

Kendal Town Council

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



15 November 2021

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 invited to a non-statutory Working Group meeting of Kendal Town Council Planning Committee on Monday 22 November 2021 at **6.00pm** via Zoom. Details of the meeting can be found on the Town Council's website and below

Zoom Meeting @ 6.00pm

<https://us02web.zoom.us/j/2455117789>

Distributed to other members of the Council for information only.

Yours faithfully

A handwritten signature in black ink, appearing to be 'A.B.' followed by a long horizontal stroke.

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 1 November, 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. Kendal Town Council Flood Relief Scheme Working Group

To receive any initial update.

7. Local Plan Issues and Options Consultation

To consider the Council's response to the consultation on the Local Plan, Issues and Options (report to follow)

8. County Council Planning Issues

To consider statutory consultations from Cumbria County Council (see attached).

1. Low Fellside Road entry of refuse vehicles - Traffic Regulation Act 1984
2. Demolition of Highways Depot on Mintsfeet Road - Regulation 3 of The Town and Country Planning General Regulations 1992

9. 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 the Planning Committee meeting held on Monday, 1 November 2021 at 6.30pm at Kendal Town Hall.

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).

P79/21/22 Apologies

Apologies were submitted and accepted from Councillor P Gibson

P80/21/22 Declarations of Interest

None

P81/21/22 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

P82/21/22 Minutes of the Previous Meeting

The Committee received the minutes of the previous planning committee meeting held on 18 October 2021.

Resolved: To accept them as a true record.

P83/21/22 Planning Process Issues

The Clerk updated the committee on local plan developments. The Town Council working group have met and comments will be collated early in November and submitted to SLDC. In addition, the next meeting of the Planning Committee (22 November) will consider the findings of the working group. Given this additional agenda item, the Chair asked for the meeting to start at 6pm.

A Councillor asked if there had been a planning alteration at the former site of K Factory Village and noted the front area had been tarmacked rather than stone flags. The Clerk agreed to investigate the issue through the District Council's planning team.

Councillors were concerned there should be a process to follow up on planning decisions in case of changes to that which have been agreed. The Clerk noted there was software that would do this and agreed to investigate possible implementation.

P84/21/22 Kendal Town Council Flood Relief Scheme.

The group met on 20 October with a number of presentations on current activity on flood defence work. A presentation by Dr Paul Quinn of Newcastle University reported on recent work in upper Kentdale on a possible scheme of enhanced natural flood management, which sought to show the potential for upstream storage capacity. There has been a late submission raised by the Civic Society requesting the Environment Agency considers changes to the wall at Aynam Road using sandstone capstones. The committee did not feel this change was necessary.

Resolved: That the Committee restates the Town Council's view that the amended plans proposed by the Environment Agency and funded in part by the Town Council, which were considered by the Planning Committee at its last meeting, was the version of the wall finish it preferred. The plans are currently being scoped by the Environment Agency in preparation of their planning application in early December.

P85/21/22 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 19.24

Kendal Town Council

Appendix 1

Applications for Planning Committee 1 November 2021

No	App No/Type	Address/ Proposed Development	Comments to SLDC	Observations/Recommendations
1	SL/2021/0947 & SL/2021/0948	Parklands, Parkside Road New garden fence to north-western boundary	3 November	No Material Objections provided that the legal dispute over property boundaries is resolved, assuming the development doesn't compromise the historic setting of the listed building and is felt by the Conservation officer to be sympathetic to its context.
2	SL/2021/0981	3 Greengate Lane Conversion of existing garage into music room and insulation of new windows	3 November	No Material Objections providing application encompasses <u>net</u> bio-diversity gain. The council would require assurance that adequate sound insulation is being installed for a 'music room' given the extreme proximity of neighbours and that the application is not extending beyond the current footings. Concern was raised as to whether the application would result in a loss of off-street parking.
3	SL/2021/0984	Former Working Mens' Institute, 26 Market Place Change of use of upper floors from former dentist (Use class E) to Tattoo studio (Use class Sui Generis)	3 November	No Material Objections.
4	SL/2021/0993	50 Kendal Green Removal of condition 3 (garage door) attached to planning permission SL/2021/0438 (Detached double garage)	3 November	No Material Objection. However, the committee draws attention to and supports Kendal Civic Society's comments in original application SL/2021/0438. In addition, net biodiversity gain should be for the lifetime of the building.
5	SL/2021/0895	1 Queens Place	8 November	No Material Objection providing the colour is in keeping with neighbouring properties.

