

Kendal Town Council

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



27 July 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 G Vincent
Cllr D Miles	

You are summoned to a meeting of Kendal Town Council Planning Committee on Monday 6 September 2021 at 6.30pm, at the Town Hall, Highgate, Kendal. Details of the meeting can be found on the Town Council's website at www.kendaltowncouncil.gov.uk.

Distributed to other members of the Council for information only.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A.B.' with a long horizontal stroke extending to the right.

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 16 August 2021, 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 a report from the latest meeting of the working group dated 4 August 2021.

7. Dark Skies

To consider a report from Jack Ellerby of Friends of the Lake District outlining a possible statement that could be utilised by the Planning Committee on light pollution (*see attached report*).

8. 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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Notes from the non-statutory Working Group meeting of the Planning Committee meeting held on Monday, 16 August 2021 at 6.30pm via Zoom.

Cllr J Cornthwaite	Present	Cllr D Rathbone (chair)	Present
Cllr P Gibson	Apologies	Cllr C Rowley	Apologies
Cllr H Ladhams (vice chair)	Present	Cllr G Vincent	Present
Cllr D Miles	Absent		

In attendance: Chris Bagshaw (Town Clerk), Ian Gordon (Democratic Services Assistant).

P43/21/22 Apologies

The Committee received and accepted apologies from Cllrs C Rowley and P Gibson

P44/21/22 Declarations of Interest

The Chair and Councillor Vincent declared a non-pecuniary interest in planning application 1 (Natland Mill Beck Bridge) and both confirmed that they were not pre-determined in this matter.

P45/21/22 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

P46/21/22 Minutes of the Previous Meeting

The Council received the minutes of the previous planning committee meeting held on 2 August 2021.

Resolved: To accept them as a true record.

P47/21/22 Planning Process Issues

- (a) There has been a swathe of EA applications that KTC have not been consulted on. Whilst not feeling they are controversial, the Chair suggested an additional meeting to allow KTC to respond to them. Proposed meeting next Monday at 6.30pm by Zoom. The Democratic Services Assistant to circulate details of applications.

Resolved: To hold an additional non statutory working group meeting of the Planning Committee on Monday 23rd August 2021 at 6.30pm via Zoom. There would be a single agenda item to consider the Environment Agency planning applications relating to flood defence work in and around Kendal.

- (b) With the impact of the local government review, the Chair felt it pertinent to look at Kendal's borders and protect its position and think about KTC ownership of land etc.

The Chair recommended taking a holistic view of who owns what both within Kendal and its borders. The Clerk drew the Committee's attention to the need to consider how Kendal's footprint might expand if such circumstances were desirable. Councillors agreed a physical meeting with maps would be the best way forward. It was suggested planning committee members plus one other ward member could meet in the Town Hall. The Chair and Clerk could sort out logistics.

Resolved: The Chair and Clerk to organise a date, venue and agenda.

- (c) It was noted that a Dark Skies paper had been had previously circulated to members of the committee but there had not been the opportunity to debate any position that may be adopted by KTC. It was agreed to make this an agenda item for the next meeting.

Resolved: To add Dark Skies as an agenda item to the next Planning Committee meeting.

- (d) The Committee considered how they might best meet the challenge of meeting the requirements of the various strategies for the town, mostly developed by SLDC. Councillors felt it was important that the Town Council supports agreed strategies and that the Committee should be more purposeful. The Town Centre Strategy was suggested as an example of such a policy document which could be developed as a check list of points that could be referenced against planning applications.

Resolved: The Clerk bring a report identifying how town councillors can ensure action points and strategies can be embedded in future decisions of the council.

P48/21/22 Kendal Town Council Flood Relief Scheme.

Councillor Cornthwaite reported on the meeting that took place on 4th August. The minutes are being agreed and will be available for the next planning meeting. The councillor highlighted the EA publication which all planning committee members had received.

Resolved: To note the report.

P49/21/22 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 19.15 and the committee expressed their best wishes to Councillor Rowley who is currently in hospital.

