

# KENDAL TOWN COUNCIL

Notice of Meeting

## PLANNING COMMITTEE

**Monday, 16<sup>th</sup> March 2020 at 6.00 p.m.**  
**in the SLDC Chairman's Room, the Town Hall, Kendal**

### Committee Membership (8 Members)

|  |                                      |               |
|--|--------------------------------------|---------------|
| Douglas Rathbone<br>(Chair & Deputy Mayor) | Jonathan Cornthwaite<br>(Vice Chair) | Dave Miles    |
| Michele Miles                              | Pat Gibson                           | Helen Ladhams |
| Chris Rowley                               | 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 2<sup>ND</sup> MARCH 2020 (see attached)**

**5. MATTERS ARISING FROM PREVIOUS MINUTES, NOT ON AGENDA**

**6. KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP**

**7. NOTIFICATION OF APPEAL - 35 HAYFELL AVENUE, KENDAL, LA9 7JH (REF SL/2019/0846) (see attached)**

**8. ANY OTHER BUSINESS**

**9. PLANNING APPLICATIONS (see attached schedule)**

**Liz Richardson, Town Clerk**

By e-mail/post to: Members of the Committee  
All other Councillors (agenda only, for information)

## 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.*

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**Members of the Press and Public are welcome to attend the meeting.**

# KENDAL TOWN COUNCIL

## Planning Committee

**Monday 2<sup>nd</sup> March 2020 at 6.30 p.m.**

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

- PRESENT** Councillors Douglas Rathbone (Chair & Deputy Mayor), Jonathan Cornthwaite (Vice Chair), Dave Miles, Michele Miles, Pat Gibson, Helen Ladhams, Graham Vincent and Chris Rowley.
- APOLOGIES** None
- OFFICERS** Rose Tideswell (Temporary Council Secretary)
- 867/19/20 PUBLIC PARTICIPATION**
- Mr. Paul Naylor, 39 High Sparrowmire, Kendal in respect of planning application reference SL/2020/0806 Land at High Sparrowmire, Kendal.
- Paul speaking on behalf of a number of residents from Hallgarth informed the committee that the current application is subject to a new drainage plan. However, the proposed attenuation tanks designed to hold water only hold 99.6 cubic metres, and 1" of rain over the 1.9-acre site would equate to 190 cubic metres. This water has been re-directed from the houses, to be released toward the railway embankment, then into a culvert. The drainage system geo physical report for SLDC states that the land is subject to heave. There is a concern that the water released could cause a problem with the railway embankment and safety of the railway line is paramount. Residents are concerned that the drainage is not sustainable and that rainwater will overwhelm the attenuation tanks. The Chair thanked Paul Naylor for the public participation and advised him that he could stay to hear the committee views on the application.
- 868/19/20 DECLARATIONS OF INTEREST**
- Cllr D. Miles knows the applicant of application number 2 personally.
- 869/19/20 MINUTES OF MEETING HELD ON 17<sup>th</sup> February 2020**
- Members considered the minutes of the Committee meeting held on 17<sup>th</sup> February 2020.
- Councillor J. Cornthwaite proposed that the minutes be accepted as a correct record. This was seconded by Councillor C. Rowley and carried unanimously.
- RESOLVED** That the minutes of the meeting held on 20<sup>th</sup> January 2020 be accepted as a correct record, and signed by the Chair.

**870/19/20                    MATTERS ARISING NOT ON THE AGENDA**

None

**871/19/20                    KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP**

There was no business to report, as the working group has not met since the last Planning Committee meeting. The next meeting of the working group is 4<sup>th</sup> March 2020.

**872/19/20                    ANY OTHER BUSINESS**

The chair Councillor D. Rathbone raised a question from Cllr J. Owen with regard to planning permission required within the conservation area. A local resident wanting to change their windows from single glazed to double-glazed (same design but not 'like-for-like' as it is double glazed) within the conservation area are expected to apply for planning permission and to have plans drawn up. Is a strategic change of policy required?

Cllr. C. Rowley was of the opinion that in light of the climate emergency this area did need addressing.

It was Cllr. D. Rathbone's view that a strategic change was needed in this area. He has also contacted the resident after consultation with SLDC Planning to find a way forward in this particular application. The potential for nuance within the existing regulations has been found and it has been recommended that the resident speaks directly to Planning after their suggestion to do so.

