

KENDAL TOWN COUNCIL

Planning Committee

**Monday 15th March 2020 at 6.00 p.m.
(Via Zoom)**

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

Also in attendance:
Richard Alker – resident of Kendal Parks Road
Georgina – resident of Kendal Parks Road
Councillor Hennessy
Councillor Evans

APOLOGIES Councillor Pat Gibson

OFFICERS Chris Bagshaw (Town Clerk) and Nicky King (Council Secretary)

671/20/21 PUBLIC PARTICIPATION

(1) Richard Alker – resident of Kendal Parks Road.
Re: Application Ref: SL/2021/0188 – 63 Kendal Parks Road

Richard Alker wished to voice an objection against this application. The main points of concern were:

- In order to maintain a nice development all property owners signed restricted covenants. A letter from Story Homes states the proposed garage does not meet these conditions.
- A number of residents feel very strongly about the application and have submitted objections in writing on the SLDC portal.
- The estate design provides off-road parking for 2-3 vehicles per property. If the garage is approved, there would only be room for one small car on the driveway which will inevitably lead to more parking on the road (there would also be insufficient room left to open the garage door). This will lead to the pavement being obstructed, potentially causing safety issues for pushchairs, prams and wheelchair users. There are many families with children living on the development and more cars parked on the roadside would be a safety concern.
- Residents opposite have driveways facing the property and have difficulty accessing their driveways when vehicles are parked on the roadside opposite.

Material objections were highlighted as follows:

- To build the garage requires access to Richard Alker's property. Under the Access to Neighbouring Land Act 1992 he would be withholding consent to access his property to apply render. Doing so would therefore be trespassing.
- The garage changes the symmetrical shape of the semi-detached houses and other buildings on the development.

Story Homes' original design allowed for a gap between properties allowing good visibility to the surrounding hills. The Minimum gap between any two properties is approximately 2m. Building the proposed garage would reduce this gap to approximately 1m.

Richard Alker expressed his view that approval of the proposal would be a detriment to many residents and requested that the application be rejected.

(2) Georgina – resident of Kendal Parks Road.
Re: Application Ref: SL/2021/0188 – 63 Kendal Parks Road

Georgina raised the following main areas of concern:

- **Appearance and design of the development.** All the properties on the development are designed to be symmetrical and aesthetically pleasing. No properties were designed with garages. The proposed garage, if approved, would mean the loss of the aesthetically pleasing design.
- **Layout and density of buildings.** The development was designed to allow for an open aspect between properties. Building the proposed garage would not be in line with the wider development design.
- **Scale and dominance.** The proposed structure is disproportionately large, with the apex being about 60% of the existing gable end. This would result in a dominating addition to the property and the look of the development.
- **Parking and safety.** Parking is a major issue at the property which can fit 2 small vehicles on the driveway. As the owners have 2 cars and a van, one has to be parked on the roadside permanently. This already causes significant disruption and provision of a garage will make matters worse. More vehicles parked on the road will cause an obstruction and safety risk for children, pedestrians etc.
- **Restrictive covenant.** The conditions of the covenant in place have not been complied with.

The Chair advised that residents' comments have not been uploaded to the SLDC website as of yet due to the volume of comments received for this application and a further application.

(3) Councillor Hennessy
Re: Application Ref: SL/2021/0175 – Duke of Cumberland Inn

Councillor Hennessy stated that numerous inherent issues remain with the resubmitted application. He was disappointed that the applicant had failed to take note of previous opposition to the proposals and listed reasons for objection as follows:

- The logic for building a new layby for the purpose of deliveries more or less opposite the already overwhelmed junction of Sandylands and Appleby Roads is beyond comprehension. It directly contravenes DM1 of SLDC Development Management Policy which requires an adequate and safe view for pedestrians

and vehicles is ensured. This proposal will essentially cut the pavement area by half restricting the movement of pedestrians etc. In addition the ability of large vehicles to safely negotiate exit and entry of this layby is questionable. The sight lines of traffic and pedestrians will be severely impaired by the presence of 10m long high sided vehicles in the area. Traffic flow will be negatively affected by vehicles pulling in and out of this layby.