		Replacement double glazed hardwood windows and installation of Velux roof light to front roof slope		
6	SL/2021/1003	Castle Mills Business Park, Aynam Road 4 non-illuminated fascia signs & 1 non-illuminated projecting sign	10 November	No Material Objection.
7	SL/2021/1004	41 Hayclose Road Single storey rear extension	11 November	No Material Objection. The <u>net</u> biodiversity gain must be enhanced as a bird box is not sufficient for this application and future planting is also recommended.

Cumbria County Council

Development Control
County Offices – Busher Walk – Kendal – LA9 4RQ
T: 01539 713 424 – E: developmentcontrol@cumbria.gov.uk

Kendal Town Council
Kendal Town Hall
Kendal
Cumbria
LA9 4DL

Date: 2 November 2021
References: 5/21/9007

Dear Sir/Madam

Notification of and Consultation on an Application for Prior Notification

County Council Development Application under Regulation 3 of The Town and Country Planning General Regulations 1992

Application Reference Number: 5/21/9007

Proposal: Demolition of all buildings on site (Blocks A to E inclusive) and all ancillary structures

Location: Highways Depot, Mintsfeet Road North, Kendal, LA9 6RX

I have received an application in respect of the above proposal. The submitted application documents can be viewed/downloaded via:

<https://planning.cumbria.gov.uk/Planning/Display/5/21/9007>

Please inform me of your recommendation concerning the proposal **by 16 November 2021**. Should you require additional time to reply to this consultation, for instance due to parish meeting cycle, please inform me as soon as possible with your reason(s) for your request for an extension of time and the date by which you will be able to respond.

It would be helpful if you could make your response online via the following link:

<https://planning.cumbria.gov.uk/Planning/Consultee?cuuid=1CA68509-D845-4F00-97C2-72259033DBA2>

Alternatively you can respond via email to developmentcontrol@cumbria.gov.uk. Your consultation reply will be published online and included in the report on the application. Please ensure when responding, that you only provide information that you are happy will be available to others in this way. If you supply personal information belonging to a third party, please ensure you have their permission to do so.

Please be advised that not all planning applications will be considered at the Development Control and Regulation Committee; some applications are determined under delegated powers by officers. If the application is to be considered at a meeting of the Development Control and Regulation Committee, you will have the opportunity to speak under the Council's scheme, provided you have complied with the requirements of the scheme. Please see our [public participation guidance](#) note for further details on how to register to speak at the committee meeting. We would suggest that you monitor the website which will be regularly updated to advise of the date of committee meeting, when this is known.

Yours faithfully

Mr Edward Page
Planning Officer, Development Control
T. 01539 713 424

Cumbria County Council

Statutory Consultation

The County of Cumbria (various roads,
South Lakeland area)
(Consolidation of Traffic Regulations)
(Order 2002)
Variation Order (Low Fellside, Kendal)
20><

Dates

4/11/2021-
25/11/2021

Have your
say

The County of Cumbria (various roads, South Lakeland area)
Planning Committee - 22 November 2021
(Consolidation of Traffic Regulations) (Order 2002) (Low Fellside, Kendal)
Variation Order 20><

1. The Cumbria County Council hereby give notice that it proposes to make the above Order under Sections 1, 2, 19, 32, 35, 35A, 38, 45, 46, 47, 49, 51, 53 and 64 of the Road Traffic Regulation Act 1984.
2. The effect of the proposed Order will be exempt vehicles which are being used for mechanical refuse and recycling collection from current "Prohibition of All Vehicles Except Pedal Cycles" restriction on the U808 Low Fellside, Kendal, from a point 59 metres south of the centre of its junction with Fountain Brow, southwards for a maximum distance of 10 metres.

PLEASE REFER TO THE DOCUMENTS ON DEPOSIT AND ON THE COUNCIL'S WEBSITE FOR FULL DETAILS.

3. Full details of the proposed Order, together with plans showing the lengths of road concerned, and a statement of the Council's reasons for proposing to make the Order, may be viewed on the Council's website using the following link: -
<https://www.cumbria.gov.uk/roads-transport/highways-pavements/highways/notices.asp>; on deposit at County Offices, County Hall, Buser Walk, Kendal, LA9 4RQ; and may otherwise be obtained by emailing kim.baxter@cumbria.gov.uk.
4. If you wish to object or to make representations in relation to the proposed Order you should write to the undersigned, or email kim.baxter@cumbria.gov.uk, not later than 25 November 2021, marking your correspondence with reference KB/4.4.1076/15.001748

Chief Legal Officer, Cumbria County Council, Cumbria House, 117 Botchergate, Carlisle, CA1 1RD