Kendal Town Council

Appendix 1

Applications for Planning Committee 16 August 2021

No	App No/Type	Address/ Proposed Development	Comments to SLDC	Observations/Recommendations
1	SL/2021/0741	Natland Mill Beck Bridge Excavate and construct a bound surface on the area immediately below Natland Mill Beck Bridge on the line of the old canal. This is intended to improve the accessibility of the existing footpath number 536047	26 August 2021	No Material Objections.
2	SL/2021/0712	60 Lingmoor Rise Installation of window to gable end	31 August 2021	No objection to the positioning of the window however additional required ventilation and other requirements for the bathroom should be put before building control.
3	SL/2021/0764	24 Castle Oval Single storey rear extension	2 September 2021	No Material Objection. However, net biodiversity gain is insufficient with only a single bird box. In addition, if a new nesting box is to be fitted and be maintained for the life of the building, as a proper condition, the positioning of boxes should ensure their location is appropriate to achieve an <i>actual</i> net biodiversity gain.
4	SL/2021/0778	7 Helsington Laithes, Helsington Insertion of a ground floor window and 2 new roof lights	2 September 2021	No material objection. However, if two new nesting boxes are to be fitted and be maintained for the life of the building, as a proper condition, the positioning of boxes should ensure their location is appropriate to achieve an <i>actual</i> net biodiversity gain.
5	SL/2021/0767	6 Ford Terrace Rear dormer & 2 Velux roof lights on front elevation of roof space	3 September 2021	No Material Objection

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Notes from the Kendal Flood Relief Scheme Working Group meeting held on Wednesday 4 August 2021 via Zoom.

Cllr J Cornthwaite (Chair)	Present	Cllr J Dunlop	Present
Cllr S Long	Present	Cllr C Rowley	Present
Cllr J Brook	Present	Cllr E Hennessey	Present
Cllr S Evans	Present		

In attendance: Councillor A Edwards (Invitee), Councillor Ladhams (Invitee), Chris Bagshaw (Town Clerk), Ian Gordon (Democratic Services Assistant), Alison Kirkpatrick (EA), Craig Cowperthwaite (EA), Graham Harrison (Researcher)

KFRS 1/21/22 Apologies

Apologies were received and accepted from Cllr D Rathbone

KFRS 2/21/22 Declarations of Interest

None

KFRS 3/21/22 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

None. Councillors asked for clarification from the Clerk if this items needs to be included in a working group which is made up of invitees only. The Clerk reported that declarations of interest are still required and it is good practice to test the rigour of the agenda to make sure there are no potentially confidential matters covered by the Public Bodies Admission to Meetings Act 1960 that ought to result in the press and public being excluded.

KFRS 4/21/22 Minutes of the Previous Meeting

The Council received the notes of the KFRSWG meeting held on 16 June 2021. Cllr Long enquired if a meeting had been called to discuss Gooseholm and Chantry Garden works as she would like to attend. The Chair agreed to ensure Cllr Long would be invited.

Resolved: To accept them as a true record.

KFRS 5/21/22 Environment Agency Update (Presentation by Alison Kirkpatrick)

- (a) Phase 1 Construction Update.** A number of sites currently being activated. Works at Dockray Hall has been completed. Still to plant in this area which will take place over the winter period. Plan to plant willow trees. The wall is not lower than the original wall. Also planting six trees on Natland Road area, and trees at other sites. Next batch will be Parish Church area, Busher Walk and Waterside Flats. Parish church area looking at tree removal mid-September. Minimum trees to remove in this area. Likely to be two trees. Hope to plant 14 trees over the winter. In terms of Waterside Flats, a flood wall going in, flood gates and access ramps. One tree likely to be removed and six trees will be planted. Busher walk, partial removal of existing

wall. No tree removal expected. EA shared an update of Phase 1 key dates (see slides). A councillor asked about ERDF funding which has been time limited and is there any changes foreseen. The ERDF funding is ending June 2023 and although some work is expected to carry on beyond that date the EA is working to bring everything within that time frame.

