

# KENDAL TOWN COUNCIL

## Planning Committee

**Monday 21<sup>st</sup> September 2020 at 6.30 p.m.  
(Via Teleconferencing)**

**PRESENT** Councillors Douglas Rathbone (Chair & Deputy Mayor), Jonathan Cornthwaite (Vice Chair), Dave Miles, Michele Miles, Pat Gibson, Helen Ladhams and Chris Rowley

Also in attendance:

Billy Proctor – resident of 39 Castle Grove

Jason Rushworth – Local Democracy Reporter, Newsquest

Graham Harrison

**APOLOGIES** None

**OFFICERS** Nicky King (Council Secretary)

### **249/20/21 PUBLIC PARTICIPATION**

Billy Proctor addressed the Committee and explained his proposal. He wishes to park outside his property as he is hoping to purchase an electric car and will need to charge it. To do this he needs to cross an area of grass between his house and the road. It is proposed to use a reinforced grass product, meaning the grass finish will be retained and the ground will not be churned up. He has regularly consulted with neighbours throughout the planning process to keep them informed and, once installed, casual by passers will not notice the two narrow strips across the grass. The electrical charging point and parking spaces do not require planning permission but the 2 narrow strips of reinforced grass do. Mr Proctor has taken professional advice to ensure the scheme is sensitive to the area and will avoid any need to run wires across the grass to charge his vehicle. He is keen to contribute to the fight against climate change and would appreciate the support of KTC Planning Committee to his proposed scheme.

Members then considered the application. Councillor Rathbone commented on the sympathetic nature of the proposal and it conforms to KTC's climate emergency.

Councillor Ladhams asked whether the charging point has been installed. Mr Proctor advised this would not happen until planning permission is granted to cross the grass.

Councillor Rathbone queried whether permission has been sought for a dropped kerb. Whilst this had not been submitted, Mr Proctor had held discussions in this respect and a surveyor would attend site once permission to cross the grass has been granted.

Councillor Rowley raised a potential situation in the future for nearby properties wishing to follow suit and requiring two cars. His concern related to cars parking on the green and he asked whether there had

been any discussion as to how this will be controlled. Mr Proctor's understanding was that he was purchasing only a right of passage over the grass from SLDC, not a right to park.

Committee agreed there were no material objections however they would require clarification on an application for a lowered kerb and discussions with Planning Officers to confirm access to the layby on the public carriageway conflicting with use of the Grasscrete driveway. There was no opposition to the use of Grasscrete.

Committee discussed potential concern regarding the possibility of setting a precedent.

A clear SLDC policy is required for future similar proposals for charging points & access as there will be increasing numbers of similar requests.

Mr Proctor was thanked for the application which was very helpful in being able to reach an opinion.

**250/20/21**

**DECLARATIONS OF INTEREST**

None.

**251/20/21**

**MINUTES OF MEETING HELD ON 7<sup>TH</sup> SEPTEMBER 2020**

Members considered the minutes of the Committee meeting held on 7<sup>th</sup> September 2020.

Councillor Cornthwaite proposed that the minutes be accepted as a correct record. This was seconded by Councillor Rowley and carried unanimously.

**RESOLVED**

That the minutes of the meeting held on 7<sup>th</sup> September 2020 be accepted as a correct record, and signed by the Chair.

**252/20/21**

**MATTERS ARISING**

None.

**253/20/21**

**KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP**

Councillor Cornthwaite advised that there had been no further meeting of the Group since the last Planning Committee meeting. However he had met with a selection of various tier officers to discuss pathways, cycleways etc and reported positive feedback.

Councillor Rathbone commented that good progress is being made and matters are starting to coalesce and come together with both the different participants and along the various parts of the cross-Kendal river route.

**254/20/21****ANY OTHER BUSINESS**Government White Paper on Planning

Members held a separate meeting on 16<sup>th</sup> September to discuss the White Paper where members discussed Councillor Rathbone's proposed response. He had subsequently circulated a Committee response for presentation to Full Council and asked Members for their opinion and agreement.