The committee agreed that the Chair is to write to Dan Hudson at SLDC Planning & Cllr. J. Brooks the Housing portfolio holder for SLDC to request that this area is updated and rewritten in light of climate emergency. Copies to Cllr. S. Coleman, Cllr. J. Owen and Cllr. C Rowley.

**873/19/20                    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 7.30 p.m.

Signed .....

Dated .....

| No. | App No./<br>Type            | Address/<br>Proposed Development   | Comments<br>To SLDC | Observations/<br>Recommendations  |
|-----|-----------------------------|--|---------------------|---|
| 1   | FPA<br><a href="#">1043</a> | <b>64 Stramongate, Kendal</b><br>Change of use from office accommodation (Use Class B1) to self-contained flat (Use Class C3)  | 03.03.2020          | <b>No Objections</b>  |
| 2   | FPA<br><a href="#">0071</a> | <b>20 Sedbergh Road, Kendal</b><br>Replacement garage with link walkway to side of dwelling  | 05.03.2020          | <b>No Positive Decision due to paucity of information</b><br><br>See comments |
| 3   | FPA<br><a href="#">0806</a> | <b>Land at High Sparrowmire, Kendal</b><br>Hybrid application for the erection of 24 affordable dwellings (Full Planning Application) and 1 dwelling (Outline) (amended Scheme)  | 10.03.2020          | <b>No Objections in principal</b><br><br>See comments                         |
| 4   | FPA<br><a href="#">0079</a> | <b>81 Stricklandgate, Kendal</b><br>Partial demolition and re-building of external walls and full replacement roof with new profile metal cladding, installation of new main roller shutter access door (front) and other access doors and window (rear) | 17.03.2020          | <b>No material objections</b><br><br>See comments                             |

**Item 2) FPA [0071](#): - 20 Sedbergh Road, Kendal**

Replacement garage with link walkway to side of dwelling.

**Comments:** - The Committee felt that they could not make a positive decision on this application based on the paucity of information provided. There was no information on the relative effect on the neighbouring properties. Strong doubts were expressed about the future use of the “garage” given the dimensions on the drawings as well as the fact that show a wall in the middle of the garage. Until these questions are answered a positive answer cannot be given.

The Committee would like SLDC to have a formal standard with regard to planning application details, drawings and information submitted. The current system seems to allow a variation from hand drawn sketches to full architect plans

**Item 3) 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)

**Comments:** - The Committee does not disagree in principal to the erection of affordable housing on this site. Cllr. J. Owen had asked the Chair to obtain confirmation that the direction of water is changed away from the properties towards the railway embankment that belongs to Network Rail. Cllr C. Rowley welcomed the changes taking water away from the estate. The Committee gives a cautious welcome to the strategic change but information is still required from Network Rail as to whether they allow use of their trackside surface water drains and the ongoing condition of the culvert. The benefits of any use of the Network Rail culvert were doubted considering it is currently broken as well as previously wrongly stated volumes, by the applicant, of water expected through the site need clarification before a positive decision can be made. Any positive response would depend on confirmation that the surface water system reflects the local natural topography, drains away from Hallgarth and drainage/ attenuation tanks are adequate for the increased volumes seen recently, volumes far in excess of those quoted in the application.

The Committee wishes to be consulted further once answers to these have been ascertained and trusts that SLDC Planning Department will engage to this end. Its next meeting is 16.3.20.

**Item 4) FPA [0079](#): - 81 Stricklandgate, Kendal**

Partial demolition and re-building of external walls and full replacement roof with new profile metal cladding, installation of new main roller shutter access door (front) and other access doors and window (rear)

**Comments:-** The Committee supports the provision of this workshop for industrial use but would seek to improve the visual view. Whilst accepting the overall application, improvement to the visual aspect such as the East elevation and those aspects that can be seen, for example the new main roller shutter access door are requested.

