

Kendal Town Council

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



24 June 2024

To Members of the Planning Committee

Cllr A Campbell	Cllr A Finch
Cllr J Cornthwaite	Cllr H Ladhams (Vice-Chair)
Cllr L Edwards	Cllr R Edwards
Cllr D Miles	Cllr D Rathbone (Chair)
Cllr G Supka	

You are summoned to a meeting of Kendal Town Council Planning Committee on **Monday 1 July 2024, at 6.30 p.m.** in the Council Chamber at the Town Hall, Highgate, Kendal.

(Distributed to other Members of the Council for information only.)

Yours faithfully

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 the 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 (pages 3 to 11)

To receive the minutes of the meeting held on 24 June 2024 and to authorise the Chair to sign them as a true record (see attached).

5. Minute Action Sheet (pages 12 to 13)

To consider a report on actions taken by officers on resolutions or recommendations made at previous meetings (see attached).

6. 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.

7. Kendal Town Council Flood Relief Scheme Working Group

To receive a verbal update on the activities of the Working Group.

8. Planning Applications (pages 14 to 15)

To consider planning applications received from Westmorland and Furness Council (see attached).

The Committee will consider planning applications received and published by the Local Planning Authority 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 website:

<https://www.southlakeland.gov.uk/planning-and-building/planning/planning-applications/search-for-a-planning-application/>

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Minutes of a meeting of the Planning Committee held on Monday, 17 June 2024, at 6.30 p.m., in the Highgate Room at the Town Hall, Highgate, Kendal.

Cllr A Campbell	Apologies	Cllr H Ladhams (Vice-Chair)	Apologies
Cllr J Cornthwaite	Present	Cllr D Miles	Present
Cllr L Edwards	Present	Cllr D Rathbone (Chair)	Present
Cllr R Edwards	Present	Cllr G Supka	Present
Cllr A Finch	Apologies		

In Attendance: Chris Bagshaw (Town Clerk)

Also present: Cllrs S Long and C Russell; Mr W Wood (member of the public).

Public Participation

Mr Wood made a representation concerning the retrospective listed building consent application for the roller shutters outside the reception area in the Town Hall. He explained that his father had worked in the building in its heyday, and he didn't believe that the installed door was appropriate in the setting. He reported that the agent making the application appeared to have no knowledge of the building, and other doors in the building that were not as obtrusive appeared to match the shutters' fire and security rating. He urged the Committee to recommend refusal of the application, and the door's replacement with something in materials and design more appropriate to its heritage setting. The Chair thanked Mr Woods for his input and explained that he expected the matter to be considered by the Locality Board Planning Committee, in line with Westmorland and Furness policies on the council's own applications.

P18/2024 Apologies

Resolved: To receive and accept apologies for absence from Cllrs Campbell, Finch and Ladhams.

P19/2024 Declarations of Interest

The Chair drew the Committee's attention to his and Cllr Cornthwaite's interest in the matter of the shutter screen at the Town Hall (item 8 (9) 2024/0811/LBC), because they were members of Westmorland and Furness Council, the applicant. They would withdraw from the room during the consideration of this item.

P20/2024 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

There were no excluded items on the agenda.

P21/2024 Minutes of the Previous Meeting

Resolved: To receive and accept the minutes of the previous meeting of the Planning Committee held on 3 June 2024 and to authorise the Chair to sign them as a true record.

Note. The Committee took item 8 (9) 2024/0811/LBC at this point. It is recorded in the table

appended to these Minutes.

P22/2024 Minute Action Sheet

The Committee considered a report on actions taken by officers on resolutions or recommendations made at previous meetings.

Resolved: To note the actions taken by officers on resolutions or recommendations made at previous meetings.

P23/2024 Planning Process and Issues

No issues were raised.

P24/2024 Kendal Town Council Flood Relief Scheme Working Group

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group, reported that the Working Group was not expecting to meet again until after the election in July. He noted that the requested borehole data had now been shared by the Environment Agency.

Resolved: To note the verbal update.

P25/2024 Planning Applications

The Committee considered the Planning Applications as detailed in Appendix 1 to these minutes.

Resolved: To submit the recommendations in Appendix 1 to these minutes to the Planning Authority.

The meeting closed at 7.35 p.m.

