

# Kendal Town Council

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



24 April 2023

To Members of the Planning Committee

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

You are summoned to a meeting of Kendal Town Council Planning Committee on **Tuesday, 2 May 2023**, 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

A handwritten signature in black ink, appearing to be 'CB' 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 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**

To receive the minutes of the meeting held on 17 April 2023, and to authorise the Chair to sign them as a true record (see attached).

**5. Minute Action Sheet**

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 and the minutes of the virtual meeting of the Group held on 4 April 2023 (see attached).

**8. Responding to Planning Applications – Draft Notes for Guidance April 2023**

To consider a draft set of notes for guidance in considering planning applications.

**9. Planning Applications**

To consider planning applications received from South Lakeland District Council and Cumbria County Council (see attached).

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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## Minutes of a meeting of the Planning Committee held on Monday, 17 April 2023, at 6.31 p.m., in the Council Chamber at the Town Hall, Highgate, Kendal.

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

\* Arrived at 6.43 p.m., prior to consideration of Agenda Item No.8 (Town and Country Planning Act 1990 - Appeal Under S78 against Refusal of a Planning Application at the Duke Of Cumberland Inn, 1 Appleby Road, Kendal LA9 6ES), Minute No.P176/2022 below.

**In Attendance:** Chris Bagshaw (Town Clerk) and Inge Booth (Democratic Services Assistant).

### P169/2022 Apologies

An apology for absence was received and accepted from Cllr A Campbell.

The opportunity was taken to welcome Cllr A Finch back as a Member of the Committee.

### P170/2022 Declarations of Interest

No declarations of interest were raised.

### P171/2022 Exclusion of Press and Public (Public Bodies Admission to Meetings Act 1960)

No issues were considered for exclusion.

### P172/2022 Minutes of the Previous Meeting

**Resolved:** To receive and accept the minutes of the previous meeting of the Planning Committee held on 3 April 2023 and to authorise the Chair to sign them as a true record.

### P173/2022 Minute Action Sheet

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

*P95/2022 (Planning Process and Issues) and P164/2022 (Minute Action Sheet)* – The Town Clerk circulated hard copies of a set of draft Notes for Guidance in Responding to Planning Applications to Members of the Committee, advising that the document would be included on the agenda for the next meeting. It was pointed out that the paragraphs within the document required numbering and DM numbers including. With regard to the same Minute Nos. within the Minute Action Sheet, in response to a query, the Town Clerk reminded Members that Planning Training had been put on hold until May 2023.

*P165/2022 (Planning Process and Issues)* – The Town Clerk explained that no progress had been made as yet with regard to a review of the Kendal Town Council Conservation Area.

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

#### **P174/2022 Planning Process and Issues**

There was nothing to report under this item.

#### **P175/2022 Kendal Town Council Flood Relief Scheme Working Group**

Cllr J Cornthwaite, Chair of the Kendal Town Council Flood Relief Scheme Working Group reported that a virtual meeting of the Group had been held on Tuesday, 4 April 2023, the minutes of which would be presented to the next meeting of the Planning Committee. He drew attention to recent articles in the Westmorland Gazette regarding various aspects of the scheme. He further mentioned the issue relating to access at Beezon Fields and aspirations for future activity on that side of the river. Planting had resulted in a gap of less than 2 metres when a 3 metre gap had been expected, and this needed to be looked into. Members asked for an update to be provided with regard to the field under discussion and its horses at the next meeting.

**Resolved:** An update to be provided at the next meeting with regard to the field under discussion and its horses at the next meeting.

**Resolved:** To note the verbal update.

#### **P176/2022 Town and Country Planning Act 1990 - Appeal Under S78 against Refusal of a Planning Application at the Duke Of Cumberland Inn, 1 Appleby Road, Kendal LA9 6ES**

The Committee was asked to consider whether to submit comments in relation to an appeal against refusal of the 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 pedestrian crossing on Appleby Road (Resubmission of SL/2020/0431).

**Resolved:** A response to be made confirming the Committee's previous recommendation for refusal, reiterating the reasons.

