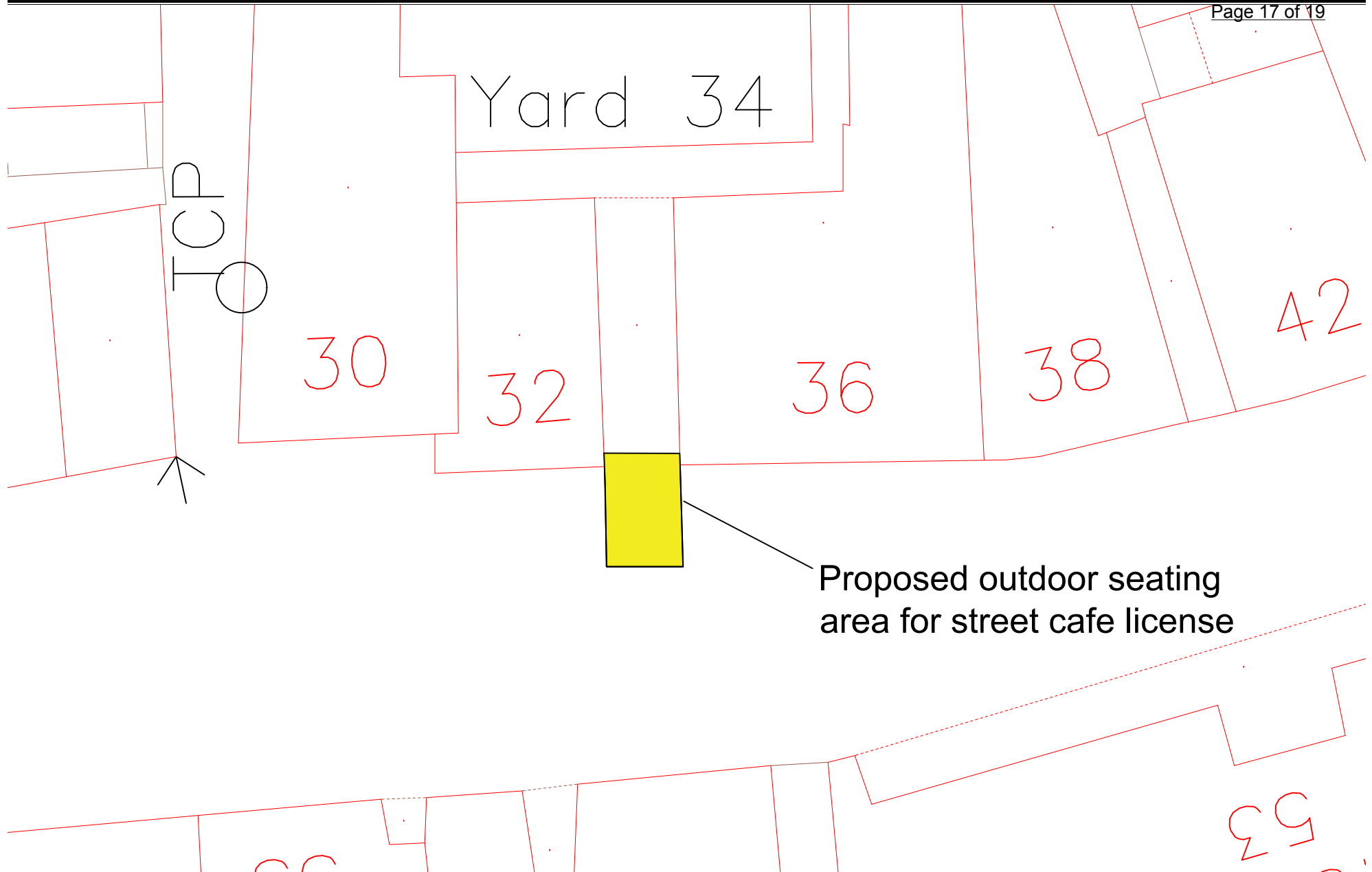
Helen Karaaslan
Traffic Management Senior Technician
Cumbria County Council
County Hall
Kendal
LA9 4RQ

FIN KLE STREET PEDESTRIAN AREA

1 METRE

LEVEL WITH
PUBLIC BENCH





Proposed outdoor seating area for street cafe license

KENDAL TOWN COUNCIL

Applications for Planning Committee: 17th June 2019

Appendix 1

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	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	
2	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	
3	FPA 0399	81 Helmside Road, Oxenholme, Kendal Demolition of single storey extension and detached outbuilding and erection of single storey rear extension with partial second storey over	21.06.2019	
4	FPA 0414	27 Caroline Street, Kendal Installation of 3 replacement timber sliding sash window frames	21.06.2019	
5	FPA 0394	83 Serpentine Road, Kendal Replacement dormer window	25.06.2019	
6	FPA 0423	12 Castle Oval, Kendal Two storey side extension	25.06.2019	
7	FPA 0409	6 Castle Dale, Kendal Two storey side extension	25.06.2019	
8	Variation 0526	Land to South of Lumley Rd, Kendal Variation of conditions 1 (approved plans), 2 (materials), 3 (levels) and 6 (boundary treatments) from SL/2016/0519 (Erection of 110 dwellings; associated infrastructure and landscaping; and discharge of condition 9 (surface water drainage) attached to outline permission SL/2014/0846)	27.06.2019	
9	FPA 0435	10 Hayfell Avenue, Kendal Single storey rear extension	28.06.2019	
10	FPA 0438	16 Lumley Road, Kendal Two storey rear extension with balcony, single storey rear extension and alterations	28.06.2019	
11	FPA 0442	87 High Garth, Kendal Front and side single storey extension and hip to gable loft conversion	28.06.2019	

KENDAL TOWN COUNCIL
Applications for Planning Committee: 17th June 2019

Appendix 1

12	FPA 0262	Oxenholme Railway Station, Oxenholme, Kendal Refurbishment of dwellings and conversion to form an additional dwelling	01.07.2019	
13	LISTED 0395	2 High School House, Thorny Hills, Kendal Internal alterations	01.07.2019	
14	FPA 0398	Land to the South of Underbarrow Road, Kendal Residential development for 84 dwellings	01.07.2019	