

KENDAL TOWN COUNCIL

Notice of Meeting

PLANNING COMMITTEE

Monday, 7th September 2020 at 6.00 p.m.
(Via Teleconferencing)

Committee Membership (8 Members)

Douglas Rathbone (Chair & Deputy Mayor)	Jonathan Cornthwaite (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 17TH AUGUST 2020** (see attached)

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

6. **KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP** (see attached)

7. **GOVERNMENT WHITE PAPER ON PLANNING**

8. **ANY OTHER BUSINESS**

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

Judith Lomax
Treasurer

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.

Members of the Press and Public are welcome to attend the meeting via teleconferencing or correspondence by arrangement with the Chair, Cllr Doug Rathbone, at rathers@live.co.uk or 07505503965.

KENDAL TOWN COUNCIL

Planning Committee

**Monday 17th August 2020 at 6.30 p.m.
(via teleconferencing)**

PRESENT Councillors Douglas Rathbone (Chair & Deputy Mayor), Dave Miles, Michele Miles, Pat Gibson, Helen Ladhams, Chris Rowley and Graham Vincent

Graham Harrison was also in attendance.

APOLOGIES Councillor Jonathan Cornthwaite

OFFICERS Nicky King (Council Secretary)

200/20/21 PUBLIC PARTICIPATION

None.

201/20/21 DECLARATIONS OF INTEREST

Councillor Rowley declared an interest in respect of applications relating to 4 Mount Street and 33 Appleby Road as he knows the owners of those properties.

Councillor Gibson declared an interest in respect of 69 Serpentine Road as she is friends with the applicant.

202/20/21 MINUTES OF MEETING HELD ON 3RD AUGUST 2020

Members considered the minutes of the Committee meeting held on 3rd August 2020.

Councillor Ladhams proposed that the minutes be accepted as a correct record. This was seconded by Councillor Vincent and carried with 2 abstentions.

RESOLVED That the minutes of the meeting held on 3rd August 2020 be accepted as a correct record, and signed by the Chair.

203/20/21 MATTERS ARISING

Councillor Rathbone advised that both Councillor Rowley and himself have written to the SLDC Housing Portfolio Holder regarding the windows/double glazing issue previously discussed and remain in correspondence in this respect.

204/20/21 KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP

Members were advised that a meeting of the working group has taken place since the last Planning Committee meeting. Councillor Cornthwaite will update Committee at the next meeting.

17.08.2020

205/20/21 LAND TO THE SOUTH OF UNDERBARROW ROAD, KENDAL – STREET NAMES

Committee noted confirmation from SLDC Street Name Number Team that the suggested limestone related street names have been agreed by the developer.

206/20/21 ANY OTHER BUSINESS

Councillor Rathbone referred to the Government White Paper on Planning. He felt Committee should consider this and put forward comments to both Full Council and Government. He commented that the White Paper will see wholesale change both in the planning process generically and specifically with the Kendal Conservation Area. It was agreed to add this to the agenda of the next meeting for further discussion.

RESOLVED Government White Paper on Planning to be added to the agenda of the next Committee meeting for discussion.

207/20/21 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 7.10pm

Signed

Dated

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 0443	Kendal Magistrate Court, The Courthouse, Burneside Road, Kendal Redevelopment to form 64 retirement living apartments for older people (sixty years of age and/or partner over fifty five years of age), guest apartment, communal facilities, access, car parking and landscaping	18.08.2020	Material objections See comments below.
2	FPA 0892	South View Cottage, South View Lane, Kendal Erection of detached dwelling, two storey extension to existing dwelling and creation of vehicular access	17.08.2020	Material objections See comments below.
3	FPA 0434	1 Hayclose, Hayclose Lane, New Hutton, KENDAL Front porch	19.08.2020	Not considered as outside Kendal Town boundary.
4	FPA 0451	28 Applerigg, Kendal Two Storey Side Extension in lieu of Single Storey	24.08.2020	No material objections.
5	FPA 0485	5 Spital View, Kendal Construction of dormer to roof at the rear of 5 Spital View in the conservation area	24.08.2020	No material objections as long as in accordance with Kendal Conservation Area Policy, Planning Guidance and Precedents.
6	FPA 0477	69 Serpentine Road, Kendal Installation of solar panels and pruning of silver birch tree 'T1' at 69 Serpentine Road.	27.08.2020	No material objections In light of the declared climate emergency, Committee feel solar panels are acceptable in this instance, even within Kendal Conservation Area.
7	FPA 0480	19 Helsington Road, Kendal Proposed front extension & internal alterations	27.08.2020	No material objections Committee suggests the placement of bird boxes should take into account flight lines.

