

Kendal Town Council

Town Hall, Highgate, Kendal LA9 4ED
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Minutes of a meeting of the Planning Committee held on Monday, 3 July 2023, at 6.30 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

Cllr A Campbell	Present	Cllr A Finch	Apologies
Cllr J Cornthwaite	Present	Cllr H Ladhams (Vice-Chair)	Present
Cllr L Edwards	Present	Cllr D Miles	Present
Cllr R Edwards	Apologies	Cllr D Rathbone (Chair)	Present
Cllr G Supka	Present		

In Attendance: Chris Bagshaw (Town Clerk) and Inge Booth (Democratic Services Assistant). Cllrs S Long and C Russell were also in attendance in respect of Agenda Item No.8 (Proposed Residential Development on Land off Brigsteer Road, Kendal), Minute No.P33/2023 below, however, whilst taking part in the discussion, took no part in the voting thereon, not being Members of the Planning Committee.

P25/2023 Apologies

Apologies for absence were received and accepted from Cllrs A Finch and R Edwards.

P26/2023 Declarations of Interest

No declarations of interest were raised.

P27/2023 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

P28/2023 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 19 June 2023 and to authorise the Chair to sign them as a true record.

P29/2023 Minute Action Sheet

The Committee considered a report on actions taken by officers on resolutions or recommendations made at previous meetings.

P24/2023 (Planning Applications) – The Town Clerk reported that he had found a document on shop-front style for the Kendal Conservation Area dated May 2004. He had, subsequently, contacted Westmorland and Furness Council to find out whether this document remained current, however, had received no reply to date. The Chair understood that the document formed part of a suite with regard to window design and materials produced at the same time and suggested, therefore, that it remained current. The Town Clerk undertook to circulate the document to Members in the absence of anything else. Further raised was the fact that the document may be pertinent to Kendal BID and the Town Clerk further undertook to pass on the document to that organisation.

Resolved: To circulate the shop front style document for the Kendal Conservation Area dated May 2004 to both Members and Kendal BID.

Resolved: To note the actions taken by officers on resolutions or recommendations made at previous meetings.

P30/2023 Planning Process and Issues

The Chair referred to Minute No.P22.2023 (Planning Process and Issues) of the previous meeting of the Committee when Members had been informed of the new planning process at Westmorland and Furness Council where applications recommended by town/parish councils for refusal were now being put before their area planning committees in cases where Westmorland and Furness officers were recommending approval. He stressed the need to ensure that recommendations for refusal were robust and that they included reference to national and local policy so that Westmorland and Furness planning officers would need to be able to justify why they were not in agreement with the comments raised.

The Chair also referred to recent notification of such an application being put forward to the South Lakeland Local Area Committee on 6 July in relation to 10 Bluebell Close, Kendal. The Town Clerk explained that, due to the short notice provided, it would not be possible to provide a meaningful response within the deadline. He further mentioned another such application due to be considered by that Committee at the same meeting in relation to 4a High Tenterfell, Kendal. He added that any further input would only be to reiterate the comments already raised. The Chair, however, drew attention to the potential for submission of any additional information of significance following the Town Council's initial consideration which might lead to a difference of opinion. This, he suggested, meant that a suitable process was required. The Town Clerk at this point drew attention to the fact that applications recommended by town/parish councils for approval were also now being put before the area planning committees in cases where Westmorland and Furness officers were commending refusal. The Chair was of the opinion that the South Lakeland Area Planning Committee needed to be reminded about the importance of Kendal Town Council's comments on planning applications, the Town Clerk also drawing attention to the personal knowledge and experience of local Town Councillors.

Resolved: To note the verbal reports.

P31/2023 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reminded Members that the meeting of the Group and the Environment Agency which had been due to take place on 14 June 2023 had been rescheduled to take place on Thursday, 6 July 2023, at the Flood Hub and also virtually for those unable to attend in person.

Cllr Cornthwaite drew attention to progress on the scheme, especially to current work along Aynam Road and reinforcing that area of the river. He further reported that the Environment Agency would in Autumn be removing the recently-planted trees at Beeson Fields to open up a wider section, having realised that there had been an error in the planting distance.

The Town Clerk was now in a position to report on the extent of Network Rail's property at this site, which was just the area below the railway arch. The dangerous piece of wall actually belonged to Westmorland and Furness Council, and the Town Clerk would be making arrangements to meet with officers of that Authority on that point of conversation.

A question was raised as to whether there would be an update at the meeting in relation to Scroggs Wood and the need to ensure that there was co-ordination between those involved was raised. The importance of ensuring that the funding on offer from United Utilities was not lost was stressed.

