

Kendal Town Council

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



31 January 2022

To Members of the Planning Committee

Cllr J Cornthwaite	Cllr D Rathbone (Chair)
Cllr P Gibson	Cllr C Rowley
Cllr H Ladhams (Vice chair)	Cllr K Teasdale
Cllr D Miles	Cllr G Vincent

You are summoned to a meeting of Kendal Town Council Planning Committee on Monday 7 February 2022 at 6.30pm, at the Town Hall, Highgate, Kendal. Details of the meeting can be found on the Town Council's website.

Distributed to other members of the Council for information only.

Yours faithfully

A handwritten signature in black ink, appearing to be 'C Bagshaw'.

Chris Bagshaw
Town Clerk

AGENDA

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.

1. **Apologies**
To receive and accept any apologies. If accepted, apologies will be considered to be for reasons approved by the council under the terms of local government act 1972, s85.
2. **Declarations of Interest**
To receive declarations by members and/or co-optees of interests in respect of items on this agenda.
3. **Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)**
To consider whether there are any agenda items during consideration of which the press and public should be excluded.
4. **Minutes from the Last Meeting**
To receive the minutes of the meeting on 24 January 2022 and affirm them as a true record.

5. Planning Process and Issues

To consider any planning process or related issues arising from the Council's interaction with the Planning Authorities. These may include items for reference, training, or guidance following feedback from previous applications.

6. Biodiversity Net gain Regulations Consultation

To consider the Council's response to the Government's consultation on biodiversity net gain regulations.

Background

The Department for Environment, Food and Rural Affairs is consulting on proposed regulations for the imposition of net biodiversity gain levels in new developments. https://consult.defra.gov.uk/defra-net-gain-consultation-team/consultation-on-biodiversity-net-gain-regulations/supporting_documents/Consultation%20on%20Biodiversity%20Net%20Gain%20Regulations%20and%20Implementation_January2022.pdf

The Committee will consider what feedback it might offer the consultation, and how long it requires to collate that feedback.

7. Kendal Town Council Flood Relief Scheme Working Group

To receive any update.

8. Planning Applications (see attached schedule)

To consider the following planning applications received from South Lakeland District Council and Cumbria County Council.

The Committee will consider planning applications received and published by local planning authorities up to the date of the meeting. Where the publication of the application is after the initial publication of the agenda, items will be added up to the day of the meeting where necessary to meet planning consultation timeframes. A full list of applications likely to be considered can be obtained by checking the local planning authority websites:

<https://applications.southlakeland.gov.uk/fastweb/welcome.asp>

<https://planning.cumbria.gov.uk/Search/Results>

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Minutes of a meeting of the Planning Committee held on Monday 24 January 2022 at 6.30pm.

Cllr J Cornthwaite	Present	Cllr D Rathbone (Chair)	Present
Cllr P Gibson	Apologies	Cllr C Rowley	Present
Cllr H Ladhams (Vice Chair)	Present	Cllr K Teasdale	Present
Cllr D Miles	Present	Cllr G Vincent	Present

In attendance: Chris Bagshaw (Town Clerk), Ian Gordon (Democratic Services Assistant).

P113/21/22 Apologies

Apologies were received and accepted from Councillor Gibson

P114/21/22 Declarations of Interest

Councillor Vincent declared an interest in planning application SL/2022/2. He is a member of Lakeland Arts.

P115/21/22 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

P116/21/22 Minutes of the Previous Meeting

The Committee received the minutes of the previous planning committee meeting held on 20 December 2021.

Resolved: To accept them as a true record.

P117/21/22 Planning Process Issues

None.

P118/21/22 Kendal Town Council Flood Relief Scheme.

Councillor Cornthwaite provided an update on the meeting held on 19 January 2022. Reports from the EA on progress and future planning applications were circulated to members.

The Chair noted the working group were undertaking work that also included work that rightly belongs with the E&H committee.

Resolved: To note the update. The Chair of KTCFRS to meet with the Clerk and the Chair of Planning to agree updated terms of reference to accommodate current practice

P119/21/22 Local Plan Issues and Options Consultation

None

Resolved: To

P120/21/22 Planning Applications

The Committee considered the Planning Applications shown in Appendix 1.

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

The meeting closed at 19.37

Kendal Town Council
Appendix 1
Applications for Planning Committee 24 January 2022

No	App No/Type	Address/ Proposed Development	Comments to SLDC	Observations/Recommendations
1	SL/2021/1198	12 Fountain Brow Replacement UPVC windows & doors & painting of external render	26 January	No material objections
2	SL/2021/1204	2 Stonecross Green Single storey rear extension to form new kitchen and dining area.	26 January	No material objections provided sufficient net biodiversity gain included.
3	SL/2021/1205	Travis Perkins, Mintsfeet Road Re-arrangement of existing builders merchant yard including additional external racking up to 5.5m, removal of existing trees to facilitate extension of external concrete slab & replacement of existing fence.	26 January	Recommend refusal. The Council is concerned over the plan to remove trees and is opposed to the application as it stands. The application does not include any assessment regarding these trees or plan any consideration for biodiversity and therefore information is required before a positive response could be considered. Disappointment in the applicant was widely expressed at the lack of even an attempt at addressing biodiversity and the committee felt the removal of these trees, especially on this site was so detrimental and against policy as to warrant refusal. Concern was also raised concerning the height of the external racking and visual and noise impact on neighbouring domestic properties.