A general discussion then ensued and wording was agreed to add the following points to the response:

- Committee would like to see proposals include the creation and enhancing of places through biodiversity.
- Rural Services Network.
- Reduction in affordable homes – will add “even if introduced on a temporary basis as indicated”.
- Neighbourhood plans being impracticable without a simplified process.
- Councillor Rathbone said there is an important problem between the date issues are decided and the Local Plan is approved and the eventual date of development, by which time a whole raft of circumstances may well have changed requiring a different set of responses. He would provide a wording.
- Expectation for all future plans to show evidence of consultation with professional bodies eg RIBA.

Councillor Rathbone proposed that the amended response be presented to Full Council at the next meeting on 5<sup>th</sup> October and issued by Council to the Secretary of State as an official KTC reply by the deadline of 29<sup>th</sup> October. Confirmation of this would be by a separate resolution. This was agreed unanimously.

**RECOMMENDATION** that the amended response to the White Paper (attached) be presented to Full Council at the next meeting on 5<sup>th</sup> October, confirmed by separate resolution that it is to be issued by the Council to the Secretary of State as an official KTC reply by the deadline of 29<sup>th</sup> October.

**255/20/21****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 7.25pm

Signed .....

Dated .....

No.	App No./ Type	Address/ Proposed Development	Comments To SLDC	Observations/ Recommendations
1	FPA <a href="#">0496</a>	<b>64 Hayclose Road, Kendal</b> Replacement detached garage	23.09.2020	See comments below.
2	FPA <a href="#">0608</a>	<b>30 Kirkstone Close, Kendal</b> Rear external staircase (retrospective)	23.09.2020	See comments below.
3	FPA <a href="#">0610</a>	<b>5 Colin Hill, Kendal</b> Partial conversion of attached double garage including raising a section of the roof by approximately 600mm, replacement of existing windows with some minor changes to sizes and fenestration, new corner window to rear & installation of roof lights in existing roof and in raised garage roof.	25.09.2020	<b>No material objections</b>
4	FPA <a href="#">0561</a>	<b>95 and 95a Highgate, Kendal</b> Change of use from Use Class A2 (Financial & professional services) & Use Class A1 (Shops) to Use Class A5 (hot food takeaway)	28.09.2020	<b>No material objections</b>
5	FPA <a href="#">0623</a>	<b>Unit 9 &amp; 10 Westmorland Business Park, Gilthwaiteirigg Lane, Kendal</b> Alterations to form one unit	28.09.2020	<b>No material objections</b>
6	FPA <a href="#">0620</a>	<b>14 Sedbergh Road, Kendal</b> Installation of roof window to front roof elevation & widening of vehicular access	01.10.2020	<b>No material objections</b>
7	FPA <a href="#">0424</a>	<b>9 Lumley Road, Kendal</b> Alterations including a single storey rear extension & two storey side extension (AMENDMENTS)	24.09.2020	<b>No material objections</b>
8	FPA <a href="#">0624</a>	<b>16 Collinfield, Kendal</b> Single storey side extension	05.10.2020	Committee require clarification regarding elevation and height as information is currently insufficient. Attention is also drawn to a possible error on the plan – reference to 17 Collinfield should be 5 Collin Close

				which is located behind the property.
9	FPA <a href="#">0640</a>	<b>39 Castle Grove, Kendal</b> Creation of reinforced grass protection access way to allow use of Electric Vehicle Charging Point (EVCP)	05.10.2020	<b>No material objections</b> See comment below.
10	FPA <a href="#">0647</a>	<b>76 Captain French Lane, Kendal</b> Single storey rear conservatory	05.10.2020	<b>No material objections</b>

### 1. 0496 - 64 Hayclose Road, Kendal

Committee cannot make a decision in agreement to this proposal given the lack of adequate information and draws attention to the need to provide assurance as in the questions in the neighbour's response.

### 2. 0608 - 30 Kirkstone Close, Kendal

Committee are disappointed to note this application is for retrospective permission with no seeming reason given why this was not sought until the applicants were challenged.

Committee assume this is one flat above three garages. On this assumption there are no material objections. However, if this is not the case, we would draw attention to the potential for overlooking and lack of privacy.

