

KENDAL TOWN COUNCIL

Planning Committee

Monday 4th November 2019 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, Chris Rowley, Helen Ladhams, Pat Gibson & Graham Vincent.
- APOLOGIES** None
- OFFICERS** Rose Tideswell (Temporary Council Secretary)
- 515/19/20 PUBLIC PARTICIPATION**
None
- 516/19/20 DECLARATIONS OF INTEREST**
Councillor H. Ladhams declared an interest in Planning Application No. 9 FPA 0846 as she is related to the applicants. Councillor Ladhams left the room and took no part in the discussions.
- 517/19/20 MINUTES OF MEETING HELD ON 7th October 2019**
- Members considered the minutes of the Committee meeting held on 21st October 2019.
- Amendment to the minutes The Town Clerk pointed out that in declarations of interest Cllr. G. Vincent name had typed as Cllr. V. Graham; the minute has been corrected see below.
- All the Councillors declared an interest in Planning Application No. 3 Kendal Town Hall, Internal refurbishment as Town Councillors. Cllr D. Rathbone & H. Ladhams are SLDC councillors. ~~Cllr V. Graham~~ Cllr G. Vincent as a former member of SLDC Cabinet. Cllr J. Cornthwaite declared an interest in planning applications 1 FPA [0798](#) & 2 Advertisement [0799](#) as he knows the owners.
- Councillor J. Cornthwaite proposed that the amended minutes be accepted as a correct record. This was seconded by Councillor D. Miles and carried unanimously.
- RESOLVED** That the minutes of the meeting held on 21st October 2019 be accepted as a correct record, and signed by the Chair.
- 518/19/20 MATTERS ARISING NOT ON THE AGENDA**
None

519/19/20

KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP

Councillor Cornthwaite informed the committee that the subcommittee would be meeting with the Environmental Agency this week and he would be update the planning committee on the sub group’s progress. The minutes from the four previous meetings would be available for the next planning committee.

520/19/20

ANY OTHER BUSINESS

CUMBRIA COUNTY COUNCIL - Notification of and Consultation on an Application for Planning Permission

Application Ref. No. 5/19/9011

Proposal: Installation of shipping containers to create a temporary storage facility for fire service equipment and the associated erection of a paladin style fence to site boundary and a vehicle access barrier.

Location: Former Archives Store (Strong Room 3) Busher Walk, Kendal, LA9 4RQ

Whilst the committee was agreeable to the principal of the application of the land usage with the use of shipping containers, it felt that five years is excessive. Given the long-term aims of the application, the committee requires justification for this long period.

521/19/20

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 7.15 p.m.

Signed

Dated

KENDAL TOWN COUNCIL

Applications for Planning Committee: 4th November 2019

Appendix 1

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 0653	Unit 12-13 Beeson Road Trading Estate, Kendal Change of use from food manufacture (Use Class B1) to gymnasium (Use Class D2) with ancillary café	05.11.2019	No Objections Provided the café remains 'ancillary' and no more than 20% of the site. The committee expresses significant disappointment at the extreme lateness of the retrospective application.
2	FPA 0825	71 Burton Road, Kendal Use of one room in dwelling house as a physiotherapy clinic room (Use Class D1) in addition to the existing primary use as dwelling (Use Class C3) and erection of 1.2 metre high fence to front of property	05.11.2019	No Objections To the change of use, however see comments below.
3	FPA 0739	35 Kentwood Road, Kendal Two storey side extension and single storey extension (Revised scheme SL/2018/0713)	05.11.2019	No Objections
4	FPA 0830	137 Valley Drive, Kendal Single storey side extension	06.11.2019	No Objections
5	FPA 0959	Land off Kendal Parks Road, Kendal Erection of 30 dwellings and associated infrastructure including landscaping, open space, access with bridge, highways and parking arrangements, sustainable drainage system (SuDS) and land re-profiling works (Amended scheme proposing four affordable housing units)	31.10.2019	Objections See comments below

