

KENDAL TOWN COUNCIL

Planning Committee

**Monday 3rd August 2020 at 6.00 p.m.
(Via Teleconferencing)**

PRESENT Councillors Douglas Rathbone (Chair & Deputy Mayor), Jonathan Cornthwaite (Vice Chair), Pat Gibson, Helen Ladhams, Chris Rowley and Graham Vincent

Councillors E Hennessy, S Evans and A Finch were also in attendance for application SL/2020/0431, Duke of Cumberland Inn.

APOLOGIES Councillors Dave Miles and Michele Miles

OFFICERS Nicky King (Council Secretary)

177/20/21 PUBLIC PARTICIPATION

Eamonn Hennessy, District Councillor for Kendal East addressed Committee representing residents and businesses within his ward in respect of application reference SL/2020/0431 (Duke of Cumberland Inn). The application falls outside Kendal East but is on the boundary and will have undoubted impact on it.

There are presently around 300 objections on the SLDC Planning Portal specifically pertaining to the erection of a convenience store on the site. A paper petition also has in excess of 300 residents' signatures citing objections to the proposals.

He outlined primary objections as follows:

- A new convenience store is not necessary infrastructure and will be to the detriment of existing local businesses.
- In an area with existing issues regarding traffic volumes and pedestrian safety such development would exacerbate matters.

Policy DM1 within SLDC's Development Management Policy requires that any development protects and promotes the District's economic qualities and safeguards local amenities and that any development is necessary infrastructure. There are several well-established retail outlets within this area (Sandylands Spar, Harry's Pantry, Premier Stores, Burrels Newsagent, Sandylands Post Office) as well as easily accessible supermarkets. Any new convenience store would be to the detriment of existing businesses. Hence it is difficult to see how the granting of this application could comply with policy DM1 as it would fail to protect local economy and would do the opposite of safeguarding local amenities.

This does not pass the required sequential test as it would be more appropriate within the town centre.

Again referring to policy DM1, any new development should ensure adequate and safe movement of pedestrians, cyclists and motor

vehicles. In an area that already has well documented issues with regards to the safe movement of traffic and pedestrians, a history of incidents in the area and a junction at Appleby/Sandylands Road which is notoriously difficult to safely negotiate, it is felt that the inevitable additional traffic caused by both customers and deliveries would exacerbate the problems. In addition, it should be considered that at lunchtimes and in the times before and after school, when traffic volumes will be at their largest, many potential customers of the proposed store would be school pupils. It is felt that this development would impose further unacceptable risk.

Finally, in an area with already high levels of emissions, additional infrastructure will serve to increase these which is not in keeping with either Town Council's or District Council's aims regarding cleaner air and carbon neutrality.

Shirley Evans, Cumbria County Councillor for Nether Ward, echoed comments made by Eamonn Hennessy. She highlighted the strong local opposition and mentioned a comment made by Highways that this junction is already overwhelmed with traffic and made the point that this would only be made more dangerous. She raised concern in respect of the increased danger to pupils attending Queen Katherine School from increased traffic and the risk of putting the amenity of a local pub out of business. The effects of pollution in an area which is already one of the busiest in Kendal was also raised.

178/20/21**DECLARATIONS OF INTEREST**

Councillor Rathbone declared an interest in respect of the application relating to The United Reformed Church as a URC Elder in this group.

Councillor Rowley declared an interest in respect of the application relating to 104 Windermere Road as he is friend of the applicant.

179/20/21**MINUTES OF MEETING HELD ON 20TH JULY 2020**

Members considered the minutes of the Committee meeting held on 20th July 2020.

Councillor Ladhams requested that a declaration of interest in respect of the application for 19 Whinfall Drive also be recorded.

Councillor Ladhams proposed that the minutes be accepted as a correct record, subject to the amendment highlighted. This was seconded by Councillor Cornthwaite and carried unanimously.

RESOLVED

That the minutes of the meeting held on 20th July 2020 be accepted as a correct record (subject to the amendment highlighted), and signed by the Chair.

180/20/21**MATTERS ARISING**

None.

181/20/21 KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP

Councillor Cornthwaite advised that there had been no further meetings held. The next meeting is scheduled for 5th August at 6.30pm.

182/20/21 ANY OTHER BUSINESS

None.

183/20/21 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 7.20pm

Signed

Dated

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA 0410	Land adjacent to Underbarrow Road, Kendal Residential Development for 19 Dwellings with associated access, landscaping and drainage works.	10.08.2020	Material objections See comments.
2	FPA 0852	52 Kirkland, Kendal Installation of new gas main, boiler and flue	06.08.2020	No material objections
3	FPA 0413	104 Windermere Road, Kendal Replacement single storey rear extension	06.08.2020	No material objections
4	FPA 0414	28 Wattsfield Road, Kendal Demolition of existing garage and erection of single storey side extension	06.08.2020	No material objections
5	FPA 0424	9 Lumley Road, Kendal Alterations including a single storey rear extension & two storey side extension	07.08.2020	Material objections See comments
6	FPA 0407	Kendal Town Hall, Highgate, Kendal Consent to hang public safety message (COVID-19) banner on existing banner rigging for more than 7 days	07.08.2020	No material objections
7	FPA 0436	100A Strickandgate, Kendal Variation of condition 5 (opening hours) attached to planning permission SL/2020/0224 (Change of use of retail shop with storage over (Use Class A1 Shop) to ground floor office (Use class A2 Financial and professional services) and 2 bedroom maisonette to upper 2 floors (Use class C3 Dwelling houses))	11.08.2020	No material objections Provided the property retains the current Class of usage.
8	FPA 0456 & 0457	The United Reformed Church, Highgate, Kendal Conversion of a Church (Use class D1) to a single dwelling (Use class C3) including demolition of rear hall to create garden (Resubmission of SL/2020/0031)	11.08.2020	No material objections
9	FPA 0431	Duke Of Cumberland Inn, 1 Appleby Road, Kendal Erection of convenience store, retention of public house with redesigned beer garden, and reconfigured car park including retained vehicular access from	12.08.2020	Material objections See comments