### 9. 0640 – 39 Castle Grove, Kendal

Committee would require clarification on an application for a lowered kerb and discussions with Planning Officers to confirm access to the layby on the public carriageway conflicting with use of the Grasscrete driveway. There was no opposition to the use of Grasscrete.

Committee discussed potential concern regarding the possibility of setting a precedent.

A clear SLDC policy is required for future similar proposals for charging points & access.

# PROPOSED KTC RESPONSE TO GOVERNMENT WHITE PAPER ON PLANNING

## Planning for the Future

Consultation on proposals for the reform of the planning system in England

From: Kendal Town Council

**The potential result of these central government changes when viewed as a whole would seem to be: more expensive; lower quality housing with greater density; in the wrong place for local needs; and with no 'affordable housing'. A large amount of decision making would be purely by planning officers, with little leeway, within centrally decided guidelines. These are centralised, urban proposals that take no note of local needs or of 'rural proofing'. It also does nothing to encourage local people to have increased input into the process of planning applications - in fact it does the opposite, almost to the extent that it looks like a policy aim. Whilst there are potentially beneficial proposals made in the White Paper they would require detailed expansion to be able to judge their usefulness in the context of Kendal and South Lakeland.**

We welcome the government's attempt to address the delays and lack of transparency in the current planning process, as well as its aim at increasing community involvement. However we wish to express concern regarding various proposals and also withhold agreement with others until more information is provided of specific ways policy aims will be enacted.

Kendal Town Council is an urban parish Council with a 30,000 population, in a semi-rural environment. We wish to underline that we feel these proposals outlined in the White Paper are a catch-all without the necessary nuance required for different areas with differing needs. These needs result out of Kendal and South Lakeland's rural and historical aspect. These are undifferentiated urban proposals which would adversely affect our rural needs. While we welcome a considered approach to many of the items outlined we await details of specific criteria in all of them within what is a 'one size fits all' document.

### **We welcome the following proposals in principle:**

The streamlining of the process in principle, increased enforcement, new class orders and for the idea of "net gain" for developments rather than merely having "no net harm". The idea of stronger enforcement is to be widely welcomed. The idea of "beautiful developments" is welcome in principle and we look forward to being able to comment on specifics, when outlined. We also look forward to proportionate funding for Council's to be able to put this into effect, after the drastic removal of resources from statutory planning authorities in the last decade. Again, we welcome the idea of carbon neutral development (and reducing CO2 by 75-80% in section 3.25) but draw attention to the fact that this is only truly beneficial at the building stage and would wish that to be made specific in terms of planning agreements, enforcement and the stage in the process at which it actually becomes a requirement.

## PROPOSED KTC RESPONSE TO GOVERNMENT WHITE PAPER ON PLANNING

The involvement of a LPA design officer and the involvement of Homes England (section 3.13) is to be welcomed.

Streamlining by means of digitisation and simplification will improve the standard of applications and we applaud this as well as the stated aim of increasing community involvement. We require more details as to how the LPS and national systems will integrate. However it remains uncertain how this will be enabled given the result of the area designation of “Growth” and “Renewal” in a Council area such as ours. After designation as a Growth area there will be no room for manoeuvre or change in decisions regarding design or density etc that can be suggested by any community involvement.

We applaud the aim of an Environment Bill (section 3.23), for which no specific information has yet been provided and look forward to scrutinising its impact, which will range from negligible to fundamental depending on how it addresses local environmental needs. However, given the one-size-fits-all nature of the proposals so far, the Council has severe doubts as to its eventual actual benefit in enabling a robust defence and active protection in the planning process.

‘Options to buy’ becoming public knowledge would be of benefit and could reduce land banking if applied judiciously

The idea floated in the document, of a discount for first homes, through developer contributions, is to be welcomed. It does not consider whether this will work on re-sales and given potential problems regarding that in current case law we doubt its long term benefit.

### **The following proposals raise alarm and concern as follows:**

As mentioned, this is a one-size-fits-all provision for a planning system within an urban housing scenario. In addition it is based on enabling large urban Councils to increase throughput without ensuring quality of build, housing provision or development that is actively suitable for the local community area. This area has small rural communities and a small District Council and these provisions do not address local needs.

