

KENDAL TOWN COUNCIL

Planning Committee

**Monday 7th January 2019 at 6.30 p.m.
in the Georgian Room the Town Hall, Kendal**

PRESENT Councillors Douglas Rathbone (Chair), Alvin Finch (Vice Chair & Deputy Mayor), Dave Miles, Michele Miles, Jonathan Cornthwaite, Susanne Long, Graham Vincent and Pat Gibson

APOLOGIES None

OFFICERS Rose Tideswell (Temporary Council Secretary)

729/18/19 PUBLIC PARTICIPATION

Six members of the public were present during the meeting but no representations were made.

(No interests declared) Councillor Rathbone thanked the public for attending.

730/18/19 DECLARATIONS OF INTEREST

Councillor Rathbone declared an interest in agenda item 9 planning item 4, as he is an elder of the area Church, he left the room.

Councillor Finch declared an interest in agenda item 9 planning item 2, the property owner is known to him and he removed himself from the discussion.

Councillor Vincent declared an interest in agenda item 7, as he was a cabinet and original member of the committee that converted New Road common land into a green space. Also Councillors Finch, Rathbone and Vincent are all SLDC Councillors

731/18/19 MINUTES OF MEETING HELD ON 17th DECEMBER 2018

Members considered the minutes of the Committee meeting held on 17th December 2018.

Amendment to the minutes Councillor Susanne Long pointed out that minute **702/2018/19 paragraph 12** was incorrect the minute has been corrected see below.

Councillor Long noted that the beauty of the town was important to many people and that she was pleased saving trees was being considered. Councillor Long also asked whether a wall on either side needed to be built along Aynam Road and was concerned about the public realm and the view. Noting its controversial implications, she also asked whether a certain percentage of homes could continue to flood in order to preserve trees.

Councillor Finch proposed that the amended 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 17th December 2018 be accepted as a correct record, and signed by the Chair.

732/18/19 MATTERS ARISING

None

733/18/19 LETTER FROM ROS TAYLOR, KENDAL SWIFTS

Noted with pleasure

734/18/19 PUBLIC APPLICATION TO DEFRA FOR CONSENT TO REINSTATE THE CAR PARK AT NEW ROAD

The committee agreed to make the following comments regarding this application:

Full documentation provided by the applicant's agents on request consisted of 2 items, the application form and HM Land Registry map (copied and amended) with no supporting information regarding public interest criteria under the Commons Act. We note the errors in information provided in Section B1 of address, B1a wrong agent information, and item 14 the visual impact given that it is currently grassed over and contaminants have been removed.

Under the scheme for the Regulation & Management of Commons (January 1910) and having taken legal advice, SLDC as the local District Council, took action to prevent parking and to make the area "a place of exercise (and) recreation" in line with the 1910 scheme as well as stopping the parking on this site which was advised not to be in keeping with its tenets. With information provided, the Committee agrees with this action.

This action above, and its due process, was also confirmed by SLDC's Overview and Scrutiny Committee after it was called-in.

A Kendal Town Council Parish Poll was called a year ago by the requisite 6 members of the public to "change/create/amend a by-law to enable free parking on New Road Common Land". In this Parish Poll 7% of those eligible voted, of whom 71% were against the motion to (as it is called in this application) "reinstate" the tarmacadam. The Committee views this poll as strongly indicating the will of the residents of Kendal. The low numbers voting show that this is not a divisive issue and the answer to the Poll indicates strongly and democratically that there is a public will not to revert to parking on this site.

Throughout this process the District Council has proposed a formal consultation. This was delayed whilst the Environment Agency formalised and submitted their plans for flood relief of Kendal. These would affect the Common Land in question. The consultation will be, the Committee understands, into the proper long term use of the Common Land which would therefore be in line with public wishes. The Committee noted that this consultation may have to be delayed as a result of this application and expressed its

hope that this would not be the case.

In view of the above process, legalities and perceived wishes of residents the Committee views this application as attempting to remove what the 1910 scheme calls "free right and access". This was made possible by the drainage, decontamination, fencing and greening of the Common Land in question by the District Council, which has allowed access and has made it "a place of exercise (and) recreation" in accordance with the scheme for the Regulation and Management of Commons.

This is in contrast to the previous broken and contaminated state in which the land was, resulting in Item 14 of the application being disingenuous at best stating that there will be no visual impact.

Finally the Committee noted that the achievement of free parking on this site is separate from the works applied for here and that neither the works for tarmac-ing or making into a free car park are within the gift of the applicant. It was felt that these had been addressed by legal advice and the Parish Poll and raised the above objections.

735/18/19

PLANNING APPLICATIONS

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

RESOLVED

That having considered the applications outlined in the schedule, the recommendations in Appendix I attached to these minutes be made to South Lakeland District Council.

The meeting ended at 7:25 pm

Signed

Dated

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 1001	3 Kirkland, Kendal Replacement shop front	10.01.2019	Approve
2	FPA 1009	34 Greengate, Kendal Two storey rear extension Councillor A. Finch knows the owner so made no comment	13.01.2019	Refuse The layout, density scale and dominance of the extension compared to the immediate area is too large
3	FPA 1005	9 Garden Road, Kendal Demolition of the existing outbuilding & erection of a detached garage & utility room	13.01.2019	Approve
4	FPA 1010 & 1011	104 Highgate, Kendal Conversion of Church (Use class D1) to form either 22 serviced apartments (sui generis) or 22 flats (C3), including the demolition of a single storey lean-to-extension on the western side of the building and its replacement with a single-storey extension, alongside internal and external alterations Councillor D. Rathbone left the room	21.01.2019	Refuse Concerns that the flats are not for local occupation. The committee also had specific concerns that the new development would lead to inappropriate parking, as there is insufficient parking in this area already.
5	FPA 1018	16 Hazelwood, Kendal Single storey rear extension	21.01.2019	Approve
6	FPA 1028	3 Lound Square, Kendal Two storey rear extension	23.01.2019	Approve As long as no loss of daylight or overshadowing of the neighbouring property