#### **P177/2022 Planning Applications**

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

During consideration, attention was drawn to the lack of provision of appropriate measurements within the drawings relating to some applications. It was pointed out that although planning officers were professionals in their field and could recognise the information before them, this was not necessarily the case for Committee Members whose responsibility it was to form fair and proper judgement. The need for the Planning Department at Westmorland & Furness Council to try to address this issue was raised.

**Resolved:** To approach the Planning Department at Westmorland & Furness Council to discuss the potential for provision of appropriate scale and measurements within the drawings relating to planning applications.

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

The meeting closed at 7.22 p.m.

**Kendal Town Council**

Responses from Planning Committee: 17 April 2023

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0127</a>	<b>21 Stonecross Road, Kendal</b> Single story rear extension	Stonecross	18 April	<b>No Material Objections</b> subject to resolution in relation to the maintenance gap of 200mm which the Committee feels to be insufficient and to provision for some net biodiversity gain at a sufficient level.
2	<a href="#">SL/2023/0216</a>	<b>60 Sedbergh Road, Kendal</b> Two storey rear extension and single storey side garage	Nether	18 April	<b>No Material Objections</b> , however, notice should be made of neighbour objections in relation to loss of privacy and overlooking. The Committee backs Kendal Swifts' request for integral swift bricks. The Committee further seeks net biodiversity gain of 10% as required by DM4.
3	<a href="#">SL/2023/0236</a>	<b>52 Greenside, Kendal</b> Part demolition of dwelling & outbuilding, alterations and erection of single storey extension with associated landscaping	Fell	19 April	<b>No Material Objections</b> provided that the materials used are sympathetic to the Conservation Area given its real heritage significance and subject to net biodiversity gain of 10% as required by DM4.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
4	<a href="#">SL/2023/0241</a>	<b>Flats 1-6 Melrose House, 36 Aynam Road, Kendal</b> Replacement of windows to apartments	Mintsfeet	19 April	<b>Recommend Refusal</b> on the basis that the application would destroy the line, conformity and design of existing windows in this location. The Committee also expresses disappointment that UPVC windows have previously been allowed on this site and would oppose any future applications for UPVC windows of poor design in this location.
5	<a href="#">SL/2023/0242</a>	<b>37 High Garth, Kendal</b> Demolition of rear outbuilding, erection of a single storey rear extension, a single storey side workshop extension, replacement front porch with associated landscaping works	Strickland	19 April	<b>No Material Objections</b> subject to net biodiversity gain of 10% as required by DM4.
6	<a href="#">SL/2023/0254</a>	<b>78 Shap Road, Kendal</b> Demolition of rear glazed extension and outbuildings & erection of new annexe extension with glazed link	Mintsfeet	19 April	<b>No Material Objections</b> subject to there being no adverse comments from neighbours and to provision for some net biodiversity gain at a sufficient level.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
7	<a href="#">SL/2023/0237</a>	<p><b>Farley Health Products Ltd, Lake District Business Park, Mint Bridge Road, Kendal</b></p> <p>Erection of a warehouse extension to the existing factory together with access road, turning area (MAJOR APPLICATION)</p>	Mintsfeet	24 April	<p><b>No Material Objections</b> subject to a suitable policy being put in place to mitigate the noise and impact of increased deliveries and to provision for some net biodiversity gain at a sufficient level. The Committee commends this application as beneficial to the Town's economy and necessary for the expansion of the business, provided that the Arboricultural Impact Assessment and Method Statement requested by the Arboriculture Specialist are submitted and deemed sufficient.</p>
8	<a href="#">SL/2023/0277</a>	<p><b>45 Beast Banks, Kendal</b></p> <p>Replacement single storey extension with pitched roof &amp; replacement timber boundary fence</p>	Highgate	20 April	<p><b>No Material Objections</b> subject to the fence being in keeping with the Conservation area and to provision for some net biodiversity gain at a sufficient level.</p>
9	<p><a href="#">SL/2022/1146</a> &amp; <a href="#">SL/2022/1147</a></p>	<p><b>Wetherspoons, The Miles Thompson, Allhallows Lane, Kendal</b></p> <p>Increase the capacity for outdoor seating by closing off a portion of the pub's car park at the rear of the property (Retrospective)</p>	Highgate	17 April	<p><b>Recommend Refusal</b> and no change in the Committee's comments in relation to the previous, similar application. The Committee is still disbelieving that a PLC chain takes on itself to disregard the planning process and make these changes without consent. In addition, the Committee has found flaws in the submitted acoustic report.</p>



