

Kendal Town Council

Town Hall, Highgate, Kendal LA9 4ED
www.kendaltowncouncil.gov.uk



Minutes of a meeting of the Planning Committee held on Monday, 7 November 2022, at 6.30 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

Cllr A Campbell	Present	Cllr A Finch	Present
Cllr J Cornthwaite	Present	Cllr H Ladhams (Vice-Chair)	Present
Cllr L Edwards	Present	Cllr D Miles	Present
Cllr D Evans	Present	Cllr D Rathbone (Chair)	Present

In Attendance: Chris Bagshaw (Town Clerk) and Inge Booth (Democratic Services Assistant).

P75/2022 Apologies

There were no apologies for absence, all Members of the Committee being present.

P76/2022 Declarations of Interest

No declarations of interest were raised.

P77/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

P78/2022 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 17 October 2022 and to authorise the Chair to sign them as a true record.

P79/2022 Planning Process and Issues

The Town Clerk referred to Minute No.P72/2022 of the minutes of the meeting of the Committee held on 17 October 2022 and consideration of suitable wording for a motion to Full Council on the Town Council's position on second homes and holiday lets within Kendal. He informed Members that the motion had been drafted, however, required some further changes, and that it would be included on the agenda for the next meeting of the Planning Committee. Cllr A Campbell undertook to send the latest draft of the motion to the Town Clerk to circulate by email to Members.

Members welcome a suggestion from the Chair regarding the production of a checklist containing a set of relevant points for discussion during consideration of all large housing developments in order to ensure that everything was taken into account by the Committee in each case.

The Committee gave consideration to options for planning training and as to whether this should be delivered through CALC or if something more bespoke delivered by planning officers was required. The fact that the Westmorland & Furness Council would shortly be responsible for planning issues was raised and that it may be appropriate for training to wait until then, however, the Chair was of the opinion that it would still be of value in the shorter term.

The Town Clerk drew attention to the Land Allocations Consultation, the deadline for comments on which would shortly pass, details having not been clearly visible on the District Council's website. All town and parish councils, however, were being allowed some leeway in making their submissions, and the Chair and Town Clerk, therefore, went through the sites and asked for comments from the Committee. Most of the new allocations were in either Natland or Helsington and so were mainly outside of Kendal, and they drew attention to the relevant areas within Kendal. The Chair undertook to email to Members his recent focus article and pointed out that the Committee could seek for specific sites to be removed from the plan if Members so wished. He further stated that he had already liaised with Councillor S Long for her to work on comments on the 2021 sites, as they had already worked on the same for the 2020 call for sites. The Town Clerk undertook to contact the relevant officer at the District Council and to inform him that the Town Council wished to put forward comments which would be late in arriving.

Resolved:

- (1) To note the verbal update.
- (2) Cllr A Campbell to send to the Town Clerk the latest version of the motion to Full Council on the Town Council's position on second homes and holiday lets within Kendal, the Town Clerk to forward the wording to all Members of the Planning Committee, with an item on consideration of the motion to be included on the agenda for the next meeting of the Committee.
- (3) The Town Clerk to prepare a checklist containing a set of relevant points for discussion during consideration by the Committee of all large housing developments.
- (4) The Chair to email to Members his recent focus article.
- (5) The Town Clerk to contact the relevant officer at the District Council advising that the Town Council wishes to put forward comments which will be late in arriving.

P80/2022 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, informed the Committee that a virtual meeting of the Group had been held on 26 October 2022, the minutes of which would be included on the agenda for the next meeting of the Planning Committee. The Environment Agency had provided an update by powerpoint, including a good set of slides of the entire corridor. Cllr Cornthwaite informed Members that there would be a gathering after the meeting on 7 December 2022 at the Flood Hub. He provided details in relation to the work on Aynam Road which was due to start at the end of November. He reported that disappointment had been expressed with regard to the fact that the works at Waterside had not been fully completed.