8	FPA 0482	44 Lingmoor Rise, Kendal Proposed single storey rear store, side extension and front porch	01.09.2020	No material objections Be aware of flight lines for bird boxes and suggest moving from where placed on the plan.
9	FPA 0484	98 Oxenholme Road, Kendal Proposed front and rear extension	01.09.2020	No material objections
10	FPA 0511	39 Briarigg, Kendal Alterations and extensions to boundary wall	01.09.2020	No material objections on the basis of local precedents. Committee request clarification in respect of the importance of the splay on the border with number 41. We also request Highways issue an adequate safety report on the wall and sight lines.
11	FPA 0509	4 Mount Street, Kendal Replacement ground floor front windows and front door	02.09.2020	No material objections
12	FPA 0429	14 Kent Street, Kendal Change of use from barbers shop (Use class A1 Shop) to café & bar (Use class A3 Restaurant & café)	02.09.2020	No material objections
13	FPA 0461	33 Appleby Road, Kendal Change the use from a non-residential institution (Use Class D1) to dwelling (Use Class C3)	03.09.2020	No material objections

COMMENTS**Item 1 – SL/2020/0443 - Kendal Magistrate Court, The Courthouse, Burneside Road, Kendal**

Committee would refer back to previous comments made to SL/2019/0841 on 5.12.19, which it felt have not been adequately addressed, and put forward the following material objections:

The Committee agree with the principle, as outlined in 2019 by SHMA, for affordable dwellings of this type. We draw attention to this need and find this application does not meet the policy criteria required, with no seeming viability rationale adequately put forward. Once again we draw attention to the Committee's wish that guidance is given to LSH that policy regarding this should be robustly upheld in this and other cases.

We also draw attention to residents' comments, especially with regard to increased footprint, height in front of the building, flooding risk and increased traffic during construction and afterwards.

Whilst this is not within the Kendal Conservation Area it does face it across Burneside Road and the fourth floor does create a dominant, solid and unremitting frontage which is out of keeping with surrounding properties in terms of scale and dominance. This increase, as designed, adversely affects the appearance along the border of Kendal Conservation Area, especially with regard to the northwest elevation.

The Committee also asks for specific clarification on the demolishing and construction phases of the application, especially in relation to neighbouring properties, the riverside and surrounding roads and with respect to use of articulated lorries. This is of specific concern to residents and the Committee.

We also remind Development Control and Planning of our specific road proposals and travel plan within our comments to SL/2019/0841 on 5th December 2019, especially with regard to taking the corner off the Dockray Hall/ Burneside junction.

Sufficient notice should be taken of Cumbria County Council's report as Lead Flood Authority, objecting to the original surface water drainage strategy. It should be ensured that these objections have been adequately answered by response from CCC and that data supplied & relied on in the application were correct, given the area's flood risk.

Committee are disappointed to note removal of the intended ground source heat pump for heating and request a justification as to why this has been omitted when so much was made of it in publicity for the pre-application.

The Travel Plan encourages cycling, yet only 2 bikes spaces have been accommodated in the buggy store. Committee would suggest at least 10 spaces should be provided for to conform to the needs of the Travel Plan actually used to support this application & SLDC policy.

We therefore ask for a revision of the application before any determination of SL/2019/0841.