- There will be reduced air quality in an area which already has some of the highest levels of pollution in the town.
- Safety of pedestrians and road users must be paramount and this proposal, which will lead to an increase of traffic and pedestrians, does nothing to address previous concerns.
- The proposal would fail to help retain existing community facilities such as local shops and fail to help the economy. Its presence would seriously impact other businesses who currently employ 46 people.
- It fails on biodiversity as hedging and existing scrub are proposed to be removed.
- Noise support is inadmissible.
- There is no provision for waste.

(4) Councillor Evans

Re: Application Ref: SL/2021/0175 – Duke of Cumberland Inn

Councillor Evans expressed her view that the resubmitted application presented even more concerns than the original. She stated that there are many reasons why the application should be rejected, including the negative effects on local residents and businesses and the increased risk of flooding. In particular she wished to highlight the issue of highways and the following points:

- The statements in 7.6 and 7.12 are contradicted in the application.
- The moving of the access further south makes these proposals even more dangerous. An already dangerous junction will become even more hazardous with the potential for more accidents.
- The proposed new pedestrian crossing is in a very dangerous position with no line of sight for traffic approaching from the right.
- She would like to challenge the developers to produce a detailed map of where the parking spaces that they list in the area actually are. From April 1st all parking in the Shap Road area will be residents' permits only. This will mean very little capacity for overflow parking.
- Many statements in the application have no basis in reality and will only increase the dangers for residents.

672/20/21

DECLARATIONS OF INTEREST

Councillor Cornthwaite declared an interest in application SL/2021/0120 (8 Rosemede Avenue). The applicant is known to him.

673/20/21**MINUTES OF MEETING HELD ON 1ST MARCH 2021**

Members considered the minutes of the Committee meeting held on 1st March 2021.

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

RESOLVED

That the minutes of the meeting held on 1st March 2021 be accepted as a correct record, and signed by the Chair.

674/20/21**KENDAL TOWN COUNCIL FLOOD RELIEF SCHEME WORKING GROUP**

The next meeting is scheduled to be held Wednesday 17th March 2021 at 7pm.

675/20/21**DIVERSION OF PUBLIC FOOTPATHS AT LAND NORTH OF LAUREL GARDENS**

The Town Clerk advised that KTC get to see all proposed orders of footpath diversions. This particular order is part of the footpath diversion necessary to build in the fields beyond Laurel Gardens.

Committee noted the Order for diversion of footpath numbers 536008 and 536009.

The Chair wished to reiterate Committee's interest in all similar orders. The Town Clerk advised that it would be unlawful for SLDC to divert a footpath without notifying KTC as a statutory consultee.

RESOLVED

That Committee note the Order for diversion of footpath numbers 536008 and 536009.

676/20/21**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.

Note:

Councillor Vincent wished to register his non-compliance with the discussion held in respect of The Duke of Cumberland. He talked about Kendal Futures Strategy and their employment of a specialist transport consultant to resolve issues of heavy traffic and pedestrian safety in the area. In his view Committee are making decisions on changes that could be fairly imminent and he feels the wider picture should be looked at.