6	FPA 0304	59 Windermere Road, Kendal Refurbishment, demolition of single storey rear extension and erection of replacement two storey rear extension and replacement uPVC windows and external doors	31.10.2019	Objections This application has a detrimental effect on the character and appearance of this conservation area. It also impacts detrimentally on neighbours because of “overlooking” and loss of privacy. This objection is based on plans showing a lack of sympathy with the building as opposed to whether it is a modern or traditional design.
7	FPA 0741	42 Oxenholme Road, Kendal Two storey rear extension	11.11.2019	No Objections The committee positively endorses the inclusion of Swift boxes to this application
8	Advertisement 0698	54 Stricklandgate, Kendal Flat panel sign	12.11.2019	No Objections
9	FPA 0846	35 Hayfell Avenue, Kendal Single storey extension to the front of the property to create a sun room	14.11.2019	No Objections

Item 2) FPA 0825 Comments: - 71 Burton Road, Kendal – Use of room in dwelling house as a physiotherapy clinic room (Use Class D1) in addition to the existing primary use as dwelling (Use Class C3) and erection of 1.2 metre high fence to front of property.

The committee feels that the proposed fence is too high in the neighbourhood context and the top half is not in keeping with existing fencing, obscuring and blocking off a domestic home from the road. The committee totally agrees with the neighbours comments regarding parking; the implementation of additional road markings on the corner of Helme Drive should be considered.

Item 5) FPA 0959: - Land off Kendal Parks Road, Kendal - Erection of 30 dwellings and associated infrastructure including landscaping, open space, access with bridge, highways and parking arrangements, sustainable drainage system (SuDS) and land re-profiling works (Amended scheme proposing four affordable housing units).

Objections: The development of this housing was not objected to further, in theory, but certain important matters have not been addressed. The Committee feels that the objections it previously raised to this application - regarding general drainage, susceptibility to flooding for Swallow Close & Teal Beck and road traffic dangers - have not been suitably addressed by the developer in this amended application.

It feels that suitable provision for water flow in what is already frequently sodden ground is insufficient, especially given the lie of the land downhill to existing housing, as outlined in various recent neighbour responses and the committee's previous objections. This is notwithstanding the amended plans and the Lead Flood Authority's comments are awaited with interest given proximity of existing housing.

In addition, the Committee wanted to underline its previous comments regarding the need for the development of new road markings & road layout. This is because of the already increased traffic to the new Ash Tree Park estate and now a further volume of construction traffic and subsequent volume for 30 houses in this application. The access via Teal Beck is viewed as being not suitable as it was originally designed with a road width suitable for a cul-de-sac and will now be used for increased volumes of traffic and faster speeds for longer journeys. The access from the extended Kendal Parks Road and Hayclose Road necessitates new markings and potentially layout. The junction of those two roads is a blind corner and is not sufficiently designed or marked for usage after changes resulting from previous development (or during future construction). It was felt to be not fit for purpose after the previous development of Ash Tree Park, the dilapidation of existing markings and insufficient signage. All this has led to a danger having been created by there being no re-assessment of risk after the previous incremental changes in usage. It was felt that CCC Highways should be involved at this stage and appropriate usage of CIL liability monies from this and Ash Tree developments used to prevent future accidents.

The Committee raised strongly held objections to the amended scheme in the light of the provision of only 4 units of affordable housing. This, at 13% of the overall number of dwellings, was viewed as being completely incompatible with the Council's Local Development Plan. It was felt that the amended application did not show suitable justification for such a reduction based on viability. As a result, the Committee questioned the Council's decision to accept the applicant's argument to reduce affordable housing to just four out of thirty, as it could not find reasoned justification for this acceptance in the papers supplied. It was felt that such a divergence from stated policy necessitated overt and public justification. Finally, on this point, the Committee objected to the clustering of the affordable housing, as applied for, and again could see no acceptable publicly stated justification for this.

In addition, to the above, other issues previously raised from Cumbria Police and with regard to the public right of way have not been addressed by this amended application and therefore the Committee reserves the right to comment further on all these and all matters.