No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
10	<a href="#">SL/2023/0253</a>	<b>8 Natland Road, Kendal</b> Demolition of existing rear shed & porch & erection of a single storey rear extension	Stonecross	24 April	<b>No Material Objections</b> subject to there being no adverse comments from neighbours and to provision for some net biodiversity gain at a sufficient level.
11	<a href="#">SL/2023/0278</a>	<b>3 Briarwood, Kendal</b> Single storey side extension	Highgate	25 April	<b>No Material Objections</b> subject to provision for some net biodiversity gain at a sufficient level.
12	<a href="#">SL/2023/0286</a>	<b>140 Windermere Road, Kendal</b> Two storey side extension	Fell	27 April	<b>No Material Objections</b> subject to ensuring no adverse impact on neighbours from construction works by the provision of a suitable and robust plan regarding timings in relation to working hours and noise during construction and subject to provision for some net biodiversity gain at a sufficient level.
13	<a href="#">SL/2023/0272</a>	<b>48 Bellingham Road, Kendal</b> Demolition of rear glazed porch and replace with single storey rear extension	Stonecross	2 May	<b>No Material Objections</b> subject to provision for some net biodiversity gain at a sufficient level.
14	<a href="#">SL/2023/0291</a>	<b>166 Valley Drive, Kendal</b> Single storey front extension (Resubmission of SL/2022/0977)	Heron Hill	2 May	<b>No Material Objections</b> subject to provision for some net biodiversity gain at a sufficient level.

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
15	<a href="#">SL/2023/0297</a>	<p><b>9 Castle Riggs, Kendal</b></p> <p>Erection of a two storey side, single storey rear &amp; front extension with internal and external alterations</p>	Castle	2 May	<p><b>No Material Objections</b> subject to provision for some net biodiversity gain at a sufficient level.</p>

Planning Committee - Minute Action Sheet - as at 24-04-23							
Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
05/12/2022	P95/2022	Planning Process and Issues	Production of checklist containing relevant points for discussion during consideration of large housing developments.	CB		26-Jan-23	On agenda
05/12/2022	P95/2022	Planning Process and Issues	Arrange Planning training for Members.	CB	01/04/2023	08/02/2023	Ongoing. Appropriate Training partner being sought
03/04/2023	P164/2022	Minute Action Sheet	Arrangements be made for Planning training for Members to be held after May.	CB			Arrangements being explored with RTPI
03/04/2023	P164/2022	Minute Action Sheet	The checklist of relevant points for discussion during consideration of large housing developments be brought before the next meeting of the Committee.	CB	17-Apr		DRAFT version distributed to members
03/04/2023	P165/2022	Planning Process and Issues	To make informal enquiries of the Planning Authority on how to initiate proceedings with regard to a review of the Kendal Town Council Conservation Area.	CB	17-Apr		w/c 10 Apr
17/04/2023	P175/2022	Kendal Town Council Flood Relief Scheme Working Group	An update to be provided at the next meeting with regard to the field under discussion and its horses at the next meeting.	CB			
17/04/2023	P176/2022	Town and Country Planning Act 1990 - Appeal Under S78 against Refusal of a Planning Application at the Duke Of Cumberland Inn, 1 Appleby Road, Kendal LA9 6ES	A response to be made confirming the Committee's previous recommendation for refusal, reiterating the reasons.	CB			Completed

Meeting Date	Minute No.	Title	Action (Resolution)	Officer Responsible	Deadline, if any	Date Action Commenced	Comments
17/04/2023	P177/2022	Planning Applications	To approach the Planning Department at Westmorland & Furness Council to discuss the potential for provision of appropriate scale and measurements within the drawings relating to planning applications.	CB			Completed

## Kendal Town Council

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### Minutes from the Kendal Flood Relief Scheme Working Group meeting held at 6.30pm on Tuesday 4 April 2023, by Microsoft Teams