The meeting ended at 7.20pm

Signed

Dated

| No. | App No./ Type | Address/ Proposed Development | Comments To SLDC | Observations/ Recommendations |
|-----|---|--|---------------------|--|
| 1 | FPA SL/2021/0028 | 274 Valley Drive, KENDAL Erection of fence to road facing boundary wall, total height of 1800mm (Retrospective) | 17.03.2021 | No Material Objections Committee were disappointed to note the retrospective nature of this application. |
| 2 | FPA SL/2021/0120 | 8 Rosemede Avenue, KENDAL Single storey side extension | 15.03.2021 | No Material Objections Committee noted that 12 weeks' notice is required if scaffolding is to be erected on the footpath. |
| 3 | FPA SL/2021/0125 | 22 Derwent Drive, KENDAL Single storey side extension & alterations to front porch | 17.03.2021 | No Material Objections |
| 4 | FPA SL/2021/0135 | 24 Heron Hill, KENDAL Single storey side extension | 17.03.2021 | No Material Objections |
| 5 | FPA SL/2021/0138 | 49 - 51 Low Fellside, KENDAL Re-roof, chimney repairs, rebuilding of car park retaining wall & removal of Silver Birch | 18.03.2021 | No Material Objections Committee suggest Officers look into the possibility of using cast iron for downpipes and guttering. |
| 6 | Advertisement SL/2021/0153 | 2A Elephant Yard, KENDAL 1 internally illuminated fascia sign, 2 non-illuminated fascia signs & 1 internally illuminated projecting sign | 22.03.2021 | Material Objections Whilst Committee welcome the business itself with no objections regarding the internal changes, it raised objections relating to the following: |
| 7 | FPA SL/2021/0155 | 2A Elephant Yard, KENDAL Internal refurbishment of existing retail unit for use as a cafe including the formation of an external seating area. | 22.03.2021 | <ul style="list-style-type: none"> • There is no requirement for internally illuminated signs on this site. • The external colour scheme, window motifs, 3D cup and screening to the seating area is not at all in keeping with the character, design and feel of Elephant Yard, or Kendal's Conservation Area as a whole. |

| | | | | |
|----|-------------------------------------|--|------------|---|
| | | | | <ul style="list-style-type: none"> The width of outdoor seating restricts the movement of pedestrians and an adaptation of that application to enable free flow of shoppers to other retail units is not possible within the overall design of the walkway. |
| 8 | FPA SL/2021/0154 | 70 Rusland Park, KENDAL Single storey front & rear extensions | 23.03.2021 | <p>No Material Objections</p> <p>We would wish conditions to ensure the sufficiency and permanence of any biodiversity gain.</p> |
| 9 | FPA SL/2021/0172 | 5 Curson Rise, KENDAL Two storey side extension with single storey side extension attached and a detached single garage | 24.03.2021 | <p>Material Objections</p> <p>Clarification required as to whether the garage creates a new exit onto a separate entrance. If so a report from Highways would be required.</p> <p>There appears to be no net biodiversity gain.</p> |
| 10 | FPA SL/2021/0176 | 7 Peat Lane, KENDAL Two storey rear extension | 25.03.2021 | <p>No Material Objection however Committee noted the extension is large for its plot. Any decision should ensure there is no overlooking issue on Langdale Crescent.</p> <p>Although the neighbours have not objected to the proposal, Committee were concerned to ensure that they are suitably aware of, and happy with, the resultant loss of light.</p> |
| 11 | FPA SL/2021/0175 | Duke of Cumberland Inn, 1 Appleby Road, KENDAL Erection of convenience store, retention of public house with redesigned beer garden, reconfigured car park including retained vehicular access from Shap Road and relocated vehicular access from Appleby Road, introduction of a service layby on Appleby Road and provision of a | 25.03.2021 | <p>Material Objections</p> <p>Committee stand by the comments it made previously as material objections to the proposal; previously in response to application SL/2020/0431 for the same premises. They wish to repeat that those material objections raised on 3rd August 2020 have not been adequately addressed in this application and are therefore re-</p> |

| | | | |
|--|--|---|---|
| | | pedestrian crossing on Appleby Road (Resubmission of SL/2020/0431) | <p>stated here. They also draw Officers' attention to concerns raised by Councillors Evans and Hennessy, as submitted via the SLDC portal and presented to Committee this evening (below). They would further draw attention to the over 250 residents' comments submitted.</p> <p>Main concerns discussed included:</p> <ul style="list-style-type: none"> • Safety of school children - not mentioned by the applicant • Highways issues – not sufficiently addressed These are especially regarding the safety of proposed lay-by contravening proper sight lines for pedestrians or motorists while turning; lack of safe entry or exit to premises; traffic flow figures that are not realistic and despite projections given, trip generation will be large; danger of standing and turning lorries whilst delivering; problems that exist on an already congested and complicated junction. • There is a potential 'cut through' created for vehicles between Shap Road and Appleby Road through the carpark. This had previously been blocked off precisely because of the frequent and dangerous use that had been made of it. • Detrimental effect on air quality for the area and for children on a busy route to and from school, caused by increased traffic flow and idling • First priority for under-utilised land should be housing as in planning guidelines. • Proposal fails to help retain community facilities such as local shops. |
|--|--|---|---|