Item 2 – SL/2019/0892 - South View Cottage, South View Lane, Kendal

The Committee would refer back to previous comments made for this site which it still wishes to raise as material objections.

It also wishes to put forward the following material objections in addition to neighbour comments received:

Original objections have not been answered by the applicant.

The size, appearance and design of the new build cottage is not in keeping with the character or appearance of the immediate (conservation) area. We also draw attention to potential loss of privacy as outlined in neighbours' comments.

Building standards are not compatible with Planning Guidance for the Kendal Conservation Area.

Vehicular access issues have not been addressed with the impact on the Lane.

We strongly object to the use of uPVC for windows/doors due to this being within the Kendal Conservation Area with no reasonable pretext and there being no known precedent of breaching these planning guidelines in the immediate area.

The Committee also draws attention to the Greenfield designation as outlined in 3 West Groves neighbour comment.

The extension of the existing property is felt to be acceptable but the new build "cottage" on a seeming Greenfield site means that this application is not compatible with the Local Plan or policy.

The Committee still states, as with its previous comments, that this new build is a suburban application within a semi-rural curtilage. The building of two properties of such a size does not conform to the aims of the LDP and the changes in submission do not adequately answer that issue.

Kendal Flood Relief Scheme Working Group (WG) Notes 05.08.2020, Zoom meeting

Attendees: Cllr Jonathan Cornthwaite KTC, Cllr Jonathan Brook KTC SLDC, Cllr Graham Vincent (GV) KTC. Cllr Chris Rowley (CR) KTC, Cllr Shirley Evans (SE) KTC, Craig Cowperthwaite (CC) EA, Peter Thornton (PT) CCC, SLDC Julia Dunlop (JD) KTC, Cllr Susanne Long (SL) KTC, SLDC, Cllr Douglas Rathbone SLDC KTC.

In Attendance: Graham Harrison Researcher (GH), Gareth Candlin (GC) SLDC.

Apologies: Tom McCormick EA (TM), Cllr Eamonn Hennessy (EH) KTC SLDC,

1. Welcome. JC
2. Apologies. JB - As above
3. Declarations of Interest. - None
4. Minutes/Notes of Last Meeting dated 17/06/20. - Agreed.
5. Matters Arising not dealt with elsewhere on the Agenda. - None
6. EA Update – Craig Cowperthwaite CC EA

6 a & b) Glass:

EA will come back in Sept with affordability following submission of specifications. We can then discuss what's affordable. If there is an affordability issue we may need to amend the length of glass. Once okay with what we are able to deliver going forward, we will do some visualisation and go out to the various consultees. EA will also go to SLDC planning to discuss the pre application process. EA will need evidence of support from consultees. Don't want to put in an application and then get a lot of local resistance on the specifics.

PT – Likely to see some groups with vocal opposition. CC Objections have to be on valid planning grounds. So not purely on volume.

GC this relates to the mechanism. This is a minor amendment. Pressure groups will be negative but Aynam Road, so support from residents will be crucial. This will go out from SLDC on the weekly planning list and SLDC will put up notices. People will pick up on this. The Working Group need to be prepared for this.

JC EA will only give weight to material planning considerations. But opponents may try to put forward arguments that the process is flawed.

JC Asked if tender is likely to result in responses within budget? CC responded that this is difficult to estimate. The tender evaluation spreadsheet will be detailed and complex and allow financial interrogation of the different aspects of the project.

GC Added. That it's an odd time with COVID and tenders can come back surprising may need to value engineer.

CR In talking to anti groups the likely objections will be bird strikes. CC Bird strikes will form part of the environment assessment under s73. Will have input from relevant experts.

JB Asked regarding other amendments. CC responded that EA are meeting with SLDC Planners to discuss other amendments. Non & Minor material amendments will all be gone through and the response will be decided in due course. This is standard practice.

JC asked if EA are any clearer on the Gooseholme section. CC This might result in a reduced cost. May be a separate planning application. This may make ground level higher and result in less grass.