- (b) Design & Planning progress.** All 12 target areas are either in design or construction. Aynam Road has been a challenge with rock. Working with UU and CCC to identify any pinch points. Glass Panel Design working on the design. There is a supply issue so may take some time to have a sample built into the sample wall section. Possibility that another similar panel from another site can be borrowed. New planning application for Aynam Road and Waterside providing updated design for these areas. Stock Beck pumping station is a full planning application to include pipework arrangements and control kiosk. Likely to be submitted in April 2022. Common land application for New Road and Gooseholm anticipated Feb 2022
- (c) Walking and Cycling.** The accompanying slides showed proposed routes and update on progress. There are alternate views between the Ramblers Association and Cycling groups which presents challenges. Continuing to work collaboratively with all stakeholders. Councillors discussed issues surrounding proposed cycle and walking paths.
- (d) Public Realm and Arts Opportunities.** EA provided a list of designs that will be incorporated across the whole area of flood improvements. Detail of the programme will be presented to the next meeting.
- (e) Phase 1 – Design and Benefits Guide.** This document has been launched printing 1,000 copies and are widely available in public offices. Copies have been sent to KTC.
- (f) Community Engagement.** See above plus ongoing contact with stakeholders. Media Coverage has been ongoing with a number of press releases on progress.
- (g) Phase 2 and 3 Update.** Current emphasis is on gathering data and sampling of soil. Most work so far has been in the Kentmere area. A number of meetings have taken place with SLDC and LDNPA about future planning submissions.

A councillor asked for feedback on work at Sandylands and Burneside. There was concern that locals need reassurance that the work is progressing.

The Chair asked for clarity on consultees. Kendal Futures and Kendal Vision are contributing to EA, which is a welcome addition. Councillors had some concerns that there could be a risk of too many groups making individual comments resulting in any submission by KTC might be unintentionally marginalised or obviated and wished to make sure that the Town Council are kept fully in the loop. EA confirmed that an input would be welcome from all stakeholders to ensure all ideas go into the mix and produces something that can be supported by everyone.

KFRS 6/21/22 Kendal Town Council Update

The chair raised a number of points for the attention of Criag Cowperthwiate from the EA. Query about common land around Gooseholm and Beezon Fields. Keen to know to whom new green spaces will be handed over to. Lack of toilet facilities around Gooseholm. Can a toilet facility be reintroduced around the new pumping block? Redundant CCC site at Mintsfeet and its possible use for public good e.g., a multiuse civic site.

KFRS 7/21/22 Glass Wall Specifications

Dealt with in minute KFRS 5/21/22 above.

KFRS 8/21/22 Upper Kent Issues

Cllr Rowley has spoken to Peter Thornton (CCC) and proposed a meeting with Stuart Mounsey. Date likely to be in early September. Councillors expressed their concern about work in Upper Kent and lack of responses to questions already submitted. Cllr Rowley invited any member of this group to contact him if they have any points they want to raise.

KFRS 9/21/22 Any Other Business

- (a) A councillor asked for an update on the investigation into the pollution incident in the River Kent on 24 July when thousands of fish had been killed. The representatives from the EA at the meeting were not dealing with this incident but promised to make enquires and report to the next meeting on progress with the investigation.
- (b) Adam Edwards gave a verbal update on the work of the Kendal Youth Zone and their ability to work in any location. They were happy to work with the EA in reaching out to young people and are specifically interested in the creation of new art work where young people could make a positive contribution. The EA promised to consider this offer and report back at the next meeting.

The date of the next meeting is 15 September 2021

The meeting closed at 8.55pm.

Kendal Town Council – Planning Committee Statement on Light Pollution. PROPOSED BY JACK ELLERBY OF FOLD JULY 2021)

Kendal Town Council is a key Supporter of [The Cumbria Dark Skies Project](#) that celebrates the value of dark skies and aims to drive a net reduction in light pollution across Cumbria. Kendal and Oxenholme are together a pilot community where action is being focused to achieve these twin outcomes. The Project is widely supported in the County, including several, diverse groups in/around Kendal-Oxenholme, such as the Eddington Astronomical Society, Kendal Civic Society, Kendal Vision, Kendal Swifts Group, South Cumbria Bat Group and South Lakeland Action on Climate Change, all sharing a common win-win goal to reduce light pollution in the area.

Reducing wasted light in the form of light pollution helps deliver the Town Council and South Lakeland District Councils' corporate priorities in relation to *climate change* (reducing unnecessary lighting & energy use), enhancing *biodiversity* (growing research on the negative impacts of light pollution on critical wildlife), *health and well-being* (evidence of harm to human's immune system and health, such as from the [Commission for Dark Skies](#) and the [Chief Medical Officer](#)), and *economic growth* (Astro-tourism is a growth market, helping strengthen the evening economy and hospitality spending, especially over the winter period).