The Town Clerk, in response to a query, reported that the former tenant at Beezon Fields had now removed the ponies. Whilst progress had been made, the Town Clerk had yet to meet with the individual with regard to those items that remained on the field.

Resolved: To note the verbal update.

P32/2023 Planning Applications

The Committee considered the Planning Applications shown in Appendix 1 to these minutes.

Resolved: To submit the recommendations in Appendix 1 to these minutes to the Planning Authority.

P33/2023 Proposed Residential Development on Land off Brigsteer Road, Kendal

The Committee was asked to consider a letter from Story Homes in relation to their intention to submit a full planning application for approximately 108 new homes on the above site in Summer 2023.

The letter pointed out that Members would be aware that Story Homes was currently constructing 88 new homes on the first phases of Brigsteer Rise and that a planning application for a further 24 homes in the third phase was currently pending determination. The application site formed part of the larger area of land allocated for housing development by policies LA1.3 (Housing Allocations) and LA2.7 (Stainbank Green) of the Land Allocations Development Plan Document. Attached to the letter was a copy of the Consultation Layout which showed the application site in the context of the phases referred to above. Story Homes sought comments by 5 July 2023. The letter further highlighted the fact that once the full planning application had been submitted to Westmorland and Furness Council and had been validated, formal comments could be submitted to that Council as part of the planning application process.

A lengthy discussion ensued, during which both Cllrs S Long and C Russell put forward a number of comments.

Raised was the need for any development to reflect the sensitivity of the location, close to the Town boundary and the Lake District National Park World Heritage Site.

Members wished to reiterate that the Stainbank Green Supplementary Planning Document (SPD) proposed the Brigsteer Road as the sole vehicle exit and noted that, whilst the proposed access route was in line with the 2015 SPD, implication could be drawn that the exit onto Cedar Grove could be something more than a restricted emergency exit. It was felt that the development should bring forward robust active travel solutions to lessen the impact of creating a cul-de-sac of the size proposed.

Members found it difficult to comment on the density and design of the dwellings from the drawings supplied and welcomed an opportunity to discuss their expectations with the developer prior to an application being made. It was noted that the proposal for 108 new homes would take the cumulative total for the development to 220, 31 units over the recommended level in the Land Allocations Development Plan Document (DPD), which would place an additional burden on traffic flows. The Council would expect to see an affordable element representing 35% of the total.

The Council was committed to defending the integrity of the town's few remaining green corridors, of which the Vicarage Drive/Collinfield Lane open space was a vital part. Although the 2015 SPD saw this area reduced, the adopted version still requiree a greater link than as was implied from the preliminary sketches. Members wished to see the site's southern boundary more robustly and overtly connected for nature and amenity through to the descending open space.

The Council was had been disappointed that the developer's initial designs had led to misleading representations of tree distribution in the previous phases of the development. Members were keen to see a generous and realistic distribution of tree cover.

Members felt that that interconnectivity with existing walking and cycling routes was of importance and would be seeking proper provision for this in any subsequent travel plan, especially in the context of the EVA to Cedar Grove and other permeability points in the development. Whilst motor vehicle access into the existing estate to the East of the development should not be possible, the Council would look for traffic mitigations which served to encourage active travel to services.

Members were keen to see new developments having the benefits of Solar/PV and sustainable sources of power built in to the design and layout of the estate and its buildings, and not as an aftersales, afterthought.

Members expected the design for managing surface water run off to be sustainable and to be sufficient to cope with the expectation of very severe weather.

There was increasing evidence that the area occupied by the development may be on a route of genuine historic significance, and Members expected robust independent archaeological survey work to be carried out prior to any development.

Members further wished to see imaginative and impactful proposals for biodiversity net gains and an ecological impact survey that encompassed the cumulative impact of the development, particularly on the green corridor in the south east corner.

The Council would expect to see adequate play provision for the cumulative impact of the development, and this was not clear from the proposal drawings.

Members also that the cumulative impact on Brigsteer Road might lead to a proposal to split the development in two as a mitigation, with the southern half accessed through Cedar Grove. The Committee noted that this would be in contravention of the SPD, and would probably not present a viable solution. Members considered the preservation of access through this portal to be suitable for an EVA only.

Resolved: The Town Clerk, in consultation with the Chair of the Committee, to write a letter of comment to Story Homes along the lines discussed at the meeting and outlined above.

The meeting closed at 7.24 p.m.

Kendal Town Council

Responses from Planning Committee: 3 July 2023

Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2023/0460	22 Gillinggate, Kendal Replacement of 4 single glazed timber sash windows with Upvc double glazed sash windows	Highgate	11 July	No Material Objections providing the Conservation Officer is confident that the materials in the application are not deemed to be overly detrimental in the Conservation Area.