Cllr J Brook	Present	Cllr D Rathbone	Present
Cllr J Cornthwaite (Chair)	Present	Cllr P Thornton	Present
Cllr J Dunlop (Vice Chair)	Apologies	Cllr G Harrison (Co-optee)	Present
Cllr S Evans	Not present		
Cllr E Hennessey	Present	T McCormick (EA)	Apologies
Cllr H Ladhams	Apologies	M Ulliyart (EA)	Apologies
Cllr S Long	Apologies	A Kirkpatrick (EA)	Apologies

**In attendance:** Chris Bagshaw (Town Clerk)

#### **KFRS 17/2022 Apologies**

Apologies were received and accepted from Cllrs H Ladhams and S Long, and colleagues from the Environment Agency.

#### **KFRS 18/2022 Minutes of the Previous Meetings**

The minutes of the previous meeting were considered and accepted as a true record.

#### **KFRS 19/2022 KTC Issues**

The access point between Little Aynam and the Gooseholme Bridge ramp continued to cause discontent in the locality and with bodies such as Kendal Futures. Under the current plan, the EA flood wall will join the CCC bridge scheme wall a few metres on from the old steps to the putting green. The flood wall will be topped by a railing, which will prevent access over the wall, though the wall itself will be around 450mm high at this point. Currently there is heavy traffic on a desire line through the gap, which still exists between the two schemes. The alternative route is to continue along Little Aynam for around **20m**, then double back for the same distance up the ramp towards the bridge.

A suggestion at the last meeting that the problem might be solved by the insertion of a gate in the flood wall at this point was rejected by the EA as being far too expensive, both in installation (it would require an amended plan, and then a newly designed gate), and in operation (flood gates are manually opened and closed by EA staff in the run up to a flood event). Informal site meetings had been held, with Kendal Futures and others taking strong views. An alternative solution proposed would be for the highway authority (now W&FC), to install and maintain a low stile over the flood wall at this point, though it was noted that several existing policies may oppose such an installation.

After some discussion it was decided a site meeting, with officers from the highway authority, EA and Town Council should be held to advise members on the options open to them. Cllr

Dunlop and Cornthwaite would also take some local soundings on the doorstep, to see how great an issue the matter was felt to be.

**Resolved:** That the Town Clerk arrange a site meeting.

The group discussed the planting scheme at Beezon Fields, which was now largely complete. It was noted that the tree planting at the north end may be too tight for subsequent development of the through route under the railway and on to the Mintsfeet riverside land, now owned by the Town Council. There was some debate about the lines of responsibility for this planting, given that the land and the planting scheme itself were now owned by W&FC. It was suggested that the EA had known about this requirement from an early stage, and that it should be resolved as soon as possible.

**Resolved:** That the matter be drawn to the attention of EA scheme managers, and solutions sought. It was noted that the trees could be transplanted on the KTC land, if there was not a suitable location for them on Beezon.

There was discussion about the planting schemes around the work at Gooseholme and 'Chantry Garden'. There was some confusion about Chantry Garden, as it was not fully appreciated that this scheme had been confirmed through Planning. There was also a question about how the slow progress here related to the LCWIP, which clearly relied on there being a managed cyclepath routed through here. Parking continued to be an issue and the current provision for cyclists seemed particularly poor. A planting scheme on Gooseholme that helped reduce anti-social behaviour, whilst also contributing to net biodiversity gain had not yet been established between EA and the landowner, now W&FC.

It was noted that the access scheme through Millers Field did not seem to have been finalised, and this query could be sent back to the EA for clarification.

Progressing to the Mintsfeet riverside land, the Town Clerk reported that discussion had now been initiated with Network Rail about how connectivity might be improved under the railway viaduct. He reported that planning and management of this area for access and conservation, would pass to the Town Council's Environment & Highways committee.

There was considerable discussion concerning the naming of the new nature area being created at Mintsfeet. There was a need for transparency and clarity from the EA and from the receiving authority, now W&FC, as to what the terms of the legacy may be and how the area would be supported going forward. It was suggested the naming issue could be a matter for a public consultation.