JB Asked for this raised ground level option to be given some priority as this could lead to a reduced need for glass in this section and lead to potential cost savings for the glass wall scheme and allow greater focus on the Aynam Road section if value engineering was required. CC agreed to look into this.

GC Indicated that this together with other changes will be discussed by the EA, funders and planning authority. The key issue will be how far move from original planning permission. The cumulative effect of all changes will need to be considered.

Kendal Flood Relief Scheme Working Group (WG) Notes 05.08.2020, Zoom meeting

c) Planning Phase 1 Consultation:

CC indicated that good feedback and conversation had been received and will be built into planning documents. Some feedback will be taken into some consultation groups for further discussion. CC said that positive conversations had been had with many different groups and he was optimistic that the scheme will leave some good outcomes for the future.

JC Asked - When will the shop be re-opening on Little Aynam? CC responded that the EA had not reopened local offices and that all staff were working from home. Hopefully, will be opening soon. Primary purpose for EA to be in the town, so CC will ask for a date and feed back to JC.

d) Construction:

CC Said that the situation with COVID has brought about delays on background work. Still on for Sept/Oct start at Helsington Mills and the challenge is catching up on ground investigation work. On P2 & P3 also delays, but all info still hoped for by Christmas. May be Autumn 2021 before planning for these phases. There will be preapplication process for these schemes. That planning process is scheduled for 12 months.

SE Asked a specific question about the Fowling Lane culvert –indicating that the EA had not able to do what is needed as culvert contained asbestos. CC responded that this was all part of investigation work and will come back on this to SE. CC continued that culverts are critical and EA need to know type size and condition. This work will continue into 2022. Work on P2 &P3 will be ongoing until 2023/4.

JC Asked when will P1 be finished? CC P1 will be substantially complete in 2023.

e) Footpaths and Cycleways:

CC indicated that EA had mapped out works on some electronic files. Not sure if shared. So that partners can look at maps. Maps went to SLDC & CCC last 2 days. Working towards a base understanding. An officer meeting in 2/3 week in Sept. Then broaden out discussion to this Working Group.

PT said that using funds Government funds you hear about is very difficult and timing and specification is difficult.

CC will get relevant officers in room and will need to specify where, when and how much funding is required.

JB Need to get to stage where we know which organisation is taking the lead each section of path/cycleway. CC agreed.

SL highlighted that there is an CCC officer allocated to undertaking some of this work – Geoff Fewkes.

PT raised the point that it is also critical that the timescale for each element of work is identified so that effort can be directed at those elements that need to be delivered first and those that can wait.

f) Public Realm:

CC outlined the EA position within red line boundary. Also the EA funding element of £200k plus £50k from SLDC. This money will be put into a pot and create a stakeholder group to develop option.

GC Indicated that SLDC had committed £550k for Public Realm, the Glass Wall and Public Art. CC ideas are to be developed and then need to identify what EA are delivering. Ask for art contributions. Larna Grindley is the EA resource to help deliver the Public Realm scheme.

SL Had been to the presentation and is also on Kendal Futures and asked how's it been and is someone pulling together the views and how to move forward? CC responded that the EA will produce a table of what EA will deliver the rest will be other aspirations and others will be able to feed into the stake holder group.

GC Highlighted the need to make a distinction between the EA and the public art strategy. EA planning conditions may be different to aspirations of the group to deliver improvements to town. These need to be shared with KTC as well as this working group. Need to come to a consensus as to how it will be spent. Don't know how we'll get to a consensus. GC important to get broad views and drill down to a majority view.

CR raised the issue of the cycleway on common land and to make sure there is right of way on new common land. CC & Sion Thomas at SLDC are aware of the issue.

JC Asked regarding work in river corridor – Is this being looked at. CC responded that this is just ongoing maintenance. CC & JC to have a separate conversation about this.