Kendal and Oxenholme are already affected by a high degree of pollution (see [here](#)), and this also causes sky glow out into surrounding communities and countryside. A recent Lighting Audit and Action Plan Report July 2021, produced by Consultants Cundall Light4, of which the Town Council was a co-funder, has identified over 80 sources of major light pollution requiring action across the Town.

The planning system and the Development Management process should play a vital role in preventing and reducing light pollution. This is reflected in both national policy in the National Planning Policy Framework, February 2019 and in the Adopted Local Plan:

- NPPF Paragraph 180 states: *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.*
- SLDC Local Plan policy DM2 (Section 10): *“New development that requires external lighting should as appropriate: • use the minimum illumination required to undertake the task; and • minimise harm to the local amenity, wildlife, public and wider views through use of appropriate landscaping measures and sensitive forms of design; and • be designed in a manner that avoids glare and erosion of tranquillity and dark skies.*

This Planning Application/Advertisement Consent will potentially cause unnecessary light pollution, and we hope our comments provide useful guidance to prevent this negative outcome. Net environmental gain can be achieved by getting well designed lighting - *where* it is needed, only on *when* it's required and at the right *intensity level for the task*.

Guidance on good lighting practice and Dark Sky compliant light fittings can be found at:

<https://www.friendsofthelakedistrict.org.uk/Listing/Site/dark-skies-subsite/Category/outdoor-lighting-tips>

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Appendix 1
Applications for Planning Committee 6 September 2021

No	App No/Type	Address/ Proposed Development	Comments to SLDC	Observations/Recommendations
1	SL/2021/0785 & SL/2021/0823	28 Lowther Street 1 non-illuminated fascia sign and 1 non-illuminated hanging sign	6 September	
2	SL/2021/0780	7 Castle Close Single storey side / rear extension	6 September	
3	SL/2021/0784	Broadlea, Burton Road, Oxenholme Rear dormer at first floor and two storey rear extension to increase living and bedroom space	8 September	
4	SL/2021/0783	19 Whinfell Drive First floor side and rear extension (Resubmission of SL/2020/0384 & SL/2021/0531) ⁱ	9 September	
5	SL/2021/0811	53 Bellingham Road Single storey rear extensions, raising of roof with front dormer windows to provide accommodation in the roof space	9 September	
6	SL/2021/0812 & SL/2021/0813	3 Thorny Hills Single storey replacement extension with associated re-render, boundary wall alterations and installation of new ground floor WC	10 September	
7	SL/2021/0781	23 Kirkbie Green Replacement rear aluminium glazed sliding door with timber outward opening glazed doors	13 September	

8	SL/2021/0821	68 Natland Road First floor front extension	16 September	
9	SL/2021/0824 & SL/2021/0825	Sand Aire House, Stramongate Proposed Foodhall NOTE: This application has been launched three times and recalled twice by SLDC.	16 September	
10	SL/2021/0831	Asda Stores Ltd, Burton Road Variation of condition 2 (approved plans) attached to planning permission SL/2020/0308 (Reconfiguration of the home shopping facility including new storage building and van canopy. Replacement click and collect canopy.)	21 September	
11	SL/2021/0832	3 Carus Gardens First floor extension over existing garage roof terrace (resubmission of lapsed approval SL/2012/0485) ⁱⁱ	21 September	
12	SL/2021/0837	Riverview, Beezon Fields Change of use from offices to a learning and non-residential institution (Use Class F.1)	21 September	
13	SL/2021/0838	13 Stonecross Green Single-storey side extension to form sun room, single-storey front extension to garage & new front door	21 September	

ⁱ **Ref Item 4** - Original comments made by the Town Council relating to SL/2020/0384 on 20 July 2020:

Scale and dominance of the extension in the area, particularly given that no other properties have a similarly sized addition to the original property. The Committee draws attention to a potentially material loss of privacy to the next door property as a result of the planned French

windows on the first floor. East elevation – Committee request Officers look at the appearance and relationship to other houses and their boundaries as it is unclear as to how the extension will be maintained in the future. Committee requested that Officers obtain clarification on the direction of the slope of the roof on the east elevation. Committee fully supports the comments from Kendal Swifts.

ii **Ref Item 11** - Original comments made by the Town Council relating to SL/2012/0485 on 3 September 2012:
APPROVE