**Resolved:** That this matter be raised formally with officers at EA and W&FC to bottom out lines of budget liability and ongoing stewardship.

Two further items were brought to the groups attention for taking up with EA. It was noted that the mastic used in sealing some areas of walling in the scheme appeared to be of a non-matching colour, and it was suggested this was a relatively easy fix.

The wall-top beneath the glass screen appeared to have extended in the latest drawings by several inches. It was noted that the stone facing on the top should be chamfered to lessen the visual impact and improve the wall's safety.

**Resolved:** To raise these points with the EA.

**KFRS 16/2022**      **Date of Next Meeting**  
Tuesday 14 June, 6.30. Venue or method TBC.

The meeting closed at 20.50

## **Kendal Town Council**

### **Responding to Planning Applications**

DRAFT Notes for guidance 17 April 2023

Revised 24 April 2023

#### **The Context**

The Town Council is a consultee on all Planning Applications which arise in Kendal Civil Parish. Additionally, it is occasionally consulted on Planning Applications in a neighbouring parish, if the context is relevant.

As a consultee, it doesn't make decisions. It offers comments on an application on behalf of the Council as a whole.

The minimum period of consultation is 21 days.

The Planning Authority makes most decisions under the powers delegated to its officers. Until 1 April 2023, most Planning matters were considered by South Lakeland District Council. Cumbria County Council was also a Planning Authority for matters relating to the land it owns, and 'Minerals and Waste' matters. The Lake District National Park Authority is the Planning Authority for matters within the National Park.

Since 1 April 2023, there is a single Planning authority for Kendal, bringing county and district issues under one organisation for the first time. It is not yet clear how the merged authority will run Planning, but it is likely to be broadly similar in its outcome (ie there will be a team of local planning officers considering applications in a locality).

Where an application is large or potentially controversial it may be 'called in' to be considered by a 'Development Panel' of Councillors from the Planning Authority. This is usually the only time that a planning decision is made by a Committee. Planning Officers will make a report and a recommendation, and Unitary Authority Councillors will decide. These are public meetings and the Town Council may make representations if it so wishes.

#### **What can the Town Council comment on?**

The Town Council may comment on anything it feels will affect the community it represents. However, if it is trying to influence the Planners' decision on a particular application, it will only be able to do so through the observation of 'material planning considerations'. These are the specific planning criteria that the Planning Officers must measure an application against.

The Town Council's job though, is not to anticipate the Planner's role, but to contribute a commentary based on its local knowledge of specific circumstances. A Planning Application may only be rejected by a Planning Authority for material reasons. Some of these will be mechanistic, and planning technicians will usually filter every application to ensure that it at least passes the basic criteria, but most will belong to a slightly grey area requiring Planning Officers to use their skill and judgement in the application of policies. Planners often welcome supporting comments, as well as negative ones.

#### **Planning Issues that Apply**

- Planning policies – the local plan, the National Planning Policy Framework (NPPF)



- Emerging plans
- Pre-application consultations
- Government and Planning Inspectorate orders, guidance and advice.
- Previous decisions
- Case law
- Loss of sunlight
- Overshadowing/loss of privacy
- Highway/travel issues
- Disturbance noise
- Smells and fumes
- Capacity of physical infrastructure
- Overlooking and loss of privacy
- Capacity of physical infrastructure
- Deficiency in social facilities – eg school places, doctors etc
- Hazardous materials and contaminated land
- Effect on trees
- Adverse affect on nature and biodiversity (biodiversity net gain is an emerging planning issue – see below)
- Effect on listed buildings and conservation area
- Incompatible or unacceptable uses
- Local financial considerations, such as grants or contributions
- Layout and density of buildings, visual appearance and finishing materials
- Inadequate or poor landscaping, or means of enclosure.
- Affordable housing elements

### **Biodiversity Net Gain**

Biodiversity Net Gain (BNG) is not yet a Planning Consideration that applies to all developments, whatever their size. However, it is an ‘emerging policy’ and the government is currently considering how it might best be implemented. The current NPPF says:

*174: Planning policies and decisions should contribute to and enhance the natural and local environment by: [...]*

*d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*

*179: Plans should: [...]*

*b. promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

*180: When determining planning applications, local planning authorities should apply the following principles: [...]*

*d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

The 2021 Environment Act set out a timetable for the Secretary of State to implement a statutory measure of BNG. This has been out for consultation and the Government is considering its response. You can read more about it here:

[Biodiversity Net Gain FAQs - Frequently Asked Questions | Local Government Association](#)

## **Conservation Area**

The Centre of Kendal was designated as a Conservation Area in 2007. This means there are additional material planning considerations which apply to applications. The various studies and boundaries are available on W&FC's website.