| | | | | |
|----|-------------------------------------|--|------------|---|
| | | | | <ul style="list-style-type: none"> • The application states availability of the car park, which currently has a beer garden situated on it. • The Design and Access Statement quotes core strategies which are actually detrimental to the application, eg pp17, 118 & 124. • New development should, under guidelines, be acceptable to local communities, which this is not – see volume and content of the neighbour responses. • There is no sufficient plan for increased biodiversity on the site and a subsequent inclusion of a bird box will not be sufficient. • The committee did not deem the increased risk of flooding had been accurately addressed and await comments from the Lead Flood Authority. |
| 12 | FPA SL/2021/0194 | 65 Rinkfield, KENDAL Glazed balcony over existing single storey extension | 26.03.2021 | No Material Objections provided there is no issue of overlooking. |
| 13 | FPA SL/2021/0188 | 63 Kendal Parks Road, KENDAL Single storey side garage & rear conservatory | 25.03.2021 | <p>Material Objections</p> <p>Committee have no objections to the proposal for a conservatory provided that residents of Hawthorn Way - with gardens that back on to it - have had the opportunity to comment on any potential loss of privacy given the slope of the site.</p> <p>However the Committee wishes to underline objections raised by residents present at the meeting and the additional residents' comments submitted on the SLDC portal. These objections are based on concerns regarding scale and dominance, overdevelopment of a newly</p> |

| | | | | |
|----|-------------------------------------|--|------------|--|
| | | | | <p>designed and approved site, adherence with restrictive covenants from Story Homes, sightlines/visual amenity of the development, and highway safety as mentioned. Committee view these issues as material objections.</p> <p>In addition to these was the fact that necessary access to facilitate building will not be given by the neighbouring residence.</p> <p>The Chair has advised the Planning Officer that one of the neighbour's' comments to the proposal has been wrongly posted under SL/2021/0175 (processed 17/3/21), is therefore missing from comments here, and should be re-applied to this application.</p> |
| 14 | FPA SL/2021/0204 | 23 Burton Road, KENDAL Front porch extension | 29.03.2021 | No Material Objections |
| 15 | FPA SL/2021/0203 | Formally Playmates Pre School Nursery, Captain French Lane, KENDAL Installation of solar panels to south facing roofs of Units 2 and 5 | 30.03.2021 | No Material Objections Committee would welcome a swift box as per the Kendal Swifts submission. |
| 16 | FPA SL/2021/0179 | 25 Aldercroft, KENDAL First floor extension over existing garage | 31.03.2021 | No Material Objections Committee would welcome a swift box as per the Kendal Swifts submission. |
| 17 | FPA SL/2021/0186 | 68 Lingmoor Rise, KENDAL Erection of two-bed end of terrace house (Resubmission of SL/2020/0491) | 05.04.2021 | No Material Objections |
| 18 | FPA SL/2021/0146 | 11 Nether Street, KENDAL Replacement UPVC windows and front door and installation of French patio doors to the rear. | 05.04.2021 | No Material Objections On a design level Committee approve the change to sash windows, subject to the Conservation Area Officer confirming this is not prejudicial to the visual amenity of the Conversation Area. |

01/03/2021

Planning
Appendix 1

| | | | | |
|--|--|--|--|---|
| | | | | Committee have raised the issue of like for like double glazing many times. This policy requires to be rewritten. |
|--|--|--|--|---|