Kendal Flood Relief Scheme Working Group (WG) Notes 05.08.2020, Zoom meeting

7. KTC update:

SE Implored that we had fought long and hard. This is a great opportunity to make best scheme for Kendal. Lots of positive pressure needed.

JD Was concerned that EA were only now seeking detailed costing's. JB Unfortunately that's the process.

It was noted that with S73 the prime aim is to keep this as a non-material change.

GH reminded the group that work had been done going out to consultees have already given letters of support. They have agreed to remain focussed. EA going out to 2 firms UK steel and German firm German firm will have to use their more heavy duty system.

JC Highlighted his earlier conversations with businesses that they may be willing to sponsor a panel and this was something businesses would be okay to support. SL but COVID has made life very difficult.

SE the maps will be key and will add clarity.

JC raised the matter sub groups needing to get more active. Lots to work with and chase.

JC has some funding to chase up maps from KTC £1.5k for Helen Moriarty to put to E&H committee.

8. Scheme Communication Plan and Actions including funding for riverside walk:

JC to get a list of names from CG about who he's talking to.

9. AOB - None

10. Date of Next Meeting to be confirmed – but needs to be in near future. Additional site visits also to be arranged.

KENDAL TOWN COUNCIL

Applications for Planning Committee: 7th September 2020

Appendix 1

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 0489	6 River Bank Road, Kendal Two storey side extension incorporating rear dormer and enclosed glazed balcony (Resubmission of SL/2019/0328)	07.09.2020	
2	FPA 0495	2 Barony Hills, Sandylands Road, Kendal Single storey front extension to form entrance lobby	08.09.2020	
3	FPA 0492	68 Lingmoor Rise, Kendal Extension of the existing entrance porch, removal of the flat roof, and replacement with a mono-pitch roof featuring a Velux roof light	09.09.2020	
4	FPA 0505	Ghyll Head, Captain French Lane, Kendal Porch to the north east elevation	09.09.2020	
5	FPA 0536 & 0537	69 Stricklandgate, Kendal Installation of retractable canopy	14.09.2020	
6	FPA 0532	28 Empsom Road, Kendal Side and rear extension and front dormer	15.09.2020	
7	FPA 0539	10 Heath Close, Kendal Conversion of existing conservatory to a kitchen/dining room	15.09.2020	
8	FPA 0542	147 Windermere Road, Kendal Replacement workshop/garage	15.09.2020	
9	FPA 0554	37 Silver Howe Close, Kendal Enlarged replacement conservatory	16.09.2020	
10	FPA 0491	68 Lingmoor Rise, Kendal Erection of two-bed end of terrace house with detached garage and one parking space	17.09.2020	
11	FPA 0567	1 Castle View, Kendal Two storey side extension, rear dormer & extension of existing boundary wall to form courtyard	17.09.2020	

KENDAL TOWN COUNCIL

Applications for Planning Committee: 7th September 2020

Appendix 1

12	FPA 0576	22 Windermere Road, Kendal Rear porch canopy with 1st floor balcony over with glazed balustrade, garden room & alterations at the rear of the property	17.09.2020	
13	FPA 0501 & 0502	The Cottage, 8 Thorny Hills, Kendal Reduce the height of the boundary wall by 700mm for a length of two metres (Retrospective)	17.09.2020	
14	FPA 0603	28 Stramongate, Kendal Alterations and change of use of existing retail premises (Use Class A1 Shop) to 3 self-contained dwellings (Use Class C3 Dwellinghouses) and reduced floor area retail premises (Use Class A1 Shop)	18.09.2020	
15	FPA 0592	5 Garburn Road, Kendal Single storey rear extension & alterations	18.09.2020	
16	FPA 0568	19 Castle Riggs, Kendal Two storey extension	18.09.2020	
17	FPA 0605	1 Finley Drive, Kendal Demolition of existing extension & garage, alterations including erection of single storey side & rear extension and new detached garage	18.09.2020	
18	FPA 0594	75 Hayclose Crescent, Kendal Two storey front extension	18.09.2020	