Dated 4 November 2021

**The County of Cumbria (various roads, South Lakeland area)
(Consolidation of Traffic Regulations) (Order 2002) (Low Fellside,
Kendal) Variation Order 20><**

Statement of Reasons

Cumbria County Council considers that it is expedient to propose to make the above Order for the following reasons set out in Section 1(1) of the Road Traffic Regulation Act 1984, namely: -

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, and
- (b) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

The proposed Order will exempt vehicles which are being used for mechanical refuse and recycling collection, from the current "Prohibition of All Vehicles Except Pedal Cycles" restriction on the U808 Low Fellside, Kendal, from a point 59 metres south of the centre of its junction with Fountain Brow, southwards for a maximum distance of 10 metres, ie. north of the entrance to Booths Supermarket in both northerly and southerly directions.

The aim is to eliminate the current practice of local refuse and recycling collection vehicles reversing for a quarter of a mile along the length of Low Fellside (northern leg), which has been identified as a significant hazard by South Lakeland District Council.

**The County of Cumbria (various roads, South Lakeland area)
(Consolidation of Traffic Regulations) (Order 2002) (Low Fellside,
Kendal) Variation Order 20><**

The County Council of Cumbria in exercise of its powers under Sections 1(1), 2(1) to (4), 19, 32, 35, 35A, 38, 45, 46, 47, 49, 51, 53 and 64 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. This Order shall come into operation on >< 20>< and may be cited as The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) (Order 2002) (Low Fellside, Kendal) Variation Order 20><
2. For the purposes of this Order the expression "the 2002 Order" shall mean The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) Order 2002
3. The 2002 Order shall have effect as though: -

(a) Article 124E was amended to read: -

124E. Save as provided in Article 124E, no person shall cause or permit any vehicle to proceed in the lengths of road specified in Schedule 89C – Kendal to this Order.

(b) Article 124F was amended to read: -

124F. Nothing in Article 124E to this Order shall apply to: -

- (i) Pedal cycles; or
- (ii) Vehicles being used for or in connection with, mechanical refuse or recycling collection

(c) The heading to Schedule 89C – KENDAL "Prohibition of All Vehicles Except for Pedal Cycles", was amended to read: -

SCHEDULE 80C – KENDAL

Prohibition of All Vehicles Except for Pedal Cycles and Refuse/Recycling Collection Vehicles

4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Dated the >< day of >< 20><

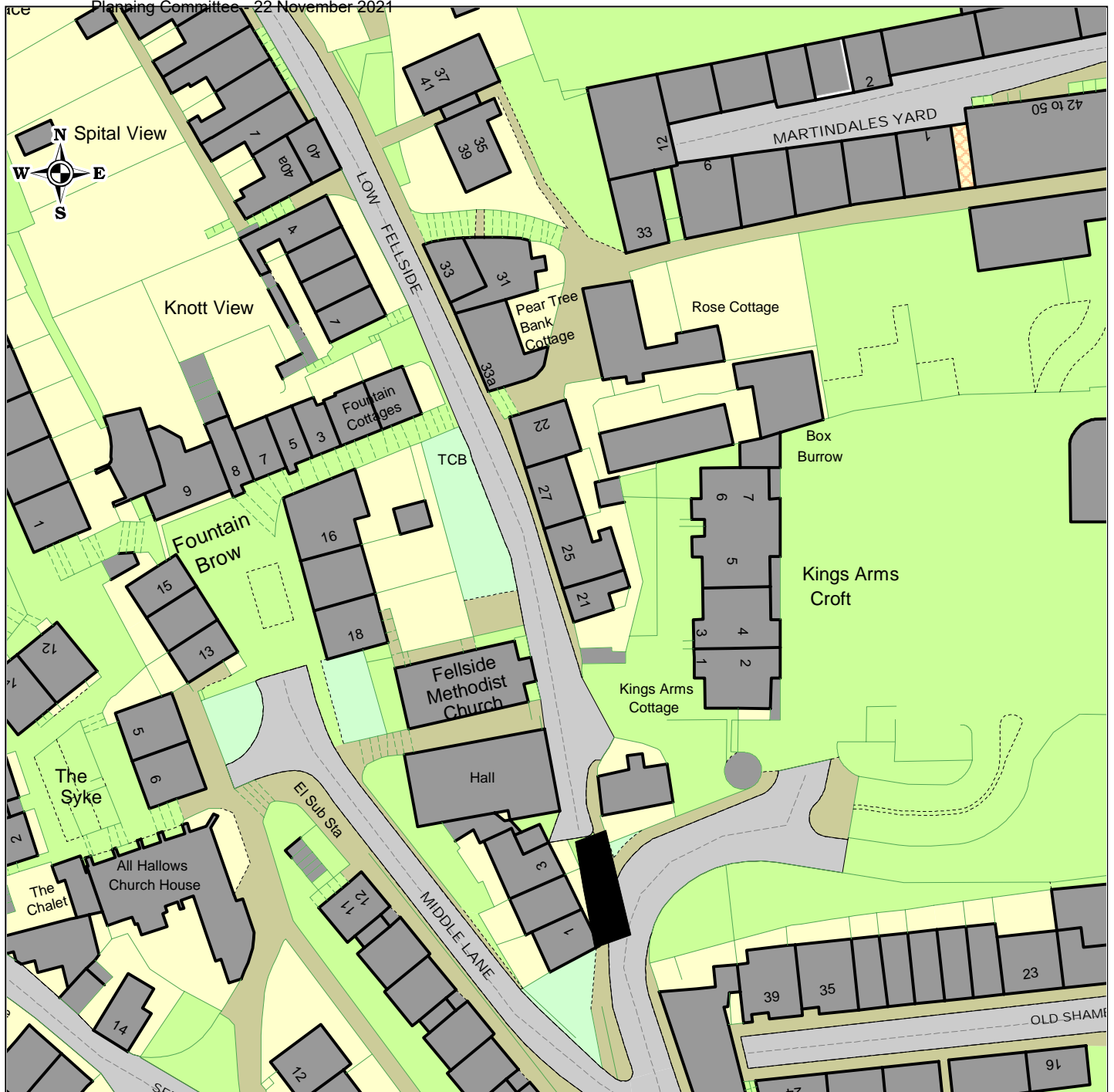
THE COMMON SEAL OF)