		Shap Road and relocated vehicular access from Appleby Road		
10	FPA 0439	120 Windermere Road, Kendal Construction of new front dormer, rear dormer to be clad in zinc and rear velux to have clear glass.	12.08.2020	No material objections
11	FPA 0425	133 Stricklandgate, Kendal Variation of conditions 2 (approved plans) 3 (external materials) 4 (windows & doors) 5 (eaves detail) attached to planning permission SL/2017/0712	13.08.2020	No material objections
12	FPA 0426	Luxus One, 139 Stricklandgate, Kendal Variation of conditions 2 (approved plans), 4 (external materials) 5 (roof materials), 6 (window & doors), 8 (permitted working hours), 9 (soft landscaping) attached to planning permission SL/2017/0711	13.08.2020	Material objection Committee uphold the objection by the neighbour. The windows should be realigned in the roof.
13	FPA 0418	52 Castle Grove, Kendal First floor rear extension	14.08.2020	Committee are not able to make any positive or negative comments on this application and would request more specific detail regarding measurements and impact on neighbours.

COMMENTS

Item 1 - SL/2020/0410 - Land adjacent to Underbarrow Road, Kendal

The Chair outlined the issues regarding this plan and while the site had already received agreement the details of the application did raise significant problems that needed to be addressed. Following discussions, the Committee's recommendation was as follows:

Speeding / parking – all exacerbated by planned increased housing. This should be looked at strategically, in the light of residents' responses & also in the light of the planned additional, subsequent applications for this extended site.

Committee noted, as an example, an accident that occurred today (3.8.20) at the crossroads junction with Queens Road, Greenside & Gillinggate and would highlight a safety issue. There is very bad visibility at this crossroads and the proposal would increase the risk of accidents. It is particularly dangerous for pedestrians and children going to nearby

school(s). The safety of children going to Sunny Brow nursery is also cause for concern. This whole road needs to be looked at – as a whole - regarding increased modern traffic needs resulting from this development which are felt to be far in excess of those stated in the application and evidenced in previous residential sites.

No proposals for non-domestic vehicular transport (cycles & buses), contrary to the Local Plan and planning guidelines. There is a significant distance to the nearest bus stop at the Riflemans Arms (8-900m distance). While bus routes are not in the control or gift of SLDC or CCC, negotiation should be entered into. Without these, the traffic plans are unsustainable. Committee noted no suitable traffic regulation plan has been provided and therefore oppose this application without a supportable one.

The Committee want SLDC to be robust in ensuring social housing policies are upheld. A figure of 5 out of 19 is unacceptable.

The Committee also opposes the S106 viability statement and wishes to ensure that any attempted reduction in the required strategic payment should be strongly resisted given the increased resulting strategic needs for Kendal.

Committee raised the matter of flooding and queried whether water storage is sufficient.

Committee questioned the purpose of access between plot numbers 13 & 14 and where it is actually going

Liaison with LDNPA regarding works interference with Kendal Fell Quarry should also be noted.

Committee takes the opportunity to repeat a strong request to SLDC to actively pursue their plan to remove Kendal's Household Waste Recycling Centre opposite the entrance to this development as planned.

Item 5 - SL/2020/0424 – 9 Lumley Road, Kendal

Scale and dominance with application not in keeping with the majority of Lumley Road.

Committee agree with neighbour's comment re loss of privacy and overlooking of the balcony and side window. From documents provided it is not possible to ascertain how much of the neighbour's property is actually overlooked.

Committee felt the plans did not give sufficient detail as to the proposed access to the garage and would wish clarification to avoid loss of biodiversity to the garden.

There is excessive amenity lighting which is in contravention of the Dark Skies initiative.

Item 9 – SL/2020/0431 - Duke of Cumberland

The Chair outlined that the application should be looked at regarding the material objections that exist to the application as well as highlighting the extremely large number of objections raised on the SLDC planning portal. These objections from residents centre on road traffic safety & In addition he drew attention to Cllrs. Eamonn Hennessey & Shirley Evans' valid & relevant comments.

The main objection is regarding traffic safety and volumes – already difficult with large volumes of traffic at all times of day. Close by junctions of Shap, Appleby and Sandylands

Roads already have safety issues and a history of accidents. In addition, junction access into the Cricket Club provides parking for numerous vehicles and large campervans with attendant safety issues.

The exits on both Shap and Appleby Road could be used as a shortcut for people avoiding traffic. The nature of the shop would mean frequent movement of customer traffic deliveries with no traffic management system in/out and around the car park. We would look to Highways to oppose this because of the above insoluble safety issues.

Traffic safety, pedestrian and cycle safety are also an issue, especially with the new cycle route passing by this site. There is no provision for designated safe loading/unloading bay area – conflict with movement of customer traffic. This is also a recognised route to/from local schools with additional road traffic dangers resulting from this type of outlet and the above issues.

Safeguarding local amenities – Cllr Rathbone stated that “This Committee positively links itself with the many public comments that show clear local support for amenities which have been serving the community for many years and are under threat from this application.

Committee notes objection to the application by the leaseholder of the Duke of Cumberland and that this would directly impact negatively on their business sales, community focus and parking amenity.

Committee draws attention to resident’s comments on the threat to their privacy from this application.