4	SL/2021/0959 ¹	<p>Stramongate County Primary School, Blackhall Road</p> <p>New multi-use games area (MUGA) incorporated into the site area which was previously occupied by the Nursery Block. The MUGA will have a high performance 3G artificial grass finish - in green. The ends of the pitch will have 2 metre high fencing with goal recesses. The pitch will be raised by approximately 100mm off the existing level of the field to protect the roots of the existing trees.</p>	20 January	<p>Submitted directly to SLDC Planning under delegated arrangements on 13th January to ensure comments are received before cut-off date. Delegated decision confirmed at Planning Council Meeting 24 January 2022</p> <p>Following consultation under delegated arrangements, the Council has no material objections provided that proposals of United Utilities dated 2 December and 6 Dec are adhered to. Also, that the Environment Agency, the arboriculturist and Cumbria County Council comments are fully taken into account before reaching a decision.</p> <p>In the light of the EA's requirement of a newly submitted Flood Risk Assessment, and the lack of one showing on the portal at this date, we cannot endorse this application as it stands. However, if that is submitted and the EA deems it sufficient we would not have any material objections.</p>
5	SL/2021/1088	<p>Abbot Hall Social Centre, Dowkers Lane</p> <p>2 non-illuminated fascia signs</p>	25 January	No material objections
6	SL/2022/0013	<p>Abbot Hall Art Gallery, Kirkland</p> <p>Essential repairs & refurbishments (Superseding planning permission SL/2019/0182 & Listed building consent SL/20219/0183)</p>	2 February	No material objections
7	SL/2021/1074	<p>Land to the south east of Fowl Ing Works, Fowl Ing Lane</p>	2 February	Recommend Refusal. The application as a whole was recommended for refusal. The access path is too narrow and will be dangerous for increased traffic. Insufficient plans have been

¹ This is an amended application. In October 2021 Kendal Town Council had, No Material Objections.

		Application for Outline Planning Permission (all matters reserved) for 3 detached dwellings		<p>submitted for the proposed houses for the committee to be able to reply any way but negatively. In addition, there is also no provision for any affordable housing in contravention of stated policy.</p> <p>This site is not included in allocated land for development and the Council would oppose it being included in the future. For further comment from the Council on this, see the response submitted in Dec 2021 on site allocation in the current Local Plan consultation process.</p> <p>As owners of neighbouring land the Council do not think it is suitable for development given the adjoining allotments which previously enjoyed a safe footpath exit.</p> <p>The proposed houses will overlook adjoining existing properties and also have a detrimental effect on the characteristics of the surrounding area, as mentioned in neighbour responses submitted.</p> <p>The Council notes the concerns over restrictive covenant and suggests that prior to any decision it should be determined if there are protected covenants prohibiting development on the site.</p>
8	SL/2021/0503	22 Kirkbie Green Replacement UPVC windows and doors	3 February	No material objections
9	SL/2021/1156	Kentgate Place Apartments, Beezon Road, Replacement UPVC windows	3 February	No material objections but would suggest the use of a softer colour palette on window frames.
10	SL/2022/0018	66 Natland Road Formation of vehicular access and hardstanding for parking (retrospective)	7 February	Recommend Refusal. Insufficient information is provided in the application in order to make a judgement, leaving various outstanding issues to be addressed.

			<p>Additional information required includes the request for further information from CCC. Given the site's location on a busy corner, the committee would require an imaginative solution to road safety in order to allay their worries on this corner site and answers to real objections regarding vehicle splay.</p> <p>There is no contribution to net biodiversity gain included. Given the 2 bird boxes included in a previous application for a 2 storey extension, suitable net gain would have to be significant and different from that usual option given the removal of most biodiversity over the last 2 years.</p> <p>Two items of information in the application on the portal have been reproduced so that they cannot be read: Notice 13 served on CCC and Certificate B</p> <p>The Council is extremely disappointed that this application is retrospective with no explanation as to why this is the case. If this application does not address these issues, above, the committee expects SLDC Enforcement to require full re-instatement to include previous biodiversity.</p>
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No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA SL/2021/1211	Aynam Mills, Kendal Replacement of 28 timber windows with UPVC on southern elevation	21 February 2022	
2	FPA SL/2022/0035	Castle Green Hotel Integration of 7 existing external balconies into the 7 existing bedrooms on the first floor of the main bedroom wing & additional windows on the first floor to be replaced as part of the scheme.	10 February 2022	
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