Kendal Town Council  
Kendal Town Hall  
KENDAL  
LA9 4DL

**South Lakeland District Council**  
South Lakeland House  
Lowther Street  
Kendal  
Cumbria LA9 4DL

Tel: 01539 733333

[www.southlakeland.gov.uk](http://www.southlakeland.gov.uk)

Our Ref: SL/2019/0846

Your Ref:

Date: 28<sup>th</sup> February 2020

Dear Sir / Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 78  
PLANNING APPEAL AGAINST REFUSAL OF A HOUSEHOLDER APPLICATION**

**SITE AT:** 35 Hayfell Avenue, KENDAL, LA9 7JH  
**PROPOSED DEVELOPMENT:** Single storey extension to the front of the property to create a sun room  
**APPELLANT:** Mr Roger Ladhams  
**APPEAL START DATE:** 24<sup>th</sup> February 2020  
**SLDC APPLICATION REF:** SL/2019/0846  
**PLANNING INSPECTORATE REF:** APP/M0933/D/20/3244336

**I refer to the above details. An appeal has been made to the Secretary of State (Planning Inspectorate) against the decision of South Lakeland District Council to refuse to grant planning permission.**

This appeal will proceed under the Householder Appeals Service (HAS). **Therefore, there is no further opportunity for you to submit any comments.** We will, however, forward copies of all representations made to us in relation to the planning application to the Planning Inspectorate and the appellant. The Inspector appointed by the Secretary of State will consider these representations when determining the appeal.

You may withdraw any representations you have already made so that they are not taken into consideration by the Inspector. You can do so online at:

<https://www.gov.uk/government/organisations/planning-inspectorate> If you do not have access to the internet you can send your comments to:-

Aleksandra Baran  
Case Officer  
The Planning Inspectorate  
Zone 3C Eagle Wing  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

The Planning Inspectorate aims to deal with householder appeals within 8 weeks of the appeal starting date. The timetable, progress of the appeal and the decision (when issued) can all be viewed on the Planning Portal website at:

<https://acp.planninginspectorate.gov.uk>

The appeal documentation will be available to view on the Council's website:

<http://applications.southlakeland.gov.uk/PlanningApplications/welcome.asp>;

alternatively, in person, on the computer in reception at South Lakeland House, Lowther Street, Kendal (9.00 am – 5.00 pm).

**NB** The Planning Inspectorate will publish appeal documentation, including copies of representations received, on the Planning Portal website. Information provided in your representation, will be published. This may include your name and address, but personal telephone numbers and email addresses and signatures of individuals will be removed.

If you object to publication in this way, please contact the Planning Inspectorate directly on 0303 444 5000, or by writing to the Planning Inspectorate at the above address.

Yours faithfully

**Development Management Technician**

Email: [development.management@southlakeland.gov.uk](mailto:development.management@southlakeland.gov.uk)

Direct line: 01539 793330



| No. | App No./<br>Type                           | Address/<br>Proposed Development  | Comments<br>To SLDC | Observations/<br>Recommendations |
|-----|--|---|---------------------|----------------------------------|
| 1   | FPA<br><a href="#">0077 &amp;<br/>0078</a> | <b>109 Burneside Road, Kendal</b><br>Raising existing garage roof and new detached timber building  | 17.03.2020          |                                  |
| 2   | FPA<br><a href="#">0056</a>                | <b>45 Kirkbarrow, Kendal</b><br>Erection of single dwelling   | 18.03.2020          |                                  |
| 3   | FPA<br><a href="#">0083</a>                | <b>1 Hartside Road, Kendal</b><br>Single storey rear extension  | 18.03.2020          |                                  |
| 4   | FPA<br><a href="#">0109</a>                | <b>164 Burneside Road, Kendal</b><br>Enlargement of rear dormer   | 19.03.2020          |                                  |
| 5   | FPA<br><a href="#">0112</a>                | <b>106 Highgate, Kendal</b><br>Change of use of shop (Use Class A1) to a place of public worship (Use Class D1)                                     | 20.03.2020          |                                  |
| 6   | FPA<br><a href="#">0809</a>                | <b>30 Empsom Road, Kendal</b><br>Alterations to porch and garage extension  | 25.03.2020          |                                  |
| 7   | FPA<br><a href="#">0126</a>                | <b>41 Whinfell Drive, Kendal</b><br>Single storey wrap around extension and installation of a side dormer window                                    | 30.03.2020          |                                  |
| 8   | FPA<br><a href="#">0145</a>                | <b>Former Enterprise Rent A Car, Station Yard, Kendal</b><br>Partial demolition and rebuild with single storey rear extension and remodel of façade | 30.03.2020          |                                  |
| 9   | FPA<br><a href="#">0147</a>                | <b>Summerhill Nursing Home, East View, Kendal</b><br>Replacement windows  | 30.03.2020          |                                  |
| 10  | FPA<br><a href="#">0143</a>                | <b>Kendal Library, Stricklandgate, Kendal</b><br>Rewiring and replacement heating installation  | 30.03.2020          |                                  |