Resolved:

- (1) To note the verbal update.
- (2) The minutes of the meeting of the meeting of the Kendal Town Council Flood Relief Scheme Working Group held on 26 October 2022 to be included on the agenda for the next meeting of the Planning Committee.

P81/2022 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.

The meeting closed at 7.35 p.m.

Kendal Town Council

Responses from Planning Committee: 7 November 2022

Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	SL/2022/0928	18 Littledale, Kendal Two storey rear extension	Castle	7 November	No Material Objections provided that there is a contribution to net biodiversity gain.
2	SL/2022/0852	25 Dunmail Drive, Kendal Extension to existing front dormer to full width & full width rear dormer	Heron Hill	9 November	Material Objections as the rear “dormer” is out of keeping with the character of the area due to its size and dominance and overlooks the neighbouring property. The Committee, however, has no formal objections to the front dormer.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
3	SL/2022/0923 & SL/2022/0924	Abbot Hall, Kirkland, Kendal New signage	Highgate	9 November	<p>Note – During consideration of this planning application, Cllr A Finch explained that he was carrying out work within the building as a sub contractor, however, was advised by the Town Clerk that he had no interest to declare.</p> <p>Material Objections due to the number of signs, their colour and typeface, which are not in keeping with the area. The Committee, however, supports the applicant's wishes to advertise the cultural site in the best possible manner, but feels this application is not suitable for the above reasons.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	SL/2022/0926	<p>The Orchard adjacent Larch Howe, Brigsteer Road, Kendal</p> <p>Erection of single dwelling (Resubmission of expired planning permission SL/2018/0846)</p>	Highgate	10 November	<p>No Material Objections provided that the following are addressed:-</p> <ul style="list-style-type: none"> • Arboricultural Impact Assessment required and will need to be fully assessed following submission. • The Committee did not feel that this application fully addressed the issues raised subsequent to the reply from the lead Flood Authority. • The Committee requires compliance with conditions 5 and 6 of the original application. • United Utilities surface water drainage requirements are to be adhered to in compliance with the relevant clause. • Works on the access down the unadopted lane will require confirmation of access permission and adherence to the previous condition 9. • Construction plan to take full account of the proximity of neighbouring properties. • There appears to be insufficient attention to achieve the required net biodiversity gain and this application is not acceptable under Policy DM4.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	PN/2022/0130	<p>Jenkin Cragg Farm, Fowl Ing Lane, Kendal</p> <p>Application to determine if prior approval is required for a proposed telecommunications mast, antennas and ancillary development - Schedule 2, Part 16, Class A</p>	Nether	21 November	<p>Material Objections Any subsequent approval should address the question of whether the proposal can be moved to reduce unnecessary damage to biodiversity. The Committee questioned whether the development's positioning needed to be precisely where is, in such close proximity to a tree resulting in removal of part of that tree. Neither District Ward Councillors (Kendal East) or Town Councillor Ward Members (Kendal Nether) were notified of the application and therefore, the Town Council is unable to make any comment in favour of the application. Please re-apply once this has been actioned.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
6	SL/2022/0947	30 Copperfield Lane, Kendal Two storey side extension and single storey rear and side extension (Resubmission SL/2022/0157)	Nether	21 November	No Material Objections despite the scale and dominance of the proposal in the area. However, any agreement must be on the basis of sufficient net biodiversity to replace an increase in the amount of garden lost. Requiring a bird box is not sufficient or acceptable in Policy DM4. The Town Council repeats its request for significant planting to be actioned to mitigate this severe loss. Questions are raised with regard to the accuracy of the Flood Risk Assessment and the Committee looks to additional provision for soakaway and mains sewer connection as this is not seemingly sufficient.
7	SL/2022/0952	22 Collin Croft, Kendal Replacement of part glazed doors with new painted timber French doors at first and second floor level to Beast Banks elevation. Addition of metal railings as balustrade to doors. Under-drawing of first floor soffit with fire resisting board and decorative facing of painted T & G boarding	Highgate	21 November	No Material Objections assuming that the Conservation Officer is content with the proposal.
8	SL/2022/0962	75 Sandylands Road, Kendal Demolish existing prefab garage and replace with a larger flat roofed garage/workshop	Nether	21 November	No Material Objections provided that there is a contribution to net biodiversity gain.