CUMBRIA COUNTY COUNCIL)

was hereunto affixed)

in the presence of:-)

Authorised Signatory: -)



Refreshed road markings and new bollards



Key to Restriction Types Displayed



Existing Restriction - Prohibition of Driving (South Lakeland) (Except for Pedal Cycles)

Proposal to keep the same extents of the restriction and add to include Local Refuse and Recycling Vehicles under the exemptions

Kendal Town Council

Appendix 1

Applications for Planning Committee 22 November 2021

No	App No/Type	Address/ Proposed Development	Comments to SLDC	Observations/Recommendations
1	<u>SL/2021/0951</u>	12 Castle Green Close Loft conversion, alteration to roof including hip to gable & rear dormer	24 November	
2	<u>SL/2021/1014</u>	South Lakeland House, Lowther Street Variation of Conditions 2 (approved plans) and 3 (external materials) attached to planning permission SL/2019/0731 (Demolition/removal of existing entrance lobby and erection of new glazed lobby and installation of replacement of windows)	25 November	
3	<u>SL/2021/1015</u>	Ibis Sports and Social Club, Mintsfeet Road Single storey extension to provide improved changing room space for the football club	26 November	
4	<u>SL/2021/1036</u> <u>SL/2021/1037</u>	3 Locations between Bridge 164 & 172 on the Lancaster Canal, Hincaster Tunnel East, Hincaster Tunnel West, Sedgwick Aqueduct & Kendal Change Bridge Display of interpretive signage at seven locations on the 'Northern Reaches' of the Lancaster Canal.	26 November	
5	<u>SL/2021/1027</u>	Garages off Blea Tarn Road Erection of two domestic garages	26 November	
6	<u>SL/2021/1017</u> & <u>SL/2021/1018</u>	Sand Aire House, Stramongate	29 November	

		Change of use of offices (Use class E) to Hotel (Use class C1) including internal works		
7	SL/2021/1033	31 Underley Avenue Two storey side extension, single storey rear extension & front porch extension	29 November	
8	SL/2021/1035	117 Valley Drive Front porch/W.C. extension	29 November	
9	SL/2021/1040	Parkside Business Park, Parkside Road External alterations to facade of building including 4 new windows and new pedestrian door set with full height window on the front (north) elevation and new pedestrian door set to side (west) elevation	29 November	
10	SL/2021/1041	Playmates Pre School Nursery, Captain French Lane Variation of conditions 2 (approved plans), 3 (materials) and 4 (biodiversity) attached to planning permission SL/2021/0418 (Demolition of existing 2 storey extension and erection of replacement 2 storey extension on enlarged footprint)	29 November	
11	SL/2021/1032	26 Gillinggate Single storey rear extension	29 November	
12	SL/2021/1056	2 Blea Tarn Road Two storey side extension, single storey front and rear extension, replacement detached garage & widening of vehicle access	30 November	
13	SL/2021/1057	Land off Brigsteer Road 2 x advertisement boards and 6 x flag poles	30 November	