Kendal Town Council
 Responses from Planning Committee: 17 June 2024
Appendix 1

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
1	2024/0835/ADV	FATFACE 15-17 Stricklandgate Kendal LA9 4LY Advertisement consent for replacement non-illuminated fascia sign & double sided aluminium projecting sign	Fell	18 June	As below.
2	2024/0829/LBC	FATFACE 15-17 Stricklandgate Kendal LA9 4LY Listed building consent for shopfront refurbishment, repair, maintenance, repaint & new signage	Fell	18 June	The committee noted the 'improved' Heritage Statement, which still was somewhat lacking, given the sensitivity of the building and its setting. However, subject to the Conservations Officer's view that the development does not compromise the visual amenity of the Conservation Area, that the design and use of materials is appropriate to the specific listed building heritage setting and is in line with the Planning Authority's Shopfront Toolkit, the Committee had No material objections.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
3	2024/0864/FPA	<p>5 Castle Garth Kendal LA9 7AT</p> <p>Loft conversion with front and rear dormer windows</p>	Mintsfeet	19 June	<p>The Committee was particularly concerned that the front side dormer should be made to match others on the terrace in terms of scale and design, and that materials be sympathetic to such a sensitive location in the Conservation Area. It was less concerned about the rear dormer, but again expected sympathetic use of materials. On this basis and subject to the confirmation that the Conservation Officer is satisfied that the visual amenity of the Conservation Area is not compromised:</p> <p>No material objection</p>

4	2023/1061/FPA	<p>Brigsteer Road Kendal</p> <p>107 dwelling houses and associated infrastructure including landscaping, open space (including equipped play area) , access, highway and drainage (Brigsteer Rise, Phase 4)</p>	Highgate	13 June	<p>The Committee heard from Cllr Long, who was a former member of the Cedar Grove Action Group, and from Cllr Russell, who is ward member for the area covered by previous Phases of the development. The Committee reiterated its previous objections to this development.</p> <ol style="list-style-type: none"> 1) The proposed access through Cedar Grove fundamentally breaches the Stainbank Green Development Brief SPD. As well as creating serious material character changes to streets outside the area of the planned development, it compromises the safety of the existing green spaces within the planned development. The Committee fears that the Cedar Grove access will become the de facto main access point for the majority of the new estate (in excess of 150 homes). The Town Council remains opposed to the use of this route as anything other than a restricted Emergency Vehicle Access (EVA). 2) The new design of the development, whilst meeting some objections from the Police, creates new issues for the prominence of some houses, which are now in disproportionately dominant locations. 3) Whilst there is some welcome acceptance for Biodiversity Net
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					<p>Gain on the site with improved hedgerow layouts, there is still an offsite, out-of-Kendal proposal and insufficient supporting data to evaluate the benefits of the remaining plan. The loss of the green corridor from the Vicarage Drive open space is particularly uncompensated for in the new layout, and appears to be in breach of the Stainbank Green SPD.</p> <p>4) There is insufficient data given to assess whether the development has dealt adequately with the additional flood risk it has created downstream. There is strong anecdotal evidence that the previous phases alone have disturbed the local water table, resulting in changes to the surface flows of seasonal drainage patterns. The Committee notes that the LLFA has requested further information on a variety of subjects and does not feel a decision should be made until that data has been supplied and the LLFA is satisfied that the additional flood risks have been properly mitigated, including for the impact of climate change.</p> <p>Recommend refusal.</p>
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No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
5	2024/0875/LBC	56 Gillinggate Kendal LA9 4JB Listed building consent for internal alterations including the addition of a shower to the existing utility room, addition of a toilet to the existing bathroom, conversion of the top floor toilet to a shower room	Highgate	21 June	No material objections , providing the Conservation Officer is satisfied that the development does not compromise the heritage of the building in its design or choice of materials.
6	2024/0467/FPA	36 Kendal Green Kendal LA9 5PP Single storey extension, and solar panels to roof	Strickland	14 June	The Committee reiterated its previous comments: No Material Objections subject to the inclusion of the same conditions applied to the previous planning consent and, particularly, the inclusion of four internal swift bricks in the northern elevations. As previously, the Committee would stress the importance of water run off being taken into consideration.
7	2024/0899/FPA	3 Blencathra Gardens Kendal LA9 7HL Erection of 2.4m rear boundary fence comprised of concrete posts with concrete (lower) and timber infill panels	Oxenholme	24 June	Recommend refusal. The committee did not feel the loss of biodiversity which resulted from the removal of the hedge was justified. The 2.4m fence appears out of scale and character with the existing location.
8	2024/0906/LBC	30-32 Lowther Street Kendal LA9 4DH Listed Building application for the installation of a solar array	Fell/Highgate	24 June	No material objections , subject to the Conservation Officer being satisfied that the development did not compromise the heritage of the building or the visual amenity of the Conservation Area.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
9	2024/0811/LBC	<p>Kendal Town Hall Highgate Kendal LA9 4ED</p> <p>Retrospective Listed Building Consent for the installation of a roller shutter door at the internal entrance to the reception area</p>	Highgate	25 June	<p>Note: Cllrs Cornthwaite and Rathbone left the room during the discussion of this item. Cllr Supka was elected to take the Chair.</p> <p>The Committee expressed its disappointment to be considering an application retrospectively, and reiterated its cautionary advice to developers (whoever they may be) that they should seek appropriate planning advice for all aspects of their development, and ensure that they have the appropriate consents in place prior to carrying out work, so as to avoid the risk of costly remediation. The Committee considered whether they would accept this development as a new application in a different listed building. They concluded that it was not in keeping with the sensitive and historic setting, and appeared to be unnecessarily functional-looking, with no attempt to soften its impact. Elsewhere in the building there appeared to be doors which did achieve this balance of security, function and sympathetic material.</p> <p>Recommend refusal.</p>
10	2024/0816/FPA	<p>Berendsen Shap Road Kendal LA9 6DQ</p> <p>Proposed single storey steel framed extension to existing factory unit</p>	Fell	26 June	<p>No material objections, subject to there being no increase in nuisance caused by noise and hours of use, which should be a condition of any approval.</p>