9	SL/2022/0921	<p>Land at Brigsteer Road (Phase 3)</p> <p>Erection of 24 dwellings with associated vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works MAJOR</p> <p><i>(consideration deferred at the last meeting)</i></p>	Highgate	10 November	<p>No Material Objections but before agreement various issues must be amended to make this site acceptable within the terms of the Local Plan site allocation.</p> <p>The Committee would draw attention to the letter submitted by the residents of 33 Cedar Grove and would reiterate the comments contained within that letter.</p> <p>The Committee has concerns regarding the density of the build on this site for this phase of the development, the fact that this is an over-crowded site with insufficient parking, with insufficient gardens and virtually non-existent green spaces.</p> <p>There is inadequate non-vehicular access, footpaths and pavements both within the site and for non-motor vehicle transport to the town, and the transport plan for the site as a whole is not consistent with both lived experience and the density of build which does not allow for safe foot passage. This inconsistency creates more adverse effects as the development goes through its successive phases. This can and should be addressed and solved by a more realistic transport plan which addresses the need and desirability for increased foot traffic in a realistic and safe manner and in conformity with government and council policy.</p> <p>Suitable soakaway data needs to be provided as it does not currently prove that it conforms to NPPF requirements. The</p>
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				<p>lack of adequate amount of surface permeability does not conform with either guidelines or the internal arguments provided within the appended report. The report comments on this lack yet does not provide an answer to the need. This discrepancy must be addressed, seemingly by increasing that amount of permeable surface within this phase of the development. There does appear to be inadequate drainage capacity for completed phases of the development that needs to be addressed in synch with this matter.</p> <p>There appears to be a need for a separate foul water system for this phase, which has seemingly not been included in the plans, to conform to the CCC guidance. There appears to be little or no lead being taken to address any environmental issues resulting from the building of such a development, whether they be the opportunity to build in pv panels, heat exchangers, sufficient EV chargers, and other common initiatives rather than requiring purchasers to retro-fit any additions to the properties.</p> <p>There is a lack of green space as mentioned earlier owing to the density of housing together with an almost complete silence in attempting to address the large-scale loss of biodiversity, not salved by off-site measures. This loss in biodiversity is exacerbated by the unnecessary grubbing out of hedgerows and insufficient planting</p>
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No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
					<p>of immature trees. This results in a substantial loss of biodiversity on site which has a detrimental effect on wildlife corridors in this part of the edge of town. This lack of environmental sustainability of the site that does not conform to the aims of the existing Local Plan, SLDC's stated policies for health and environmental aims of sustainability nor any semblance of net biodiversity gain.</p> <p>Finally, the committee wishes to draw attention to its comments originally given on the start of this development and it believes any agreement should still be checked back against. Copies are available from the Town Council.</p> <p>All of these points can be addressed to provide a standard of development that conforms with policy and that Kendal needs for the future. The committee looks forward to them being resolved adequately for an agreement to be able to be given to this specific application on the site</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to CCC	Observations/Recommendations
10	5/22/9008	<p>Fire Service Equipment Storage Facility (former Archives Store Building Site), Busher Walk, Kendal, LA9 4RQ</p> <p>Section 73 application to vary conditions 2 and 3, and remove conditions 1, 4 and 7, of planning permission Ref. 5/19/9011 in order to retain the existing temporary facility until 4 December 2023</p>	Fell/Strickland	10 November	<p>No Material Objections, however, the Committee expresses disappointment that no adequate solution had been found by the original deadline.</p>