We wish to register our strong opposition to Section 5.4 in which the threshold for affordable dwellings is increased from a development of 10 to either 40 or 50 units. This may be feasible in an urban context but would be ruinous in this area for the delivery of affordable housing policy (except in rural areas and AONBs). This would be the case even if introduced on a temporary basis, as indicated. It would also be in opposition to a stated aim of the government’s policy of housing provision.

The fact that ‘growth areas’ (section 2.30) would automatically have outline planning permission on allocated sites, not requiring a planning application, would reduce local input and community involvement in an area such as the South Lakes. Together with ‘Renewal areas’ (section 2.35), with their general presumption in favour of approval, means less flexibility and little community involvement or influence in design, layout, density, codes or otherwise.



## PROPOSED KTC RESPONSE TO GOVERNMENT WHITE PAPER ON PLANNING

In 'growth areas' there would be little protection for sustainability, soundness or quality of build or a holistic approach to neighbourhood development.

Areas requiring Neighbourhood Plans or Community Led Plans in order to be able to have any say in design, layout, density, style etc presume a local ability and appetite to be able to achieve this, even by means of a simplified procedure. It is not practical for towns of our size to produce a Neighbourhood Plan under the current arrangements. Without a simplified process we would be penalised locally. Failure to achieve this would lock local communities out of any involvement in the process.

An important problem implicit in these proposals is the time lapse between the date local issues are decided locally, the Local Plan is approved and the eventual date of development. Between these three dates a whole raft of circumstances may well have changed requiring a different set of responses. This proposal does not allow for any semblance of change and this could be potentially ruinous for 'growth' and 'renewal' areas. Once more, this would remove any community say in proposed developments on these sites to the detriment of local democracy.

The proposal that applicants need not provide as much detailed information (section 2.39) means that community representatives such as Kendal Town Council and local residents/voters would be less able to make considered comments on an application. Better notice that an application has been made, as proposed, is meaningless if any local comments hold no weight to a 'done deal'.

Once again this is a national catch all and local design guides are necessary as are Development Management Policies and Core Strategies, which should not be national. This does not address local needs.

As the Rural Services Network also states, this will speed up the housebuilding process but will not only remove the obligation to build affordable homes but also to build homes to suit the specific needs of this area and its demographic – local homes for local needs.

Similarly, removing Sustainability Appraisals, Duty to Co-operate and Test of Soundness would be detrimental to community engagement and quality of build. We would require more specific information on the amendments to S106 and CIL monies (section 4.3 and 4.9). However, CIL monies being available only on the sale/occupancy of a property would provide significant problems for LPA/council strategic funding for community needs. This shifts the burden from the developer to the local authority and thus the community. In addition, yet again, these proposals seem nationally set whereas CIL rates should be set locally.

There are other items such as contained in Sections 2.38, 2.40, 2.41 which would detrimentally impact on our LPA, as well as undue impact on planning officers with lack of funding, but which do not specifically and directly affect this Council. In addition, increased resource funding, such as land Registry costs in making options to buy public knowledge, should not be paid by the statutory body (LPA) but by landowners/developers in this case or by central government.

## PROPOSED KTC RESPONSE TO GOVERNMENT WHITE PAPER ON PLANNING

### **As a Council we would like to see these proposals include:**

The expansion of carbon neutral proposals into something more substantial;

Specific provisions for the creation and enhancing of places through biodiversity. In a town such as Kendal there is a need to create and enhance areas of accessible green spaces within both 'growth' and 'renewal' areas and this has not been suitably addressed in the proposals as they stand. The importance of green spaces to people's health and wellbeing has not been addressed in any given safeguards.

A more pro-active approach to solving land banking;

Resources provided for what will result in increased council officer time;

Provisions that do not take away powers of review from residents and elected members and that actually encourage local people to have an increased input;

Dwellings that are required to be designed for the needs of 10 years' time, given this Council's declaration of a Climate Emergency;

An expectation for all future plans to show evidence of consultation with professional bodies eg RIBA.

Safeguards that proposals do not open up the potential of increased danger in 'at flood risk' areas such as Kendal due to reducing planning involvement.

Cllr Doug Rathbone

Chair, Planning Committee

Kendal Town Council