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
11	2024/0935/FPA	St Thomas' Church Windermere Road Kendal LA9 4RF Installation of 7 Air-to-Air Heat Pump Condensers on the single-story modern extension	Fell	27 June	No material objections , providing the development is screened off sensitively and the Conservation Officer is satisfied that it does not compromise the visual amenity of the Conservation area.
12	2024/0857/FPA	134 Stainbank Road Kendal LA9 5BE First floor side extension	Kirkland	1 July	No material objections , but there should be some consideration for compensatory biodiversity net gain. The Committee supports the comments made by Kendal Swifts.
13	2024/0979/LBC	George And Dragon 42 Branthwaite Brow Kendal LA9 4TX Installation of replacement windows and associated repairs to surrounding render	Fell	1 July	No material objections providing the Conservation Officer is satisfied that the development does not compromise the visual amenity of the Conservation Area or the heritage of the listed building.
14	5/24/9004	Kendal Transfer Station, Boundary Bank Lane, Kendal Westmorland and Furness, LA9 5RR SUEZ's lease of the site comes to an end in November 2024 and in order to hand the site back to the landlord in its pre-lease condition, SUEZ need to remove the waste transfer building and external storage bays.	Fell	17 June	No material objections

Item No.5

Planning Committee - Minute Action Sheet - as at 24-06-24

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
7	14/08/2023	P51/2023	Minute Action Sheet	The Town Clerk to be asked to progress action in relation to P95/2022 (Planning Process and Issues) and P164/2022 (Minute Action Sheet) and arrangements for Planning Training for Members.	CB		Follow up made to RTPi	Now in budget for 2024
21	19/02/2024	P150/2023	Planning Process and Issues	To review ongoing dialogue between the Planning Committee and Westmorland and Furness Council planning officers with a view to maximising the impact of the Town Council's comments on planning applications		Oct-24		Ongoing.
22	19/02/2024	P150/2023	Planning Process and Issues	To produce a draft statement in relation to out of town food outlets, and to circulate to all Members of the Planning Committee, with Members to submit comments for inclusions should they so wish				To be drafted
28	22/04/2024	P181/2023	MAS	To diarise a review of the Aynam Road Fountain case in June		17-Jun-24		Both EA and W&FC made aware of KTC position, with expectation that this will be resolved between them.
30	07/05/2024	P190/2023	Minute Action Sheet	To raise again the issue of the two shopfronts at Finkle Street and Kirkland with the Planning Authority.			23-May-24	Action initiated by W&F 6 June. Awaiting outcome of review

Ref. No.	Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
32	20/05/2024	P5/2024	Minute Action Sheet	On the issue of New Road, to follow up queries with EA and include the chair of W&FC Locality Board in any correspondence.			23-May-24	Information now supplied
33	03/06/2024	P16/2024	Kendal Town Council Flood Relief Scheme Working Group	The Town Clerk to use Freedom of Information if necessary to obtain the data the Working Group is seeking.			06-Jun-24	Information now supplied

Kendal Town Council
 Applications for Planning Committee: 1 July 2024
Appendix 1

Item No.8

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
1	2024/0966/FPA	2 Ivy Garth Sedbergh Road Kendal LA9 6AR Engineering works to driveway and partial removal of wall	Castle	2 July	
2	2024/0986/FPA	39 Briarigg Kendal LA9 6FA Alterations & conversion of garage	Strickland	2 July	
3	2024/0883/FPA	Skewbarrow Top High Tenterfell Kendal LA9 4PQ Installation of replacement windows throughout and associated works to infill panels below as appropriate, to include minor alterations to some of the window configuration, roof replacement following storm damage and to include improvements thermal performance and structural repairs which will result in a 150mm high approximately raised roofline & two new roof lights to rear elevation	Fell	3 July	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to W&F	Observations/Recommendations
4	2024/1029/FPA	<p>23 Laurel Gardens Kendal LA9 6FE</p> <p>Erection of a two-storey side extension, single storey rear extension with balcony, front porch extension and rear dormer window (Resubmission of SL/2023/0381)</p>	Strickland	11 July	