A particularly vexing issue, historically, has been the replacement of windows. In the Conservation Area, the choice of materials was often picked up as being of primacy. It is not thought that this is necessarily the case, now. A double-glazed unit made of aluminium or uPVC can be made to look identical to (or often better than) the original, which may be of rotten wood installed in the 1960s or 70s. It is the 'visual amenity' which often counts in these circumstances. The Planning Authority employs a Conservation Officer, whose role it is to assess the application against the criteria of the Conservation Area and make a recommendation to the Planning Officer.

Listed building criteria are different from Conservation Area criteria, though there is a considerable overlap.

Installing Solar Panels is possible on a listed building and in the Conservation Area, but there are consents required that do not apply to buildings to which these criteria do not apply. The Town Council's usual caveat to any application involving a listed building or the Conservation Area is that the application response should be on condition that:

'the Conservation Officer is satisfied that it does not compromise the visual amenity (or other criteria) of the Conservation Area/listed building status.'

## **Planning Law**

The significant laws which affect planning are:

Town and Country Planning Act, 1990

Planning and Compulsory Purchase Act, 1994

Planning Act 2008

Localism Act 2010

Environment Act 2021

There are also a bunch of regulations such as the T&CP (Development Management Procedure) (England) Order 2015 (SI2015 No 595), the T&CP (General Permitted Development) (England ) Order (SI2015 No 596), the T&CP (General Permitted Development) Order 1995 (SI1995 No 418 and the T&CP (Use Classes) Order 1987 (SI1987 No 764).

Notice must also be taken of the National Planning Policy Framework (NPPF, latest edition July 2021).

Guidance is available from:

[www.planningportal.co.uk](http://www.planningportal.co.uk) – the government’s ‘strategic partner’ in planning advice and the digital gateway to the planning process

[www.planningaid.co.uk](http://www.planningaid.co.uk) - the Royal Town Planning Institute’s advice service

[www.gov.uk/planning-permission-england-wales](http://www.gov.uk/planning-permission-england-wales): DLUHC’s web pages on Planning matters, which includes: [Plain English guide to the planning system - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

**Kendal Town Council**

Applications for Planning Committee: 2 May 2023

**Appendix 1**

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
1	<a href="#">SL/2023/0309</a>	<b>Unit 1 Lake District Business Park, Mint Bridge Road, Kendal</b> Erection of ready to feed milk (RTF) building (Revised scheme SL/2022/0763)	Mintsfeet	12 May	
2	<a href="#">SL/2023/0316</a>	<b>3 Longpool, Kendal</b> Replacement front windows and door	Mintsfeet / Nether	8 May	
3	<a href="#">SL/2023/0283</a>	<b>32 Moore Field Close, Kendal</b> New porch, rear extension & deck, solar panels, external wall insulation, external storage & shed (Part retrospective)	Strickland	9 May	
4	<a href="#">SL/2023/0323</a>	<b>Land Off Brigsteer Road, Kendal</b> New means of enclosure around approved SuDS pond and in respect of plots 1 to 3, 11, 12, 17, 20 to 24, 37, 51, 52, 65, 71 to 75; and (2) modifications to embankment and boundary treatment in respect of plot 10	Highgate	11 May	

No.	App No./Type	Address/Proposed Development	Parish Ward	Comments to SLDC	Observations/Recommendations
5	<a href="#">SL/2023/0197</a>	<p><b>Pizzeria Italia, 9 Allhallows Lane, Kendal</b></p> <p>Variation of conditions 2 (opening hours) attached to planning permission SL/2008/0514 (Retrospective)</p>	Fell	15 May	